

United States Senate

WASHINGTON, DC 20510

August 29, 2019

Mr. Jeff Bezos
CEO and Chairman
Amazon
410 Terry Avenue North
Seattle, Washington 98109

Dear Mr. Bezos:

We write to you with grave concerns regarding Amazon's failure to remove from its platform illegal, deadly, and deceptive products, and to provide required visible warnings on products sold on your platform. We urge you to take swift action to provide accurate warnings that protect consumers against these dangerous and deadly products and to stop their wrongful sale.

On August 23, the *Wall Street Journal* (WSJ) released a damning investigative report highlighting Amazon's reluctance to adequately police third-party retailers and the products they sell on the platform. The investigation found 4,152 products for sale that "have been declared unsafe by federal agencies, are deceptively labeled or are banned by federal regulators."¹ The report also shares the traumatic story of a family whose life Amazon's negligence changed forever.

Specifically, in 2014, 23-year-old Albert Stokes tragically died in a motorcycle crash when his helmet came off. The helmet was purchased on Amazon and labeled as U.S. Transportation Department certified. However, this product was not compliant with federal safety standards and had been recalled. While the WSJ report indicates that the helmet in question has since been removed from the site, many products with similarly inadequate labeling or other dangerous features remain pervasive on Amazon's platform. Reacting to negative press is not an adequate or acceptable commitment to consumer protection.

In addition to defective helmets, the WSJ investigation identified myriad problematic items for sale on the platform, including toys and cosmetics incorrectly labeled as FDA-approved; unregistered pesticides; toxic paint strippers; pain relievers lacking appropriate FDA warning labels; infant sleeping mats linked to suffocation; dietary supplements containing illegal prescription drugs; electronics deceptively labeled as third-party certified; and thousands of children's products lacking federally mandated choking-hazard labels, as well as toys containing lead at levels that violate federal limits.

¹ Alexandra Berzon, "Amazon Has Ceded Control of Its Site. The Result: Thousands of Banned, Unsafe or Mislabeled Products," *New York Times* (New York, New York), August 23, 2019, <https://www.wsj.com/articles/amazon-has-ceded-control-of-its-site-the-result-thousands-of-banned-unsafe-or-mislabeled-products-11566564990>.

Even when Amazon has banned products, its monitoring appears to be inadequate. In certain instances, although Amazon has claimed it has banned many of these unsafe products, they still remain widely and easily accessible on the platform. In one particularly egregious example, in 2012, Amazon reportedly restricted the sale of powerful magnetic balls and cubes that the Consumer Product Safety Commission deemed a “substantial product hazard.” When more than one magnet is swallowed, they can snap together rupturing a child’s digestive organs.² However, the WSJ report found for sale on your platform 80 different listings of these magnets that should not be available.

As you know, it is illegal to sell recalled items under the Consumer Product Safety Improvement Act of 2008,³ and violators can face civil penalties up to \$15 million.⁴ We acknowledge that it is individual retailers’ responsibility to ensure that the products they sell are legal. But many of the faulty products tested by the WSJ were shipped from Amazon warehouses and labeled as “Amazon’s Choice” — a seeming endorsement of the products.

Unquestionably, Amazon is falling short of its commitment to keeping safe those consumers who use its massive platform. We call on you to immediately remove from the platform all the problematic products examined in the recent WSJ report; explain how you are going about this process; conduct a sweeping internal investigation of your enforcement and consumer safety policies; and institute changes that will continue to keep unsafe products off your platform.

We believe it is essential for consumers to fully understand the safety of the products they bring into their homes. In order to provide the public with key information on these concerning reports, we request answers to the following questions:

1. Why have your current safety efforts failed to prevent the sale of mislabeled, recalled, and other unsafe products?
2. How will you now ensure that you will not sell recalled products or other products deemed unsafe by the National Highway Transportation Safety Administration, the Food and Drug Administration, the Consumer Protection Safety Commission, or any other federal agency?
3. How will you identify all products that should include required choke hazard and other warning labels, for example, balloons?
4. How will you ensure that all such identified products will include accurate required warning labels?
5. How will you ensure that products on your platform meet minimum safety requirements and do not violate existing law, including, for example, lead limits in children’s products?

² United States Consumer Product Safety Commission, *Magnets Information Center*, <https://www.cpsc.gov/Safety-Education/Safety-Education-Centers/Magnets>.

³ Consumer Product Safety, U.S. Code 15, § 2068 (a)(2)(B)

⁴ Consumer Product Safety, U.S. Code 15, § 2069

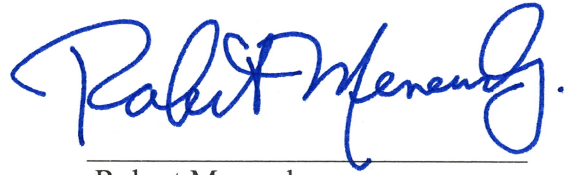
6. What assurances will you give that the technology and analytics you develop to address these issues will continue to protect consumers as new products and new safety standards are developed?

Please provide answers to our questions above and additional steps you will take to repair consumer trust and safety on your platform by September 29, 2019.

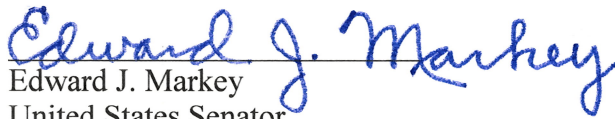
Sincerely,



Richard Blumenthal
United States Senator



Robert Menendez
United States Senator



Edward J. Markey
United States Senator