



Protecting Children from Unsafe Children's Products

“Recalls of children’s products are not successful unless notice of the recalls reaches affected consumers.”

– Attorney General Lisa Madigan

From time to time, a governmental agency, manufacturer, or retailer will recall a product deemed dangerous to children. A major challenge of these recalls is ensuring that every affected consumer receives notice. Because there are no federal requirements for posting recall notices in retail stores or on websites, parents and caretakers often are unaware that a children's product in their home has been recalled. Fortunately, Illinois has enacted laws that make it easier for parents and caretakers to keep unsafe products out of children's hands.

The Children's Product Safety Act, as amended in 2005, requires manufacturers and retailers to take a number of measures to keep recalled products off the market and to provide notice to consumers who have already purchased a recalled product. The following summarizes the rights of Illinois consumers under the Act and tells you where else you can go to get information about recalled children's products.

What is a children’s product?

Under Illinois law, a children’s product is a product designed for use by or care of a child under the age of 9 years old.

What are a merchant’s responsibilities if a children’s product it sold in its store is recalled?

The Merchant:

- **MUST REMOVE THE CHILDREN’S PRODUCTS FROM THE SHELVES OF ITS STORE OR PROGRAM ITS CASH REGISTERS TO ENSURE THAT THE ITEM CANNOT BE SOLD.**
- **MUST POST IN A PROMINENT LOCATION THE RECALL OR WARNING NOTICE FOR 120 DAYS.**

What are a merchant's responsibilities if a children's product sold on its website is recalled?

The Merchant:

- **MUST REMOVE THE CHILDREN’S PRODUCT FROM ITS WEBSITE OR BLOCK THE ABILITY TO PURCHASE THE CHILDREN’S PRODUCT.**
- **MUST POST ON ITS HOME PAGE A LINK TO THE SPECIFIC RECALL NOTICE OR WARNING INFORMATION THAT WAS ISSUED FOR THE PRODUCT.**
- **MUST ATTEMPT TO CONTACT THE PURCHASER VIA THE PURCHASER’S EMAIL OR SHIPPING ADDRESS, IF PROVIDED.**

What are a second hand store's responsibilities with respect to a recalled children's product?

First and foremost, second hand stores, like all merchants, **CANNOT** legally sell recalled children's products. The merchant notification responsibilities also apply to second hand stores.

Where can I participate in a recall?

If you need to participate in a recall, you can find the recall information at www.recalls.gov, which lists all product recalls including children's products, or you can visit the merchant's website. You can also register with Kids In Danger, www.kidsindanger.org, to receive monthly email alerts on dangerous children's products.

Additionally, the amended Children's Product Safety Act requires the Illinois Department of Public Health (IDPH) to update their comprehensive list of recalled children's products within 24 hours of receiving notice of the recall. You can find children's product recall information, as defined by Illinois law, on the IDPH website at www.idph.state.il.us.

What happens if a merchant is not compliant with the new law?

If a store or website is not in compliance with the law, a fine up to \$500 for each day of non-compliance may be assessed.

What can I do if I find out a merchant is not complying with the new law?

If you find that a merchant is not complying with the new law, please contact the Illinois Attorney General's Office.

For more information, please contact us.

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Please visit www.IllinoisAttorneyGeneral.gov