

# Follow Up - How CPS and Subaru Failed Pet Parents (and hurt their own reputations)

*This is the second part of the follow up to our travel crate white paper. We examine the response of Center for Pet Safety and Subaru of America.*

## The Testers

### Center for Pet Safety (CPS)

*Neither CPS or any of its associates returned our messages. CPS operates a very prolific marketing campaign directed at print, radio and tv outlets to 'advocate' with their test results. Yet, they are completely silent when legitimate questions arise concerning their 'research' methods. It is highly unusual for real scientist researchers not to respond to criticism, either by issuing corrections or defending their results.*



For the record, here are the difficult questions we asked Center for Pet Safety:

- did Subaru provide any input to the testing methodology or review the final procedures used?
- do you feel the d-rings and anchor points used on the CPS test sled are reflective of those available in consumer cars/trucks/suvs?
- are you confident the typical cargo anchor points found in vehicles like Subaru's Outback will hold the Gunner crate and a 75lb dog in place against crash forces generated in a 30 mph collision?

Rather than respond to three yes/no questions, CPS chose to hide.

CPS avoids taxes by virtue of IRS recognition as a charitable organization involved in "research and advocacy." Shouldn't an organization receiving a public-good tax break at least respond to the public? I certainly think so.

CPS provides a short question and answer section on their website about their "certification" program for manufacturers. Some I find to be troubling:

Q: Are there costs involved? Yes, because CPS is a 501(c)(3) and we are not fully funded, we require payment of an examination fee and product certification fee. These fees vary depending on the number of sizes tested. Please reach out to CPS directly for more details.

Q: If I pay the fees will I receive a seal? Performance of your product is measured in a NHTSA contracted test laboratory. Only products that pass the testing will be awarded a seal. It is best to ensure ample due diligence before applying for certification.

Q: Do we receive video content and promotional opportunities? Yes, you receive a copy of all data collected during testing and **may use the video and the CPS Certification to promote your significant achievement.**

Q: How will a CPS Certified seal help my brand? The Center for Pet Safety is the only independent non-profit organization working to further the safety of pet products and develop standards. Most of the harness products on the market cannot meet our rigorous testing and performance requirements. **Products passing CPS Certification will be considered "Elite Performing Products"**. Additionally, because CPS Certification is voluntary, having the CPS Seal on your product packaging indicates to the purchaser that your company has made a serious commitment to safety – and truth in marketing. **Why wouldn't you want your product to be CPS Certified?**

(Emphasis added by ismypetsafe.com)

This is eerily reminiscent to reports about ConsumerLab, a dietary supplement tester:<sup>1</sup>

As we've reported before, our sources tell us that ConsumerLab.com (CL) approaches dietary supplement makers and asks them to enroll in its "voluntary" testing program—for a fee. CL doesn't publicly disclose its fee schedule, but we were told that one company was charged over \$4,000 to test a single product.

We also understand that companies that pay the fee are guaranteed that if one of their products passes the testing under their Voluntary Certification Program, it gets listed on the site and may carry the CL Seal of Approval—and if it fails the testing, the product will not be identified publicly because the results are "proprietary to the manufacturer"!

ref original at: [anh-usa.org](http://anh-usa.org)

That CPS may require additional funding to perform testing is understandable - they are a relatively new operation. But look at the words they use: product examination fee, product certification fee. Not testing fee. Not cost of test plus x% administrative fee. How much is Center for Pet Safety marking up the testing cost?

Further reflecting poorly on the character of CPS is their push to have manufacturers take out a "Crash Test Dog Licensing Agreement." From the public pages of the CPS website:

"Manufacturers who have a travel safety product that requires testing are encouraged to contact CPS to learn more about the crash test dog licensing program."

[...]

"In the future, CPS will be purchasing off the shelf, evaluating product performance **and holding manufacturers accountable to their marketing claims. If you choose not to test, CPS recommends you change the name of your safety harness to "distracted driving tether" to help ensure that crash protection is not implied to the consumer.** Additionally, several manufacturers support the CPS mission and **will vie for certification** in the future. **They will have a competitive edge over your untested product.**"

[...]

"To further our mission of supporting consumer and companion animal safety, we are allowing pet product manufacturers the use of our proprietary, instrumented and weighted crash test and static dog models for product testing of pet travel products **through a licensing agreement. (The use of CPS' specialty fixturing is also available as part of this licensing agreement.)**

(Emphasis added by ismypetsafe.com)

What words come to mind to describe the above? Of the many that come to mine, the first is ... *unsavory*. Different people, different strokes but the language in the test dog licensing section would make me far less inclined to deal with CPS if I were a manufacturer.

So is CPS really deserving of their 501 (c)(3) status? Are they truly a "research and advocacy organization?" Or is their primary purpose to sell a marketing label to pet product manufacturers so to finance their salaries and pay consultants?

Sadly, history is littered with charitable organizations whose raison d'être turned out to be something other than their stated purpose. What the deal is with CPS, I really don't know. I guess the optimist in me would say "maybe they're just trying too hard."

## SUBARU of America

I also reached out to Subaru of America to seek comment on the white paper and to ask a few follow up questions I thought they could answer:

- Does Subaru support the conclusions of the CPS 2015 crate study?
- Did Subaru engineers review the methodology and procedures used by CPS?
- Does Subaru agree the d-rings and anchors points used on the CPS test sled are reflective of those available in consumer cars/trucks/suvs?

- Is Subaru confident the standard 100lb cargo anchor points in recent Outback's will hold the Gunner crate and a 75lb dog in place against crash forces generated in a 30 mph collision?
- Does Subaru provide customers with recommendations on cargo placement?
- Does Subaru agree with CPS crate location placement recommendations?

Also interested in any comments Subaru has on our report  
[http://www.ismypetsafe.com/files/travel\\_crates.pdf](http://www.ismypetsafe.com/files/travel_crates.pdf)

I initially tried to reach Joe Perri, the contact listed on the joint Subaru/CPS website [press release](#). After no response, I then contacted Dianne Anton of Subaru of America with the same request, including the original message to Joe. When that too was met with no response, I reached out to Michael McHale, the Director of Corporate Communications of Subaru of America, again sending the complete e-mail chain. Were these yes/no questions simply too difficult to answer?

*(from this point "Subaru" will refer to Subaru of America)*

Mr. McHale did respond.

The testing was carried out by CPS in concert with a leading automotive testing agency. We at Subaru do not directly recommend particular crates nor did we design or perform the testing. We do understand that while no testing can fully replicate every real-world situation, CPS were confident that the testing provided good insight into overall crate performance.

Unfortunately, he did not really address the questions directly so I followed up again:

You said that "We at Subaru do not directly recommend particular crates..." yet the joint PR release of 7/24/15

- specifically mentions the Gunner crate as a "top product";
- you are quoted "Alongside Center for Pet Safety, we are proud to help lead the charge in identifying the best crates and carriers for pet lovers everywhere,..."

Am I wrong that most consumers would view that as a joint recommendation?

In the same release you continued "We are also pleased that our crossover vehicles, which are award winners themselves for safety, accept most crate and carrier sizes."

In my original email to joe@(redacted).com, I asked a Subaru specific question, I'll repeat here, removing the reference to Gunner to be CPS agnostic:

- Will the standard 100lb cargo anchor points in recent Outbacks hold a 25lb crate and a 75lb dog in place against crash forces generated in a 30 mph collision?

I realize that is a bit technical, could one of your engineers answer?

Mr. McHale replied again:

We were very specific in referencing only the CPS recommendation. We are also satisfied that CPS employed a reputable crash-test company to produce the tests. Furthermore, our anchor points pass all required load testing. I do suggest that if you wish to discuss the test methodology further you should contact CPS directly.

So on the one hand, Subaru did respond. On the other, they really did not answer the questions asked and are just a touch evasive. I suppose that is not surprising as I was throwing water on their marketing campaign. Even so, Subaru did provide some valuable information and insights.

The easiest to get out of the way is the notion that Subaru is not recommending any crates. As I pointed out to Mr. McHale, Subaru issued a joint press release with CPS in which *he himself states* that "we are proud to help lead the charge in identifying the best crates and carriers ..." and Gunner Kennels is listed as a 'top performer' only a few sentences away.

I will grant Mr. McHale the very technical point that he did not say “Subaru names Gunner a top performer.” Yet, I do maintain that any reasonable pet parent reading that release would come to the conclusion that this is a joint effort by Subaru and CPS and that Subaru stands in support of the CPS award. Supporting the recommendations of a second party is at least a tacit recommendation of your own.

Where Subaru really falls down in their strident denial of involvement in the testing. In his first response, Mr. McHale notes that “The testing was carried out by CPS in concert with a leading automotive testing agency.” This is true, MGA Research is a reputable testing agency. Is it also true that Subaru took on reputational risk by giving all testing oversight to CPS?

## MGA Research

I contacted MGA Research, the firm that carried out the CPS crate crash testing for comment. MGA performs thousands of tests each year for a range of clients - governments, corporation and not-for-profits. Unfortunately, as many customers demand confidentiality, MGA does not comment on the specifics of the tests they perform.

The wider MGA group does sometimes develop testing methodologies, most often for government studies but sometimes for third parties. However, the Virginia MGA facility normally preforms testing to pre-existing or customer provided test procedures. CPS used the Virginia facility for their tests.

Even in rare cases where MGA may make a recommendation to a client, they need to be sure that their insight wasn't gained from proprietary work for another client, so any input provided will be purely a function of technical merit and not judgment or feel concerning testing standards and methodology.

MGA did describe most crash tests as "worst case scenarios." As an example, in child seat testing, because seat attachment anchor points must meet known specifications defined by the government, MGA uses an anchor that will not break in testing. This removes a variable from consideration when interpreting the results of the child seat test and aids in the reproducibility of results.

After speaking with them, I do not doubt that MGA Research is very good at what they do, are very thorough and credible.

The question that was put to Subaru was whether they had any engineering oversight or other input into the testing methodology used by CPS. McHale states that Subaru did not but implies that the test facility did. And while I can't be 100% certain due to MGA's confidentiality agreements, it seems very unlikely that MGA had any input into the test methodology used for the CPS crate tests. *This points to CPS as the source of the testing methodology.*

In his second response, Mr. McHale says “We are also satisfied that CPS employed a reputable crash-test company to produce the tests.” This can be interpreted to again mean MGA Research but it may also be a reference to Chris Sherwood, an employee or consultant employed by Biocore LLC and a member of the CPS "team".

## Biocore LLC

While trying to track down Mr. Sherwood for comment, I looked into Biocore LLC. Like Mr. Sherwood, there is not a lot of information out there. What is known is that it is a LLC front for a group of University of Virginia biomechanical engineering researchers who offer their services as safety consultants. This is **not** an unusual arrangement for university professors/researchers to monetize their work and experience while also providing legal cover for both themselves and their associated university.

Dr. Kent, who I did email, and another associate have spent many years testing automobile safety features and providing safety recommendations to the government and car manufacturers. They are now applying that knowledge to sports equipment such as football helmets.

So for the most part, Biocore seems on the up and up, though I have to admit being a little uneasy when I saw this job [posting](#) seeking an entry level mechanical engineer at a rate of \$20/hour. The US Bureau of Labor Statistics notes the bottom 10% of mechanical engineers are compensated at \$25.58/hour (\$53,200/yr).

Mr. Sherwood previously worked at the Insurance Institute for Highway Safety. From his published papers and other mentions I could find, he appears to specialize in car child safety. CPS notes in their carrier testing remarks that Mr. Sherwood and Dr. Prasad reviewed the CPS protocol and rating system. Given that many of the carrier products are used

in a rear seat in a manner akin to human child seats, Mr. Sherwood's involvement makes some sense. (*Note: ismypetsafe.com has not reviewed the CPS carrier tests.*)

The important point to take away is that Sherwood and Prasad are only said to have *reviewed* the CPS carrier protocol, not designed it. There is no such statement concerning the crate testing, only that Mr. Sherwood was part of the "team." Given the limited funds available to CPS, how extensive was that review? What exactly was reviewed?

In fact, as we previously [wrote](#), the CPS crate test was said to follow the published ECE R-17 protocol but did not. Rather, it was modified in arbitrary ways. Did Mr. Sherwood approve? Dr. Prasad? Did they consider anchors in the rear of consumer vehicles probably would not hold a crate in place during a significant crash event? Nobody knows as CPS is not telling.

So to summarize:

- Subaru stops short of saying they fully support the CPS conclusions, instead suggesting the tests provide 'good insight,'
- Subaru states their engineers had no part in developing or reviewing the CPS testing methodology,
- Subaru redirects attention to the crash test company (likely MGA Research, possibly Biocore),
- MGA Research rarely designs or reviews methodology,
- Biocore LLC's involvement and review of the *crate* test methodology is unknown and may not even exist.

## Final Analysis

I think pet parent's need to focus on three primary points

1. Crate manufacturers are starting to take safety seriously,
2. Don't believe the hype,
3. Subaru has let pet parents down and damaged their reputation in the process.

### Crate manufacturers are starting to take safety seriously.

Our limited look at travel crates found three companies that already had products tested and another nearing that point. Where there is some let down is in the quality and transparency of the testing.

On one end you have MIM, who commissioned independent testing conforming to a known standard for front and rear crashes (as well as drops) . At the other you have Gunner whose crate was tested under a faulty method by CPS. In the middle is 4Pets, also independently tested but not to the extent as done by MIM.

MIM was very transparent in publishing all data about their crash test. Gunner and CPS only provide video and little else. 4Pets lists the features that were tested but provides little information about how the tests were done, the data or even videos.

We strongly urge pet parents to contact manufacturers and ask not just if their crate is crash tested but by whom, to what standard/methodology and where they can read the test results. Greater transparency will also help the push for realistic testing methods as any poor tests are critiqued independently or by the manufacturers.

### Don't believe the hype!

Center for Pet Safety has laudable goals but poor execution and questionable tactics. Unfortunately, it takes a lot of work for a pet parent to sort that out. It is far easier to accept the feel good message and be shocked by thier videos than to question the messenger.

Pet parents *must* get in the habit of not only questioning the safety of the products they intend to purchase but also the advocacy and advice they receive in media outlets. **Not all advice is equal, not all research is comparable, not all tests are well designed.** Agendas may be real, unintended and even hidden.

So while CPS may bring some awareness to the public about the limited testing these travel products may see, they simultaneously hurt that cause and their own reputation, in my opinion, by continuing to publicize a poorly designed test and aggressively pushing their marketing scheme on manufacturers.

## **Subaru has let pet parents down and damaged their reputation in the process.**

I am not going to call Subaru an evil corporation or anything like that. And I'm quite sure that their employees really do "love pets" as is their slogan. However, Subaru's involvement with CPS shows, in my opinion, a focus far more on projecting a feel-good image for their brand to pet parents and far less on actual pet safety.

Of all the parties involved, Subaru had both the monetary and technical resources to really make a difference. Instead, for a monetary drop in the bucket, Subaru gets a lot of warm, pet-friendly publicity that would be expensive to mimic in traditional television based auto advertising.

It is mystifying, in my mind unconscionable, that Subaru left both the design and review of the crate (and carrier) testing to CPS, a new organization with no past technical experience or track record. Subaru accepted as fact that CPS would design and carry out tests that reflect the real world safety concerns of pet parents.

What ever happened to the notion of due diligence? Could Subaru not spare one engineer for a few hours to review the CPS crate test methodology? Would a Subaru engineer be reluctant to approve a test using unbreakable anchors knowing the anchors in Subaru vehicles could fail under the same conditions? Would a Subaru engineer point out that the size of the test sled and placement of the crates are not reflective of the vast majority of vehicles pet parents drive or how they use them? We will never know as Subaru did not bother.

I understand that Subaru does wish to avoid recommending third party products. That does not mean that Subaru should avoid reviewing the test procedures, especially if Subaru is going to put their logo and corporate sponsorship on the announcement of the test results. A statement to the effect of "while we verified the testing methodology and helped provide funding, many factors are involved in evaluating a product and thus leaves a final determination to our partner." This would provide authoritative legitimacy to the crash tests as opposed to the *branding* legitimacy they gave to Center for Pet Safety.

What could have been something extremely positive for pets, pet parents, CPS as well as Subaru instead became a muddled mess. But the problems are correctable and without too much additional cost or effort. I urge Subaru to continue their support for testing pet crates but they must take a far more active role if they fund inexperience partners. The end result will be a positive outcome for both the pets and Subaru's reputation.

*Disclaimer: I owned a Subaru WRX for many years, was a happy customer and the car, with some luck, was safe enough to have protected my life from a fallen tree. So I have no axe to grind against Subaru!*