

## CLIENT ALERT

Global Compliance Prominently Featured at ICPHSO 2015

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International regulatory compliance concerns continue to loom large for many consumer product companies, and those issues were key topics of discussion at the International Consumer Product Health and Safety Organization (ICPHSO) 2015 Annual Meeting, held on February 23-26, 2015, in Orlando, Florida. Panels included speakers from the U.S., Canada, Mexico, the European Union, Australia, Japan, and Colombia, who provided regulatory perspectives from around the world. Highlights included:

[Unintended Comparative Claims and Lack of Clear Disclosures](#)

- **U.S.:** Representatives from the U.S. Consumer Product Safety Commission (CPSC) spoke about several opportunities to affect product safety beyond its borders. Most notably, CPSC Chairman Elliot Kaye praised the first trilateral North American recall between the U.S., Canada, and Mexico that was announced in 2014. International partnerships were also identified as a long-term goal in the CPSC's current strategic plan.
- **Canada:** After focusing on implementation of the Canadian Consumer Product Safety Act (CCPSA) since 2011, Health Canada announced that it will be increasing its enforcement efforts, including more inspections and audits. This follows the greater attention Health Canada has been paying to the timeliness of reporting incidents and commencing recalls in Canada.
- **Australia:** Enforcement is also high on the list of priorities for the Australian Competition and Consumer Commission (ACCC). It is currently seeking a \$1.1 million penalty as well as injunctions and a publicity mandate against a company in an ongoing legal action, based on the alleged sale of unsafe products in Australia in conjunction with purported false and misleading statements made about the safety of those products.
- **EU:** As Europe awaits finalization of the proposed Consumer Product Safety Regulation (CPSR) and Market Surveillance Regulation (MSR), Prosafe indicated that it would seek increased coordinated action between member states, to direct national enforcement policies toward identified common objectives.
- **Japan:** A speaker from the National Institute of Technology and Evaluation spoke about their efforts to improve the product safety regulatory system, prioritizing recall effectiveness, raising consumer awareness of product safety, establishing long-term use product safety inspection system and registration, endorsing harmonized standards, and tracking resistance for electrical appliances.
- **South America:** While acknowledging that the regulatory system in South American countries is not as mature as many of their North American and European counterparts, efforts are being made to close gaps and achieve attainable goals to improve product safety. An important initial focus has been on educating businesses about the importance of product safety and reasons why global companies should prioritize safety and recalls in South America, as they do in other parts of the world.

Despite the elevation of international compliance issues through an important discussion of different requirements in different jurisdictions, it was apparent at the conference that firms continue to struggle to comply with competing regulations in a global market. Panelists addressed ongoing cooperation efforts between the authorities. For instance, in addition to the cooperation between North American countries on recalls, the CPSC noted its practice of routinely requesting data about global distribution from firms in connection with Section 15(b) reports and pushing firms to report to other authorities, sharing publicly-available information about products with its regulatory counterparts in other countries where necessary. Several speakers, including those from the U.S., Canada, and Australia, expressed that companies should report issues related to products distributed outside those respective jurisdictions, if relating to a product sold in their country. CPSC Director of International Programs and Intergovernmental Affairs Richard O'Brien, however, acknowledged limitations on countries' ability to closely coordinate on product safety because of national sovereignty concerns and differences in national laws and standards.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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