

# Fit To Be Tied? Lessons from the Fitbit Recall

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The Consumer Product Safety Commission [recently announced](#) a recall of the Fitbit Force, a wireless activity-tracking wristband, because of consumer reports of rashes, skin irritation and blistering. Consumers are directed to stop using the product and it is now illegal to sell or resell the product. As is increasingly common, announcement of the recall was followed swiftly by the filing of a purported consumer class action in which the plaintiff claims that Fitbit misleadingly promoted the Fitbit Force and failed to warn its customers of the potential adverse health consequences related to product use, including skin irritation, rashes, burns, and more.

Recalls are nothing new. However, certain key facts may offer lessons for other wearable technology manufacturers.

- The Fitbit recall is unusual in its scope. The company reportedly received approximately 9900 user complaints for roughly one million units sold. This amounts to a complaint rate of around one percent yet the company opted to recall all units from the market. We can only speculate about the company's rationale for the actions it took. Notwithstanding, in contemplating the scope of any recall, companies must consider not only the best interests of the users, but how such actions will be explained should a class action lawsuit follow.
- The source of the skin irritation is unclear. Some reports suggest that it is an allergic reaction to a metal or adhesive on the product. Others suggest that the wearable nature of the product leads to the buildup of oils, sweat, bacteria, etc., that may be causing the irritation. Regardless, wearable technology manufacturers need to be sure to consider real world use when determining quality testing as well as content for product labeling, instructions for use, and warnings.
- Finally, wearable health technology is a unique product set insofar as it demands the user wear it constantly in order to be of optimal use. Given this persistent use requirement, consumer safety is key. Perhaps the biggest lesson that industry may learn from the Fitbit recall and litigation is whether taking sweeping action to recall all products in the face of a small percentage of consumer complaints reinforces or detracts from consumer safety perceptions and product use.