

To,
The Director-General,
Bureau of Indian Standards,
Manak Bhavan,
9 Bahadur Shah Zafar Marg,
New Delhi – 110002,

Subject: Application for Intervention and Remedial Action Against Babyhug, Firstcry through it's Brainbees Solutions Ltd & Circle E Retail Pvt. Ltd. for Supply of Defective and Hazardous Toys.

Respected Sir/Madam,

I, Anshu Raghav, a concerned citizen and consumer, hereby submit this application to bring to your attention the negligence and wrongful actions of **(Babyhug, Firstcry Brand Trademark)** and its parent company, **Brainbees Solutions Ltd. & manufactured by Circle E Retail Pvt. Ltd.**, regarding the supply of defective and hazardous toys. I kindly request your intervention and remedial action in this matter to safeguard consumer rights and ensure the safety of vulnerable children.

Details of the Applicant:

Name: Miss Anshu Raghav

Address: 545K/C-52 ram Vihar Colony Para Road, RajajiPuram, Lucknow, Pin-226017, Contact Number:-7007914477, Email: shivendraanshu7@gmail.com

Description of the Incident:-On 23th September 2024 , I purchased the "Babyhug Fruits & Vegetable Set of 40 - Multicolour" from Babyhug, believing it to be safe and suitable for children. However, upon inspecting the product, I was alarmed to discover the presence of sharp edges on the toys. These sharp edges pose a serious safety hazard to children and directly contradict the warranted EN 71 certification, which is equivalent to the Indian standard IS 9873 specified by the Bureau of Indian Standards (BIS).

I promptly brought this issue to the attention of Babyhug and Brainbees Solutions Ltd. via email communication on 6th October 2024, providing compelling evidence and photographs illustrating the defective nature of the product (**attached as Annexure No. 1**). Despite the severity of the matter, the company failed to take appropriate action, demonstrating a blatant disregard for consumer safety.

During a telephonic conversation with a company representative on 7th October 2024, I again emphasized the urgency of addressing this safety hazard. Unfortunately, Babyhug and Brainbees Solutions Ltd. exhibited indifference and

failed to acknowledge the legitimate concerns, instead relying on standard return policies, which are wholly inappropriate given the circumstances.

In this matter, we discussed over the phone and the company acknowledged via their official email that the product is defective and unsafe for children. The product features sharp edges, posing a potential hazard to children."

The company has admitted to their mistake but has yet to take corrective action. We have attached a screenshot of the company's email and marked it as **Annexure No. 2**

I took this matter seriously and sent a legal notice to the company through my advocate on October 7, 2024. However, despite this, the company has yet to provide a satisfactory response or take appropriate action to address the defective and hazardous product issue. A photocopy of the legal notice sent by the advocate is being attached with the application as **Annexure no-3**.

Breach of BIS Standards and Consumer Rights:- Babyhug and Brainbees Solutions Ltd. are in clear violation of the BIS standards and consumer rights protected under various statutory provisions:

1.The Standards of Weights and Measures Act, 2011: As per Section 15 of this Act, it is mandatory for manufacturers, packers, and importers to use only those weights, measures, and goods that conform to the specified standards. By supplying toys with sharp edges, Babyhug and Brainbees Solutions Ltd. have breached this statutory requirement.

2.The BIS Act, 2016: Section 14(1)(b) of the BIS Act stipulates that no person shall manufacture, store, sell, distribute, or import any article or process for which a compulsory standard has been declared by the BIS, unless it conforms to such standard. The presence of sharp edges on the toys violates the compulsory standard IS 9873, which is intended to ensure the safety of toys intended for children.

3.The Consumer Protection Act, 2019: Under Section 18 of the Consumer Protection Act, it is the right of the consumer to be protected against the marketing of goods that do not conform to the standards specified by the competent authority, which in this case is the BIS. Babyhug and Brainbees Solutions Ltd. have failed to comply with the mandatory safety standards, thereby violating my consumer rights.

Recall of Defective Products: As per Section 18(3) of the Consumer Protection Act, 2019, we demand a mandatory recall of the defective batch/production lot of the "Babyhug Fruits & Vegetable Set of 40 - Multicolour.

4.The Indian Contract Act, 1872: As per Section 16(2) of the Indian Contract Act, there is an implied warranty that the goods supplied are reasonably fit for their intended purpose. Babyhug and Brainbees Solutions Ltd. have breached this implied warranty by supplying defective and hazardous toys.

Demands and Request for Action:-In light of the above, it is requested that the Bureau of Indian Standards:

1.Immediately initiate an investigation into the matter and inspect the defective product batch/production lot.

2.Impose stringent penalties on Babyhug and Brainbees Solutions Ltd. for their negligence and violation of BIS standards, including suspension or cancellation of their certification/licensing if warranted.

3.Direct the company to issue a mandatory recall of the defective product and provide full refunds to all affected consumers, as per the provisions of the Consumer Protection Act, 2019.

4.Ensure that Babyhug and Brainbees Solutions Ltd. offer appropriate compensation to consumers for mental harassment, distress, and any physical/psychological harm caused, as per the applicable legal provisions.

5.Mandate the company to implement enhanced quality control measures, conduct regular safety audits, and disclose all relevant safety assessments and test reports to the BIS for scrutiny.

Potential Harm and Request for Remedial Action:-The supply of defective and hazardous toys by Babyhug and Brainbees Solutions Ltd. poses a significant risk to the safety and well-being of children. As a concerned citizen and consumer, I fear that if this issue remains unaddressed, it could lead to potential injuries and harm to vulnerable children who may come into contact with these toys.

Therefore, I humbly request the Bureau of Indian Standards to exercise its authority and take the following remedial actions:

Immediately investigate the matter and inspect the defective product batch/production lot.

Impose stringent penalties on Babyhug and Brainbees Solutions Ltd. for their negligence and violation of BIS standards, including suspension or cancellation of their certification/licensing if deemed appropriate.

Direct the company to issue a mandatory recall of the defective product and provide full refunds to all affected consumers, as per the provisions of the Consumer Protection Act, 2019.

Ensure that Babyhug and Brainbees Solutions Ltd. offer appropriate compensation to consumers for mental harassment, distress, and any physical or psychological harm caused by their defective product.

Mandate the company to implement enhanced quality control measures, conduct regular safety audits, and disclose all relevant safety assessments and test reports to the BIS for scrutiny.

I trust that the Bureau of Indian Standards will treat this matter with the urgency it deserves and take decisive action to safeguard the interests and safety of Indian consumers, especially vulnerable children.

Thank you for your attention to this application. I am available to provide any additional information or assistance as required. Please do not hesitate to contact me through the provided contact details.

Yours faithfully,

Anshu Raghav

Miss. Anshu Raghav

Dated:-17 October 2024

Enclosures:

Annexure No. 1 - Copy of email communication, photographs of the bill, and defective toy.

Annexure No. 2 - The company itself admitted its mistake in the email it sent that the product was defective and had pointed out.

Annexure No. 3 - A photocopy of the legal notice sent by the applicant to the company through his advocate is enclosed.

NOTE:-This application does not require the physical signature of the primary, it has been electronically signed and sent for appropriate action.



Urgent Attention Required: Discrepancy in Product Safety - Order # 21788447CVBC87765C

2 messages

Shivendra Singh <shivendra0495@gmail.com>
To: customercare@brainbees.com

Sun, 6 Oct, 2024 at 11:09 pm

Dear
Babyhug through it Circle E retail Pvt. Ltd

I am writing to express my grave concern regarding a recent purchase of the Babyhug Fruits & Vegetable Set 40 Pack from your company, intended for use by my young children. During my pre-purchase inquiry, I specifically sought assurance regarding the safety standards of your products, and I was unequivocally informed that the toys are EN 71 certified, signifying compliance with stringent safety measures.

However, to my profound dismay, upon meticulously inspecting the delivered toys, it has come to light that your assurances regarding product safety, specifically the EN 71 certification, appear to be misleading. Several pieces within the set exhibit alarmingly sharp edges, posing a significant and immediate hazard to the very children your products aim to engage and delight.

Enclosed with this email is compelling photographic evidence, vividly illustrating the sharp edges on the toys. These images starkly contradict the safety standards promised and warranted by the EN 71 certification. Additionally, I have included comparative visuals of certified toys that align with the expected EN 71 norms, further emphasizing the discrepancy between your assurances and the actual product received.

As a lawyer and a vigilant parent, I implore you to scrutinize these images and confront the stark reality of the situation. The presence of sharp edges on toys designed for children is utterly unacceptable and poses a serious safety hazard that cannot be overlooked.

In light of these alarming findings, I demand the following immediate actions:

Immediate Recall and Replacement: I insist that you promptly recall the entire batch or production lot associated with this defective product. Additionally, I demand a replacement set for my children, assuring me that each piece has been rigorously inspected and truly warrants the EN 71 certification, guaranteeing their safety.

Priority Dispatch of Safe, Premium Products: As a gesture of goodwill and to restore my faith in your company's commitment to customer satisfaction, I request that you prioritize sending an assortment of your newest and safest products from your esteemed collection to my address, as listed in my previous orders. This proactive step will showcase your dedication to upholding the highest standards and compensating for the distress caused by this unfortunate incident.

Transparent Investigation: I expect a comprehensive investigation into how these defective toys slipped through your quality control processes. As a company that caters to vulnerable young consumers, product safety should be non-negotiable, and I trust that you will treat this matter with the utmost seriousness it deserves.

Continuous Dialogue: I invite open and transparent communication regarding any developments or findings related to this issue. Please feel free to contact me directly via my provided contact information to discuss any aspect of this case further.

Please note that I am prepared to escalate this matter to the relevant consumer protection authorities and pursue all available legal avenues if necessary to ensure the safety of other unsuspecting consumers. However, I trust that your company values its reputation and will take swift and decisive action to rectify this situation.

Thank you for your prompt attention to this urgent matter. I eagerly await your response and the implementation of the requested actions.

A copy of the bill is also being sent to you with this email, which is in PDF form

Best regards,
Anshu Raghav

<customercare@brainbees.com>
Reply to: customercare@brainbees.com
To: shivendra0495@gmail.com

Mon, 7 Oct, 2024 at 4:17 pm

Dear Anshu,

Greetings from Babyhug!

Hope everyone is safe and in good health.

This is in reference to your order ID: 21788447CVBC87765C, wherein your concern is for the product "Babyhug Fruits & Vegetable Set of 40 - Multicolour".

Thank you for sharing **the attachments**

We are extremely sorry for the inconvenience caused to you.

As per our telephonic conversation on your mobile no. 7355713624, wherein we have discussed your concern hence drafting an email for the same.

As per your email, We understand your concern and regarding this, we wish to inform you that we can process the return request but as you have mentioned over the call that your child has already used few quantities from the set of 40 due to which we won't be able to mark the return of the product **if the product was kept in unused condition we would have definitely helped you out with the return but now the product has already been used so as per the return policy we are not able to mark the return of the product.**

We appreciate your patience in this regard.

For more details on the return policy click on the link: <https://www.firstory.com/returnpolicy>

We appreciate your patience and co-operation.

For any further assistance, contact us at Babyhug Customer Care at 01353501241 (From 9 AM to 6 PM India Time), or please e-mail us on customercare@brainbees.com

Thanks and Regards,
Himanshu
Team Babyhug.

(Quoted text hidden)

www.FirstCry.com

TAX INVOICE

Shipping Address

Anshu Raghav
545 K /C -52 ram vihar colony para
road rajajipuram lucknow uttar
pradesh 545 K /C -52 ram vihar
colony para road rajajipuram
lucknow uttar pradesh
Lucknow, Uttar Pradesh, 226017



GST NO : 06AADCD8136E1ZV

Place Of Supply : 09-Uttar
Pradesh

Shipment ID : 111434738329

Invoice No : 06C24W003513476

Order No : 21788447CVBC87765C

Invoice Date : 2024-09-23

Order Date: 2024-09-23

Sold By : Digital Age Retail Pvt. Ltd. INDOSPACE LUHARI 3E PVT LTD, VPO LUHARI,
PATAUDI-KULANA ROAD, MDR-132,TEHSIL JHAJJAR, DISTRICT -JHAJJAR, 124108

Dispatch From : INDOSPACE LUHARI 3E PVT LTD, VPO LUHARI, PATAUDI-KULANA ROAD,
MDR-132,TEHSIL JHAJJAR, DISTRICT -JHAJJAR LUHARI HARYANA

Item Name	Qty	MRP	Total Disc.	Tax Type	Tax Rate	Tax Amt	Sub Total
Babyhug Fruits & Vegetable Set of 40 - Multicolour (minqty:1) HSN Code: 950300 Code: 9303147	1	595.00	327.25	IGST	12.00	32.13	299.88
Total IGST Amount							32.13
Shipping + Convenience Charges (Inclusive of all taxes)							3.75
COD Charges (Inclusive of all taxes)							2.11
Total Amount Including Tax							299.88
(Gift cert/Club Cash/Cash Refund) Additional Discount							0
Gift Wrap Charges							0.00
Refund Amount							0
Grand Total (Inclusive of all taxes)							305.74

Not For Resale

Thank you for being FirstCry Club member. Keep shopping & enjoying benefits.

This is a computer generated invoice and requires no signature & Stamp.

Registered Office: Rajashree Business Park, Plot No 114, Survey No.338, Next to Sohrabh hall, Tadiwala Road, Pune 411001 CIN:- U52100PN2011PTC139221











RE:This is in reference to your order ID: 21788447CVBC87765C, wherein your concern is for the product "Babyhug Fruits & Vegetable Set of 40 - Multicolour".

1 message

<customercare@brainbees.com>
Reply to: customercare@brainbees.com
To: shivendraanshu7@gmail.com

Mon, 7 Oct, 2024 at 4:22 pm

Dear Anshu,

Greetings from Babyhug!!

Hope everyone is safe and in good health.

This is in reference to your order ID: 21788447CVBC87765C, wherein your concern is for the product "Babyhug Fruits & Vegetable Set of 40 - Multicolour".

Thank you for sharing **the attachments**

We are extremely sorry for the inconvenience caused to you.

As per our telephonic conversation on your mobile no. 7355713624, wherein we have discussed your concern hence drafting an email for the same.

As per your email, We understand your concern that there was a manufacturing issue with the product as there were sharp edges even after mentioning that the toys are EN 71 certified and regarding this, we wish to inform you that we can process the return request but as you have mentioned over the call your child has already used a few quantities from the set of 40 due to which we won't be able to mark the return of the product if the product was kept in an unused condition we would have helped you out with the return but now the product has already been used so as per the return policy we are not able to mark the return of the product.

We appreciate your patience in this regard.

We appreciate your patience in this regard.

For more details on the return policy click on the link: <https://www.firstcry.com/returnpolicy>

We appreciate your patience and co-operation.

For any further assistance, contact us at Babyhug Customer Care at 01353501241 (From 9 AM to 6 PM India Time), or please e-mail us at customercare@brainbees.com

Thanks and Regards,
Himanshu
Team Babyhug.

Delivered by Email/Indian Post

Ref-In/Lko/78/24

LUCKNOW

First Floor 545K/C52 Ram Vihar Colony
Para Road Rajajipuram Lucknow
www.vakalatwala.com
Email- Vakalatwala@Gmail.Com
Official No+91 979 390 9775



RECOGNIZED BY GOVERNMENT OF INDIA

Date:-07th October-2024

LEGAL NOTICE AND FINAL WARNING

To,

**Babyhug through it Brainbees Solutions Ltd.
Rajshree business Park ,S.No.338, Next to Sohrabh
Hall, Tadiwala Road, Pune-411001**

Subject: Legal Notice for Breach of Contract, Negligence, Supply of Defective and Hazardous Products, and Criminal Breach of Trust. Order No#-21788447CVBC87765.

Dear, **Babyhug through it Brainbees Solutions Ltd.**

I, Advocate Shivendra Pratap Singh, a duly licensed legal practitioner, acting on behalf of my client, Miss Anshu Raghav, hereby serve upon you this legal notice regarding the egregious negligence, blatant breach of contract, supply of defective and hazardous products, and criminal breach of trust by your company, Babyhug, specifically concerning the "Babyhug Fruits & Vegetable Set of 40 - Multicolour."

At the instruction of my client, I draw your attention to the following issues, which unequivocally demonstrate your company's utter disregard for its legal and moral obligations:

I refer to my client's previous communication dated 06TH October- 2024 of Previous email], wherein he brought to light the alarming presence of sharp edges on the aforementioned product. These sharp edges pose an unacceptable and immediate safety hazard to children, directly contravening the warranted EN 71 certification. Despite the compelling and irrefutable

evidence presented, your company has failed to take prompt and appropriate remedial action, exhibiting a blatant disregard for my client's legitimate concerns and the well-being of vulnerable consumers. A copy of the email along with the photographs of the bill and the pointed toy are being attached as **Annexure No. 1** to this Legal Notice.

During a telephonic conversation on 07TH October -2024, between my client and a representative of your company, the severity of this matter was emphatically conveyed. Your company's reliance on standard return policies as a basis for denying my client's request for redressal is not only unacceptable but also indicative of a callous indifference towards consumer safety and well-being.

By supplying toys with sharp edges intended for use by children, Babyhug & Brainbees Solutions Ltd. has flagrantly breached express and implied warranties under the Consumer Protection Act, 2019, and the Indian Contract Act, 1872. Specifically, your company has contravened Section 16(2) of the aforementioned Acts by providing goods that are patently unsafe, unfit for their intended purpose, and in direct violation of the warranted safety standards.

Furthermore, Babyhug's & Brainbees Solutions Ltd. negligence in upholding its fundamental duty of care towards vulnerable consumers constitutes a tortious act, rendering your company liable for civil damages. Additionally, your failure to uphold the warranted safety standards and to take appropriate corrective action despite being made aware of the hazard may amount to criminal negligence and a breach of trust under the Indian Penal Code, 1860.

In light of the foregoing, please be advised that my client is prepared to institute the following legal actions against your company:

1. **Breach of Contract:** Babyhug & Brainbees Solutions Ltd. has breached its contractual obligations by failing to provide goods that conform to the express warranty of EN 71 certification and the implied warranty of fitness for purpose. This entitles my client to seek damages, including the cost of the defective product, which amounts to Rs-305.74, as well as any associated legal expenses incurred.
2. **Negligence and Product Liability:** Your company's negligence in ensuring the safety of its products and maintaining the requisite standard of care falls squarely within the ambit of product liability. My client intends to vigorously pursue compensation for mental harassment, distress, and any physical or psychological harm caused by your negligence, in addition to the recovery of all legal expenses incurred.

3. **Misrepresentation and False Advertising:** By falsely advertising and warranting EN 71 certification, Babyhug & Brainbees Solutions Ltd. has engaged in misrepresentation and deceptive marketing practices under the Consumer Protection Act, 2019. These unlawful actions carry significant legal repercussions, including but not limited to monetary penalties, injunctive relief, and compensation for affected consumers.
4. **Criminal Breach of Trust:** Your company's failure to uphold the warranted safety standards and to take prompt corrective action upon becoming aware of the hazard may amount to criminal breach of trust under Section 405 of the Indian Penal Code, 1860. This carries potential criminal liability, including imprisonment and/or fine.
5. **Injunctive Relief and Public Interest Litigation:** My client reserves the right to seek injunctive relief to prevent further distribution of the defective product and to compel Babyhug & Brainbees Solutions Ltd. to implement stringent quality control measures. Additionally, we may initiate public interest litigation to hold your company accountable for its negligence and to safeguard the interests of other consumers.

Therefore, my client demands that Babyhug immediately undertake the following remedial actions within 10 days of receiving this legal notice:

- a) **Immediate Recall and Full Refund:** Initiate an immediate recall of the defective batch/production lot and provide my client with a full refund, including reimbursement for any expenses and legal fees incurred as a direct consequence of your company's negligence.
- b) **Compensation for Damages:** Offer substantial compensation for the mental harassment, distress, and anxiety caused, as well as any physical or psychological harm inflicted on my client or any other affected consumers due to your defective product.
- c) **Public Apology and Corrective Measures:** Issue a public apology, acknowledging the safety hazard, taking full responsibility for your negligence, and outlining concrete and immediate steps your company will take to prevent similar incidents from occurring in the future.
- d) **Transparency and Disclosure:** Provide complete transparency by disclosing all relevant documents, safety assessments, and test reports related to the defective product. Additionally, my client demands a detailed plan of action outlining the enhanced quality control measures Babyhug & Brainbees Solutions Ltd. will implement to ensure consumer safety and prevent recurrence of such hazardous incidents.

Please be advised that my client is prepared to initiate both civil and criminal proceedings against your company for the aforementioned breaches and negligence. Failure to comply with the aforementioned demands within the stipulated timeframe will result in swift and aggressive

legal action, including civil litigation and claims for punitive damages, as well as potential criminal proceedings.

A copy of this legal notice is being sent to the relevant consumer protection authorities, law enforcement agencies, and the appropriate judicial forum.

Yours faithfully,

On behalf of Miss Anshu Raghav



Mr. Shivendra Pratap Singh

Senior Attorney Partner

Vakalatwala

Email- Vakalatwala@Gmail.Com

CC:

Miss. Anshu Raghav

Email: Shivendraanshu7@gamai.com

Ram Vihar Colony Near St. Lawrence school
para road rajajipuram Lucknow, up-226017
