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3 MAY 1974

Theodore E. Troff, Esquire
Fisher, Troff & Fisher
Law & Title Building
P.O. Box 67
St. Joseph, Michigan 49085

Dear Mr. Troff:

This is in reply to your letter of April 23, 1974, informing the Commission on behalf of your client, Auto Specialities Manufacturing Company of St. Joseph, Michigan, of a possible defect in several model bumper jacks manufactured by the company.

As Mr. Schmeltzer of my office indicated by phone, bumper jacks appear to be within the jurisdiction of the National Highway Traffic and Safety Administration as an item motor vehicle equipment as the term is defined in section 102(4) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.). Since the Consumer Product Safety Act excludes from the definition of a consumer product motor vehicle equipment as defined by the National Traffic and Motor Vehicle Safety Act, unless the jacks in question, in addition to being motor vehicle equipment have some other foreseeable consumer use, they do not come within the jurisdiction of the Consumer Product Safety Commission.

Thank you for informing the Commission of the defect notificiation.

Sincerely,

Michael A. Brown
General Counsel

DSCHMELTZER:jh 5-28-74

cc: Harry Jettke
Acting Director
Cleveland Area Office
Carl Blechschmidt
D.Schmeltzer
gc chron, gc file, gc reading

Executive Director
Field Coordination
OSCA
BOC
Office of the Secretary
Area Offices

ADVISORY OPINION

FISHER, TROFF & FISHER
ATTORNEYS AND COUNSELORS
LAW & TITLE BUILDING
P. O. BOX 57
ST. JOSEPH, MICHIGAN 49085

VANCE E. FISHER
THEODORE E. TROFF
VANCE A. FISHER

DAVID J. WILLIAMS

TELEPHONE
(616) [illegible]

April 23, 1974

Director
Bureau of Compliance
Consumer Products Safety Commission
Washington, D. C. 20207

Dear Sirs:

Auto Specialties Manufacturing Company, St. Joseph, Michigan, is a manufacturer of motor vehicle equipment, including accessories to motor vehicles by way of bipod and tripod bumper jacks. As such, Auto Specialties Manufacturing Company is subject to certain portions of the National Traffic and Motor Vehicle Safety Act.

Recently Auto Specialties Manufacturing Company discovered that a defect may exist in several models of its Ausco and Dreadnaut brand bumper jacks, and it is taking immediate steps through its distributors and retailers to recall the bumper jacks and provide, at no charge, replacement jacks. All known distributors and retailers of the jacks have been advised by telephone and by follow-up letter of the possible defect, and the public in general have been so advised by means of a press release issued through Associated Press. A copy of the press release is enclosed herewith.

Although reporting requirements to the Consumer Product Safety Commission do not cover manufacturers of motor vehicle equipment as defined in the National Traffic and Motor Vehicle Safety Act of 1966, motor vehicle equipment being excluded from the definition of a "consumer product" (§2052(a) Consumer Product Safety Act), as we have earlier discussed by telephone with your Assistant General Counsel, Mr. David Schmeltzer, Auto Specialties Manufacturing Company, nonetheless, for informative purposes, wishes you to be advised of its discovery of a possible defect in several models of its motor vehicle bumper jacks and of its immediate action in establishing and carrying out a comprehensive program of recovery and replacement.

Yours very truly,

Theodore E. Troff

TET/jkb
Enc.

FOR IMMEDIATE RELEASE
TO THE ASSOCIATED PRESS

MICHIGAN MANUFACTURER SEEKS
TO RECOVER BUMPER JACKS

St. Joseph, Michigan, April 22, 1974. Auto Specialties Manufacturing Company, St. Joseph, Michigan, manufacturer of a line of consumer automotive equipment, has discovered that a defect may exist in its blue AUSCO 3-leg bumper jacks (model numbers 5-41301 through 5-41303) and its red DREDNAUT 2-leg bumper jacks (model number 6-41201) and DREDNAUT 3-leg bumper jacks (model number 6-41301 through 6-41304). Auto Specialties announced today it is seeking to recover approximately 9,000 bumper jacks shipped to several retailers and distributors between June 1, 1973 and April 1, 1974.

Because of a design change, Auto Specialties said that jacks shipped during the specified period may not be strong enough to support vehicles during repair work. The firm reported a limited number of failures had occurred.

The jacks had been shipped to approximately ten different distributors and retailers, including Montgomery Ward, Canadian Tire Corp. Ltd., and J. C. Penney Company. Auto Specialties said that the distributors and retailers of jacks are assisting in recovery effort.

Consumers who find that they purchased the suspect jacks are urged to return them to the place of purchase so that they may receive, at no charge, replacement jacks.