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Media Inquiries: [Ruslan Moldovanov](mailto:ruslan.moldovanov@ncla.org), 202-869-5237

NCLA Demands CPSC and Comr. Trumka Rescind False Statements Disparaging Weighted Sleep Sacks

Dreamland Baby Co. Request for Retraction from CPSC

Washington, DC (July 23, 2024) – Today, the New Civil Liberties Alliance sent a [formal letter](#) asking the U.S. Consumer Product Safety Commission to retract inaccurate and misleading statements by the agency and Commissioner Richard Trumka, which reflect adversely on our client Dreamland Baby Co.’s weighted sleep swaddles and blankets. This letter is a first step in vindicating our clients’ interest in forcing CPSC to follow the law.

CPSC is supposed to study safety questions and obtain supporting data before acting. Instead, without taking such mandatory steps, it told Americans not to use infant weighted sleep products. Worse yet, Commissioner Trumka issued disparaging statements to the public and to retailers creating the false impression that the Commission has made a determination regarding weighted infant sleep products’ safety when it has not. In fact, the Commission admitted last fall that it did not have the data necessary to regulate these products. CPSC has no power to act, unless it follows the processes prescribed by the Consumer Product Safety Act, which it did not do here. The public interest is not served when government agencies and officers ignore the law.

Comr. Trumka’s unlawful adverse publicity campaign against Dreamland convinced multiple retailers to stop selling Dreamland’s products and has significantly impacted its ability to continue operations. Comr. Trumka made a proposal last fall to “pursue a mandatory standard to address foreseeable risks posed by” weighted infant sleep products. CPSC rejected that proposal by a 3-1 vote in November, with Chairman Alexander Hoehn-Saric saying the agency had not conducted enough research to pursue rulemaking on the issue in 2024. Nevertheless, sometime after the vote, CPSC’s ‘dos and don’ts’ for baby sleep spaces” webpage was edited to warn consumers against using these products.

Despite losing the vote, Comr. Trumka sent retailers letters disparaging Dreamland’s products and issued a public statement saying retailers should consider stopping sales. He posted additional inaccurate or misleading messages against these products on CPSC’s website and his official social media accounts. In some instances, Comr. Trumka even suggested—again without evidence—that these products pose the risk of death or heightened risk of Sudden Infant Death Syndrome (SIDS). These actions disregarded the CPSC’s required rulemaking processes and showed impermissible bias against Dreamland.

Dreamland Baby founder and CEO Tara Williams created the company’s first weighted wearable sleep blanket sack for her own son when he was an infant. Trumka’s evidence-free, cancel-now-ask-questions-never approach harms families who seek sleep solutions for their children. Over the past 10 years, more than 3.5 million of these types of products have been sold. To prevent further reputational, legal, and financial damage to Dreamland and other good-faith industry participants, NCLA urges CPSC and Trumka to publicly retract their inaccurate or misleading statements at once.

NCLA released the following statements:

“This case boils down to a question of agency power. Can the CPSC make product safety recommendations without following statutorily required processes and standards? The answer is ‘no.’ The Consumer Product Safety Act requires quality information and data to sustain a determination reflecting on a product’s safety. Consumers, particularly parents, expect the Commission to rely on the best science and data available when it makes recommendations. It seems that expectation was not met here. We hope the Commission acts on this request and corrects its own and Commissioner Trumka’s errors.”

—**Kara Rollins, Litigation Counsel, NCLA**

“There is no excuse for a commissioner at the CPSC going off half-cocked and damaging a respected company and its product line with an established record of safety. If CPSC suspects a latent hazard and has the data to back up that suspicion, then it can act to regulate or remove that product from the market. But CPSC is a long way from being able to show that the choice to use infant weighted sleep sacks and swaddles needs to be taken away from parents.”

—**Mark Chenoweth, President, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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