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***CONSUMER REPORTS* STRENGTHENS ITS POLICIES IN THE WAKE OF ITS FLAWED INFANT CAR SEAT CRASH TESTS**

Review of crash-test story by independent experts found series of misjudgments, miscommunication with outside lab led to incorrect crash test data

YONKERS, NY — *Consumer Reports* has completed its review of the erroneous crash-test data in its recent report on infant car seats and announced that it is strengthening internal policies and procedures to prevent similar mistakes from happening.

“We made a mistake, but we’re committed to correcting it, preventing similar ones and most importantly continuing to serve the consumer interest,” said Jim Guest, president of Consumers Union, the non-profit publisher of *Consumer Reports*. “We’ve also not lost sight of our original goal and intend to work with leading experts to develop more realistic crash simulations, improve usability, and remind parents to keep children safely restrained.”

The review concludes that *Consumer Reports* set out to raise the bar for car-seat safety—but stumbled instead into methodological errors with misleading results.

The report on rear-facing infant car seats was made public January 4, but withdrawn on January 18—a day after evidence first surfaced that *CR*’s crash-test results were flawed. The report attracted widespread public attention because it said that 10 of the 12 infant seats tested provided poor protection in simulated crashes.

Consumer Reports publicly apologized for the error and sent letters and e-mails to nearly six million subscribers informing them that it was suspending all ratings and recommendations in the article and apologizing for the incorrect test results. It is publishing a report in the May issue explaining the tests and how the error was made.

To prevent such mistakes from happening again, Guest is committing to the following steps:

- Confer more regularly with outside experts when developing complex tests. In some cases, *Consumer Reports* had already been working with outside experts in the development of new test protocols. *CR* will consult, as appropriate, experts from academia, government, and industry whenever it is developing major new test protocols.
- Refine procedures for using outside labs. While *CR* runs most tests in-house, it ran 11 percent of last year’s tests at outside labs that had special equipment or expertise. *CR* will now prominently disclose the use of an outside lab every time it uses one. Where appropriate, *Consumer Reports* will hire a consultant with expertise in the subject area to review the independent lab’s test procedures and results. If called for, *CR* will retest at a second lab.

- *Consumer Reports* will redouble its scrutiny when test findings are unusual or don't line up with real-world data.

Crash Test Review

After the car seat report was withdrawn, *Consumer Reports* commissioned two independent consultants to review the faulty test—Kennerly H. Digges, former director of Vehicle Safety Research at the National Highway Traffic Safety Administration (NHTSA), which regulates vehicles and child seats, and Brian O'Neill, former president of the Insurance Institute for Highway Safety (IIHS), which runs its own large crash-test program. Digges and O'Neill were given access to documents and communications concerning the project. The two also interviewed technical staff from *CR*, the outside lab where the tests were run, and NHTSA.

Mr. Digges and Mr. O'Neill concluded that *Consumer Reports* had set out to raise the bar for car-seat safety but stumbled instead into methodological errors with misleading results.

The misjudgments that the two identified stemmed mainly from *CR*'s decision to develop and run its side-impact tests without extensive consultation with other experts. *CR* took that step based in part on its decades-long experience with front-impact simulations and because of the organization's long-standing policy of limiting contact with government and industry to avoid compromising the independence of its judgment. They said that this decision ultimately proved to be a mistake.

The May 2007 article states that *Consumer Reports* does not plan any further side-impact simulations until there is greater consensus among experts about how to do them. *CR* also noted that government regulators had disputed the way in which one seat had been evaluated for compliance with the current government standard. That disagreement led to *Consumer Reports*' withdrawal of its recall request and the earlier Not Acceptable rating.

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LEARNING FROM OUR MISTAKE

In these pages, you'll read an article that's unusual for CONSUMER REPORTS. It's about tests and results that were wrong.

In the February 2007 issue, we published a report on infant car seats that we later withdrew when we learned of problems with the test data. The details are presented in "How Our Car Seat Tests Went Wrong," on page 30.

We take the mistake very seriously, and so do our readers. Robert Gutierrez of Bedford, Texas, was one of many who wrote us asking for an explanation. "I will also be looking for a statement indicating how you intend to prevent future test procedures from such gross miscalculations," he said.

We're committed to correcting the mistake and preventing similar ones. Beginning now, here's what we'll do differently:

Confer more regularly with outside experts when we're developing complex tests. The mistakes in car seat testing might have been avoided if we'd called on additional safety experts to advise us on new protocols.

In some cases, we already do that. We spent months consulting with independent experts and with manufacturers of headlights, bulbs, and vehicles to determine the best ways to test headlights. We know that outside expertise can be invaluable, and we'll now regularly consult experts from academia, government, and industry when we're contemplating complex new tests. That said, once we have valid protocols, we'll continue to limit contact with manufacturers, government, and other agencies during testing and analysis to avoid compromising our independence.

Refine our procedures concerning outside labs. We occasionally use contract labs when we don't have the equipment or special expertise in a given area. As a matter of course, we monitor and visit any lab that's working for us. Where appropriate, we'll now hire a consultant with expertise in the subject area to review procedures and results. If called for, we'll retest at a second lab. On a related note, many readers said they were surprised that we tested car seats at an outside lab. While that fact was included in the report (albeit in a note below the Ratings), it isn't always. In the future, we'll tell you every time, and more prominently.

Redouble scrutiny when our findings are unusual. Whether we're performing lab tests or investigating services, we'll ratchet up our already formidable review process. Now, any report that calls a product Not Acceptable or that raises questions about an entire group of products must have my sign-off. In addition, when we get unusual results, we'll step back, take a closer look at data on real-world experience, and do more to challenge our methodology and conclusions. Still other changes are forthcoming.

For 71 years, CONSUMER REPORTS has enjoyed the support of readers like you. With these changes and other advances, we are determined to continue serving your needs and earning your trust.



Jim Guest
Jim Guest
President

How our car seat tests went wrong

THE MISSTEPS WE MADE AND SOME LESSONS WE LEARNED

A series of misjudgments and a key misunderstanding between CONSUMER REPORTS and an outside laboratory led to the publication of erroneous crash-test data in our recent report on infant car seats, an expert investigation and interviews with those involved has revealed.

The report, in the February 2007 issue of CONSUMER REPORTS, was made public on Jan. 4 but was withdrawn—along with its test results—just 14 days later when evidence first surfaced that it was flawed.

The report attracted wide public attention because it said 10 of the 12 seats tested provided poor protection. Some seats twisted on their bases or flew apart. We urged recall of two models that got our lowest rating of Not Acceptable.

The withdrawal, which also generated broad publicity, shook the confidence of the public and safety experts in a 71-year-old institution that had enjoyed a largely unblemished record of product testing. “Mistakes are rare at Consumers Union but this one went right to the heart of what we do,” says Jim Guest, president of the nonprofit publisher of CONSUMER REPORTS. “We had to figure out exactly what went wrong.”

Soon after the withdrawal, we asked two independent consultants to review the tests: Kennerly H. Digges, former director of Vehicle Safety Research at the National Highway Traffic Safety Administration (NHTSA), which regulates vehicles and child seats, and Brian O’Neill, former president of the Insurance Institute for Highway Safety (IIHS), which runs its own crash-test program.

Digges and O’Neill were given access to documents and communications concerning the project, and interviewed technical staff from CONSUMER REPORTS, the outside laboratory where the tests

were run, and NHTSA.

Their review concludes that CONSUMER REPORTS set out to raise the bar for car-seat safety but instead stumbled into methodological errors with misleading results.

The project’s rationale was simple. NHTSA requires car seats sold in the U.S. to pass a 30-mph front-impact crash test, the same standard to which all new passenger vehicles are held. But many vehicles are also tested in tougher 35-mph front- and 38-mph side-impact crashes as part of the agency’s New Car Assessment Program (NCAP) to measure their crashworthiness. Child seats are not required to pass the more rigorous tests, and we wanted to know how they would behave under NCAP-like conditions.

HOW WE TESTED

The tests were performed by the independent laboratory using a piston-driven “sled” that mirrors the acceleration that occupants suffer during a collision, a widely used technique for car-seat crash simulations (see facing page.) While most CR tests are done in-house, we ran 11 percent of last year’s tests at outside labs with special equipment or expertise. Our practice is not to disclose their names; we take public responsibility for the results.

The series of misjudgments, Digges and O’Neill said, stemmed mainly from CR’s decision to develop and run the side-impact tests without extensive consultation with other experts. We took that step based on our decades-long experience with front-impact simulations—CR was among the first to test child seats this way, back in 1972—as well as our practice of limiting contact with government and



WITHDRAWN This report from our February 2007 issue was pulled after the tests proved to be flawed.

industry to avoid influencing the independence of our judgment.

That decision was a mistake, they said. No federal standard exists for simulating 38-mph side impacts, they noted, and “as such, there were large opportunities for tests to go wrong.” CR’s practice differs from that of some other test organizations, which discuss protocols with manufacturers and others before, during, and after testing. “This openness does not have to mean that the manufacturers can subvert or weaken programs,” Digges and O’Neill said, “but it does provide opportunity for important changes to programs to occur and greatly reduces the chances that there will be major criticisms when results are released.”

The key misunderstanding concerned the proper speed for the test. In written and oral instructions, CR engineers asked that the side-impact tests be run at 38 mph to mimic the NCAP protocol. Under NCAP, that number refers to the speed of the striking vehicle—a car-sized moving barrier that smashes into a stationary vehicle being tested. But once the two collide, they move off more or less as a unit. The resulting velocity of the struck vehicle, and hence of the crash dummies inside, is only about half that of the striking

Where the science meets the road

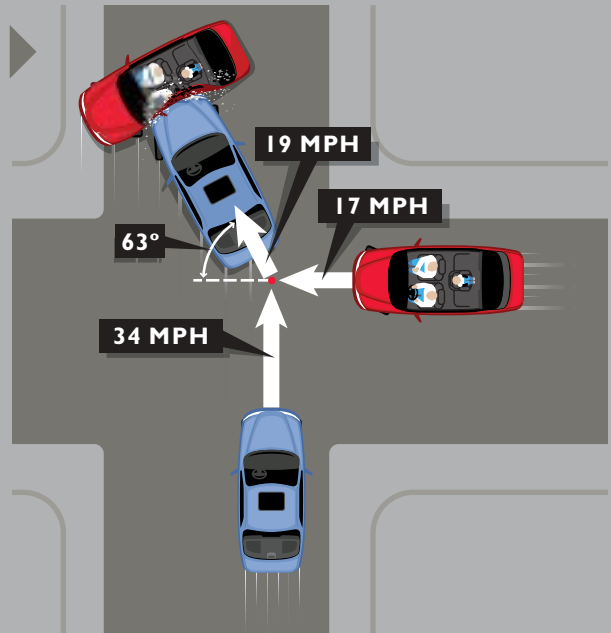
HOW TESTERS SIMULATE A SIDE-IMPACT COLLISION IN THE LAB

The diagrams below show how an actual collision at typical city speeds (section 1) is simulated in a crash lab (section 2), and then how the data from that test (section 3) is used at another lab to simulate the accident again with a moving sled (section 4).

Engineers often use a sled to test child seats because it allows them to run repeated trials without smashing cars. But both methods have limitations. The drawings below are simplified to make the physics involved easier to follow.

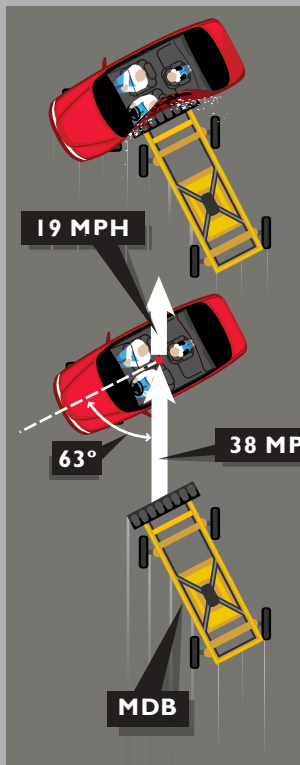
1 THE REAL WORLD

When one car hits another in the side, it can crush one or both doors and intrude into the passenger compartment. The merged wreckage rotates and slides off in a diagonal direction determined, among other things, by relative weights and speeds. People in the struck vehicle can be injured by the intrusion, the sudden change in motion, or both. Speeds and angles in our diagram are typical of a collision that NHTSA's test might simulate, except that we assume both vehicles are of equal weight and hit each other right in their centers of mass.



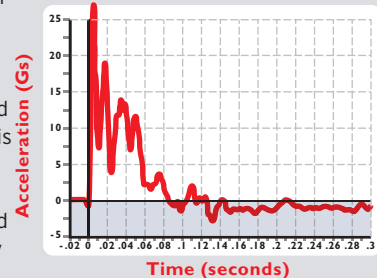
2 AT THE CRASH LAB

Test engineers emulate the above collision by ramming a so-called moving deformable barrier (MDB) into a stationary car that is to be tested. The MDB's nose is designed to crumple in nearly the same way as that of a real vehicle; its wheels are angled so that its front hits the test car squarely. The angled impact and the slightly higher 38-mph speed of the striking vehicle make up for the fact that the other car doesn't start out moving. As a result, the damage to the test car and its crash-dummy occupants will be similar to that of the real accident.



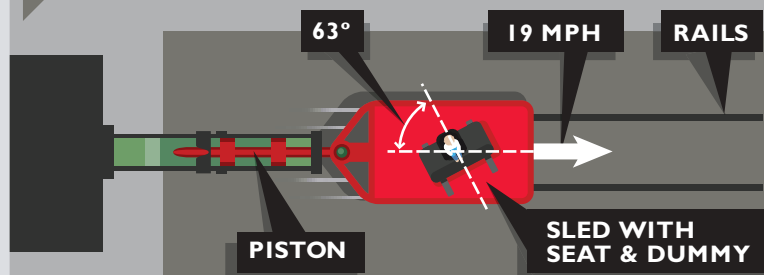
3 THE CRASH PULSE

The crash lab records a graphical signature of the impact in the "crash pulse," a moment-by-moment plot of acceleration measured by sensors in the struck vehicle. Its exact pattern depends on the model tested, the sensor location, and so forth. But the pulse is important because it influences things like how an occupant's head might be whipsawed by the collision.



4 IN THE SLED LAB

The "crash pulse" signature is key to simulating the same type of accident at a different lab that uses a moving sled. Engineers mount the seat and dummy on the sled, then accelerate it in a pattern that matches the pulse. The test—the important part of which is over in a fraction of a second—estimates how a seat will react to the sudden acceleration. But, unlike a crash-lab test, it generally doesn't gauge risk from factors like rotation and structural intrusion. The latter is a major cause of injury in side impacts.



vehicle, since the striking vehicle's momentum is shared between the two.

The contractor, on the other hand, assumed the 38-mph figure referred to the post-impact speed of the *struck* vehicle and set up the test accordingly. "This fundamental misunderstanding goes back to the early communications between CU and the contractor," Digges and O'Neill said. The result? Unknown to CU, all the side-impact tests took place under conditions that could occur only if the striking vehicle were traveling at 70 mph or more—close to twice the speed we thought.

That rendered the results nearly meaningless. Relatively few side-impact crashes occur at such speeds, experts say, and in those that do, the greatest risk of injury is from "intrusion," the tendency of the striking vehicle to crush the other car's passenger compartment, which sled tests generally do not simulate.

Once the misunderstanding arose, it was never discovered, despite ongoing contacts and site visits. Our engineers did not have deep knowledge of side-impact sled simulations and relied largely on the expertise of the lab, which has many years of experience in this field. But the contract did not specifically call for the lab to consult on test development, Digges and O'Neill said, adding that the lab "viewed its role as little more than a sled operator. The contractor was willing to run whatever tests were requested." The resulting article was edited and fact-checked by our staff, and reviewed, in an early version, by the lab, without this crucial issue coming to light.

On a separate topic, the two consultants endorsed CR's decision to withdraw

its request for a recall of the Evenflo Discovery, one of the two seats rated Not Acceptable. The lab had installed the seat in a manner that it felt adhered to federal regulations and the manufacturer's instructions, and concluded that the seat failed the government-required 30-mph front-impact test. After publication, however, both NHTSA and the manufacturer disputed this interpretation of the rules. When the seat was retested using NHTSA's installation method, it passed, and so we have withdrawn both the recall request and the Not Acceptable rating.

The other Not Acceptable seat, the Eddie Bauer Comfort, has been discontinued, but if you have one and need help installing it, go to www.djgusa.com.

Finally, CR has withdrawn its 35-mph front-impact results, although neither the consultants nor others identified specific flaws like those of the side-impact tests. "Given the lack of a widely accepted test protocol, we think it's better to hold off for now," Guest explained.

A CRITICAL RECEPTION

Publication of the flawed report brought protests from manufacturers whose seats were rated poorly. "We unequivocally stand behind the safety of the Discovery car seat based on over 200 independent tests," Rob Matteucci, Evenflo's chief executive, told TV interviewers. Britax, whose Companion seat failed the faulty test, noted that the same product had been rated No. 1 by CONSUMER REPORTS in May 2005 based on earlier 30-mph front-impact tests.

Several manufacturers asked to review the test data with CR engineers, and

four have visited our offices. As a matter of policy, CR does share such information, but only for a manufacturer's own products, not for those of its competitors.

NHTSA engineers, who had been shown the article one day before it appeared, also had questions. They visited our Yonkers, N.Y., headquarters on Jan. 12 and then ran tests of their own over the Martin Luther King Jr. holiday that found the flaw. NHTSA shared the details with CR on Jan. 17, and, after confirming the problem, CR pulled the article the next day. Guest then sent an e-mail or letter to nearly 6 million subscribers withdrawing all our conclusions and apologizing.

Several safety experts we interviewed are sharply critical of CONSUMER REPORTS for not spotting the problem before publication. "We know that child restraints are remarkably effective at protecting children in crashes, and to find such gross failures didn't seem to line up with what is happening in the real world," says David Zuby, senior vice president of vehicle research at the IIHS. Indeed, NHTSA has found that properly used child restraints may cut the risk of death by as much as 54 percent for toddlers in car crashes and by 71 percent for infants.

CR editors and engineers say they understand the criticism but were swayed by other evidence that seemed to confirm the tests' validity. Two U.S.-made car seats passed completely, for example, as did two European models that were added to the project after other U.S. seats failed. The latter finding seemed logical because European seats, unlike U.S. models, sometimes undergo side-impact testing.

Other experts criticize the article as too alarmist and question whether improving child-seat crashworthiness is really the best way to make children safer. They note that about half of the 450 U.S. children under age 5 who died while riding in vehicles in 2005 were not restrained properly anyway, so stronger seats would have done them no good.

A more effective road to safety, they say, would be to make car seats easier to use, improve the systems that attach seats to vehicles, and—most important—persuade more adults to keep their children restrained for longer. "The safety community has had tremendous success over the past 10 years convincing parents

Car seat resources

Any child seat is better than no child seat, and these sites can help you find one:

National Highway Traffic Safety Administration (www.nhtsa.gov; go to "Child safety seat information"). Offers help choosing seats, plus a searchable database of certified trainers at www.nhtsa.dot.gov/people/injury/childps/contacts.

Partners for Child Passenger Safety (www.chop.edu/carseat). A partnership of Children's Hospital of Philadelphia and State Farm, it helps you select a seat for babies who are big or small for their age.

Safe Kids Worldwide (www.usa.safekids.org/skbu/cps). Advice for parents on how to keep kids of all ages buckled up.

American Academy of Pediatrics (www.aap.org; click on Car Safety Seats under Children's Health Topics). Advice for parents traveling with children, including the Car Seat Safety guide for 2007.

SeatCheck.org (www.seatcheck.org; click on Tips & Tools). Safety-seat advice plus recalls and links to other useful sites.

Safe Ride News (www.saferidenews.com) and **SafetyBeltSafe** (www.carseat.org).

to use seats, and we worried this article might put doubt in their minds," says Kristy Arbogast, director of the Partners for Child Passenger Safety program at Children's Hospital of Philadelphia. Lorrie Walker, who runs Safe Kids Buckle Up, which has inspected nearly 1 million car seats, says, "We had families call and ask whether they should even keep using their car seats. It took a lot of extra work to make people feel confident in these products again." All 50 states require infants to be in car seats.

"To shut manufacturers out of the process was shortsighted," says Robert Waller Jr., president of the Juvenile Products Manufacturers Association, a trade association, since consultations could have turned up the flaws. "We are willing to work with CR in addressing this issue. We have the same goal—wanting to develop safer products."

THE ROAD AHEAD

Engineers will have to solve many problems before developing a meaningful side-impact crash standard for car seats. Aside from the problem of intrusion, there is no U.S.-approved child-sized side-impact test dummy, and other technical challenges remain. NHTSA is working on setting such standards following a request from Congress.

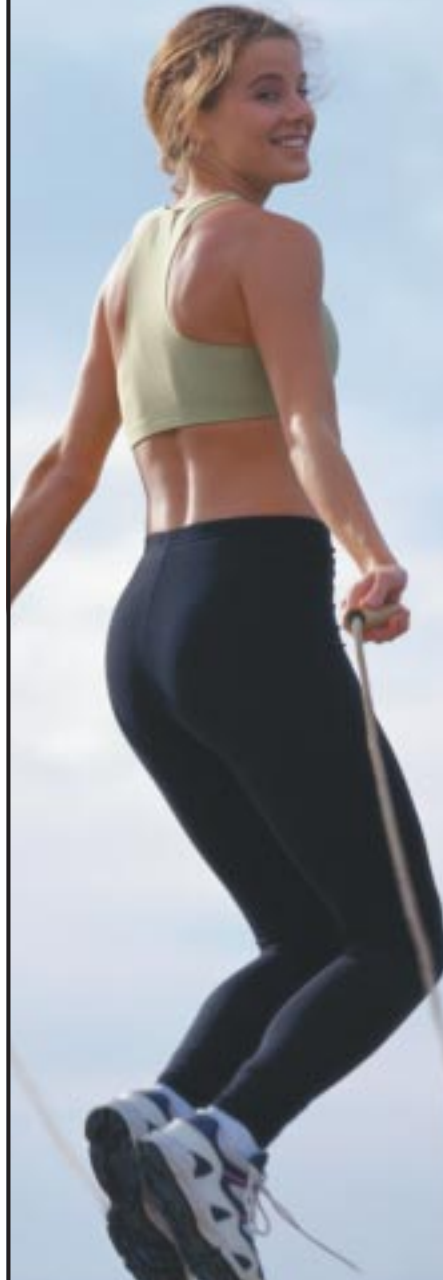
In the meantime, the key advice is that *any* car seat is better than no seat, and caregivers who want help installing one can find free advice from organizations like those in the box on the facing page.

As for CONSUMER REPORTS, we had completed new 30-mph front-impact tests as this issue went to press and were reviewing our ease-of-use findings; when fully vetted, the combined results will be published in a future issue. Guest is also announcing several policy changes, including conferring with outside experts when developing complex tests, disclosing when we use outside labs, and redoubling scrutiny when our findings are unusual (see "Have You Heard?" on page 5).

"We made a mistake and we're facing up to it," Guest says. "But our goal remains to raise the bar so that child seats become even safer. CU will work with leading experts to develop more-realistic crash simulations, improve usability, and remind parents to keep children safely restrained."

Eat right. Get lots of sleep. Exercise regularly.

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