

## Product Safety

### Related Practices

Government Policy & Practice  
Product Liability

### Related Industries

Automotive Industry Group  
Mobility and Advanced  
Transportation Team

## Overview

As the regulation of the safety of products has broadened on the state, federal and global levels in recent years, Dykema has been at the forefront of these developments. Our government policy lawyers and advisors have a substantial and long-standing presence in the product safety arena. We know how to make your product safety initiatives and compliance programs work smoothly and effectively, how to guide you when remedial actions are appropriate, and how to represent you in investigations and disputes involving the safety of your products. Protecting the value of your brand is an important, overarching element of our integrated approach to product safety.

**Experience before major regulatory agencies.** No matter your product safety issue, we have the experience to address it. We have handled reporting and recalls and crafted preventive compliance programs for products regulated by the Consumer Product Safety Commission, National Highway Traffic Safety Administration and the Food and Drug Administration. We also represent clients in Federal Trade Commission advertising matters involving health and safety claims and on importation issues before U.S. Customs and Border Protection, the agency entrusted with enforcement of safety agency regulations at the U.S. ports. Our product safety experience extends to the state level where, among other matters, we represent clients on issues such as recall requirements at the state level and the presence of state-regulated chemicals in consumer products.

**Extensive background on all safety agency matters.** Our extensive background on consumer product, motor vehicle and equipment, food and drug and other products includes:

- Reporting and recalls
- Investigations
- Civil penalty proceedings
- Safety-standard compliance
- Interpretation requests
- Rulemakings
- Voluntary standards
- Labels and warnings

**Complementary expertise for a comprehensive view.** We frequently call on the experience of our colleagues in our health care, product liability, intellectual property and other groups to complement our product safety regulatory experience, ensuring that you receive a comprehensive assessment of your potential exposure and how to reduce it. When disputes arise involving personal injury, we turn to our 100-lawyer product liability practice, which handles a very active caseload of high-stakes product liability matters in state and federal courts across the country.

## Experience Matters

- We filed extensive rulemaking comments with the U.S. Consumer Product Safety Commission on behalf of a major petroleum car care product manufacturer in a successful effort to reduce the scope of

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proposed burdensome reporting requirements.

- We represented a leading global recreational product manufacturer in a CPSC civil penalty investigation of untimely reporting of a product that the client had recalled. The investigation was closed with no penalty finding.
- We represented a global athletic equipment manufacturer in a U.S. Food and Drug Administration (FDA) classification determination request regarding potential classification of training equipment as a medical device. This matter was successfully concluded with an advisory finding by FDA that the equipment should be considered a consumer product and not a device requiring FDA regulation.
- We drafted a comprehensive set of owner manual warnings and instructions for a manufacturer of vehicles for disabled persons and advised the client with respect to safety access requirements for vehicles under the Americans with Disabilities Act.
- We represented several clients in California Proposition 65 toxicity proceedings involving products in the fashion and glassware industries. All of these matters were negotiated and settled, avoiding otherwise extremely costly litigation.

## Publications

"Liability Issues for Manufacturers of Personal Electric Vehicles"

March 15, 2017

*Bloomberg BNA Product Safety & Liability Reporter*

"FDA Guidance Clarifies Treatment of Consumer Health and Fitness Products"

October 3, 2016

*Bloomberg BNA Product Safety & Liability Reporter*

## Speaking Engagements

Recent Developments in the Food & Beverage Industry and Lessons from Blue Bell

September 19, 2017

*There is Electricity in the Air*, Dykema Automotive Institute

September 2011

*Dykema's Seminar for Outside Counsel* Chairman and presenter

2005-2008