Section 212 of the Consumer Product Safety Improvement Act (CPSIA) states that the Consumer Product Safety Commission (CPSC) shall "establish and maintain a database on the safety of consumer products and other products or substances" regulated by the Commission. The database must be publicly available, searchable and accessible through the Commission’s website.

The online public database, which is located at www.saferproducts.gov, serves as the single intake point for all consumer reports of harm. Consumers can also use the site to search for product recalls.

### Reporting Process

There are two main parts to the database process: the consumer files a report and the manufacturer has the opportunity to respond.

When consumers report an incident, they are required to enter information into the following eight fields:

- Description of product
- Identification of the manufacturer
- Description of risk or harm
- Incident date
- Category of submitter
- Contact information
- Verification of accuracy of report
- Consent of submitter to transmit report to the manufacturer

All consumers must verify the accuracy and truthfulness of their statements by checking a box. Criminal penalties could be assessed for false statements. Once verified, the consumer cannot delete or edit the content. Consumers cannot post duplicate reports on the same incident and cannot post anonymously.

Once the complaints are registered, the CPSC will:

- Identify the complaint
- Investigate and analyze the complaint—the CPSC will triage the complaint by collecting facts, verifying the complaint, considering the risk of injury and the significance or risk of future injury.
- Enforce standards

Reports are then transmitted to the manufacturer. Reports will not be transmitted to the manufacturer without the consent of the consumer. During a test run of the database, more than 95 percent of the reports were transmitted to the manufacturer.

The manufacturer has 10 days to respond before that complaint is made public.

A manufacturer can respond by making a general comment in response to the report, claiming that a portion of the report contains confidential information, which is rare, or claiming that something in the report is materially inaccurate.

Manufacturers that register will receive electronic notifications of all consumer complaints and will have 10 days to respond.

Manufacturers who have not registered will be notified by mail. Only the manufacturer or private labeler of the product is allowed to post general comments on www.saferproducts.gov.

The decision to respond can only be made by the manufacturer. Responses may be best limited to:

- Is the complaint factual?
- Does the complaint make confidential data public?
The manufacturer is under no obligation to respond on the public database to a consumer complaint, but should do internal research to determine if the manufacturer has a Section 15 reporting obligation.

Database Registration

It is essential that manufacturers (in our case both suppliers and distributors) register with the database to ensure they receive all complaint notifications in a timely manner.

All suppliers and distributors should go to the business portal on www.saferproducts.gov and register on the database.

Conduct periodic searches of www.saferproducts.gov for your product line (brand or company) as well as product category.

What The Database Is Not

- not an appropriate place to enter into a dialog with the customer
- not a blog
- comments will be very generic and issues will not be resolved within the database
- any debate leaves the manufacturer vulnerable to liability

To Learn More

Visit our Product Safety Website and view the archived webinar on this topic.

Frequently Asked Questions

Who is the manufacturer?

In the promotional products industry, the supplier is typically the “manufacturer” for the purposes of federal consumer protection laws. Importers are considered manufacturers as well. There may be times when, depending on what a distributor does to a product, that a distributor may also be the manufacturer.

How should I respond to consumer reports?

Industry best practices suggest only two types of responses to consumer complaints:

- If the product has been recalled, direct the consumer to the CPSC recall link.
- If the item has not been recalled, limit statements to: “Thank you for bringing this matter to our attention Please contact our customer service team at …” Once the consumer contacts the manufacturer directly, you can work to resolve the issue by refund or return.

www.saferproducts.gov

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