



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

CHAIR ALEXANDER D. HOEHN-SARIC

April 12, 2023

Mr. Mark Zuckerberg
CEO
Meta Platforms
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

I am writing to you for a second time to urge you to prevent the listing of recalled and violative products on Meta's Facebook Marketplace platform. In particular, I am concerned about the persistent – illegal – sales on Facebook Marketplace of the Fisher Price Rock 'n Play inclined sleeper, which was recalled in 2019 and is associated with approximately 100 infant deaths.

Over a 13-month period from February 7, 2022, through March 7, 2023, CPSC's surveillance staff has issued 3,981 takedown requests for Fisher Price Rock 'n Play inclined sleepers. This is an average of 306 takedowns per month or approximately 10 requests per day, with most of those requests being submitted to Facebook Marketplace. Given the small size of CPSC's surveillance team and our limited resources, it is unlikely that we are catching every listing on Facebook Marketplace. While the recall was reannounced in January 2023, there has been no observable effect on the pace of listings.

While CPSC staff informs me that Facebook Marketplace is responsive and moves quickly to remove listings that CPSC flags for Meta, CPSC should not be finding many illegal offers of life-threatening products on your platform. Moreover, at best, CPSC is catching these unlawful products after they have been listed for sale and made available to the public; we do not know how many illegal sales occurred that we did not identify. Facebook is uniquely positioned to identify recalled and violative products like the Rock 'n Play and stop their sale

before they are listed. This would guarantee that these dangerous products are not sold and family tragedies are averted.

In a letter dated August 23, 2022, Meta represented that the company prohibits the sale of recalled products on its platform and described steps that it takes to prevent the posting of these products. Despite that, CPSC's surveillance team is continuing to find recalled Rock 'n Play sleepers on Facebook Marketplace hundreds of times a month. If CPSC staff can identify these illegal listings using your site, Meta indisputably can prevent them from appearing in the first place. I urge you to do more to stop the illegal sale of recalled consumer products on your Marketplace to prevent additional infant deaths and injuries.

Today, I wrote to Fisher Price urging the company to reannounce the Rock 'n Play recall with a stronger remedy that creates a true incentive for consumers to destroy the products and a marketing budget to ensure that consumers are aware of the recall incentive.

At the same time, I urge Meta to take immediate, meaningful steps to prevent the Fisher Price Rock 'n Play and other recalled consumer products from unlawfully being sold on Facebook Marketplace. I further urge you to consider additional steps that Meta can take to improve overall product safety on Facebook Marketplace. For example, your company could make clear that recalled products may not be sold and direct users to the CPSC website for more information and provide the public with a mechanism for flagging recalled and hazardous products directly.

I look forward to hearing about the steps that Meta will be taking to protect consumers and am available to meet with your team for a briefing on those efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexander D. Hoehn-Saric". The signature is fluid and cursive, with the first name "Alexander" and last name "Hoehn-Saric" clearly distinguishable.

Alexander Hoehn-Saric
Chair