

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES, SOFTLINES, ELECTRICAL & ELECTRONICS

NO. 024/10 FEBRUARY 2010

CPSC APPROVES FINAL RULE ON GUIDELINES FOR MANDATORY RECALL NOTICES

The Consumer Product Safety Commission (CPSC and 'Commission') issued a final rule establishing guidelines and requirements for mandatory recall notices as required by section 214 of the Consumer Product Safety Improvement Act of 2008 ("CPSIA"). The final rule goes into effect Feb 22, 2010, 30 days after its Jan 21 publication in the Federal Register.

In the Federal Register of March 20, 2009 (74 FR 11883) ¹, the CPSC published a proposed rule that would establish guidelines and requirements for mandatory recall notices ordered by the Commission or a United States District Court under the Consumer Product Safety Act. The rule was intended to provide firms with a uniform set of information they can expect to find in a recall notice ordered by the Commission or a court.

Each section of the rule is either statutorily required by section 214 of the CPSIA or, as determined by the Commission, likely to increase recall effectiveness by helping consumers identify products:

- I. The product subject to a recall;
- II. The hazard identified with such product (including a description of incidents and injuries);
- III. What remedy is being offered with regard to the recalled product.

Requirements that must be included in a mandatory recall notice.

- The term "recall" must be in the heading and text;
- Date of release, issuance, posting or publication of the recall notice and the approximate retail price or price range of the product;
- Product description, including model numbers or SKUs, common product name(s), and a photograph of the product;
- Description of the action being taken;
- Number of units with respect to the action being taken;
- Description of the substantial product hazard and reason for the action;
- Identification of the manufacturers and significant retailers;
- Dates between which the product was manufactured and sold;

¹ [Final Rule on Guidelines and Requirements for Mandatory Recall Notices](#), December 16, 2009





- Number and a description of any injuries or deaths associated with the product, the ages of anyone injured or killed, and the dates on which the Commission received information about such injuries or deaths;
- Description of the remedy available to consumers, actions consumers must take to receive the remedy, and information a consumer needs to obtain a remedy or further information about the remedy (such as addresses, phone numbers and email addresses); and
- Other information the Commission deems appropriate.

Additional Commission guidelines include:

- Recall notices should be written in simple language, without highly technical or legal terms and be easily understood by the targeted consumers,
- At the discretion of the Commission, in order to effectively inform and protect the public, a recall notice may be required to be in languages in addition to English. For example, when a product is marketed in a language in addition to English.

The statute outlines what information must be included in a mandatory recall notice, but gives the Commission flexibility to remove inappropriate items, as well as to add requirements, where the circumstances for a particular product recall warrant such deviation.

The Commission may not require the use of these information categories in a voluntary recall. However, the Commission retains the discretion to work with recalling firms to tailor voluntary recall notices for each particular recall scenario.

Throughout our global network of laboratories, SGS is capable of offering a wide range of physical/mechanical testing and analytical testing for restricted substances, as well as consultation on product design, risk assessment, certification and other mandated requirements. We are ready to provide you with the latest CPSIA updates. You can check our list of [CPSIA accredited laboratories](#) and visit our [CPSIA webpage](#). Please feel free to contact us.

The SGS publication "Products Recalls" is issued on a regular basis and contains a comprehensive summary of up-to-the-minute product recall notifications in the US and European markets. The information contained in this publication can be a valuable tool for identifying potential risks and hazards that could be present in that new product design about to be released for an expensive tool build.

[Click here to have more information.](#)
[Online subscription.](#)

FOR ENQUIRIES:

Global Competences Support Centre: gqsc@sgs.com
 HingWo Tsang: +852 2774 7420 or Hingwo.Tsang@sgs.com

Asia – Hong Kong. Tel: +852 2334 4481 Fax: +852 2144 7001 mktg.hk@sgs.com
 Australasia _ Perth. Tel: +61 (0) 3 9790 3418 Fax: +61 (0) 3 9701 0988 au.cts@sgs.com
 Europe – London —UK. Tel: +44(0) 20 8991 3410 Fax: +44 (0) 20 8991 3417 gb.cts.sales@sgs.com
 Africa & Middle East – Turkey. Tel: +90 212 368 40 00 Fax: +90 212 296 47 82 sgs.turkey@sgs.com
 Americas – USA. Tel: +1 973 575 5252 Fax: +1 973 575 1193 Marketing.CTS.US@sgs.com

www.sgs.com Global Competences Support Centre: gqsc@sgs.com

If you wish to unsubscribe to this technical bulletin, go here: [Unsubscribe](#)

© 2010 SGS SA. All rights reserved. This is a publication of SGS, except for 3rd parties' contents submitted or licensed for use by SGS. SGS neither endorses nor disapproves said 3rd parties contents. This publication is intended to provide technical information and shall not be considered an exhaustive treatment of any subject treated. It is strictly educational and does not replace any legal requirements or applicable regulations. It is not intended to constitute consulting or professional advice. The information contained herein is provided "as is" and SGS does not warrant that it will be error-free or will meet any particular criteria of performance or quality. Do not quote or refer any information herein without SGS's prior written consent.