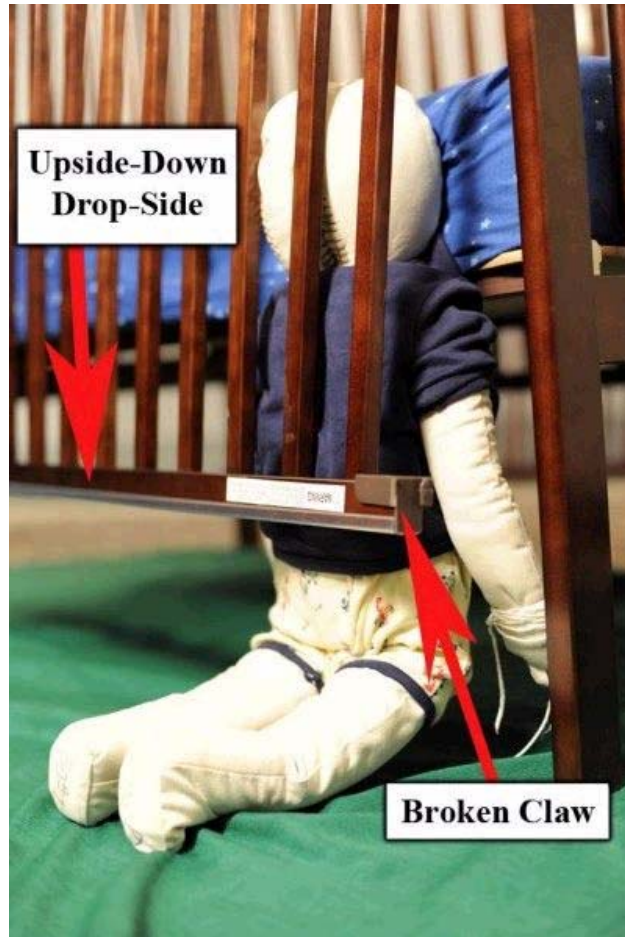


## Citizen Letter on Dorel Industries Inc. Drop-Side Cribs: Entrapment and Suffocation Risks and Request for Urgent Recall



CPSC Photo Dramatization of Stork Craft drop-side crib detachment and entrapment. The same thing happened to 18-month-old Jimmy Biccum, III, of Watertown, New York, in a Dorel Crib. Luckily, Jimmy was rescued before he suffocated. The Biccums call for the recall of Dorel's drop-side cribs to avoid needless new entrapments, injuries and deaths.

Report Date: December 15, 2009

To Theresa Nelson, Compliance Officer at the U.S. Consumer Product Safety Commission:

This is submitted on behalf of Kristi and James Biccum of Watertown, New York, and their 18-month-old son Jimmy Biccum, III. They understand that you are the compliance officer overseeing investigation of Jimmy's injury caused by a Dorel Asia Lexington Collection 3-in-1 convertible crib. On behalf of all other parents who purchased this product, the Biccums urge the CPSC to recall the Lexington Collection crib and all other Dorel drop-side crib models constructed with what the Biccums believe to be flimsy plastic latches.

As previously reported to you, Kristi and James Biccum purchased a Dorel Asia Lexington Collection crib in or about March of 2008 at their local K-Mart in Watertown, New York. The Biccums' crib was manufactured in January of 2008, and the Lexington Collection cribs have been on the market since 2007. These cribs were recently removed from the market, but they can still be found for sale second-hand on sites such as craigslist.org. See the attached Craigslist postings selling Dorel drop-side cribs in cities across the United States.

The Lexington Collection cribs have drop sides with plastic latches that allow the side of the crib to move up and down for easier access. The Biccums believe that these plastic latches are prone to breaking as occurred with their crib. When they break, they can cause detachment of the drop side and create a dangerous gap into which an infant can become entrapped.



**Dorel Asia's Lexington Collection 3-in-1 Convertible Crib**

Ms. Biccum noticed some months ago that the drop-side rail of her Lexington Collection crib was difficult to move. She worked around the sticky railing and continued to use the crib, as the malfunction seemed to be just an annoyance and not a safety concern. Ms. Biccum now believes that the sticky drop-side was an indication of the faulty plastic latches; instead of facilitating movement, the latches were catching on the track and slowly breaking.

On the morning of November 23, 2009, Ms. Biccum was at home with Jimmy. Jimmy was asleep in his Dorel crib, and Ms. Biccum woke up and went into the next room. About 45 minutes after she woke up, Ms. Biccum heard an unusual gurgling noise. She immediately went into the other room to see what was wrong, and she found Jimmy strangling in his crib. The left side of the drop-side railing was detached from the track, and Jimmy's head and body were trapped in the 8-inch space left between the railing and the mattress. His feet were touching the ground and his neck was caught in the bedding.

Ms. Biccum had difficulty in removing Jimmy from his entrapment between the broken drop-side and the crib's frame. She was only able to free his head and neck after careful maneuvering. She took pictures of him trapped in his crib once his head was freed (see picture below). Jimmy suffered bruises to his head and neck, he experienced trauma from his entrapment, and he was sore for a few days after his injury. See pictures below of his bruising.



**Jimmy entrapped in the Dorel crib after his head was freed**

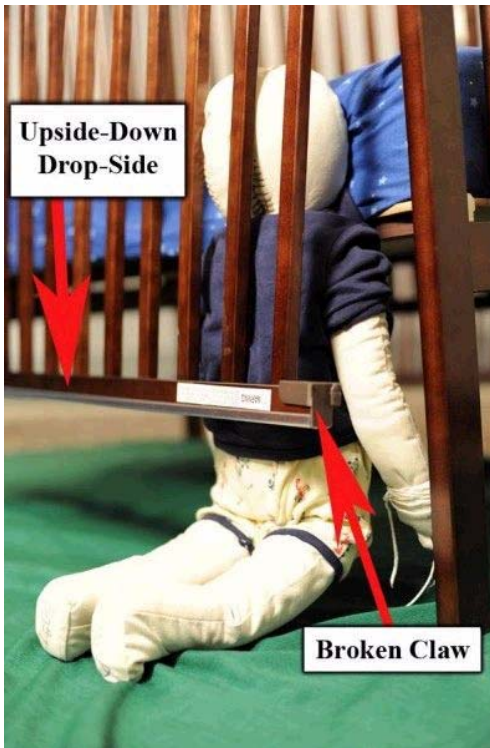


**Bruises on Jimmy's face and neck caused by his entrapment**

Once Jimmy was freed, Ms. Biccum noticed that the plastic latches on the top and bottom of the left-hand side of the crib were broken, and she realized that this was the cause of the drop-side detachment. Ms. Biccum is certain that the latches were not broken when she put Jimmy in his crib. She believes that Jimmy rolled over and put his weight on the drop-side, which caused the faulty plastic latches to break.

The Biccums believe that the failure in the Dorel drop-side crib is very much like the failure in the recalled Stork Craft drop-side cribs. The drop-side of the Biccums' Dorel crib detached because the plastic latches on the left-hand side of the crib broke. More than 2.1 million Stork Craft drop-side cribs were recalled on November 23, 2009 due to drop-side detachment caused by faulty plastic hardware.

The picture provided by the CPSC of entrapment in a detached drop-side of a Stork Craft almost exactly duplicates how the Biccums' son was entrapped in his Dorel drop-side crib. Jimmy's injury is a signature drop-side crib entrapment injury and a sentinel event that justifies recall of the Dorel cribs.



### **Signature Drop-Side Detachment Injury**

The Biccums believe that Dorel Industries Inc. has long known that its drop-side cribs have functional problems. They believe that numerous consumers have complained on-line that the sides of their Dorel drop-side cribs stick when they try to move them up or down, and other consumers have complained that the latches of the side rail broke off entirely, causing the drop side to remain in the lowered position. Consumers have even reported injuries to the CPSC about their Dorel drop-side cribs, evidenced by the following May 2008 review of the Dorel 3-in-1 Sleigh Crib:

“My nephew fell out of his as well when the clip let go on the side panel that slides down. The clips are made of cheap plastic. We've notified the store we bought it from, and the CPSC about it.”

(<http://www.kaboodle.com/reviews/dorel-3-in-1-sleigh-crib-cherry>)

Another September 2008 review of the same crib states:

“The clips on the crib are plastic, and they break with very little pressure. They even send me a new side panel for it, and low and behold, those clips broke as well.” (<http://www.viewpoints.com/Dorel-Brand-3-in-1-Sleigh-Crib-review-14b22>)

The K-Mart website contains a number of reviews of the Lexington Collection crib, also indicating that Dorel was aware problems with their side latches:

“The biggest [sic] problem is sliding the front down. It sticks and had some problems with one plastic latch on the bottom that was broke. I called the company and the latch was replaced without any problems.”  
(<http://www.mymart.com/Lexington-Collection-3-in-1-Convertible-Crib-Cherry-reviews>)

The Biccums fear that a defect in Dorel drop-side cribs may be widespread, potentially endangering many more children than Jimmy Biccum. The CPSC acknowledged to Kristi Biccum that they have received other reports of defects and injuries caused by Dorel drop-side cribs, and they are investigating their safety. Aside from the Lexington Collection cribs and other drop-side cribs sold at K-Mart, Dorel drop-side cribs have been sold at Wal-Mart under the Baby Relax brand. Currently, the design of the Baby Relax cribs has changed to no longer include the drop-side, but the dangerous older model Dorel drop-side cribs still remain in circulation.

Dorel and Stork Craft are not the only companies to produce dangerous drop-side cribs. Simplicity drop-side cribs were recalled in September 2008, Delta Enterprise drop-sides were recalled in October 2008, and LaJobi drop-side cribs were recalled in June 2009. The CPSC recognizes that “cribs with drop sides are the type most likely to experience hardware problems,” and the Biccums are glad to know that the CPSC is driven “to explore new crib requirements and educate the public of the dangers associated with some cribs.” (CPSC release, October 21, 2008, [www.cpsc.gov/CPSCPUB/PREREL/prhtml09/09018.html](http://www.cpsc.gov/CPSCPUB/PREREL/prhtml09/09018.html)) There are dangers associated with Dorel drop-side cribs, and the Biccums believe the CPSC and Dorel need to warn the public about the dangers and recall the products.

In addition, the Biccums ask you to consider a recall that includes a refund or store credit policy rather than allowing Dorel to offer a repair kit. As stated by the Assistant Attorney General of Illinois in April of 2009, recalls that are incentivized in such a way are much more effective in taking defective cribs out of circulation and preventing further injuries. (Remarks for CPSC Roundtable on Cribs, April 22, 2009, [http://www.cpsc.gov/crib\\_il.pdf](http://www.cpsc.gov/crib_il.pdf)) Repair kits also pose their own risks as they are either not installed by the consumer or are installed incorrectly.

This is especially relevant to Dorel convertible cribs like the one the Biccums purchased. Convertible cribs are intended to be in use for years, changing from crib to toddler bed to twin size bed. Parents invest more in convertible beds, planning for the

years ahead, and they may need more incentive to remove it from their child's bedroom if there doesn't seem to be an obvious present problem.

For the Biccums and for all parents with Dorel drop-side cribs, the CPSC is hereby urged to recall the drop-side Dorel crib products as quickly as possible before any other children are needlessly entrapped, injured and/or killed.

Respectfully Submitted By:

Charles Kelly, attorney from Hersh & Hersh, Fabrice Vincent, attorney, and Meredith Carpenter, legal assistant, from Lieff, Cabraser, Heimann & Bernstein, LLP, On Behalf of Kristi Biccum, James Biccum, and Jimmy Biccum, III.

Copies to:

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Marc Schoem, Deputy Director, Office of Compliance  
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Westmount, QC, H3Z 2-A4  
Canada

Dorel Asia SRL  
St. Lawrence Main Road  
Christ Church, Barbados

Dorel Juvenile Group, Inc.  
2525 State Street  
Columbus, IN 47201

Governor David Paterson  
State Capitol  
Albany, NY 12224

The Honorable Kirsten Gillibrand  
United States Senate  
478 Russell Senate Office Building  
Washington, DC 20510



The Honorable Charles Schumer  
United States Senate  
313 Hart Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510

The Honorable Mary Landrieu  
United States Senate  
328 Hart Senate Office Building  
Washington, DC 20510

The Honorable Bill Nelson  
United States Senate  
716 Hart Senate Office Building  
Washington, DC 20510

The Honorable Ron Wyden  
United States Senate  
223 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Earl Blumenauer  
United States House of Representatives  
2267 Rayburn House Office Building  
Washington, DC 20515

The Honorable Rosa DeLauro  
United States House of Representatives  
2413 Rayburn House Office Building  
Washington, DC 20515

The Honorable Dale Kildee  
United States House of Representatives  
2107 Rayburn Office Building  
Washington, D.C. 20515-2209

The Honorable James McGovern  
United States House of Representatives  
438 Cannon Building  
Washington, DC 20515

The Honorable Mike Rogers  
United States House of Representatives  
133 Cannon House Office Building  
Washington, D.C. 20515

The Honorable Danny Davis  
United States House of Representatives  
2159 Rayburn House Office Building  
Washington, DC 20515-1307

The Honorable Sheila Jackson-Lee  
United States House of Representatives  
2160 Rayburn Building  
Washington, DC 20515

The Honorable Dennis Kucinich  
United States House of Representatives  
2445 Rayburn House Office Building  
Washington, DC 20515

The Honorable Grace Napolitano  
United States House of Representatives  
1610 Longworth Bldg  
Washington, DC 20515

The Honorable Edolphus Towns  
United States House of Representatives  
2232 Rayburn House Office Building  
Washington, DC 20515

The Honorable Janice Schakowsky  
United States House of Representatives  
2367 Rayburn House Office Building  
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The Honorable Robert Brady  
United States House of Representatives  
206 Cannon House Office Building  
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The Honorable Bart Gordon  
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2306 Rayburn House Office Building  
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The Honorable Edward Markey  
United States House of Representatives  
2108 Rayburn House Office Building  
Washington DC 20515

The Honorable Eleanor Holmes Norton  
United States House of Representatives  
2136 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Fred Upton  
United States House of Representatives  
2183 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Carolyn McCarthy  
United States House of Representatives  
2346 Rayburn House Office Building  
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The Honorable Dennis Moore  
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1727 Longworth House Office Building  
Washington, DC 20515

The Honorable David Price  
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The Honorable Gary Ackerman  
United States House of Representatives  
2243 Rayburn House Office Building  
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The Honorable Michael Arcuri  
United States House of Representatives  
127 Cannon House Office Building  
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The Honorable Timothy Bishop  
United States House of Representatives  
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The Honorable Yvette Clarke  
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1029 Longworth House Office Building  
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The Honorable Joseph Crowley  
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The Honorable Eliot Engel  
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The Honorable John Hall  
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1217 Longworth House Office Building  
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The Honorable Brian Higgins  
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431 Cannon House Office Building  
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The Honorable Maurice Hinchey  
United States House of Representatives  
2431 Rayburn House Office Building  
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The Honorable Steve Israel  
United States House of Representatives  
2457 Rayburn House Office Building  
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The Honorable Pete King  
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339 Cannon House Office Building  
Washington, D.C. 20515

The Honorable Christopher Lee  
United States House of Representatives  
1711 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Nita Lowey  
United States House of Representatives  
2329 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Daniel Maffei  
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1630 Longworth House Office Building  
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The Honorable Eric Massa  
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The Honorable Michael McMahon  
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The Honorable Carolyn Maloney  
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The Honorable Gregory Meeks  
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The Honorable Scott Murphy  
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The Honorable Jerrold Nadler  
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The Honorable Bill Owens  
United States House of Representatives  
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The Honorable Charles Rangel  
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The Honorable Jose Serrano  
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2227 Rayburn House Office Building  
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The Honorable Louise Slaughter  
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The Honorable Paul Tonko  
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The Honorable Nydia Velazquez  
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The Honorable Anthony Weiner  
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## Infant Baby Crib/Mattress Convertible Crib-Nice "Price Reduced" - \$95 (Caldwell)

Date: 2009-12-02, 9:55PM MST

Reply to: [sale-4eeg4-1492594341@craigslist.org](mailto:sale-4eeg4-1492594341@craigslist.org) [\[Errors when replying to ads?\]](#)

Dorel Asia Convertible Sleigh Crib 3-in-1 Cherry finish NON SMOKER HOUSE

Still has the assembly instruction booklet plus extra misc parts for assembly; Allen wrench is in parts for disassembly for storage.

Rail locks up and slides down, Adjust crib in 4 different heights

Used in another room for approximately 6 months

Sealy Ortho Rest mattress, 150 coil springs, 10 year warranty

On one side of crib has minor paint scuffs as it was moved from another room

Great condition!! THIS IS NOT A RECALL BRAND, THERE WAS A RECENT RECALL

\$95 291-0036

- Location: Caldwell
- it's NOT ok to contact this poster with services or other commercial interests





PostingID: 1492594341

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## Beautiful Baby Crib / Toddler Bed - \$80 (hyde park / pleasant valley)

Date: 2009-11-13, 6:59AM EST

Reply to: [sale-sbnuh-1463917140@craigslist.org](mailto:sale-sbnuh-1463917140@craigslist.org) [Errors when replying to ads?]

-- CHERRY WOOD- SLEIGH CRIB THAT TURNS INTO TODDLER DAYBED- Comes with mattress- USED FOR ONLY ONE CHILD

\_\_\_\_\_THE CRIB IS A : DOREL DA1614B3\_\_\_\_\_

-----GOOD / GREAT CONDITION--- has some scratches that can be fixed (\$3 old englist scratch cover

PLEASE: FAST PICK UP PLEASE- WILL NOT HOLD- CASH ONLY- WILL HELP YOU LOAD UP BUT MUST HAVE OWN TRANSPORTATION- THESE ARE THE ONLY PICS I HAVE- THANK YOU!

- Location: hyde park / pleasant valley
- it's NOT ok to contact this poster with services or other commercial interests



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## Dorel - 3-in-1 Sleigh Crib, Cherry - \$169 (Minneapolis, MN)

Date: 2009-11-23, 1:35PM CST

Reply to: [sale-raer3-1479142629@craigslist.org](mailto:sale-raer3-1479142629@craigslist.org) [Errors when replying to ads?]

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We have Three-In-One Crib in Cherry color with excellent condition.

My son did not use as it is like brand new and we do have all crib related stuff [Mattress, Blanket etc] which all still in good condition.

- Location: Minneapolis, MN
- it's NOT ok to contact this poster with services or other commercial interests



PostingID: 1479142629

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## dorel asia crib and mattress - \$60 (elizabeth city nc)

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Date: 2009-11-26, 9:13PM EST

Reply to: [sale-c8xj3-1483429185@craigslist.org](mailto:sale-c8xj3-1483429185@craigslist.org) [\[Errors when replying to ads?\]](#)

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convertable sleigh crib in excellent condition, non smoking home

- Location: elizabeth city nc
- it's NOT ok to contact this poster with services or other commercial interests

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**~\*~ FOR SALE CONVERTABLE CRIB ~\*~ -  
\$75 (NICEVILLE / VILLA TASSO)**

Date: 2009-11-13, 11:50AM EST

Reply to: [sale-tryfg-1464253147@craigslist.org](mailto:sale-tryfg-1464253147@craigslist.org) [\[Errors when replying to ads?\]](#)

For Sale \$75 cash

Dorel convertable crib. Goes from a crib to a toddler day bed then to a full size bed i believe. Comes with the mattress also.

Due to Numerous no shows on other previous post offers this will go to the first person who emails with a pick up time and shows up on time with cash in hand.

SERIOUS INQUIRES only pls.

Pick up is in Niceville / Villa Tasso 32578

I need this gone asap!

- Location: NICEVILLE / VILLA TASSO
- it's NOT ok to contact this poster with services or other commercial interests





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## 3 in 1 convertible crib - \$70 (chili)

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Date: 2009-11-29, 5:10PM EST

Reply to: [sale-wuvwc-1487055235@craigslist.org](mailto:sale-wuvwc-1487055235@craigslist.org) [Errors when replying to ads?]

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We purchased this crib at K-Mart 3 1/2 years ago for \$180 and no longer have a use for it as we've purchased new beds for the kids. The crib is white in color and in very good condition. I believe the only part that was malfunctioning was the slider that allowed you to drop the side down (I never used this function though). Although I do not have any pictures, the model number is DA0504KMC-1W and the company's email address (according to the manual) is DAS@DOREL.com. This crib does not include the mattress.

Thanks

- Location: chili
- it's NOT ok to contact this poster with services or other commercial interests

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