Tucker Ellis LLP

Consumer Product Safety

Overview

As the number of consumer product safety regulations continues to escalate in the United States and throughout the world, we assist our clients in navigating the resulting legal and business implications. Our interdisciplinary team of attorneys partners with manufacturers, private labelers, distributors, and retailers of consumer products to address a wide range of consumer product safety issues.

We work proactively with our clients to identify potential product hazards and defects to help them avoid costly litigation and regulatory fines. We work with standards organizations such as the American Society for Testing and Materials (ASTM) and the International Organization for Standardization (ISO) in developing and modifying product standards based on our clients' needs.

Since the passage of the Consumer Product Safety Improvement Act (CPSIA) in 2008, the launching of the product safety information database Saferproducts.gov in 2010, and the introduction of reporting obligations around the world, our attorneys have written extensively on consumer product safety issues, and they share their knowledge and insights in speaking engagements across the country.

PRODUCTS

- Off-road vehicles
- Household and kitchen appliances
- HVAC units, as well as air purifiers and humidifiers
- Security/alarm system controls
- Fire extinguishers
- Sporting goods
- Electronic products
- Drugs and nutritional supplements (including child-resistant packaging)
- Children's products, including books, clothing, and toys
- Paint
- Beauty products

Experience

- Represent manufacturers and distributors in product recalls
- Represent product manufacturers in regulatory matters before the Consumer Product Safety Commission

- Advise clients on the reporting obligations of a potential product defect in the United States, Canada, Australia, Europe, and around the world
- Defend clients before CPSC in actions alleging failure to report alleged defect of recalled products
- Coordinate litigation and multi-district discovery on a national basis
- Select technical experts and coordinate scientific studies for use in the defense of product liability actions on a national basis
- Advise clients of the various requirements under the Consumer Product Safety Improvement Act
- Advise clients in recall strategy and effectiveness
- Advise clients on effectiveness and adequacy of compliance programs
- Advise manufacturers on advertising literature, operating manuals, and product warnings
- Represent companies in proceedings before the National Advertising Division, a division of the Council of the Better Business Bureau
- Counsel manufacturers on the introduction and sale of products to the public
- Counsel manufacturers on insurance coverage issues
- Aid manufacturers in the protection of product patents and trademarks