

RICHARD BLUMENTHAL  
CONNECTICUT

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United States Senate

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<http://blumenthal.senate.gov>

April 23, 2019

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

Dear Mr. Bezos:

Last Friday, the Consumer Product Safety Commission (CPSC) announced a recall of the Fisher-Price Rock 'n Play Sleeper—a popular baby product that has been linked to 32 deaths, according to an investigation by Consumer Reports.<sup>1</sup> Unfortunately, over a week after the recall, this deadly product is still readily available on secondary market sites where users can buy and sell new and used products. I write urging you to use all tools at your disposal to protect potential customers from unwittingly purchasing this dangerous and deadly product on Amazon. Even though it is ultimately the seller's responsibility to ensure products sold are in compliance with the law, I believe you share a moral obligation to take simple steps to keep your users safe from hazardous products.

KMGH-TV recently reported that Rock 'n Plays seem to persist on certain secondary market sites, including Facebook Marketplace and Craigslist.<sup>2</sup> As you may know, the sale of recalled items is illegal under the Consumer Product Safety Improvement Act of 2008,<sup>3</sup> and sellers who do so can be fined a penalty of up to \$100,000 per product sold, up to a maximum of \$15 million.<sup>4</sup> To help us understand how Amazon removes the illegal sale of recalled consumer products, I respectfully request responses to the following questions, which I have also asked other secondary market sites to answer:

1. Is there a mechanism for Amazon users to specifically flag the sale of a recalled product? Please describe.
2. What is your policy on the sale of recalled products?
3. What consequences does Amazon impose on sellers of recalled products?

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<sup>1</sup> Peachman, Rachel Rabkin. "Fisher-Price Rock 'n Play Sleeper Should Be Recalled, Consumer Reports Says." Consumer Reports. April 12, 2019. <https://www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/>.

<sup>2</sup> Brady, Nicole. "Consumer Alert: Recalled Baby Sleeper Still Selling Online." KMGH. April 16, 2019.

<https://www.thedenverchannel.com/news/contact7/consumer-alert-recalled-rock-n-play-sleeper-still-selling-online>.

<sup>3</sup> 15 U.S.C. §2068(a)(2)(B)

<sup>4</sup> 15 U.S.C. §2069

4. What notification do you provide to buyers that have purchased recalled products?
5. Please describe what technologies (i.e. reverse image search, keyword matching, machine learning, etc.) that you use to remove the illegal sale of recalled consumer products, such as the Fisher-Price Rock 'n Play Sleeper.
6. Please describe how you partner with CPSC and utilize CPSC's public database<sup>5</sup> of recalled products to protect consumers from hazardous products.

I expect you to utilize the full breadth of technical expertise at Amazon to protect users—buyers and sellers alike—on your platform. I believe Amazon can be a much stronger partner in CPSC's mission to protect the public from unreasonable risks of injury or death and help get dangerous and deadly products out of people's homes. I respectfully request a response by May 8, 2019.

Sincerely,



Richard Blumenthal  
United States Senate

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<sup>5</sup> Consumer Product Safety Commission. SaferProducts.gov. "Public Database Export."  
<https://www.saferproducts.gov/SPDB.zip>

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April 23, 2019

Mr. Jim Buckmaster  
CEO  
Craigslist  
1381 9th Avenue  
San Francisco, CA 94122

Dear Mr. Buckmaster

On April 12, the Consumer Product Safety Commission (CPSC) announced a recall<sup>1</sup> of the Fisher-Price Rock 'n Play Sleeper—a popular baby product that has been linked to 32 deaths, according to an investigation by Consumer Reports.<sup>2</sup> Unfortunately, over a week after the recall, this deadly product is still readily available on Craigslist, where users can buy and sell new and used products. I write urging you to take commonsense measures to protect potential customers from unwittingly purchasing this dangerous and deadly product. Even though it is ultimately the seller's responsibility to ensure products sold are in compliance with the law, I believe you share a moral obligation to take simple steps to keep your users safe from hazardous products.

The persistence of Rock 'n Plays on secondary market sites like Craigslist has recently been reported by KMGH-TV.<sup>3</sup> According to the segment, Craigslist did not respond to a request for comments. I am concerned you are not doing enough to ensure recalled products are taken off your platform promptly. As you may know, the sale of recalled items is illegal under the Consumer Product Safety Improvement Act of 2008,<sup>4</sup> and sellers who do so can be fined a penalty of up to \$100,000 per product sold, up to a maximum of \$15 million.<sup>5</sup>

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<sup>1</sup> "Fisher-Price Recalls Rock 'n Play Sleepers Due to Reports of Deaths," *U.S. Consumer Product Safety Commission*, April 12, 2019, <https://www.cpsc.gov/Recalls/2019/fisher-price-recalls-rock-n-play-sleepers-due-to-reports-of-deaths>.

<sup>2</sup> Peachman, Rachel Rabkin, "Fisher-Price Rock 'n Play Sleeper Should Be Recalled, Consumer Reports Says," *Consumer Reports*, last updated April 12, 2019, <https://www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/>.

<sup>3</sup> Brady, Nicole, "Consumer Alert: Recalled Baby Sleeper Still Selling Online," *KMGH-TV*, April 16, 2019, <https://www.thedenverchannel.com/news/contact7/consumer-alert-recalled-rock-n-play-sleeper-still-selling-online>.

<sup>4</sup> 15 U.S.C. §2068(a)(2)(B)

<sup>5</sup> 15 U.S.C. §2069



I appreciate that Craigslist's current policies clearly specify that the sale of recalled products are prohibited<sup>6</sup> and provides users with links, including [cpsc.gov](http://cpsc.gov) and [recalls.gov](http://recalls.gov), for users to learn more about recalls.<sup>7</sup> However, I urge you to consider taking the following actions to protect both buyers and sellers on your platform.

First, I ask that you add an option to allow users to specifically flag the sale of recalled products when a user is flagging for Craigslist that a product is prohibited. Under the current user interface, there is no way to specifically report the sale of a recalled product. I believe that Craigslist may be able to more promptly take down posts that illegally sell recalled products if it allows users to provide more specific information regarding why they are reporting a particular post. Accordingly, I urge you to consider allowing users to specifically report the sale of recalled products.

Second, I trust that many parents and caregivers selling their old Rock 'n Plays on Craigslist are not intentionally trying to offload their deadly products, and do not want to be subject to thousands of dollars in fines. Accordingly, I encourage you to use tools such as reverse image search, keyword matching, as well as machine learning, to proactively take down the illegal sale of recalled consumer products, including the Fisher-Price Rock 'n Plays. The implementation of such technologies could be highly effective, because most sellers of recalled children's products are not intentionally violating the law, and are less likely to be interested in employing various tricks to evade detection. I urge you to act in the best interest of your users and to work more collaboratively with the CPSC so that you can match items for sale on your platform against CPSC's public database<sup>8</sup> of recalled products.

Finally, to help us understand how you remove the illegal sale of recalled consumer products on your platform, I also respectfully request responses to the following questions, which I have also asked other secondary market sites to answer:

1. Is there a mechanism for Craigslist users to specifically flag the sale of a recalled product? Please describe.
2. What is your policy on the sale of recalled products?
3. What consequences does Craigslist impose on sellers of recalled products?
4. What notification do you provide to buyers that have purchased recalled products?
5. Please describe what technologies (i.e. reverse image search, keyword matching, machine learning, etc.) that you use to remove the illegal sale of recalled consumer products, such as the Fisher-Price Rock 'n Play Sleeper.
6. Please describe how you partner with CPSC and utilize CPSC's public database<sup>9</sup> of recalled products to protect consumers from hazardous products.

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<sup>6</sup> "Prohibited." Craigslist. Accessed April 23, 2019. <https://www.craigslist.org/about/prohibited>.

<sup>7</sup> "Unlawful Sales of Recalled Items Are Prohibited." Craigslist. Accessed April 23, 2019. [https://www.craigslist.org/about/recalled\\_items](https://www.craigslist.org/about/recalled_items).

<sup>8</sup> Consumer Product Safety Commission, "Public Database Export," SaferProducts.gov, <https://www.saferproducts.gov/SPDB.zip>

<sup>9</sup> Consumer Product Safety Commission. SaferProducts.gov. "Public Database Export." <https://www.saferproducts.gov/SPDB.zip>

I expect you to utilize the full breadth of technical expertise at your company to protect users—buyers and sellers alike—on your platform. I believe Craigslist can be a much stronger partner in CPSC’s mission to protect the public from unreasonable risks of injury or death and help get dangerous and deadly products out of people’s homes. I respectfully request a response detailing how you will implement these recommendations, as well as responses to the questions above, by May 8, 2019.

Sincerely,

A handwritten signature in blue ink, reading "Richard Blumenthal". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

Richard Blumenthal  
United States Senate

April 23, 2019

Mr. Devin Wenig  
President & CEO  
eBay  
2145 Hamilton Avenue  
San Jose, California 95125

Dear Mr. Wenig:

On April 12, the Consumer Product Safety Commission (CPSC) announced a recall of the Fisher-Price Rock 'n Play Sleeper—a popular baby product that has been linked to 32 deaths, according to an investigation by Consumer Reports.<sup>1</sup> Unfortunately, over a week after the recall, this deadly product is still readily available on secondary market sites where users can buy and sell new and used products. I write urging you to use all tools at your disposal to protect potential customers from unwittingly purchasing this dangerous and deadly product on eBay. Even though it is ultimately the seller's responsibility to ensure products sold are in compliance with the law, I believe you share a moral obligation to take simple steps to keep your users safe from hazardous products.

KMGH-TV recently reported that Rock 'n Plays seem to persist on certain secondary market sites, including Facebook Marketplace and Craigslist.<sup>2</sup> As you may know, the sale of recalled items is illegal under the Consumer Product Safety Improvement Act of 2008,<sup>3</sup> and sellers who do so can be fined a penalty of up to \$100,000 per product sold, up to a maximum of \$15 million.<sup>4</sup> To help us understand how eBay removes the illegal sale of recalled consumer products, I respectfully request responses to the following questions, which I have also asked other secondary market sites to answer:

1. Is there a mechanism for eBay users to specifically flag the sale of a recalled product? Please describe.
2. What is your policy on the sale of recalled products?

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<sup>1</sup> Peachman, Rachel Rabkin. "Fisher-Price Rock 'n Play Sleeper Should Be Recalled, Consumer Reports Says." Consumer Reports. April 12, 2019. <https://www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/>.

<sup>2</sup> Brady, Nicole. "Consumer Alert: Recalled Baby Sleeper Still Selling Online." KMGH. April 16, 2019. <https://www.thedenverchannel.com/news/contact7/consumer-alert-recalled-rock-n-play-sleeper-still-selling-online>.

<sup>3</sup> 15 U.S.C. §2068(a)(2)(B)

<sup>4</sup> 15 U.S.C. §2069



3. What consequences does eBay impose on sellers of recalled products?
4. What notification do you provide to buyers that have purchased recalled products?
5. Please describe what technologies (i.e. reverse image search, keyword matching, machine learning, etc.) that you use to remove the illegal sale of recalled consumer products, such as the Fisher-Price Rock 'n Play Sleeper.
6. Please describe how you partner with CPSC and utilize CPSC's public database<sup>5</sup> of recalled products to protect consumers from hazardous products.

I expect you to utilize the full breadth of technical expertise at eBay to protect users—buyers and sellers alike—on your platform. I believe eBay can be a much stronger partner in CPSC's mission to protect the public from unreasonable risks of injury or death and help get dangerous and deadly products out of people's homes. I respectfully request a response by May 8, 2019.

Sincerely,



Richard Blumenthal  
United States Senate

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<sup>5</sup> Consumer Product Safety Commission. SaferProducts.gov. "Public Database Export."  
<https://www.saferproducts.gov/SPDB.zip>

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April 23, 2019

Mr. Mark Zuckerberg  
Chairman and CEO  
Facebook  
1 Hacker Way  
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

On April 12, the Consumer Product Safety Commission (CPSC) announced a recall<sup>1</sup> of the Fisher-Price Rock 'n Play Sleeper—a popular baby product that has been linked to 32 deaths, according to an investigation by Consumer Reports.<sup>2</sup> Unfortunately, over a week after the recall, this deadly product is still readily available on your company's online marketplace—Facebook Marketplace—where users can buy and sell new and used products. I write urging you to take commonsense measures to protect potential customers from unwittingly purchasing this dangerous and deadly product. Even though it is ultimately the seller's responsibility to ensure products sold are in compliance with the law, I believe you share a moral obligation to take simple steps to keep your users safe from hazardous products.

The persistence of Rock 'n Plays on secondary market sites like Facebook Marketplace has recently been reported by KMGH-TV.<sup>3</sup> According to the segment, Facebook uses technology and humans to monitor possible “policy violating” items on Marketplace. I am concerned the current combined efforts by technology and humans at Facebook are not being optimized, and you are not doing enough to ensure recalled products are taken off your platform promptly. As you may know, the sale of recalled items is illegal under the Consumer Product Safety Improvement Act of 2008,<sup>4</sup> and sellers who do so can be fined a penalty of up to \$100,000 per product sold, up to a maximum of \$15 million.<sup>5</sup> Accordingly, I urge you to consider taking the following actions to protect both buyers and sellers on your platform.

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<sup>1</sup> “Fisher-Price Recalls Rock 'n Play Sleepers Due to Reports of Deaths,” *U.S. Consumer Product Safety Commission*, April 12, 2019, <https://www.cpsc.gov/Recalls/2019/fisher-price-recalls-rock-n-play-sleepers-due-to-reports-of-deaths>.

<sup>2</sup> Peachman, Rachel Rabkin, “Fisher-Price Rock 'n Play Sleeper Should Be Recalled, Consumer Reports Says,” *Consumer Reports*, last updated April 12, 2019, <https://www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/>.

<sup>3</sup> Brady, Nicole, “Consumer Alert: Recalled Baby Sleeper Still Selling Online,” *KMGH-TV*, April 16, 2019, <https://www.thedenverchannel.com/news/contact7/consumer-alert-recalled-rock-n-play-sleeper-still-selling-online>.

<sup>4</sup> 15 U.S.C. §2068(a)(2)(B)

<sup>5</sup> 15 U.S.C. §2069



First, I ask that you add an option to allow users to specifically flag for Facebook the sale of recalled products—the same way users can currently flag weapon or drug sales. Under the current user interface, there is no way to report the sale of a recalled product and users that choose to “Report a Post” are required to select one reason and cannot write-in an explanation for why they are reporting (see attached pictures). Based on the current selection options, it is unclear what a user wishing to report that a product has been recalled should select. I believe that Facebook can more promptly take down Facebook Marketplace posts that illegally sell recalled products if it allows users to provide more specific information regarding why they are reporting a particular post. Accordingly, I urge you to consider allowing users to specifically report the sale of recalled products.

Second, I ask you to update your seller policies to clearly indicate that the sale of recalled products is illegal. Under your “Commerce Policies,” there are many kinds of products that are prohibited, but it does not specify recalled products as prohibited content.<sup>6</sup> In contrast, Craigslist clearly specifies the sale of recalled products as prohibited<sup>7</sup> and provides users with links, including [cpsc.gov](http://cpsc.gov) and [recalls.gov](http://recalls.gov), for users to learn more about recalls.<sup>8</sup> Similarly, eBay specifically prohibits the sale of recalled products under its “Product safety policy.”<sup>9</sup> I believe reminding users of their legal obligations to not sell recalled products should be an easy and common sense addition to your current policy.

Third, I trust that many parents and caregivers selling their old Rock ‘n Plays on Facebook Marketplace are not intentionally trying to offload their deadly products, and do not want to be subject to thousands of dollars in fines. Accordingly, I encourage you to use tools such as reverse image search, as well as keyword matching, to proactively take down the illegal sale of recalled consumer products, including the Fisher-Price Rock ‘n Plays. The implementation of such technologies could be highly effective because most sellers of recalled children’s products are not intentionally violating the law, and are less likely to be interested in employing various tricks to evade detection. I urge you to act in the best interest of your users and to work more collaboratively with the CPSC so that you can match items for sale on your platform against CPSC’s public database<sup>10</sup> of recalled products.

Finally, to help us understand how you remove the illegal sale of recalled consumer products on your platform, I also respectfully request responses to the following questions, which I have also asked other secondary market sites to answer:

1. Is there a mechanism for Facebook users to specifically flag the sale of a recalled product? Please describe.
2. What is your policy on the sale of recalled products?
3. What consequences does Facebook impose on sellers of recalled products?

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<sup>6</sup> “Commerce Policy,” *Facebook*, accessed April 23, 2019, <https://www.facebook.com/policies/commerce>.

<sup>7</sup> “Prohibited,” *Craigslist*, accessed April 23, 2019, <https://www.craigslist.org/about/prohibited>.

<sup>8</sup> “Unlawful Sales of Recalled Items Are Prohibited,” *Craigslist*, accessed April 23, 2019, [https://www.craigslist.org/about/recalled\\_items](https://www.craigslist.org/about/recalled_items).

<sup>9</sup> “Product Safety Policy,” *eBay*, accessed April 23, 2019, <https://www.ebay.com/help/policies/prohibited-restricted-items/product-safety-policy?id=4300>.

<sup>10</sup> Consumer Product Safety Commission, “Public Database Export,” *SaferProducts.gov*, <https://www.saferproducts.gov/SPDB.zip>

4. What notification do you provide to buyers that have purchased recalled products?
5. Please describe what technologies (i.e. reverse image search, keyword matching, machine learning, etc.) that you use to remove the illegal sale of recalled consumer products, such as the Fisher-Price Rock 'n Play Sleeper.
6. Please describe how you partner with CPSC and utilize CPSC's public database<sup>11</sup> of recalled products to protect consumers from hazardous products.

I expect you to utilize the full breadth of technical expertise at your company to protect users—buyers and sellers alike—on your platform. I believe Facebook can be a much stronger partner in CPSC's mission to protect the public from unreasonable risks of injury or death and help get dangerous and deadly products out of people's homes. I respectfully request a response detailing how you will implement these recommendations, as well as responses to the questions above, by May 8, 2019.

Sincerely,



Richard Blumenthal  
United States Senate

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<sup>11</sup> Consumer Product Safety Commission. SaferProducts.gov. "Public Database Export."  
<https://www.saferproducts.gov/SPDB.zip>

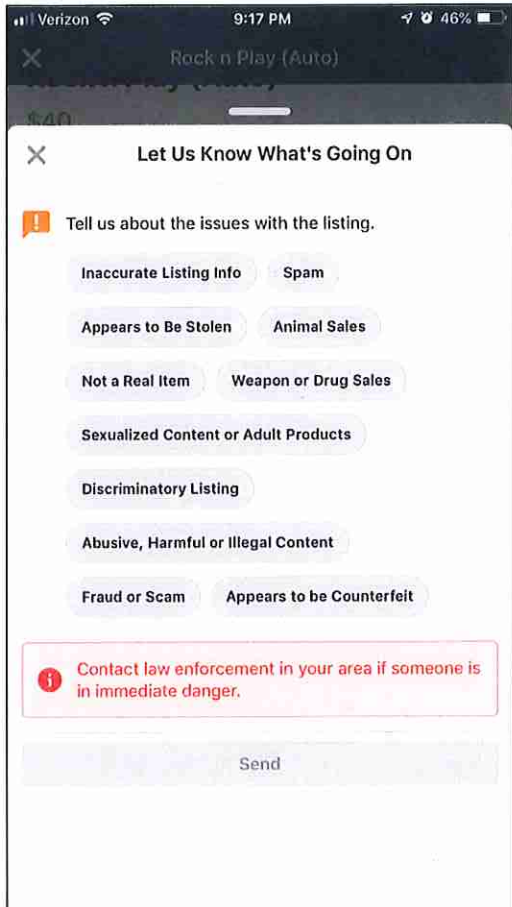


Figure 1: "Report a Post" options on Facebook Marketplace (mobile app)

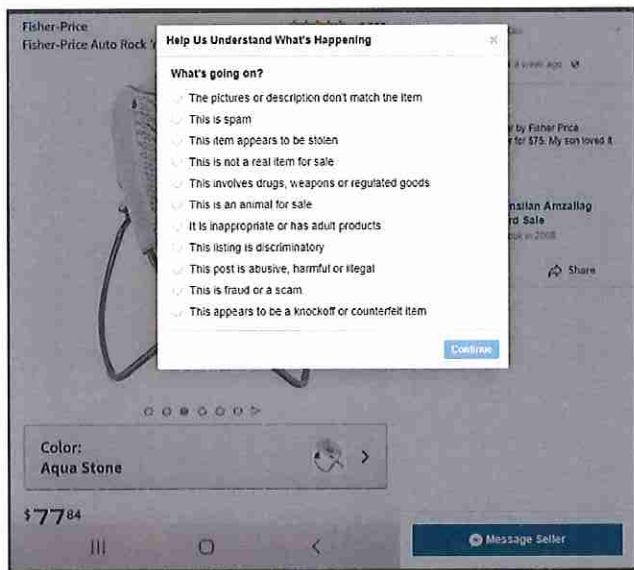


Figure 2: "Report a Post" options on Facebook Marketplace (web)