



Baby & Parenting  
Essentials

December 03, 2008

**Via Electronic Mail and Certified First Class Mail – Return Receipt Requested**

Dan Smith, Associate Administrator  
Office of Safety Enforcement  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590  
ATTN: George Person, Chief, Recall Management Division

**Re: Part 573 Non-Compliance Information Report**

Dear Mr. Smith:

This letter is pursuant to the requirements of 49 C.F.R. Part 573. Graco Children's Products Inc. ("Graco") advises you of a noncompliance of Federal Motor Vehicle Safety Standard ("FMVSS") 213 in certain Graco car seats.

573.6(c)(1): Manufacturer's Name

Newell Rubbermaid  
Graco Children's Products Inc.  
150 Oaklands Boulevard  
Exton, PA 19341

573.6(c)(2): Identification of Car Seats Impacted

A limited number of models of a single fashion (The Frazier Fashion) convertible ComfortSport Car Seat ("child restraint system") manufactured from November 1, 2006 through October 8, 2007 were equipped with an additional pad or "body pillow" that partially obscures the mandatory child airbag warning label required by 49 C.F.R. §571.213 S5.5.2(k)(3). The body pillows were provided with the Frazier Fashion as an additional optional component. Affected model numbers and quantities are as follows:

Model Number	Model Description	Total
8C04FRR	Comfort Sport Car Seat - Frazier	37,434
8C04FRR2	Comfort Sport Car Seat - Frazier	9,638
Total Production		47,072



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573.6(c)(3) & (4): Total Number of Car Seats Potentially Containing the Noncompliance

Graco estimates that a total of 47,072 child restraint systems were produced with this non-compliance and that 93% of the child restraint systems identified in (c)(2) above are affected. At the time of discovery, Graco decided to replace body pillows in on-hand inventory with body pillows that had duplicative warning statements embossed on the pillow itself out of an abundance of caution. This action was taken despite the Company's position at that time that partial obscurity was still potentially compliant with the requirements of FMVSS 213. A subsequent interpretation letter issued by NHTSA dated November 20, 2008 and received on November 24, 2008 has clarified the status of the affected seats. Based on that letter, the 93% of seats with obscured labels are noncompliant. The 7% of seats that were reworked, on the other hand, are compliant since those bear a duplicative, unobstructed warning label on the body pillow themselves.

573.6(c)(5): Description of Possible Non-Compliance

Graco's ComfortSport Convertible car seat is a child restraint system capable of use in either the forward-facing or rear-facing position.

As mandated by FMVSS 213, all child restraint systems must bear certain labeling and information, including a warning against utilizing the seat in the rear-facing position in the front passenger seat of a vehicle equipped with front airbags ("airbag warning label"). Specifically, S5.5.2(k)(3) provides as follows:

Except as provided in (k)(4) of this section, each child restraint system that can be used in a rear-facing position shall have a label that conforms in content to Figure 10 and to the requirements of S5.5.2(k)(3)(i) through S5.5.2(k)(3)(iii) of this standard permanently affixed to the outer surface of the cushion or padding in or adjacent to the area where a child's head would rest, so that the label is plainly visible and easily readable.

- (i) The heading area shall be yellow with the word "warning" and the alert symbol in black.
- (ii) The message area shall be white with black text. The message area shall be no less than 30 square cm.
- (iii) The pictogram shall be black with a red circle and slash on a white background. The pictogram shall be no less than 30 mm in diameter.



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49 C.F.R. § 571.213 S5.5.2(k)(3). As required by the foregoing provision, the described label is affixed to the child restraint system in question. The label is embossed onto the left side of the main padding of all ComfortSport Convertible Car Seats (as viewed facing the seat) adjacent to the area where the child's head would rest. Thus, along with content and sizing, the label on the seat meets all the requirements of S5.5.2(k)(3).

A Frazier Fashion variation of the ComfortSport Convertible Child Seat is equipped with an additional, removable "body pillow" for the comfort of an infant occupant in the rear-facing position. A warning tag on the body pillow restricts the use of the pillow to only the lowest harness slots. However, because the body pillow is positioned in the lower region of the seat, the sides of the pillow partially obscures the airbag warning label when viewed facing the seat. Based on an interpretation letter from NHTSA received by Graco on November 24, 2008, Graco understands this partial obscuring is in violation of the requirements of FMVSS No. 213, S5.5.2(k)(3). As noted above, as a precautionary measure during pendency of the interpretation letter, Graco has either reworked or modified seats produced since October 2007 to ensure that child restraint systems with the body pillow only contain pillows that also have duplicative airbag warning labels embossed on them so that the warnings are clearly visible and completely unobstructed.

Graco has not received any consumer complaints regarding this issue.

573.6(c)(8): Proposed Remedy

Graco intends to conduct a safety campaign involving units previously released into commerce by contacting consumers and requesting they discard the body pillow. The body pillows were originally provided as an optional accessory in the particular line of the ComfortSport child restraint systems identified above. As the price point for this version was similar to other versions without the body pillow, consumers will not be financially impacted by this remedy. Moreover, since the body pillow is included for comfort only and is not required for compliance with the crash test standards of FMVSS 213, removal will not affect the operation of these units.

Graco will specifically contact consumers by sending an email message to all registered owners of affected child car seats who have provided Graco an email address advising them of the need to discard pillows and where to contact the Company for possible return and reimbursement. Graco will mail all registered owners a notification letter advising



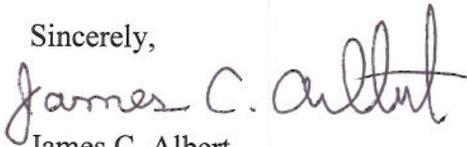
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them of the error and remedy campaign. Graco will forward its draft Part 577 letter to NHTSA for review shortly.

For affected units at the retail distribution level, those units will be 100% corrected either at the retail level or by having the product returned to Graco's warehouse for rework.

This recall remedy is limited to only those units produced on or before October 8, 2007. Units produced after October 8, 2007 with the optional body pillow were manufactured with body pillows that had duplicative airbag labels embossed on the pillows themselves.

Sincerely,



James C. Albert  
Senior Regulatory Specialist  
Newell Rubbermaid / Graco Children's Products Inc.

cc: Claude Harris, Office of Vehicle Safety Compliance, NHTSA  
Zack Fraser, Office of Vehicle Safety Compliance, NHTSA  
Deirdre Fujita, Chief Counsel's Office, NHTSA

Stacy L. Broad, General Counsel, North America, Graco Children's Products Inc.  
James C. Chen, Crowell and Moring LLP, Counsel to Graco Children's Products Inc.

