



## Ankin Law Office LLC

Protecting the Rights of Injured Workers

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## New Consumer Product Safety Database Available Online in March 2011

The Consumer Product Safety Commission (CPSC) recently voted to create a public database of product safety complaints as mandated by the [Consumer Product Safety Improvement Act of 2008](#). The database, which is scheduled to launch in March 2011, will be located at [www.SaferProducts.gov](http://www.SaferProducts.gov). Once the database is launched, consumers will be able to search the product safety complaints of thousands of consumer products currently on the market.

The database was established in order to inform consumers of pending [product safety complaints](#) during the CPSC investigation period, which sometimes takes years. Currently, if the CPSC believes that a product may be defective or dangerous enough to be pulled from the market, it must negotiate a [recall](#) with the product's manufacturer, which can take months or even years. In the meantime, consumers can unwittingly continue to buy the defective and dangerous product and, until now, the only way for consumers to access product safety complaints was to file a public-records request with the CPSC and, before the CPSC can release any information about a product, it must consult with the product's manufacturer, who can protest or sue to prevent disclosure of product safety information. Under the new system, consumer complaints will be posted for public disclosure within 15 days. After a consumer files a complaint, the CPSC will have five days to notify the manufacturer of the complaint, who will then have 10 days to respond to the complaint. A manufacturer can do one of three things: (i) submit a response, (ii) challenge the complaint as false, or (iii) assert that it will disclose a trade secret.

If a response is filed, it would be published alongside the complaint in the database. If the manufacturer claims that a complaint is false or that it would disclose a trade secret, the CPSC will determine whether to withhold the complaint or publish it in the database.

Anyone filing a complaint must identify themselves, but the complainant's identity will not be published in the database and will only be disclosed to the manufacturer if the consumer consents. The database will only include information about product defects that could cause injury or death and will not include complaints about reliability or quality. The database is also restricted to the types of consumer goods overseen by the CPSC, which does not include food, drugs, medical devices, cosmetics, tobacco, automobiles or tires.

Consumer advocates are hailing the database as "a resource that will revolutionize the way people make buying decisions." Manufacturers, on the other hand, are concerned that the database may be filled with fictitious complaints and inaccurate claims about their products and brands by competitors or others with self-serving motives.

Manufacturers are also concerned because the system allows complaints to be lodged by just about anyone, even if they lack direct knowledge of the defective product.

Not surprisingly, there is partisan division amongst members of the CPSC regarding the database, with Democrats supporting its creation and Republicans criticizing it as a waste of taxpayer money that could hurt businesses.

The Chicago [product liability attorneys](#) at Ankin Law Offices represent a number of clients in connection with product liability and [personal injury](#) lawsuits stemming from defective or dangerous products. If you have been injured by an unsafe product, [contact](#) us to discuss how we can help you protect your legal rights and obtain the compensation you deserve.

Howard Ankin of [Ankin Law Office LLC](#) handles workers' compensation and personal injury cases. Mr. Ankin can be reached at (312) 346-8780 and [howard@ankinlaw.com](mailto:howard@ankinlaw.com).

By [Admin - CO](#)  
February 21, 2011

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