

**Congress of the United States**  
**Washington, DC 20515**

May 14, 2020

Mr. Mark Zuckerberg  
CEO  
Facebook, Inc.  
1 Hacker Way  
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

As Americans engage in social distancing to combat the COVID-19 pandemic, millions of consumers have turned to online marketplaces to order much-needed items.<sup>1</sup> With this unprecedented demand propelling e-commerce platforms like Facebook to serve as a main source of products, it is especially imperative that the products sold on your platform do not pose as serious risks to consumers. But products that have been deemed unsafe and deadly to infants are still available for purchase on Facebook Marketplace.<sup>2</sup> We write urging Craigslist to immediately stop the sale of infant inclined sleep products on your online marketplace amidst strong scientific evidence that these products are inherently dangerous.

The Consumer Product Safety Commission (CPSC) warned consumers last October to “stop using infant sleep products with inclined seat backs of more than 10 degrees.”<sup>3</sup> These products, which position newborns and babies at an incline greater than 10 degrees to sleep, conflict with long-standing safe sleep recommendations that babies should only sleep on a firm, flat surface, free of any extra bedding.<sup>4</sup> The continued presence of these products on your

---

<sup>1</sup> *Retailers Selling Non-Essentials See Double & Triple-Digit Increases in Online Sales During COVID-19 Crisis*, Forbes (Apr. 17, 2020) ([www.forbes.com/sites/kaleighmoore/2020/04/17/retailers-selling-non-essentials-see-double--triple-digit-increases-in-online-sales-during-covid-19-crisis/#43b1e9c66431](http://www.forbes.com/sites/kaleighmoore/2020/04/17/retailers-selling-non-essentials-see-double--triple-digit-increases-in-online-sales-during-covid-19-crisis/#43b1e9c66431)).

<sup>2</sup> *New Evidence Shows More Infant Deaths Tied to Inclined Sleepers Than Previously Reported*, Consumer Reports (Mar. 11, 2020) ([www.consumerreports.org/child-safety/new-evidence-shows-more-infant-deaths-tied-to-inclined-sleepers-than-previously-reported/](http://www.consumerreports.org/child-safety/new-evidence-shows-more-infant-deaths-tied-to-inclined-sleepers-than-previously-reported/)).

<sup>3</sup> Consumer Product Safety Commission, *CPSC Cautions Consumers Not to Use Inclined Infant Sleep Products* (Oct. 31, 2019) ([www.cpsc.gov/Newsroom/News-Releases/2020/CPSC-Cautions-Consumers-Not-to-Use-Inclined-Infant-Sleep-Products](http://www.cpsc.gov/Newsroom/News-Releases/2020/CPSC-Cautions-Consumers-Not-to-Use-Inclined-Infant-Sleep-Products)) (press release).

<sup>4</sup> American Academy of Pediatrics, *Sleep Position: Why Back is Best* (Feb. 28, 2012) ([www.healthychildren.org/English/ages-stages/baby/sleep/Pages/Sleep-Position-Why-Back-is-Best.aspx](http://www.healthychildren.org/English/ages-stages/baby/sleep/Pages/Sleep-Position-Why-Back-is-Best.aspx)); National Institutes of Health, *About SIDS and Safe Infant Sleep* ([safetosleep.nichd.nih.gov/safesleepbasics/about](http://safetosleep.nichd.nih.gov/safesleepbasics/about)); National Institutes of Health, *Federal Agencies Express Support for Updated Safe Infant Sleep Recommendations* (Oct. 24, 2016) ([www.nih.gov/news-events/news-releases/federal-agencies-express-support-updated-safe-infant-sleep-recommendations](http://www.nih.gov/news-events/news-releases/federal-agencies-express-support-updated-safe-infant-sleep-recommendations)).

marketplace is confusing to caregivers and puts babies' lives at grave risk. Other major retailers and online marketplaces already updated their policies to ban all infant inclined sleep products months ago.

To date, infant inclined sleepers have been linked to at least 92 infant fatalities and more than 1,000 incidents, including serious injuries.<sup>5</sup> Since infant deaths linked to these products were first publicly reported in April 2019,<sup>6</sup> the CPSC has recalled more than five million infant inclined sleepers.<sup>7</sup>

In addition, a recent study commissioned by the CPSC, which found that none of the inclined sleep products tested are safe for infant sleep, adds to the growing body of evidence that infant inclined sleepers are not safe.<sup>8</sup> Based on the study's results, the CPSC issued a warning to parents and caregivers to stop using all infant inclined sleepers.<sup>9</sup> The Commission also voted unanimously to publish a proposed rule that would effectively prohibit all infant inclined sleep products.<sup>10</sup>

Several major retailers, including Amazon, Buy Buy Baby, eBay, and Walmart, have already removed all infant inclined sleepers from their stores and/or online marketplaces, in recognition of the overwhelming research that infant inclined sleepers are inherently unsafe.<sup>11</sup> Unlike these retailers, Facebook has failed to take any action to stop the sale of these dangerous products on its platform. No product that can rob an infant of his or her life should be for sale in the United States. In this time when Americans see rising death tolls due to the Coronavirus, we urge you to do your part to keep babies safe.

---

<sup>5</sup> See note 2.

<sup>6</sup> *Fisher-Price Rock 'n Play Sleeper Should Be Recalled, Consumer Reports Says*, Consumer Reports (Apr. 8, 2019) ([www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/](http://www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/)).

<sup>7</sup> *Guide to Recalled Infant Inclined Sleepers, Nappers, and Loungers*, Consumer Reports (Feb. 20, 2020) ([www.consumerreports.org/child-safety/recalled-infant-inclined-sleepers-nappers-loungers-guide/](http://www.consumerreports.org/child-safety/recalled-infant-inclined-sleepers-nappers-loungers-guide/)).

<sup>8</sup> See note 3.

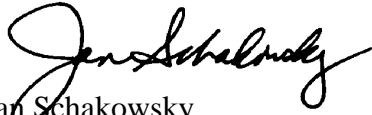
<sup>9</sup> *Id.*

<sup>10</sup> Consumer Product Safety Commission, *Safety Standard for Infant Inclined Sleep Products*, 84 Fed. Reg. 60949 (Nov. 12, 2019) (proposed rule).

<sup>11</sup> *Walmart and Buy Buy Baby Join Amazon and eBay in Ending Sales of Inclined Sleepers Linked to Infant Deaths*, Washington Post (Dec. 9, 2019) ([www.washingtonpost.com/business/2019/12/05/amazon-ebay-stop-selling-inclined-sleepers-linked-infant-deaths/](http://www.washingtonpost.com/business/2019/12/05/amazon-ebay-stop-selling-inclined-sleepers-linked-infant-deaths/)).

We appreciate your attention to this important safety matter. We respectfully request a response no later than May 28<sup>th</sup>, 2020, on whether you will pull all infant inclined sleep products from your platforms.

Sincerely,



Jan Schakowsky  
Chair  
Subcommittee on Consumer Protection  
and Commerce  
Committee on Energy and Commerce



Tony Cárdenas  
Vice Chair  
Subcommittee on Consumer Protection  
and Commerce  
Committee on Energy and Commerce



Richard Blumenthal  
Ranking Member  
Subcommittee on Manufacturing, Trade,  
and Consumer Protection  
Committee on Commerce, Science,  
and Transportation