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Protecting Your Future, It's What We Do

FAQ's on Product Recalls and Unreasonably Dangerous or Defective Products

1. Why do companies recall products?

It is an effort by a company to limit liability for corporate negligence and to improve or avoid damage to the company's publicity. Usually, a company, after noting a safety issue with a batch or an entire run of its product, will seek to replace the product or refund the customer for the value of the product before the product injures customers and results in diminishing the company's brand name and trust in the public eye.

2. What are the general steps to a Product Recall?

- a. The maker or dealer notifies the authorities of their intention to recall a product.
- b. The maker or dealer establishes communication channels, such as hotlines, and specifies the scope of the recall, such as a range of serial numbers or batch numbers.
- c. The authorities release recall announcements on their respective websites and publish notices in the newspapers.
- d. If important enough of a recall, consumer groups and news television reports will further disseminate announcements of the recall to the public.
- e. Typically, the consumer is advised to return the goods, regardless of the condition, to the seller for a full refund or modification.

3. What are the common reasons for a product recall?

- a. The product causes harm or danger.
- b. The product contains a defect diminishing functionality.
- c. The product contained inadequate documentation (which typically requires just a re-shipment of documentation rather than a recall).

4. How do I find out if my product has been recalled?

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Recalls are not always easy to learn about, and companies do not always publicize a recall in an effort to limit the cost of replacing the product. However, common sources of recall information are:

- a. Grocery Stores (listings)
- b. Mailings
- c. News (television/print)
- d. The Internet (particularly on consumer groups' websites)
- e. United States Consumer Product Safety Commission (CPSC) - for the latest recalls, visit their website at "<http://www.cpsc.gov/>" and click link "Recalls and Product Safety News"

5. What if my product is dangerous and/or defective but has not been recalled?

If you believe that your product is dangerous and/or defective but has not been recalled, there are several avenues that consumers can take to address their concerns:

- a) Contact the company's and/or retailer's customer support, notify them of the problem or concern that you are having with your product - claim warrant and/or ask them for a refund or a similar product of either a different batch or type of product.
- b) Contact the United States Consumer Product Safety Commission or the appropriate other government agency that handles safety issues concerning your type of product. Common products and their appropriate agencies are:
 - i) Most Common Consumer Products (except those listed below) → United States Consumer Product Safety Commission (CPSC)
(<http://www.cpsc.gov/>)
 - ii) Cars, Trucks, Motorcycles → National Highway Traffic Safety Administration within the Department of Transportation (NHTSA/DOT)
(<http://www.nhtsa.dot.gov/>)(1-888-327-4236)
 - iii) Boats and other watercraft → U.S. Coast Guard (USCG)
(<http://www.uscg.mil/>) (202-267-1587)
 - iv) Guns → Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
(<http://www.atf.treas.gov/>) (202-927-8500)
 - v) Drugs, Food, Cosmetics → Food and Drug Administration (FDA)
(<http://www.fda.gov/>) (1-888-463-6332)

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- c) If you do not know which appropriate agency to contact, you can access the U.S. Government Consumer Gateway, a “one stop” web site to access multiple federal consumer information resources. (<http://www.consumer.gov/>)
- d) Contact a private or public consumer organization to report the problem with the product - examples include:
- i) Better Business Bureau (<http://www.bbb.org/>) (1-703-276-0100)
 - ii) Consumers Union, publishers of *Consumer Reports* (<http://www.consumersunion.org/>) (914-378-2000) or Consumer Reports, www.consumerReports.org and click on “Report a product-safety problem”
 - iii) Public Citizen (<http://www.citizen.org/>) (202-588-1000)
 - iv) Consumer Federation of America (<http://www.consumerfed.org/>) (202-387-6121)
 - v) Center for Science in the Public Interest (<http://www.consumerfed.org/>) (202-332-9110)

6. What are some recent examples of recalled products?

Children’s Products

- a) **Nintendo Wrist Straps Used with Controllers for the Nintendo Wii Video Game System** - If consumers swing the hand-held “Wii Remote” game controllers using excessive force and accidentally let go, the cord connecting the controller to the wrist strap can break, potentially causing the controller to strike bystanders or objects.
- Remedy: Consumers should contact the firm for a replacement wrist strap. Firm's Hotline: (800) 859-4519
 - Customer Contact: For more information, contact Nintendo toll-free at (800) 859-4519 between 6 a.m. and 7 p.m. PT, or visit their Web site at www.support.nintendo.com
- b) **Samara Brothers Starting Out Shirt and Overalls** - The coatings on the snaps in the overalls and shirt contain excessive amounts of lead, posing a serious risk of lead poisoning and adverse health effects to young children.
- Remedy: Consumers should stop using the products immediately and contact Samara to obtain a full refund.
 - Consumer Contact: For additional information, please contact Samara Brothers at (800) 985-9975 between 8:30 a.m. and 5 p.m. ET Monday through Friday, or visit the firm’s Web site at www.samararecall.com, or e-mail the firm at info@samararecall.com

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- c) **Regal Lager Inc. Phil & Teds e3 Strollers with doubles seats** - Children can touch the rear tires when in the stroller's add-on seat. This can pose an abrasion hazard to children.
- Remedy: Consumers should immediately stop using the additional rear seat in the lower position on top of the rear axle and contact Regal Lager for free additional rear wheel guards.
 - Firm's Recall Hotline: (800) 593-5522
 - Customer Contact: For more information, contact Regal Lager at (800) 593-5522 between 9 a.m. and 5 p.m. ET Monday through Friday, e-mail the firm at info@regallager.com, or visit the firm's Web site at www.regallager.com
- d) **Children's "Powerpuff Girls" Necklaces** - The recalled jewelry contains high levels of lead. Lead is toxic if ingested by young children and can cause adverse health effects.
- Remedy: Consumers should immediately take this jewelry away from children. Consumers should return the recalled jewelry to the store where purchased for a replacement or contact Rhode Island Novelty for information on how to receive a replacement.
 - Firm's Recall Hotline: (800) 528-5599
 - Consumer Contact: For additional information, contact Rhode Island Novelty at 1-800-528-5599 between 8:30 a.m. and 6 p.m. EST, Monday through Friday, or visit the firm's Web site at www.rinovelty.com
- e) **Baby Cookie Monster toys sold with DVD at Wal-Mart** – Fabric cookie in toy's hand can be pulled off and ingested by children, posing a choking hazard.
- Remedy: Dispose of felt cookie
 - Consumers Contact: Sesame Workshop at 800-986-1619.
- f) **Britax Child Safety "Companion" infant seat** – Tabs on bottom of carrier may not be assembled correctly. In a crash, the carrier could rotate, possibly injuring the child.
- Remedy: Consumers may use the carrier without the base until replacement product arrives.
 - Consumer Contact: Britax at 888-427-4829 or go to www.britaxusa.com for information about replacements.
- g) **Minnie Mouse Cardigan Sets from Wal-Mart** – If a cardigan is buttoned, ribbon woven around neckline poses strangulation hazard for children.
- Remedy: Take away cardigan from child immediately and return all three pieces to Wal-Mart for a refund.
 - Consumer Contact: Wal-Mart at 800-925-6278 or go to www.walmartstores.com.

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Household Products

- a) **DEWALT DG2900 Portable Generators** - A ground fault circuit interrupter (GFCI) installed on the generator could fail to operate properly, posing a risk of electric shock to consumers.
- Remedy: Consumers should stop using the generators immediately and contact DEWALT to arrange for a free inspection and, if necessary, free repair.
 - Firm's Recall Hotline: (888) 742-9108
 - Customer Contact: For more information, contact DEWALT toll-free at (888) 742-9108 between 8 a.m. and 5 p.m. ET Monday through Friday, or visit the firm's Web site at www.DEWALT.com
- b) **Family Dollar Stores Oscillating Ceramic Heaters** - The heaters can overheat and smoke, which could pose a fire hazard to consumers.
- Remedy: Consumers should immediately stop using the heaters and return them to a Family Dollar store for a full refund.
 - Firm's Recall Hotline: (800) 547-0359
 - Customer Contact: For additional information, contact Family Dollar at (800) 547-0359 between 8:30 a.m. and 5 p.m. ET Monday through Friday, or visit the firm's Web site at www.familydollar.com
- c) **Starbucks Barista Aroma stainless-steel 8-cup coffee brewer** – Coffee brewer has defective wiring that can result in overheating, smoking, melting, and burning.
- Remedy: Stop using brewer immediately
 - Consumer Contact: Starbucks at 800-453-1047 for a refund
- d) **Wal-Mart Holiday Time™ Christmas Mug Gift Sets** – The buttons could detach from the plush characters sold with the mug gift sets, posing a choking hazard to young children.
- Remedy: Consumers should immediately take the plush character away from small children and return it to their nearest Wal-Mart for a full refund.
 - Consumer Contact: Call Wal-Mart toll free at (800) 925-6278 or visit www.walmartstores.com for more information

Computer Products

- a) **Sony laptop batteries used in laptops by Apple, Dell, Gateway, and other brands** – Batteries may overheat and catch fire because of microscopic metal particles might have penetrated the battery cell during manufacturing.
- Remedy: May use laptop without battery until battery is replaced.
 - Consumer Contact: For a complete list of computer lines and models affected by this recall and for contact information, go to www.cpsc.gov

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7. What if I am injured by a product?

If someone is injured, whether or not the product was recalled, you may have a cause of action against the manufacturer for damages.
Please contact Lexlee Overton, Attorney at Law.

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