

to liability or, in some instances, leave platforms themselves open to liability.

Second is the Revised Guides' explicit guidance on consumer reviews, and specifically the discussion of how encouraging fake reviews and suppressing negative reviews can result in law violations. This guidance reflects recent enforcement actions the agency has taken—including a recent final order settling allegations that Fashion Nova blocked negative reviews of its products from being posted on its website.<sup>4</sup>

Third is the Revised Guides' warning that child-directed influencer advertising is of special concern to the Commission. Those who market to children cannot assume that compliance with these guides is a safe harbor.

The kid influencer marketplace is estimated to be as large as \$1.7 billion and is rapidly growing.<sup>5</sup> This type of child-directed influencer advertising can pose a host of risks. As one recent report noted, "unless children are able to differentiate between advertising and other forms of entertainment, and grasp the persuasive intent of advertising, then they are at risk of deception. This is especially true for children under 12, whose advertising literacy—all knowledge and skills related to understanding advertising—has not yet fully developed."<sup>6</sup>

There is currently no clear or consistent approach to addressing the problem, and Congress and advocacy groups have called on the FTC to provide guidance on this issue.<sup>7</sup> While

<sup>4</sup> Decision and Order, *In re Fashion Nova, LLC*, No. C-4759 (F.T.C. 2022), [https://www.ftc.gov/system/files/ftc\\_gov/pdf/1923138C4759FashionNovaOrder\\_0.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/1923138C4759FashionNovaOrder_0.pdf).

<sup>5</sup> Agnieszka Guttman, *Kids Advertising Spending Worldwide 2012–2021, By Format*, Statista (April 7, 2020), <https://www.statista.com/statistics/750865/kids-advertising-spending-worldwide/>.

<sup>6</sup> Miriam Rahali & Sonia Livingstone, #SponsoredAds: Monitoring Influencer Marketing to Young Audiences 8 (2002), [http://eprints.lse.ac.uk/113644/7/Sponsoredads\\_policy\\_brief.pdf](http://eprints.lse.ac.uk/113644/7/Sponsoredads_policy_brief.pdf).

<sup>7</sup> See, e.g., Letter from Rep. Eshoo, Rep. Castor & Sen. Markey to Joseph J. Simons, Chair, Fed. Trade Comm'n (Aug. 22, 2019), [https://eshoo.house.gov/sites/eshoo.house.gov/files/wysiwyg\\_uploaded/Eshoo-Markey-Castor%20follow%20up%20letter%20to%20FTC%20re%20predatory%20online%20ads%2028002%29.pdf](https://eshoo.house.gov/sites/eshoo.house.gov/files/wysiwyg_uploaded/Eshoo-Markey-Castor%20follow%20up%20letter%20to%20FTC%20re%20predatory%20online%20ads%2028002%29.pdf); Letter from Sen. Blumenthal, Sen. Markey, and Rep. Eshoo to Joseph J. Simons, Chair, Fed. Trade Comm'n (Dec. 6, 2019), <https://www.blumenthal.senate.gov/imo/media/doc/2019.12.06%20-%20FTC%20-%20Child%20Influencers.pdf>; Letter from Laura Smith, Legal Director, Truth in Advertising, Inc. & Bonnie Patten, Executive Director, Truth in Advertising, Inc. to Andrew Smith, Director, Bureau of Consumer Prot., Fed. Trade Comm'n & Mary Engle, Associate Director, Div. of Advertising Pracs., Fed. Trade Comm'n (Aug. 28, 2019), [https://truthinadvertising.org/wp-content/uploads/2019/08/8\\_28\\_19-ltr-to-FTC-re-Ryan-ToysReview\\_Redacted.pdf](https://truthinadvertising.org/wp-content/uploads/2019/08/8_28_19-ltr-to-FTC-re-Ryan-ToysReview_Redacted.pdf).

we presently lack the full evidentiary record to support specific guidance or to propose best practices, I am eager for more input that will support more concrete action in this important area. Accordingly, in tandem with issuing the Revised Guides today, we are announcing an event to gather information on stealth advertising targeting children. The public event will be held in October and will focus on the blurring of advertising and programming content in child-directed digital media.

I am eager for robust participation at this event and will look forward to learning from the public as we consider how to move forward on this important and timely issue.

[FR Doc. 2022–12327 Filed 7–25–22; 8:45 am]

**BILLING CODE 6750–01–P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Parts 1112, 1130, and 1240

[CPSC Docket No. CPSC–2020–0010]

#### Safety Standard for Crib Bumpers/Liners; Withdrawal

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Termination of rulemaking.

**SUMMARY:** On May 16, 2022, the President signed into law the Safe Sleep for Babies Act of 2021 (SSBA), requiring that crib bumpers, "regardless of the date of manufacture, shall be considered a banned hazardous product" under the Consumer Product Safety Act (CPSA). In light of that new statutory direction, CPSC is terminating its pending rulemaking proceeding on crib bumpers/liners, and in a separate notice of proposed rulemaking, proposing to codify the requirements for crib bumpers pursuant to the SSBA. The Commission is also terminating the related proposed rule amendment to include the safety standard for crib bumpers/liners in the list of notice of requirements, as well as the related proposed amendment to identify "crib bumpers/liners" as a durable infant or toddler product subject to CPSC's consumer registration requirements.

**DATES:** The notice of proposed rulemaking published at 85 FR 18878, April 3, 2020, is withdrawn as of July 26, 2022.

**ADDRESSES:** U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.

**FOR FURTHER INFORMATION CONTACT:** Pamela J. Stone, Attorney Advisor, U.S.

Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7619; email: [pstone@cpsc.gov](mailto:pstone@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to section 3 of the Safe Sleep for Babies Act of 2021, H.R. 3182, Public Law 117–126 (SSBA), the Commission is terminating the rulemaking on crib bumpers/liners it commenced under section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), CPSC Docket No. CPSC–2020–0010.<sup>1</sup> Under a separate **Federal Register** document, published elsewhere in this issue of the **Federal Register**, CPSC is issuing a proposed rule stating that crib bumpers are banned under the SSBA.

On April 3, 2020, the Commission published a notice of proposed rulemaking (NPR) that set forth proposed requirements for a safety standard for crib bumpers/liners pursuant to section 104 of the CPSIA (85 FR 18878). The Commission received comments on the proposed rule but has not published a final rule.

On May 3, 2022, Congress passed the SSBA, which the President signed on May 16, 2022. Section 3 of the SSBA requires that, not later than 180 days after enactment, "crib bumpers, regardless of the date of manufacture, shall be considered a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057)." 15 U.S.C. 2057e.

In light of the SSBA's mandate that crib bumpers shall be considered a banned hazardous product under section 8 of the CPSA, CPSC is no longer proposing to regulate crib bumpers under the CPSIA and is terminating that rulemaking to establish a consumer product safety standard for crib bumpers/liners. In a separate **Federal Register** notice, CPSC proposes to issue a rule stating that crib bumpers are banned pursuant to the SSBA's designation of crib bumpers as a banned hazardous product.

The termination of the crib bumpers/liners rulemaking includes termination of the proposal to amend 16 CFR part 1130 to include "crib bumpers/liners" in the definition of a "durable infant or toddler product." 85 FR at 18893. The termination of this rulemaking additionally terminates the proposal to issue a notice of requirements for crib bumpers/liners, which proposed to amend 16 CFR part 1112 to include 16 CFR part 1240, the CFR section where the crib bumpers/liners standard would

<sup>1</sup> On July 19, 2022, the Commission voted 5–0 to issue this notice terminating rulemaking.

have been codified if the standard had become final. *Id.*

**Alberta E. Mills,**

Secretary, Consumer Product Safety Commission.

[FR Doc. 2022–15905 Filed 7–25–22; 8:45 am]

BILLING CODE 6355–01–P

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1309

[CPSC Docket No. 2022–0024]

#### Ban of Crib Bumpers

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** On May 16, 2022, the President signed into law the Safe Sleep for Babies Act of 2021, requiring that crib bumpers, “regardless of the date of manufacture, shall be considered a banned hazardous product” under the Consumer Product Safety Act (CPSA). Pursuant to this authority, CPSC is proposing to codify the ban on crib bumpers pursuant to the Safe Sleep for Babies Act, and under a separate document, published elsewhere in this issue of the **Federal Register**, terminate the rulemaking on crib bumpers/liners under the Consumer Product Safety Improvement Act of 2008 (CPSIA).

**DATES:** Submit comments by August 25, 2022.

**ADDRESSES:** You can submit comments, identified by Docket No. CPSC–2022–0024, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by electronic mail (email), except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

*Mail/Hand Delivery/Courier Written Submissions:* Submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

*Instructions:* All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier written submissions.

*Docket:* To review background documents or comments received on the proposed codification of the Ban on Crib Bumpers, go to: <https://www.regulations.gov>, and insert the docket number, CPSC–2022–0024, into the “Search” box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Timothy P. Smith, Project Manager, Directorate for Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301)987–2557; email: [tsmith@cpsc.gov](mailto:tsmith@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to section 3 of the Safe Sleep for Babies Act of 2021, H.R. 3182, Public Law 117–126 (SSBA), CPSC is issuing a proposed rule to codify the ban on crib bumpers under the SSBA. Additionally, under a separate **Federal Register** document, published elsewhere in this issue of the **Federal Register**, the Commission is terminating the pending rulemaking on crib bumpers/liners that CPSC initiated under section 104 of the CPSIA, CPSC Docket No. CPSC–2020–0010.

#### I. Background and Statutory Authority

On April 3, 2020, the Commission published a notice of proposed rulemaking (NPR) that set forth proposed requirements for a safety standard for crib bumpers/liners pursuant to section 104 of the CPSIA (85 FR 18878). The Commission received comments on the proposed rule but has not published a final rule.

On May 3, 2022, Congress passed the SSBA, which the President signed on May 16, 2022. Section 3 of the SSBA requires that, not later than 180 days after enactment, “crib bumpers, regardless of the date of manufacture, shall be considered a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057).” 15 U.S.C. 2057e.

In light of the SSBA’s mandate that crib bumpers shall be considered a banned hazardous product under

section 8 of the CPSA, CPSC no longer proposes to regulate crib bumpers under the CPSIA. By separate **Federal Register** document, CPSC is terminating the rulemaking to establish a consumer product safety standard for crib bumpers/liners.<sup>1</sup> Instead, CPSC now proposes to achieve a similar improvement to safety by codifying the ban on “crib bumpers,” as defined in section 3 of the SSBA, as banned hazardous products.<sup>2</sup>

#### II. Description of Proposed Ban on Crib Bumpers

In this rulemaking, CPSC proposes to codify the SSBA’s mandate that “crib bumpers” are banned hazardous products, as set forth below.

##### A. Definitions

The Commission proposes codifying the definition of “crib bumper” used in the SSBA, which states that “crib bumper”:

- Means any material that is intended to cover the sides of a crib to prevent injury to any crib occupant from impacts against the side of a crib or to prevent partial or complete access to any openings in the sides of a crib to prevent a crib occupant from getting any part of the body entrapped in any opening;
- Includes a padded crib bumper, a supported and unsupported vinyl bumper guard, and vertical crib slat covers; and
- Does not include a non-padded mesh crib liner.

##### B. Effective Date

The SSBA states that crib bumpers shall be considered banned hazardous products “not later than 180 days after the enactment of this Act,” *i.e.*, not later than November 12, 2022. Applying the 180-day effective date referenced by Congress would avoid confusion among manufacturers and retailers, while also being consistent with the 6-month implementation period the Commission proposed in its 2020 NPR to establish a safety standard for crib bumpers/liners. Therefore, CPSC proposes to make the effective date for the ban on crib bumpers November 12, 2022.

##### C. Inventory

The SSBA states that the ban applies to crib bumpers “regardless of the date of manufacture.” Therefore, crib bumpers manufactured before the ban

<sup>1</sup> The NPR used the terms “crib bumpers,” “crib bumpers and liners,” and “crib bumpers/liners,” but this NPR applies only to “crib bumpers” as defined in the SSBA.

<sup>2</sup> On July 19, 2022, the Commission voted 5–0 to issue this notice of proposed rulemaking.