



U.S. CONSUMER PRODUCT SAFETY COMMISSION

4330 EAST WEST HIGHWAY
BETHESDA, MARYLAND 20814-4408

Record of Commission Action Commissioners Voting by Ballot*

Commissioners Voting: Chairman Inez M. Tenenbaum
 Commissioner Thomas H. Moore
 Commissioner Nancy A. Nord
 Commissioner Anne M. Northup
 Commissioner Robert S. Adler

ITEM:

Macy's, Inc. – Proposed Civil Penalty Settlement of \$750,000.00
(Briefing package dated June 28, 2011, OS No. 5110)

DECISION:

The Commission voted (5-0) to provisionally accept the Settlement Agreement and Order, which would order Macy's, Inc., to pay a civil penalty of \$750,000.00. The provisional Settlement Agreement and Final Order will be announced in a *Federal Register* Notice. The Commission's Office of General Counsel Compliance Division staff negotiated the proposed agreement that settles the staff's allegations that Macy's, Inc., violated the reporting requirements of section 15(b) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. § 2064(b), by importing, selling and holding for sale different children's upper outer wear garments with drawstrings that posed a risk of strangulation to children and knowingly failed to immediately inform the Commission about the garments as required by the CPSA. The failure to furnish information required by section 15(b) is a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4). Section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for any person who knowingly violates section 19 of the CPSA by a company's failure to report information under section 15(b).

For the Commission:


Todd A. Stevenson
Secretary

*Ballot vote due July 8, 2011