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MAY 17 1974

Mr. K. A. McIntosh
McIntosh Bros. Homes
Box M
DuBois, Pennsylvania 15801

Dear Mr. McIntosh:

This is in response to your correspondence of March 7, 1974, in which you informed the Commission about a condensation problem in two Guardsman Mobile Homes which you sold. Please excuse the delay in responding to your letter.

We have studied the information which you submitted with your letter and while it appears that a serious problem exists, it seems to be a problem involving poor workmanship rather than an unsafe product.

The Consumer Product Safety Commission was established by the Consumer Product Safety Act (15 U.S.C. 2051) with its primary purpose being to protect the public against unreasonable risks of injury associated with consumer products. Section 3(a)(1) of the Act defines the term "consumer product" as follows:

> "...any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise...."

According to the legislative history of the Act, although the term "consumer product" would include any component, equipment, or appliance sold with or used in or around a mobile home, the Congress did not believe the term was so broadly stated as to bring the basic structure of the mobile home within the reach of the legislation. (H.R. Rep. No. 1153, 92d Cong. 2d Sess. (1972)).

ADVISORY OPINION

It appears from your letter that the condensation problem in the two Guardsman trailers are associated with the basic structure of the mobile home. This would preclude the Commission from exercising jurisdiction over the product. Therefore, we are referring your letter to the Bureau of Consumer Affairs of the Pennsylvania Department of Justice as well as the National Highway Traffic and Safety Administration for any assistance they may be able to provide to you.

Sincerely,

Michael A. Brown
General Counsel

cc:
Pennsylvania Department of Justice
Bureau of Consumer Affairs
25 South 3rd Street
Harrisburg, Pa. 17101

National Highway Traffic
and Safety Administration
Office of Chief Counsel
Attn: Richard Dyson, Esq.
400 Seventh Street, S.W.
Washington, D. C. 20591

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Mobile & Manufactured Module Homes
Box M • DuBois, Penna. 15801
Phone 371-3052 Area Code 814

RECEIVED
MAR 12 1974
Consumer Product
Safety Commission
Office of the Secretary

March 7, 1974

Consumer Product Safety Commission
Washington, D.C. 20000

Gentlemen:

Enclosed is a two page letter which we have sent to the Pennsylvania Manufactured Housing Association and Conchemco Incorporated in Montoursville, PA, who manufactures the 'Guardsman' Mobile Home. Also, there are eight pages (also sent) of telephone conversations and information concerning the developments, to date, of a terrible situation that has arisen.

In short, this situation is a condensation problem in two of the three Guardsman Mobile Homes that we have sold. The condensation is forming, we feel, due to the incorrect placement of insulation and is literally ruining the homes.

We kindly ask that you read and familiarize yourselves with all of the enclosed data....

After reading this information, we are sure you will understand that there is a serious problem and that we, McIntosh Brothers Homes, have exhausted every possible effort to help the people who live in these homes.

A letter similar to this one has been sent to the parent company of the manufacturer because we have received nothing from the manufacturer but an attitude of total disregard.

We have learned of your most powerful commission from news releases, and ask for your help in this matter. While there is no particularly drastic threat of these mobile homes caving in or catching afire, we are sure you will see from the enclosed information, that the homes are now virtually impossible to live in.

We would appreciate any assistance you may be able to provide.

Sincerely,
McIntosh Brothers Homes
K. A. McIntosh
K. A. McIntosh
Partner

KAM/jdh
ENC: 10 sheets