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CPSC Settles with Britax over Allegedly Defective Strollers

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The U.S. Consumer Product Safety Commission (CPSC) settled an administrative [lawsuit](#) against Britax Child Safety, Inc. over claims that some models of their B.O.B. jogging strollers present a substantial product hazard due to an alleged design defect. As we previously reported, the suit was filed in February 2018 after reports that the front wheel of the strollers can detach during use if consumers don't fully engage the quick-release mechanism for attaching the front wheels. Britax opposed a recall, arguing that the problem was caused by user error rather than any design flaw.

Under the terms of the [consent agreement](#), Britax will develop and launch an information campaign that will include an instructional video demonstrating how to safely and correctly operate the quick release on the front wheel of the strollers. All purchasers of covered B.O.B. strollers can receive a 20% discount towards purchase of a new stroller. Alternatively, consumers can receive a free replacement thru-bolt or modified quick release mechanism instead of the discount. The remedy offered by Britax is not a recall, and Britax did not admit that the strollers contain a defect or are a substantial product hazard.

The agreement was approved by a vote of 3-2. Two commissioners, Robert Adler and Elliot Kaye, who voted in favor of filing the lawsuit, dissented. In a joint statement, Adler and Kaye argued, among other things, that the remedy offered under the agreement should have been characterized as a "recall."

The agreement reached between the CPSC and Britax offers a creative solution to the problem of consumer misuse of these strollers. It allows the company to avoid the headaches associated with characterizing a constructive industry response to perceived safety concerns as a "recall" while continuing to allow consumers to operate the stroller safely with no loss to utility or value. The agreement is a welcome sign that the CPSC may be open, where appropriate, to innovative resolutions that advance safety without the undue burdens of a recall.

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