

Congress of the United States

Washington, DC 20510

March 9, 2022

Mr. Mark Zuckerberg
Chairman and Chief Executive Officer
Meta Platforms, Inc.
1601 Willow Road
Menlo Park, California 94025

Dear Mr. Zuckerberg,

We write with dismay that Meta has failed to take adequate steps to monitor and act against recalled products on Facebook Marketplace. Despite repeated warnings from parents, safety advocates, the press, and Congress, recent investigations have again shown that Meta continues to allow recalled items to be sold on Facebook Marketplace. Meta has a moral obligation to its users to prevent, monitor, and remove these dangerous listings from its platform, and make it easier for users to do the same; Meta's continued failure to do so indicates a remarkable dereliction of duty by your company on behalf of your users. We write once again to urge Meta to vigorously act to remove listings for recalled products and put into place effective systems to stop these dangerous items from ending up in the hands of consumers.

Under the Consumer Product Safety Improvement Act of 2008 (CPSIA), it is illegal to sell or offer to sell any recalled consumer product. This prohibition applies to products with specified lead levels, children's toys that may contain phthalates, products violating the Consumer Product Safety Commission's (CPSC) safety standards, as well as products that have been recalled.¹ In April 2019 and May 2020, we wrote to you to express our concern with the failure of Meta (formerly Facebook) to properly monitor and eliminate the sale of recalled products on Facebook Marketplace.² As we shared then, Facebook Marketplace—a platform for your users to buy and sell new and used products—has acted as a marketplace for often-unwitting Americans to purchase and sell recalled, dangerous goods.

Unfortunately, over a year after expressing our dismay with the continued existence of recalled products on your Marketplace, recalled products are still pervasive across the platform. On November 3, 2021, a USA TODAY investigation found at least 170 listings for recalled items on Facebook Marketplace, including the Fisher-Price Rock 'n Play Sleeper, as well as Bumbo seats, the Nap Nanny, IKEA Malm dressers, and the more recently recalled Boppy

¹ "The Consumer Product Safety Improvement Act (CPSIA)," United States Consumer Product Safety Commission, <https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/The-Consumer-Product-Safety-Improvement-Act>.

² "Blumenthal Demands Facebook & Craigslist Take Action to Prevent Illegal Sale of Recalled Products," April 24, 2019, <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-demands-facebook-and-craigslist-take-action-to-prevent-illegal-sale-of-recalled-products>.

newborn loungers.³ In sum, the authors identified 14 recalled products, which have been linked to 121 deaths of children and 375 serious injuries.⁴ Of the listings located, several had been marked as sold, and on some, sellers openly acknowledged the existence of a recall on the product and their desire to sell regardless. Furthermore, USA TODAY staff created eight listings for recalled products on Marketplace, only one of which was removed by your platform.⁵

Since this reporting, another investigation conducted by Consumer Reports, released on February 4, 2022, revealed that eight infants have died in Rock 'n Plays since the initial 2019 announcement of the recall—and fewer than one in ten of the Rock 'n Plays have been accounted for.⁶ It is true that consumer awareness and response diminishes in the months following a recall—meaning that many parents, some of whom may be searching your Marketplace for used products, may be entirely unaware of the recall affecting Rock 'n Play and countless other recalls. Meta has a moral obligation to its users to monitor and remove these dangerous listings from its platform. While we are pleased that Meta acknowledged the law when it updated its seller policies after our April 2019 letter⁷, it has failed to take other steps that could protect consumers.

Specifically, Meta has long-resisted implementing a tool that would allow users to specifically report a recalled product, which would result in more reports and more prompt listing removals. Additionally, Meta does not appear to have taken adequate steps to automatically restrict the sale of recalled goods in the same manner as other illegal items. Still today, users are able to find these recalled products in their geographic areas; this seems to indicate that Meta has failed even to implement manual checks beyond the bare minimum.

In light of the ongoing, persistent concerns that have been raised by parents, advocates, ourselves, and our colleagues, we would respectfully ask you to answer the following questions as we seek to determine a path forward to best protect consumers, and especially children:

1. Over the last year, how many recalled products were removed from Facebook Marketplace?
 - a. What percentage of those removals were automated removals rather than user reports?
2. Please describe the specific automated systems that Meta has to prevent the posting of, and to remove, listings for recalled products.

³ Tricia Nadolny, “Recalled Items That Have Killed Kids Still On Facebook,” *USA Today*, November 3, 2021, <https://www.usatoday.com/in-depth/news/investigations/2021/11/03/facebook-marketplace-sale-recall-boppy-lounger/6140902001/>.

⁴ Tricia Nadolny, “Recalled Items That Have Killed Kids Still On Facebook,” *USA Today*, November 3, 2021, <https://www.usatoday.com/in-depth/news/investigations/2021/11/03/facebook-marketplace-sale-recall-boppy-lounger/6140902001/>.

⁵ Tricia Nadolny “Recalled Items That Have Killed Kids Still On Facebook,” *USA Today*, November 3, 2021, <https://www.usatoday.com/in-depth/news/investigations/2021/11/03/facebook-marketplace-sale-recall-boppy-lounger/6140902001/>.

⁶ Ryan Felton, “At Least 8 Infant Deaths Linked to Fisher-Price Rock 'n Play Sleepers Occurred After the Product Was Recalled,” *Consumer Reports*, February 4, 2022, <https://www.consumerreports.org/baby-product-recalls/deaths-linked-to-fisher-price-rock-n-play-after-recall-a1183945428/>.

⁷ “Terms and Policies,” Meta, https://www.facebook.com/policies_center/commerce.

3. Please describe the specific manual systems that Meta has to prevent the posting of, and to remove, listings for recalled products.
4. Why has Meta chosen not to implement a reporting option to allow Marketplace users to specifically flag recalled products, as similar companies, like Craigslist and eBay, have chosen to do?
5. How does Meta track the sales of products on Facebook Marketplace?
6. If your company determines after sale that the product sold was a recalled product, does your company communicate with either the seller or buyer, or both?
7. Please describe the partnership that your company has with the CPSC and how you leverage that relationship to best protect consumers.
8. How regularly does Meta consult with the CPSC's public database and update its technology to ensure the most recently recalled products are being flagged and removed from Marketplace?
9. Does Meta work with manufacturers whose products have been recalled to monitor the Marketplace? If so, please describe these relationships.

We expect that you fully understand the danger of a recalled product ending up in an unwitting family's home. Recalled products can cause injury or even death. As we have stated before, Meta has an ability to be a partner with the CPSC, and manufacturers facing recalls, in the fight to protect children from dangerous and deadly products, and we hope that Meta will heed this call. We respectfully request a response to our questions by March 23, 2022.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



JAN SCHAKOWSKY
Member of Congress