

For Immediate Release

Nook Sleep Systems Questions Major Flaws in CHNY's 'Mattress Matters' Report

January 18, 2012 - Santa Monica, California. Nook Sleep Systems, LLC is questioning the conclusions of a recent advocacy group report which Nook believes remains flawed with major fundamental technical shortfalls, procedural errors, and brand bias. In early November 2011, Clean and Healthy New York, ('CHNY') an Albany-based consumer advocacy group, released a new report addressing certain selected manufacturers within the infant mattress industry titled "The Mattress Matters: Protecting Babies from Toxic Chemicals While They Sleep." CHNY's report notes that it was also co-issued by the American Sustainable Business Council ('ASBC'), a separate public policy advocacy entity.

As an innovator in the infant sleep industry, including its introduction in 2010 of its widely-acclaimed breathable and non-toxic 'Pebble Mattress' and follow-on products, Nook Sleep Systems, LLC (www.nooksleep.com) undertook its own assessment of the CHNY report, and contacted CHNY and ASBC both to educate the CHNY staff to address deficiencies in the report, as well as to correct what Nook regards as fundamental flaws in both CHNY's approach and in its methodology. Said Nook's CEO Doug Johnston: "We certainly applaud the initial concept behind CHNY's November 2011 report, and Nook supports fully that the elimination of toxic chemicals from the nursery is both a vital and shared goal; however, we found the original CHNY report to be unscientific in its methodology, inexplicably narrow in its scope, and unduly promotional of certain brands. After engaging in ten weeks of dialogue, we note that CHNY has amicably made at least four significant changes to their report at Nook's specific request. We now want to address several other very serious deficiencies which we believe that parents and other consumers should be made aware of in understanding the CHNY report, which we believe remains flawed."

CHNY et al decline to do their own scientific product testing, decline to include the findings of qualified independent entities who do test products, and disclaim the reliability of their own claims and findings

"To begin, while the CHNY report appears to us as carefully designed to come across as a 'reliable' scientific or even a quasi-scientific report, we think that all readers should be clear that there was no scientific examination or even simple lab testing of any mattresses conducted by CHNY. While CHNY boldly claims that their goal was 'to find out just what crib mattresses are made of,' we note that neither CHNY nor ASBC nor any of their five 'reviewers' (including two medical doctors) have attested that any one of them actually either received, tested, examined, or even physically touched the mattresses from the 28 companies that they surveyed. Thus, there was no truly consistent 'scientific method' employed here, rather, the report itself notes that it was produced simply from 'websites, emails, and direct phone calls' conducted over several months in 2011. In essence, the CHNY report includes a huge amount of hearsay and unqualified opinion. In our view, the lack of simple straightforward examination and/or empirical testing raises 'red flags' almost immediately as to pre-existing bias and hidden sponsorship goals in the report. In this regard, CHNY has so far declined to provide additional data about the 'individual donors' who it notes paid for the report's research and

conclusions. Given all of these disturbing background issues, there may be no surprise that a specific company or a very small handful of companies benefitted almost exclusively from the report's findings."

"Even worse than its failure to employ its own scientific testing in arriving at its own conclusions, CHNY's report also denies the findings of well-known independent third party entities who actually do test products for consumers. We note that in response to CHNY's emails, Nook provided to CHNY in March 2011 that the odorless and invisible NanoSphere® waterproofing treatment used by Nook in its Pebble fabric has been approved as 'non-toxic to humans' by two separate and highly-credentialed international entities (bluesign®-approved and OekoTex® Standard 100 approved). Yet CHNY either deliberately ignored the data provided by Nook, or otherwise simply overrode that data in alleging that NanoSphere® remains a 'chemical of concern.' Even more strangely, CHNY fails to define exactly what the term 'chemical of concern' even means. We should add that CHNY specifically declined in late 2011 to add even a simple balancing footnote to its report regarding the findings of non-toxicity by bluesign® and OekoTex® when we asked. But then the CHNY report appears to hide even more transparently behind its shallow claims, lack of definitions and non-existent science with a blanket disclaimer which even more remarkably states 'we make no claim that a specific chemical or material of concern as identified will cause a specific health outcome for a child.' Having thus alarmed readers by firing its undefined 'chemical concerns' arrows, CHNY then hastily disclaimed that its arrows might even be real – perhaps hoping that casual reader will not even read its core disclaimer and look only at its opinions and releases ranking various brands."

"Nook regards CHNY's collective actions as either irresponsible science or sloppy journalism, or both, and it believes they are indicative of an underlying product prejudice if not outright pre-determined sponsor bias. Stated again and very clearly, CHNY specifically avoids claiming that it even examined or tested the mattresses in its survey, and yet CHNY specifically rejected Nook's submission of the findings of two qualified independent third parties which did test and approve NanoSphere® as non-toxic. This behavior is simply unheard of in a supposedly unbiased survey, and it speaks volumes about the lack of science and journalistic integrity in the CHNY report. At Nook, we especially believe it is very possible that certain sponsors of CHNY's report feel threatened by Nook's introduction of innovative solutions and by Nook's use of a well-established and tested fabric fluid-resistance technology as a means to replace the dangerously off-gassing and potentially suffocating plastic mattress covers which have been used by several brands in the infant mattress industry in recent years."

CHNY et al also pose as experts in allergies despite their lack of testing or allergy credentials

"Thirdly, having pretended, without due product examination, to present an 'educational tool' about toxic chemicals in infant mattresses, CHNY steps out still further in its report scope by also pretending to be an expert in allergies. When challenged by Nook in writing about making numerous observations about alleged allergens in Nook's (as well as in other) latex mattresses in the report, CHNY has again failed to confirm either in the report itself or in response to Nook's specific inquiries that either of CHNY's two 'review' physicians has actually examined or tested any of the mattresses. CHNY's reviewers made no distinction either in the report or after our inquiry regarding the critical dimension of 'contact' vs. 'airborne' allergens, nor did they note that they have any specific credentials in the field of

allergies whatsoever. Neither has CHNY affirmed that any of the report's other writers or reviewers or even its lead researcher have any professional credentials in the field of allergies. Still further, CHNY has specifically declined Nook's request to add a balancing and medically correct sentence to its report: "ANY AND ALL NATURAL FIBERS MAY PRODUCE ALLERGIC REACTIONS, INCLUDING COTTON." The simple scientific reality is that thousands of everyday products including cotton may be considered as 'allergens' and may produce an allergic reaction, even in remotely microscopic quantities or as found in simple household dust. The CHNY report appears again to Nook to be fully aligned with painting certain mattress brands negatively and with a very broad, non-scientific and/or 'allergenic' brush, while deliberately overlooking both scientific fact and common sense with respect to other preferred brands. In our opinion, and given its clear lack of both credentials and editorial balance, CHNY should not pretend to be a qualified 'spokesperson' with respect to allergies, nor should it attempt to classify, rate or rank the safety of infant mattress brands on this basis."

CHNY et al fail to address the accumulation of toxins inside a mattress over time

"Fourthly, Nook has attempted to expand CHNY's understanding of toxins in the crib by pointing out that a mattress (or mattress system) should not only address potential toxins *at the time of purchase* but it should also address the 'very practical problem of how a mattress must operate *over time* to keep add-on toxins (including human toxins) out of the mattress core and without the use of mattress covers (including vinyl plastic).' At Nook, we believe that the evidence amply supports that an infant mattress must specifically be designed: 1) to avoid the risks of plastic mattress covers which carry the dual risks of potential infant suffocation as well as the off-gassing of harmful vapors (see CPSIA 2009 and the Federal mandates on the elimination of vinyl from the nursery), and the mattress design must also 2) defeat the well-known accumulation over time of sweat, dust mites, and other waste products (found in most standard innerspring mattresses) which also produce especially harmful results to infants. Clearly, we believe Nook's mattress system design accomplishes these twin objectives better than any other design in the market. Perhaps not surprisingly, CHNY turned a deaf ear to our suggestions to expand their scope and findings despite their stated interest in eliminating toxins and despite what we believe to be compelling data on the topic."

CHNY et al demand full disclosure from others but do not disclose fully themselves

"Lastly, we recognize that CHNY has a legislative agenda to compel 'full disclosure' and transparency on product websites regarding potentially toxic components in infant mattresses, despite the well-known existing consumer protections of fully-qualified third-party testing which CHNY et al apparently wish to ignore. We also note that CHNY et al appear determined to 'undo' decades of patent law by compelling companies to disclose the contents of their carefully tested and patented components. We should point out that CHNY's goal of 'full disclosure' of all chemicals would thus logically extend, for example, to requiring The Coca-Cola Company to disclose its century-old patented ingredients despite exhaustive third-party testing and despite billions of successful uses of its products. Testing makes sense, and CHNY's lack of testing and their lack of acknowledgement of valid independent testing makes no sense to us at all. CHNY's 'disclosure' initiative thus is laudable in some respects but transparently shallow and perhaps pre-determined in others. While addressing CHNY's interest in 'full disclosure,' we believe that

disclosure should apply to CHNY et al as well. Nook notes that neither Clean and Healthy New York nor the American Sustainable Business Council disclose on their websites just who they are *themselves* in terms of their legal structure, their non-profit status, or similar details. So one might ask, just who are these people? Are they lobbyists? Are they truly an unbiased advocacy group which respects the scientific method? And which individual donors and entities really fund them?"

Conclusion

"Nook has joined the efforts of many responsible manufacturers in the infant mattress industry who have designed and now manufacture high-quality and safety-conscious products, and we will continue to remain committed to careful innovation and infant safety. We applaud responsible investigations and journalism, but we believe that CHNY's lack of testing plus the absence of vital professional credentials and the other glaring flaws in the CHNY report are transparent and especially noteworthy. We recognize that CHNY et al have laudable goals and they are dedicated people, but we feel they missed cleanly and repeatedly in their report and in the accompanying releases. We bring these points to light for review by the industry and by all interested parents, consumers and users."

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