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April 25, 2024

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Dear Chair Khan,

I write with serious concerns about the seemingly deceptive advertising practices of two companies: Dreamland Baby and Nested Bean. Both sell weighted infant sleep products to parents and caretakers of newborn infants, promising that their products help newborns “Fall Asleep Faster, Stay Asleep Longer,”¹ and “help babies sleep and families thrive, by creating smart, safe, intuitive” weighted infant sleep products.² Both companies sell products that are designed for infants to wear while sleeping, with weighted beads sown into the fabric to mimic the comforting sensation of human touch and to help babies sleep uninterrupted for longer periods of time. Dreamland Baby products use evenly distributed weight throughout the product, whereas Nested Bean concentrates the weighted beads in a fist-sized area on the baby’s chest.

The National Institutes of Health (“NIH”),³ the Centers for Disease Control and Prevention (“CDC”),⁴ and the Consumer Protection Safety Commission (“CPSC”)⁵ all advise parents that weighted sleep products are not safe for infant use. This stance is in line with the 2022 recommendation made by the American Academy of Pediatrics (“AAP”) that “[w]eighted swaddles, weighted clothing or weighted objects on or near the baby are not safe and not recommended.”⁶ At the state level, in 2023 the Massachusetts Department of Early Education and Care prohibited the use of “[w]eighted swaddles, weighted clothing or weighted objects” for all state-licensed and

¹ <https://dreamlandbabyco.com/>

² <https://www.nestedbean.com/pages/our-company>

³ <https://safetosleep.nichd.nih.gov/reduce-risk/safe-sleep-environment>

⁴ <https://www.cdc.gov/reproductivehealth/features/baby-safe-sleep/index.html#:~:text=Weighted%20products%20such%20as%20weighted,with%20no%20soft%20bedding%20use>

⁵ <https://www.cpsc.gov/SafeSleep>

⁶ American Academy of Pediatrics, American Academy of Pediatrics Updates Safe Sleep Recommendations: Back is Best (June 21, 2022), <https://www.aap.org/en/news-room/news-releases/aap/2022/american-academy-of-pediatrics-updates-safe-sleep-recommendations-back-is-best/>

funded “providers caring for infants” in response to the AAP recommendation.⁷ The CPSC also received a letter from the AAP in 2023 expressing concern regarding a voluntary safety standard the CPSC was considering on the matter, asserting “[t]here is no evidence in the peer-reviewed scientific literature evaluating the safety of weighted sleep products on typical, healthy infants, and there is also nothing published regarding their use in an unmonitored setting.”⁸ On November 16, 2023, the CPSC cast a negative vote against establishing this voluntary safety standard around weighted sleep products due to its lack of information about safe maximum weight limits.⁹ The CPSC explained its reasoning in a letter to the relevant ATSM Subcommittee Co-Chairs, including Dreamland Baby Founder and CEO Tara Williams.

However, both companies include broad safety claims on their websites that their respective products meet industry safety testing standards, sleep-deprived, overburdened parents and caregivers vulnerable to the implication that these standards refer to the safety of using weighted sleepwear generally, and not specifically on infants. The tests and standards the companies tout refer to garment construction, fabric quality, and chemical detection standards, not to weighted sleep product safety. I believe that these implied safety claims may constitute unlawful behavior under the FTC’s “unfair or deceptive acts or practices” within the Commission’s enforcement authority.

Nested Bean has sold over one million units of its weighted “Zen Sleepwear” products.¹⁰ On the “Product Use and Safety” page of its website, Nested Bean claims that, in comparison to “all-weighted baby sleepwear,” its products are “the safe alternative” because “5x lighter, is safer.”¹¹ It goes on to expressly claim, in bold writing, that the products are “[r]igorously tested against mandatory and voluntary safety requirements.”¹² It then lists “construction, flammability and product safety” tests (in regular typeface), and nowhere on the page does it acknowledge the lack of accepted safety standards around the use of weighted sleep products for infants.¹³

Dreamland Baby has sold over half a million units of its weighted sleep products.¹⁴ Dreamland Baby’s “Safety” webpage is accessible through a Google search of “dreamland baby safety.”¹⁵ In a section headlined “Rigorously Tested” and “Dedication To Safety,” the company claims its infant weighted sleep products have “exceeded all United States Consumer Product Safety Commission standards.”¹⁶ ¹⁷ It further states that the “products are rigorously tested with

⁷ Mass. Dept. of Early Edu. and Care, Safe Sleep for Infants (Oct. 1, 2023), <https://www.mass.gov/doc/eec-safe-sleep-policy-2023-0/download>

⁸ Letter dated June 15, 2023, from Sandy L. Chung, President of the AAP, to Alexander Hoehn-Saric, Chairman of the CPSC, and to Donald Mays, Chair of the F15 Committee on Consumer Products, ATSM International, <https://www.documentcloud.org/documents/23849624-aap-letter-61523>

⁹ Letter dated Nov. 16, 2023, from Khalisa Phillips, CPSC Div. of Human Factors, to Michelle Barry and Tara Williams. https://www.cpsc.gov/s3fs-public/CPSC-Staff-Comments-on-Wearable-Infant-Blankets-Swaddles-Ballot-ASTM-F15-19-23-03.pdf?VersionId=C171nuNDVDRo4SOdCZmAN5_hPlaC9GRp.

¹⁰ <https://www.nestedbean.com/pages/our-story>

¹¹ <https://www.nestedbean.com/pages/safety>

¹² *Id.*

¹³ *Id.*

¹⁴ See Lauren Kirchner, Pediatricians Warn That Weighted Baby Blankets, Sleep Sacks, and Swaddles Are Not Safe, Consumer Reports (July 26, 2023, updated Jan. 17, 2024), <https://www.consumerreports.org/babies-kids/child-safety/weighted-baby-blankets-sleep-sacks-swaddles-are-not-safe-a6236206799/#:~:text=Sold%20Before%20Proven%20Safe&text=Nested%20Bean%20says%20it%20has,it%20has%20sold%20over%2050%20000>.

¹⁵ Appendix A

¹⁶ <https://dreamlandbabyco.ca/pages/safety>


¹⁷ Appendix B

both required and non-required testing. [The company] ensure[s] high quality standards and safety in *every aspect of our products*.”¹⁸ Nowhere on the page does it include any information about the lack of available standards around the safety of weighted sleep products for infants, or the fact that the CPSC, NIH, CDC, and AAP do not currently consider their products safe for infants. On the same “Safety” page, the company states that it “is proud to be recognized as a First Candle Safe Sleep Guardian.”^{19 20} It explains that “First Candle is a nonprofit [sic] organization committed to the elimination of SIDS [(Sudden Infant Death Syndrome)] and other sleep-related infant deaths,” and that Dreamland Baby was recognized because it “only show[s] babies in a safe sleep environment[.]” in its advertising.²¹ A look at First Candle’s website, however, shows that Dreamland Baby is currently not listed as one of their Safe Sleep Guardians.²² In fact, First Candle currently includes on its “Safer Sleep Tips” webpage the AAP’s June 2022 recommendation that “[w]eighted swaddle clothing or weighted objects within swaddles are not safe and, therefore, not recommended.”²³ On December 6, 2023, I sent a letter to Dreamland Baby raising concerns about the safety claims on the company’s website related to their weighted sleep products.²⁴ As a result, Dreamland Baby quietly removed the claims from their U.S. based website, likely without informing consumers who had already purchased and may still be using the products based on Dreamland Baby’s false safety claims.

Parents’ primary concern is the safety and wellbeing of their children. Parents and caretakers of newborns are notoriously hard pressed for rest due to the intermittent sleep patterns of infants and are therefore susceptible to claims or implications that a company might make about a “safe” product that helps a newborn (and its parents) get better sleep. Any marketing around such a product for newborns must be held to high standards of fair and transparent advertising. I ask that the Commission investigate these companies to determine whether any unlawful, unfair, or deceptive advertising practices are taking place and potentially harming millions of families. The stakes are simply too high to allow weighted infant sleep products to be advertised as “safe,” especially without a clear disclaimer explaining the lack of an agreed-upon standard for determining safety.

Thank you for your attention to this important matter, and I look forward to your response.

Sincerely,


Richard Blumenthal
United States Senate

¹⁸ *Id.* (emphasis added)

¹⁹ <https://dreamlandbabyco.ca/pages/safety>

²⁰ Appendix C

²¹ *Id.*

²² <https://firstcandle.org/safe-sleep-guardians/#:~:text=By%20committing%20only%20to%20post,helping%20us%20save%20babies%20lives.>

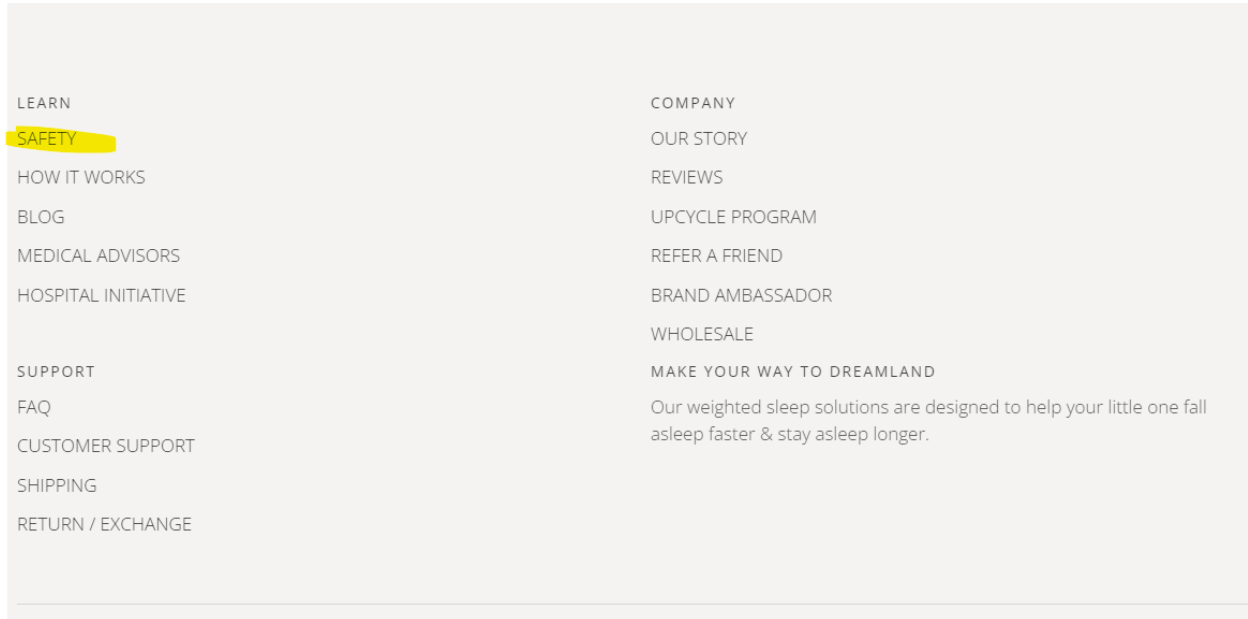
²³ <https://firstcandle.org/safesleeptoolkit/safer-sleep-tips/aap-recommendations/#toggle-id-8>

²⁴ “Blumenthal Raises Serious Concerns over Weighted Sleep Sacks & Swaddles for Infants. (Dec 6, 2023)

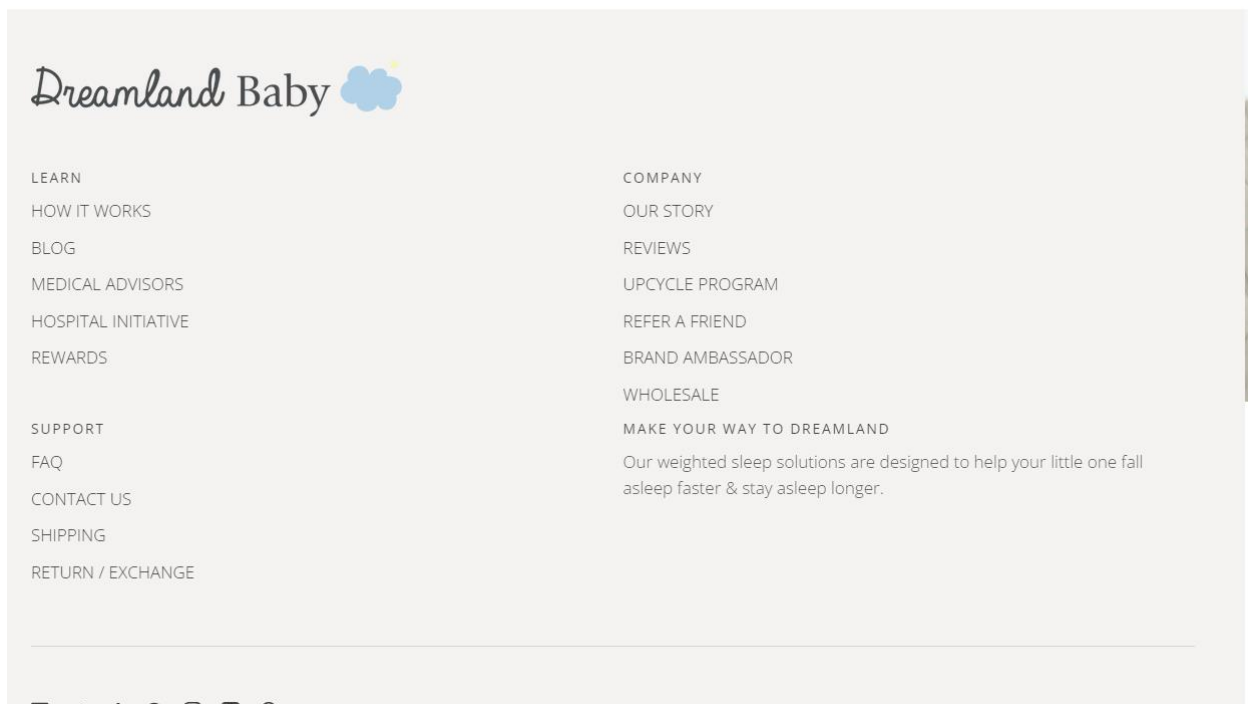
<https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-raises-serious-concerns-over-weighted-sleep-sacks-and-swaddles-for-infants>

Appendix A

October 2023:



February 2024:



Appendix B

November 2023:

CLINICAL STUDY

Safe & Calming

This study found wearable weighted blankets are safe and significantly calmed infants compared to when non-weighted blankets were used.

DEDICATION TO SAFETY

We've proudly exceeded all United States Consumer Product Safety Commission Standards

We use 100% natural, soft cotton. Our fabrics are not treated with flame retardant and the inner poly pellet beads are non-toxic. We source only the best materials for ultimate comfort and safety.

Rigorously Tested

October 2023:



Rigorously Tested

DEDICATION TO SAFETY

Dreamland Baby™ has exceeded all United States Consumer Product Safety Commission standards. We use 100% natural, soft cotton. Our fabrics are not treated with flame retardant. The inner poly pellet beads are non-toxic. We source only the best materials for ultimate comfort and safety.

Our products are rigorously tested with both required and non-required testing. We ensure high quality standards and safety in every aspect of our products.

Appendix C

October 2023:



FIRST CANDLE

Dreamland Baby is proud to be recognized as a First Candle Safe Sleep Guardian.

First Candle is a non profit organization committed to the elimination of SIDS and other sleep-related infant deaths through education, while providing support for grieving families who have suffered a loss.

Dreamland Baby participates in the Safe Sleep Guardian program, helping to create a new norm for content on social media, only showing babies in a safe sleep environments.