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NCLA Sues CPSC, Trumka, HHS, CDC, NIH for Illegal, Unfounded Attacks on Weighted Infant Sleep Products

Dreamland Baby Co. v. Consumer Product Safety Commission, Richard Trumka, Jr., Department of Health and Human Services, Centers for Disease Control and Prevention, National Institutes of Health

Washington, DC (November 20, 2024) – The New Civil Liberties Alliance has filed a [Complaint](#) to stop the Consumer Product Safety Commission, Commissioner Richard Trumka, Jr., and the Department of Health and Human Services (HHS) from continuing unproven, unlawful attacks on weighted infant sleep products, including our client Dreamland Baby Co.’s products. The CPSC, Trumka, HHS and its Centers for Disease Control and Prevention and National Institutes of Health have exceeded their legal authority, which strictly controls when and how CPSC—and CPSC alone—may determine these products’ safety. NCLA urges the U.S. District Court for the District of Columbia to end these efforts that have pushed Dreamland’s business and reputation to the brink of extinction.

Dreamland Baby founder and CEO Tara Williams created the company’s first weighted wearable sleep bag for her own son when he was an infant. The woman-owned small business has gone on to help more than a million families worldwide, and over 3.5 million of these types of products have been sold in the past ten years. However, Commissioner 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 2024, 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 publicly adopted CDC and NIH’s arbitrary and capricious, unsubstantiated recommendations that the products were unsafe for infant sleep. Federal law does not authorize HHS or its subagencies like CDC or NIH to determine the safety of consumer products in the first place.

Despite losing the vote, Commissioner Trumka sent letters to retailers 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, Commissioner 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 Consumer Product Safety Act’s required rulemaking processes and showed impermissible bias against Dreamland in violation of the Fifth Amendment’s due process requirement, yet CPSC and Commissioner Trumka have since refused Dreamland’s request to retract their inaccurate and misleading statements.

NCLA released the following statements:

“Congress explicitly provided CPSC the power to make consumer product safety determinations. That process requires data and evidence to support their decision—data and evidence that they have admitted that they do not have in this instance. Instead, they abdicated their power and authority to agencies that were not given the power to make consumer product safety determinations, have no experience in making such decisions, and made no efforts to study these products before making their safety determinations. Compounding these gross failures,

Commissioner Trumka took it upon himself to elevate these legally and factually defective determinations to pressure retailers to stop selling otherwise lawful products.”

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

“As a new mother, I’m fully aware of how hard it can be to get adequate sleep in the early days. For this reason, it’s vital that parents have access to products such as those Dreamland creates. Yet Commissioner Trumka and CPSC have taken it upon themselves to not only destroy Dreamland’s business, but to deprive new parents of the ability to use products that promote the well-being of the entire family, for no legitimate reason whatsoever.”

—**Jenin Younes, Litigation Counsel, 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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