

Incident Details

Document Number: **I2320183A**

Report Number: 20230209-8E851-2147350816

Report Submitted 2/9/2023

Date:

Who You Are: Public Safety Entity

Incident
Description:

CPSC VIOLATION REPORT

Thursday – February 9, 2023

NOTE: PRODUCT IN QUESTION IS MARKETED FOR USE BY ADULTS — AND EXPLICITLY (via marketing campaign images) — ALSO FOR USE BY CHILDREN and so constitutes a CPSIA violation (see images). While we believe this is a CPSIA violation (because the company markets the product below as safe for use by children) we will also report as an FDA violation to cover all bases.

PRODUCT DESCRIPTION:

Insulated stainless steel water bottles (all colors, all models) with storage compartment in the bottom – manufactured by Bindle Bottle (based in California) and advertised and marketed with images and language expressly and intentionally indicating to the consumer that the bottom compartment of these products can be used for storing food – have tested positive for high levels of bare / uncoated Lead in the “sealing dot” in the compartment which the company indicates (through their advertising campaigns) is intended for use with food products (for both humans and dogs). [See images]

COMPANY INFORMED DATE:

Lead Safe Mama, LLC first reported this concern for this issue on our website (please do not redact our business name and website from your public filing of this report) Lead Safe Mama dot com on November 10, 2018 (the concern for a bare / exposed high-Lead sealing dot in the bottom compartment of these bottles) in our review of the potentially Lead-contaminated items on the “Oprah’s Favorite Things” list from that same year. [<https://tamararubin.com/2018/11/things-from-oprahs-favorite-things-2018-list-i-would-never-buy-without-testing-for-lead-first/>]

In December of 2022 we were made aware that the company (Bindle Bottle) had begun (four years later) advertising and marketing that the bottom “storage compartment” of these bottles (with the exposed lead sealing dot / the component of the product that creates the insulation seal for the insulative quality of these bottles) was being marketed by the company as an area that could be used to store food – when going for a hike – or otherwise using the bottles. [See images — which are screenshots from their marketing materials from December of 2022 and January of 2023].

On 12/29/2022 – at the request of several members of the online Lead Safe Mama community, we purchased one of these bottles new (direct from the manufacturer) and had it shipped to us (Lead Safe Mama, LLC) in Portland, Oregon.

It arrived on January 3, 2023. Upon arrival of the product, we tested the sealing dot (in the bottom chamber) to confirm it was a high-Lead sealing dot. We did a full write-up of the issue on that same date and published that on our website (<https://tamararubin.com/2023/01/houston-we-have-a-problem-stop-using-your-bindle-bottle-immediately-significant-lead-contamination-of-storage-chamber/>). On January 4, 2023 we wrote a letter to the the owners of the Bindle Bottle company, which we also published on our website (<https://tamararubin.com/2023/01/letter-to-the-owners-of-bindle-bottles-with-next-step-instructions-for-the-company/>) and e-mailed (at 1:36 a.m. PST) to the company directly via their hello@bindlebottle.com e-mail contact.

PRIMARY CONCERN:

The Bindle Bottle company has promoted the highly-Lead-contaminated area component of these bottles as a

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chamber for holding loose snacks like nuts and granola. The mere act of putting a snack in the compartment and going for a walk or hike (using the product as intended per the marketing images and text for these products) creates a scenario in which the contents of the chamber constitutes – in effect – an abrasive, rubbing against the bare Lead sealing dot. The (food) contents are also mixed up and moved about with normal use of the chamber as encouraged (marketed) by the company. As a result, any consumable products stored in this chamber (for consumption by humans or pets) will be contaminated with Lead prior to consumption. The company also suggests using the bottom component of the chamber as a bowl for feeding your pet, which is also concerning – as the Lead-dust accumulating in that chamber would then easily transfer to the water or food being served to the pet.

RESPONSE FROM COMPANY

The company never responded to us regarding the information we provided to them.

To our knowledge, the company has not made any public announcement of this concern (highly visible or otherwise) – more than one month later.

There is currently (2/9/2023) no announcement on their website or social media pages that is easily findable for customers with questions about this concern.

We do understand (from several reports from readers at LeadSafeMama.com) that the company received our communication and investigated the issue further and confirmed the presence of unsafe levels of Lead in the bottom (food storage) components of these bottles.

Several Lead Safe Mama dot com readers have recently (this month, February 2023) forwarded a response that Bindle Bottle sent to them when they inquired about the issue (see image).

They are continuing to sell their Lead-contaminated products.

They have issued no recall for these products.

They have recently changed the FAQ on their website to note that the compartment should only be used with food if the food is additionally within "a food-safe container". This would not be sufficient, as the exterior of the "food safe container" will then be contaminated with Lead dust from exposure to the bare Lead sealing dot.

They have recently updated their FAQ with a Prop 65 Lead Statement.

They recently have taken down most (but not all) images of the use of the bottles with food from their Instagram account.

There are still images on their Instagram page showing a child using their product and showing packaged food and lip balms (etc) stored in the Lead-contaminated chamber (see images).

FAILURE OF COMPLIANCE WITH DUTY TO REPORT:

To our knowledge, since January of 2023 when the company (Bindle Bottle) was made aware of this issue (the bioavailable Lead in the storage compartment in the bottom of their bottles that they were advertising for use with food), Bindle Bottle has not made any public statements to customers about the issue, nor have they ceased selling the product, nor have they issued a voluntary recall on the product, nor (to our knowledge) did they self-report the violation to the CPSC that we are aware of (as is required by law when a company learns of a potential CPSC violation / safety concern in a product they manufacture.) We have searched the CPSC / SaferProducts.gov site and found no mention of Bindle Bottle using the available search too.

We are referring to the self-reporting requirement noted on this CPSC link:

<https://www.cpsc.gov/Business--Manufacturing/Recall-Guidance> – under the "Duty To Report" tab:

"If you are a manufacturer, importer, distributor, and/or retailer of consumer products, you have a legal obligation to immediately report the following types of information to the CPSC:

A defective product that could create a substantial risk of injury to consumers;

A product that creates an unreasonable risk of serious injury or death;

A product that fails to comply with an applicable consumer product safety rule or with any other rule, regulation, standard, or ban under the CPSA or any other statute enforced by the CPSC;

An incident in which a child (regardless of age) chokes on a marble, small ball, latex balloon, or other small part contained in a toy or game and that, as a result of the incident, the child dies, suffers serious injury, ceases breathing for any length of time, or is treated by a medical professional; and

Certain types of lawsuits. (This applies to manufacturers and importers only and is subject to the time periods detailed in Sec. 37 of the CPSA.)

Failure to fully and immediately report this information may lead to substantial civil or criminal penalties. CPSC staff's advice is "when in doubt, report."

We hope you use this measure (the allowance for civil and criminal penalties in these matters) to the fullest extent possible to discourage Bindle Bottle and other insulated stainless steel water bottle (and travel cup) manufacturers from selling products with exposed bare sealing dots which (based on Lead Safe Mama, LLC's testing of many hundreds of products utilizing this mode of fabrication) more-often-than-not test positive (using XRF analysis) for a minimum of 50% Lead or more).

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DECEPTIVE MARKETING:

The Marketing of these bottles clearly indicated that they were intended/recommended for use with food stored and/or or carried/served in the Lead-contaminated storage compartment. Through their advertising they have also indicated that these products are safe for storing other items that might come into contact with your lips (after being contaminated by Lead dust in the storage compartment) – including but not limited to: cigarettes; smoking pipes; lipstick; etc. [see images]

ADDITIONAL EXCEPTIONAL CONSIDERATIONS

Given the Oprah organization's role in promoting and popularizing this product by adding it to the "Oprah's Favorite Things" list – and especially given the Oprah organization's influence on consumer choices – some level of accountability should fall on that organization as well, for promoting this product without properly vetting it for toxicant concerns / safety concerns.

CURRENT 100 PPM LIMIT IN SUBSTRATES:

The CPSIA of 2008 requires that any component of a product manufactured for use by children should not have a substrate that test positive for levels of 100 ppm Lead or higher; the sealing dots in these products typically test positive for 500,000 ppm Lead or higher (when tested separately from [in isolation from] the stainless steel bottle surrounding the Leaded component).

Some of the advertising images from this brand show the product being used by young children [see images] – and therefore, the Bindle Bottle insulated stainless steel (Lead-contaminated) products should thus be considered to be a CPSIA violation related to regulations applied to products intend for use by children – in addition to any other relevant violations (for example an FDA violation for food-use products.)

GREEN SPROUTS INSULATED STAINLESS STEEL BABY BOTTLE RECALL (November of 2022) AS PRECEDENT:

As a precedent for demanding a recall for these products, I will remind you of the recall the CPSC announced on November 23, 2022 (in response to findings reported by Lead Safe Mama, LLC on 9/19/2022 [<https://tamararubin.com/2022/09/this-is-not-the-first-greensprouts-baby-product-that-has-tested-positive-for-unsafe-levels-of-lead-repeatoffender/>]) and a CPSC violation report submitted by a member of the Lead Safe Mama, LLC community – also in September of 2022) for the Green Sprouts Insulated Stainless Steel Baby Bottle, which had a similar concern for an exposed high-Lead sealing dot when the product was used as intended.

ANTICIPATED INJURY TO USERS

While no specific injuries have been reported related to the Bindle Bottle Lead-contaminated insulated stainless steel water bottles [with food storage compartment], it is highly likely that any user of the product (which was clearly advertised to be used in storing food in the lower lead-contaminated compartment) has likely been injured by Lead exposure from this product. It is the recommendation of Lead Safe Mama, LLC (and we hope given the unique nature of the toxicant profile of this product the recommendation of the CPSC) that any owner of these Bindle Bottle products who has used the chamber of the product for food or beverage use (for human or animal) get evaluated for Lead exposure by their doctor. This includes pets, as the potential for exposure to pets is significant in situations in which the product was used as marketed (see images).

ACKNOWLEDGEMENT REQUEST

We sincerely request that the CPSC not redact the name of our woman-owned small business from this violation report. Separately, we request that the CPSC include the name of Lead Safe Mama, LLC in any press releases on the matter when a recall for this product is publicized – with the press release noting that Lead Safe Mama, LLC was responsible for bringing this CPSIA violation to your attention; the act of not disclosing our work as the source – in effect – constitutes discrimination — and it strips our work of credibility by its omission.

Because Lead Safe Mama, LLC's consumer goods advocacy work is free from corporate influence and is undertaken without corporate funding, public awareness of our testing findings (and of our work supporting the critical work of the CPSC) is key in making it possible for us to continue to do this work (to continue supporting your work!) protecting countless children (and adults and pets!) from exposure to Lead and other toxicants in their homes, schools and communities.

Not acknowledging the Lead Safe Mama, LLC advocacy community (over 1.8 million people strong in 2022) for our work that is instrumental in generating CPSC recalls – at a time when we depend on increased public awareness and consequent social media coverage to be able to continue doing the work we do – would be unfair.

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ADDITIONAL DOCUMENTATION

In support of this report the following link has all posts and articles about this issue and this brand – including our communications with the company and the original test results for their products published in January of 2023: <https://tamararubin.com/category/bindle-bottle/>

Incident Date: 1/3/2023

Victim Details

Injury Incident, No Injury
Information:

Victim is of
Hispanic/Latino
origin?

Race: Unspecified

Other
Race/Ethnicity:

Gender: Unspecified

Age when (Unspecified) Years 0
incident
occurred:

Product Details

Product
Description:

See primary description on previous page. CPSC VIOLATION REPORT NOTE: PRODUCT IN QUESTION IS MARKETING FOR USE BY ADULTS — AND EXPLICITLY (via marketing campaign images) — ALSO FOR USE BY CHILDREN and so constitutes a CPSIA violation (see images). While we believe this is a CPSiA violation (because the company markets the product below as safe for use by children) we will also report as an FDA violation to cover all bases. PRODUCT DESCRIPTION: Insulated stainless steel water bottles (all colors, all models) with storage compartment in the bottom – manufactured by Bindle Bottle (based in California) and advertised and marketed with images and language expressly and intentionally indicating to the consumer that the bottom compartment of these products can be used for storing food – have tested positive for high levels of bare / uncoated Lead in the “sealing dot” in the compartment which the company indicates (through their advertising campaigns) is intended for use with food products (for both humans and dogs). [See images]

Product Unspecified
Category:

Product Type:

Brand Name: Bindle Bottle

Manufacturer / Bindle Bottle

Importer /
Private Labeler
Name:

Model Name or Bindle Bottle – All Models all Colors
Number:

Date 12/1/2022
Manufactured:

Manufacturer all manufacture date
Date Code:

Manufacturer Not specified
Address:

Manufacturer <https://bindlebottle.com>
Website URL:

Manufacturer
Phone Number:

Product available N/A

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for examination:

Product Location:

Explanation:

The product is inherently flawed – please read linked article – I also have 50+ more marketing images from the company showing their strategy of encouraging using the lead-contaminated chamber for use with food.

Case Details

Case Number: LSM_03_2023

Investigators: Tamara Elises Rubin

Your Contact Information

Organization Lead Safe Mama, LLC
Name:

Consent

May we include your Report, including any documents or photographs that you have attached to your Report, but without your name and contact information, in CPSC's Public Database?

May we release your name and contact information to the product manufacturer / importer / private labeler identified in your Report?

Yes, you may include my Report with any attachments on SaferProducts.gov.

Yes, you may release my name and contact information to the product manufacturer / importer / private labeler.

I certify that I have reviewed the Report and that the information provided in this Report is true and accurate to the best of my knowledge, information, and belief.

OMB Control Number 3041-0146