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ERGOBABY IN THE NEWS

Posted May 7, 2014

We gather you've heard about recent reports regarding "Company Doe" and we clearly understand you may have questions. We want to assure you that your Ergobaby carrier is absolutely safe. The experts AND the court determined that the baby choked on a foreign object and it was a sad and unfortunate coincidence that this tragic event occurred in an Ergobaby carrier. No Ergobaby carrier has ever caused a fatality and we want to help you understand the facts.

- In 2011, an Emergency Medical Team was called to help a baby in distress. According to the EMT responder report, the baby's airway was blocked by a foreign object and tragically passed away.
- The court ruled that this tragic event was not caused by or related to our carrier in any way. Based on this, the court prevented the publication of a misleading report on a governmental website that implied this tragedy was related to our product.
- The court also agreed that the publication of the report would wrongly spread false and misleading information and therefore ruled to keep the matter confidential.
- Certain advocacy groups appealed to unseal the court records, which means our identity and the case details are being made public.
- We fear that the media may omit some of the important facts when discussing this case and we want to make sure everyone fully understands that Ergobaby products are safe.

We grieve for the child and the family involved. We know that the safety & well-being of your children is your and our top priority. For the past ten years, we have built trust with millions of families who use and love our carriers and have been diligent in providing you with the best and safest carrier possible.

A MESSAGE FROM OUR CEO



QUESTIONS OR COMMENTS?

Please feel free to reach us with concerns at 888.416.4888 or ergocare@ergobaby.com

FAQS

Q: Have there ever been any deaths caused by an Ergobaby carrier?

A: No Ergobaby carrier has ever caused or been related to a death.

Q: In light of current news reports, what was the cause of the baby's death?

A: The medical experts determined that the death was caused by choking on a foreign object. Also, the court and the forensic pathologist specifically concluded that our carrier was wholly unrelated to the fatality.

Q: What was the foreign object?

A: Unfortunately, we do not know. The foreign object was not recovered by the EMT or medical examiner after an endotracheal tube was pushed past the point of the airway obstruction. We do however understand that the foreign object was likely less than a quarter of an inch.

Q: Can you describe the events around the infant death that we've heard in news reports mentioning an Ergobaby carrier?

- In 2011, an Emergency Medical Team was called to help a baby in distress. According to the EMT responder report, the baby's airway was blocked by a foreign object and tragically passed away.
- The court ruled that this tragic event was not caused by or related to our carrier in any way. Based on this, the court prevented publication of a misleading report on a government website that implied this tragedy was caused by our product.
- The court also agreed that the publication of the report would wrongly spread false and misleading information and therefore ruled to keep the matter confidential.
- Certain advocacy groups appealed to unseal the court records which means our identity and the facts of the case are being now made public.
- We grieve for the child and the family involved. We have been diligent in providing families with the best and safest carrier possible. For the past ten years, we have built trust with millions of families who use and love our carriers and we want those families to be reassured that our products continue to be safe.

Q: Why did Ergobaby request that the courts seal the case if Ergobaby was not at fault?

A: When inaccurate information was included in the initial Consumer Product Safety Commission (CPSC) report, Ergobaby made four requests that the report be corrected. The CPSC informed Ergobaby that the report would be published without further corrections. To prevent the publication of false & misleading information on the CPSC's website, we requested the help of the court. The District Court ruled that this tragic event was not caused by or related to our carrier in any way. The District Court also ruled that the false information would mislead people and cause unnecessary concern about our products and our company and ruled that our identity should be kept confidential.

We were concerned that the facts would be misinterpreted, sensationalized and not accurately reported. For Ergobaby, safety has always been our number one priority and parents should not lose confidence in our carriers based upon one false report. Our carriers are completely safe.

Q: Is there any ongoing action with the CPSC?

A: No. The CPSC did not appeal the District Court's opinion that an Ergobaby carrier was not related to the tragic incident, and they did not appeal the District Court's opinion that the report should be kept confidential.

Q: Why are these reports being made public now?

A: To be clear, no one is challenging the District Court's conclusion that no Ergobaby carrier was related to the tragedy in this case. Advocacy groups appealed the decision of the District Court only to unseal the court documents, as they felt it was a First Amendment rights issue. The Circuit Court, citing the First Amendment, recently decided to unseal the documents. It's important to note that this decision does not have anything to do with the original determination that an Ergobaby carrier was not related to the tragic event, and that all versions of the CPSC incident report contained inaccurate and misleading information.

Q: Who are the advocacy groups involved with the appeal to unseal the court documents and why were they involved?

A: Three consumer groups were involved — Public Citizen, Consumer Federation of America and Consumers Union — they appealed, challenging the sealing of the court case. These advocacy groups felt that the district court's sealing order violated the public's right of access under the First Amendment. These advocacy groups were not appealing the fact that the infant fatality was caused by choking. That fact was never disputed.

Q: Now that this information is public, will it also be posted to the CPSC website?

A: No. The CPSC's database on its website was created to help the public make safe choices in the products they purchase. CPSIA mandates that only reports of "harm relating to the use of consumer products" may be posted. Because Ergobaby carriers were not at fault for this tragic incident, the information was not and will never be published on the site. The Circuit Court ruling to make the court documents public, citing First Amendment rationale, does not impact the key ruling that such false and misleading reports should not be published on the CPSC database. There are no reports on the CPSC's database relating to Ergobaby carriers because our carriers have been and continue to be safe.

Q: Do you have any current or pending litigation with the CPSC?

A: No, we do not have any pending litigation with the CPSC.

Q: Does the CPSC plan to initiate a recall?

A: No.

Q: Which specific carrier was involved?

A: The carrier was an Ergobaby carrier from a number of years ago.

Q: Are you planning to appeal the Fourth Circuit decision?

A: While we respectfully disagree with the Fourth Circuit's decision to unseal the case and make the court records known, the ruling that the tragic incident was caused by choking and not caused by or related to our carrier, remains intact. Therefore, we have elected not to appeal the decision.

Q: If I have additional questions, where should I direct my questions?

A: You can call us at Ergobaby Customer Care at 888.416.4888 or send us an email at ergocare@ergobaby.com



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