

# An Analysis of Consumer Product Recalls in 2023

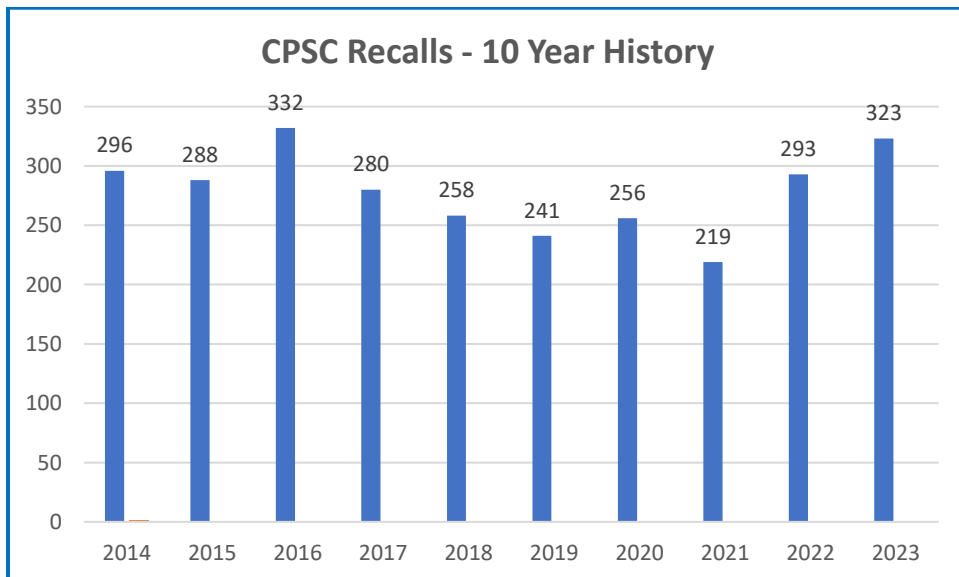
by Don Mays, Product Safety Insights LLC

The U.S. Consumer Product Safety Commission, the agency that has jurisdiction over more than 15,000 types of consumer products, is charged with protecting consumers from products that pose fire, electrical, chemical, or mechanical hazards, or that can injure children. One of the ways the agency accomplishes its mission is to prompt the recall of unsafe products that have found their way to the marketplace and into consumers' homes.

I have been following product recalls for years and always find the information included in CPSC's recall press releases to be quite revealing. I have completed an analysis of recalls announced in 2023 by the CPSC and have added context and insight to the data. My objective is to help companies learn from the mistakes of others and develop safety processes that can help prevent injuries and avoid recalls of their own products.

This analysis does not include products cited in so-called *unilateral press releases*. Those press releases are issued when a company either refuses to recall a product deemed hazardous by the CPSC or does not respond to the CPSC's request for a recall. An analysis of unilateral press releases will be covered in a separate forthcoming report.

**Recalls by the Numbers:** In 2023, the CPSC announced 323 recalls, which is a 10 percent increase over the previous year. That's the largest number of recalls in a single year since 2016. In addition, the rate of recalls has been accelerating. A few recalls counted here were reannouncements or expansions of earlier recalls.



Interestingly, the number of units recalled during 2023 in the US increased 98 percent from the number in 2022. In 2022, there were 69,126,169 units affected by the recalls announced by the CPSC. That number grew to 136,943,327 in 2023.

***The number of units included in CPSC recalls doubled from 2022 to 2023.***

There were some major recalls in 2023. The largest recall was for 70 million rolling ball licking candies imported by Candy Dynamics that could pose a choking hazard if the ball detached from the product and got into a child’s mouth. While that company reported just two non-injury incidents, a similar product, Cocco Candy imported by KGR Distribution, was blamed for the choking death of a seven-year-old girl after the candy’s rolling ball dislodged and became trapped in her throat.



Zuru recalled 7.5 million Baby Shark bath toys after learning about 12 impalement, laceration, and puncture injuries, some of which were severe. When using the recalled bath toys, particularly in a bathtub or wading pool, a child can slip and fall or sit onto the hard plastic top fin of the shark, posing risks of impalement, lacerations, and punctures.

Colgate-Palmolive recalled nearly five million bottles of their Fabuloso multi-purpose cleaner due to bacteria contamination that could harm consumers with weak immune systems. Fortunately, this product has a child-resistant cap.

BlendJet recalled more than 4.9 million of their popular portable blenders. There were several hazards cited for this product including overheating, fires, and blades breaking off. Also, consumers’ posts on SaferProducts.gov criticized the product for lacking child-resistant features.

Target’s largest recall was for 4.9 million candles that posed laceration and burn hazards. Separately, another 2.2 million similar candles were also recalled by Target. They were among the six candle recalls during 2023, many with three or more wicks.

**Largest Recalls by Number of Units**

	<b><u>US</u></b>	<b><u>Canada</u></b>	<b><u>Total</u></b>
Candy Dynamics	70,000,000		70,000,000
Zuru	7,500,000		7,500,000
Colgate-Palmolive	4,900,000	56,000	4,956,000
BlendJet	4,800,000	117,000	4,917,000
Target	4,900,000		4,900,000

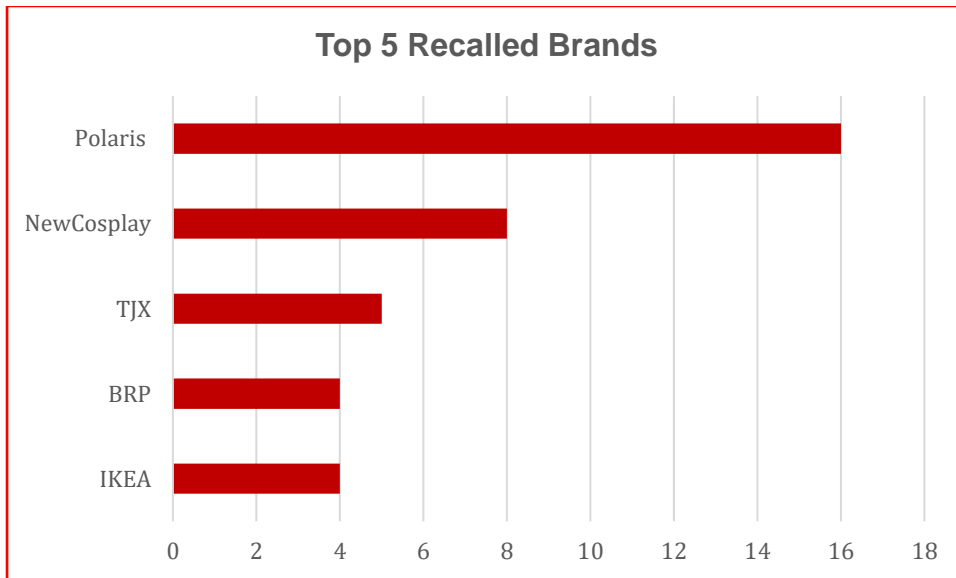
It’s always impressive when the recalling company can report the exact number of affected products in the distribution chain. Carhartt, for example, reported exactly 32,505 pairs of work pants that could cause a tripping hazard. That’s an indication that

the company has a good handle on its supply and distribution processes. Most companies, however, only cite an approximate number of affected products in their recall notices.

**Companies with the Most Recalls:** Recreational vehicle manufacturer Polaris continues to be plagued with safety problems leading to recalls. In 2022, they were tied with Yamaha for the most recalls – six apiece. But in 2023, Polaris clearly broke that tie by issuing an astonishing 16 recalls. BRP, also a player in this market, had four recalls.

As a category, motorized recreational vehicles, including ATVs, ROVs, and snowmobiles, are problematic from a safety standpoint. There were 34 recalls in this category last year, many associated with injuries. Polaris alone reported 561 incidents and 10 injuries associated with their products.

Frequent recalls may suggest that more-thorough testing is needed to identify hidden safety issues before products get to market. However, frequent recalls may also indicate a company’s desire to take quick corrective action once a post-market safety issue is identified.



Another brand of dubious notoriety was NewCosplay, a brand of children’s sleepwear that was imported by a variety of trading companies and sold exclusively on Amazon. There were eight separate recalls for the company’s sleepwear that violated federal flammability regulations.

TJX stores followed NewCosplay with the third most recalls, all related to unsafe furniture including chairs, benches, and bookcases. It’s expected that the CPSC’s new federal standard for the stability of clothing storage units (dressers and the like) will help reduce deaths, injuries, and subsequent recalls in the future from furniture tip-over.

**Fatalities:** Analysis of fatal incident data associated with recalled products is quite worrisome. Two recalled products, the Fisher-Price Rock 'n Play Sleeper and the Kids2 Rocking Sleepers, were associated with a shocking number of fatalities. In both cases, infants died after they rolled from their back to their stomach or side while unrestrained, or under other circumstances. Fisher-Price recalled about 4.7 million Rock 'n Play Sleepers. Kids2 recalled 694,000 Rocking Sleepers, which were sold under a variety of brand and model names. Recalls for both of those products were first announced in 2019 but reannounced in 2023 due to additional reported deaths following their original recalls.

Specifically, the Fisher-Price Rock 'n Play (right) was said to be associated with 30 infant deaths when the recall was first announced on August 12, 2019. The second recall announcement, on January 9, 2023, stated that there had been 70 additional reports of fatalities, eight of which occurred after the original recall. As a remedy, Fisher-Price offered refunds only to consumers who purchased a Rock 'n Play within the six months prior to the recall. If the purchase was made before that six-month period, consumers would get a voucher to buy another Fisher-Price product. That is simply not good enough; as a product so hazardous should have a much stronger incentive for consumers to respond to the recall.



More than 100 deaths associated with any consumer product is beyond egregious. Safety experts wonder why Fisher-Price hasn't been hit with a civil penalty by the CPSC for taking delayed action to remove this hazardous product from the market sooner than it did. One theory is that the CPSC may also have been culpable and was "asleep at the switch" in failing to identify the problems with this product, and perhaps ignored the preponderance of incident data. It took an investigative report from *Consumer Reports* (April 8, 2019) to expose the hazard and prompt a recall.

Nearly as bad were fatal incidents associated with the Kids2 Rocking Sleepers (right). At the time of their original recall on April 26, 2019, it was reported that five infants had died in those inclined sleepers. When the recall was reannounced on January 9, 2023, the manufacturer reported 11 more fatalities, four of which occurred after the original recall.



The problem with infant sleepers is that children, if left unrestrained, can suffocate in the soft fabric when rolling over in these products. While the manufacturers' instructions warned against leaving infants unrestrained, it's totally foreseeable that caregivers won't always follow those instructions. Furthermore, the very design of these products is flawed; the steep incline angle of the sleepers could cause a young infant's head to fall forward and restrict the airway. That's why the new CPSC Infant Sleep Rule requires no more than a 10-degree incline for such products.

Not counting the deaths associated with the above-mentioned sleepers, the number of fatalities associated with recalled products increased significantly in 2023 over the previous year when there were only seven. The table that follows provides the data for fatalities associated with products recalled in 2023. Topping the list was the Future Motion Electric Onewheel Electric Skateboards (pictured below). They were associated with four deaths and many very serious injuries.

**Other Recalls Involving Fatalities**

<b><i>Mfr./Brand</i></b>	<b><i>Product</i></b>	<b><i>No. Units</i></b>	<b><i>Hazard</i></b>	<b><i>Deaths</i></b>
Future Motion	OneWheel Skateboards	300,000	Crash	4
Luxor Workspaces	Audiovisual Carts	86,350	Tip-over	3
Jetson Electric Bikes	Hoverboards/Scooters	53,000	Fire	2
Epoch Everlasting Play	Bottle & Pacifier Accessories	3,200,000	Choking	2
Platinum Health	Adult Portable Bedrails	53,000	Entrapment & Asphyxia	1
Fortress Safe	Biometric Gun Safes	61,000	Unauthorized use > Injury/Death	1
Cocco Candy & GBR Distribution	Rolling Candy Pop	145,800	Choking	1
Buffalo Games	Water Beads	52,000	Ingestion, Choking, Obstruction	1

***Excluding infant sleepers, there were 15 deaths associated with recalled products in 2023.***



**Injuries:** There is often a fine line between incidents, injuries, and deaths. Fires, falls, and entrapment can just as easily result in death as in injury. In 2023, there were 564 total injuries of various degrees reported with products under recall. Many were due to burns, laceration, or falls. Four of the top five recalls citing injuries were for small appliances, all of which were manufactured in China. The recalls associated with the most injuries are shown here:

**Top 5 Recalls Involving Injuries**

<b><i>Mfr./Brand</i></b>	<b><i>Product</i></b>	<b><i>No. Units</i></b>	<b><i>Hazard</i></b>	<b><i>Injuries</i></b>
Sensio	Pressure Cookers	860,000	Burns	61
BlendJet	Blenders	4,800,000	Fire/Laceration	50
Empower Brands	Juicers	479,900	Laceration/Ingestion	47
Dorel Juvenile	Activity Center	115,700	Fall/Injury	38
Empower Brands	Waffle Maker	456,000	Burns	34

It's worth noting that Empower Brands had three recalls last year, each involving injuries. One wonders if the company's post-sale product safety processes are strong enough to initiate corrective action before a significant number of injuries occurred.

What challenges some companies is determining whether injuries reported to them are serious enough to warrant reporting those incidents to the CPSC. Under Section 15(b) of the Consumer Product Safety Act, manufacturers, importers, and distributors of consumer products are required to immediately report information that "reasonably supports the conclusion that the product contains a defect which could create a substantial product hazard" or "creates an unreasonable risk of serious injury or death." The CPSC's definitions of serious injury and substantial product hazard are ambiguous enough to confuse even the most expert product safety professional. Better guidance from the CPSC, as well as examples of what is a reportable injury, may give manufacturers better clarity. For example, is skin irritation from a smartwatch a reportable incident? There certainly have been recalls for that issue in the past. What about a minor laceration that requires only a band aid? While some manufacturers will determine that those incidents are serious enough to report, others won't.

**Incidents:** All CPSC recall notices provide a count of the number of incidents that have been reported to the commission, and any deaths, injuries, or property damage that have occurred. In total, there were 17,737 reported incidents of various degrees associated with recalls in 2023, which was more than double the number reported the previous year.

***The number of reported safety-related incidents in 2023 was more than double that in 2022.***

Last year, some companies amassed an astonishing number of product safety-related incidents before a recall was executed. The top five on this list are shown below; many of them are associated with injuries or property damage. When so many incidents and injuries occur prior to a recall, it indicates a lack of process and/or technology to expeditiously identify and address a safety problem. In some cases, it could also indicate executive management's reluctance to address the problem.

**Top 5 Recalls Involving Reported Incidents**

<b><u>Mfr./Brand</u></b>	<b><u>Product</u></b>	<b><u>No. Units</u></b>	<b><u>Hazard</u></b>	<b><u>Incidents</u></b>
Shimano	Bike Cranksets	760,000	Crash Burns	4,519
Wet & Forget	Mold Spray	2,700,000	Skin/Eye Irritation	3,188
American Honda	Engines	391,800	Injury	2,197
Gree	Dehumidifiers	1,560,000	Fire/Burn	688
FXI	Mattresses	48,000	Mold	541

First on this list is Shimano, which received 4,519 reports of their bicycle cranksets breaking, resulting in six injuries, before a recall was announced. Perhaps the company



initially classified this defect as a quality issue as opposed to a safety issue...until people got hurt.

Also of note on this list is Gree, the Chinese appliance manufacturer. The company has a history of delaying action on hazardous dehumidifiers. On November 16, 2023, a jury returned guilty verdicts against two former executives of that company for conspiracy to defraud the CPSC and for knowingly and willfully failing to report what they knew about their defective, fire-prone dehumidifiers that were recalled in 2013. The executives, who may now face jail time, also knew that they were required to immediately report the product safety information to CPSC. If CPSC had known about the hazard sooner, it's possible that at least four deaths from house fires caused by defective humidifiers would have been prevented. These are the first-ever criminal verdicts against executives for failing to report information to CPSC.

While some companies like Shimano and Gree may have waited for incidents and/or injuries to amass before taking corrective action, that's often not the case. Analysis shows that nearly half (46%) of the recalls CPSC announced last year cited no reported incidents. It is good practice for manufacturers to not wait for problems to arise in the field before taking corrective action on potentially harmful products.

***About half of all recalls had no reportable incidents.***

**Property Damage:** There were 271 reports of property damage associated with recalled products last year. That was more than five times the number of property damage incidents reported the previous year. Virtually all the property damage reports were related to fires. The most egregious was with Bedsure electric blankets and heating pads that could catch fire. The manufacturer, Bedshe International, reported 137 incidents of their blankets and pads catching fire, burning, melting, and overheating in consumers' homes, causing minor property damage. Those included 17 reports of burn injuries, including one report of second-degree burns.

***In 2023, there were more than five times the number of reported property damage incidents than in 2022.***

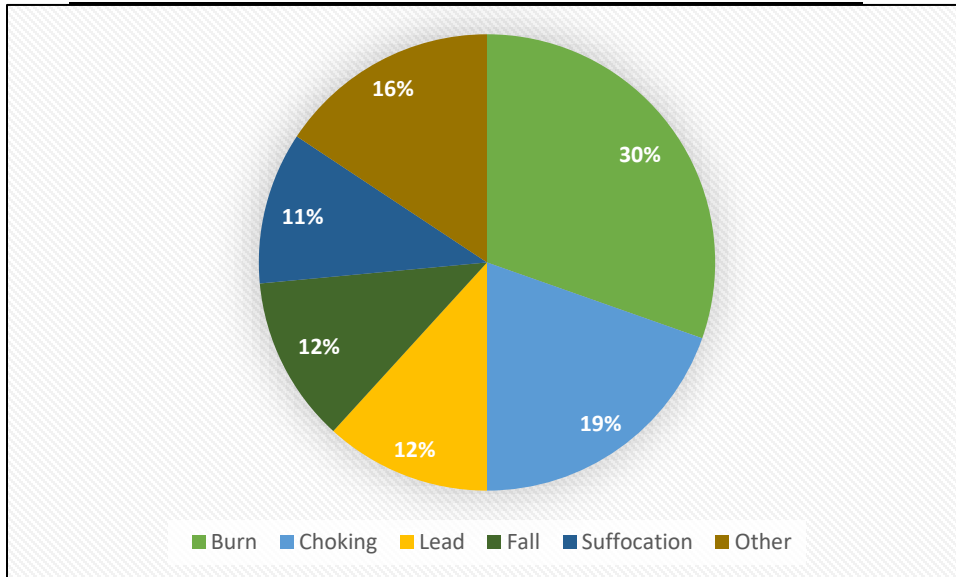
**Hazards:** Fires and burns were the most frequently cited hazards associated with 2023 recalls. In total, those two hazards were cited in 116 recalls and were associated with 227 injuries and two fatalities. The two deaths were caused by a lithium-ion battery fire from a Jetson Electric Bikes self-balancing scooter/hoverboard.

Included in the burn hazard list were 30 recalls for children's sleepwear that failed to meet federal flammability requirements. None of those recalls cited any injuries. However, this indicates that the sleepwear was not properly tested for compliance prior to going to market.

Other frequently cited hazards were falls (35 recalls), crashes (21 recalls usually associated with recreational vehicles), choking (20 recalls – see below), and lacerations (19 recalls). There were also 30 recalls for hazards simply labeled as “injury,” where it’s possible that there were several hazards.

**Children’s Products:** Just about one-third of last year’s recalls (104) were for children’s products. Most of these were recalled because they did not comply with federal regulations. That included all the sleepwear recalls mentioned above for the burn hazards, recalls for small parts that could pose a choking hazard to young children, products containing lead, and those posing suffocation risk. Also of note, there were 10 recalls for products that did not comply with child-resistant packaging rules. Those products could pose a poisoning risk.

### Hazards Associated with Children’s Product Recalls



**Compliance vs. Safety:** Testing for compliance with federal regulations is table stakes for bringing products to the market. Failure to test for compliance indicates the most fundamental lapse in a product safety program. But compliance does not equal safety. Case in point: 71 percent of last year’s recalls were not for products that failed to meet federal regulations. Some products may have failed a voluntary ASTM or UL standard, but CPSC press releases rarely indicated when that occurred. So if recalls primarily involve products that are compliant with regulations and standards, it’s likely that safety hazards were uncovered once the products were in the hands of consumers. While companies may focus on compliance, many are shortsighted in thinking that compliance ensures safety. Compliance is just the license to bring a product to market and provides no guarantee of safety. Safety goes beyond the simple “check-the-box” activity practiced by most companies’ compliance departments; it involves a deep understanding of foreseeable use and misuse, quality, durability, and failure modes and effects analysis (FMEA) related to the product’s design or manufacturing process.



***A large majority of products recalled in 2023 complied with all federal regulations.***

**Country of Origin:** Most of the products named in recalls were manufactured in China. This indicates that robust supply chain controls and adequate risk management procedures may be missing from importing companies' product safety programs. Relying on foreign manufacturers requires an extra level of due diligence to ensure problems won't be encountered once the products get to the US market.

#### **Top 5 CoO for Recalled Products**

<b>Country</b>	<b>No. of Recalls</b>
China	171
United States	76
Mexico	13
Taiwan	12
Vietnam	12

**Exclusive Sellers:** CPSC recall notices always include information on where the product was sold. They will often name the retailer in the recall headline if it was the exclusive seller of a recalled product. More than three dozen times, recalled products were reported to be exclusive sold at Amazon.com. That's far more than any other retailer. A large majority of the recalled products sold through Amazon failed to comply with regulatory requirements. That's an indication that some products may not be well vetted before being sold on Amazon.

#### **Concluding Insights**

Recalls give insight into how companies misstep when bringing products to market. Too often, premarket testing is not conducted to ensure compliance with even the simplest regulations. No importer or retailer should ever market a product without having well-documented proof that the product is compliant with all applicable regulations and standards.

But product safety transcends compliance. More-advanced testing and analysis for safety beyond compliance is frequently not in the playbook for companies. Many companies lack the expertise to fully understand risk and its consequences. Ensuring that a product is safe under reasonably foreseeable use and misuse conditions is an essential step in the product safety assurance process.

Many companies also lack robust post-market surveillance processes and technology to promptly identify emerging safety issues so that action can be taken before someone gets hurt. And, unfortunately, because of time, money, or risk of embarrassment, some companies don't have the will to recall products even when a recall is warranted.

Some companies also play the numbers game. While companies typically accept a certain level of risk with the products they make and sell, companies will sometimes calculate the incident rate before deciding if corrective action is necessary. They refer to this vernacularly as PPM or parts per million -- in this case, safety incidents per million products sold. While that type of calculation doesn't account for the severity of the incident, the affected population, or sensitivity of the issue, companies love to use low PPM as an excuse not to recall a product. Their reliance simply on an incident or injury rate calculation to determine the CPSC reporting and corrective action thresholds can be a mistake. Each post-sale safety-related incident needs close examination to determine if there exists a design, manufacturing, or warnings defect that could cause serious injuries.

The CPSC can also step up their game. When they are slow to identify emerging issues and demand corrective action, people get hurt...or worse. This begs for the use of advanced data analytics to predict emerging issues that might warrant a recall.

The CPSC has also been accused of failing to enforce compliance equally across a product category. Prompting the recalls of certain products while leaving essentially similar products on the market makes no sense and leaves consumers at risk.

There is also inequality regarding the corrective actions negotiated with the CPSC during the course of a recall action. While repair, replace, and refund are three acceptable remedies for a recall, some companies expect consumers to jump through hoops to get restitution. Recalls should be easy for consumers so they are more likely to respond and take appropriate action. Incentives can help.

Based on the increasing frequency of recalls and the CPSC's willingness to pursue legal action against companies and their executives, it's clear that the current CPSC commissioners have become more aggressive than prior commissioners. It's likely that we will see more recalls in the future as well as more civil penalties, and perhaps criminal penalties, levied against egregious wrongdoers. This should give pause to companies that have weak product safety programs and entice them to learn and implement best practices to ensure the products they make and sell will be safe for all consumers.



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