Secretary #122

CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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CONSUMER PRODUCT SAFETY COMMISSION

28 JUN 1974

Mrs. Sharman Swartz
130 Teachers Drive
St. Louis, Missouri 63103

Dear Mrs. Swartz:

This letter is in response to your correspondence of February 24, 1974 in which you made further injury concerning the Commission's jurisdiction over cigarette lighters and knives dispensed from penny gum and novelty vending machines. As we explained in our letter to Representative Sullivan dated January 25, 1974, the Commission has jurisdiction to regulate these products under the Federal Hazardous Substances Act (15 U.S.C. 1261, et seq.). What this means is that the Commission has the authority to regulate these products. The Commission, however, at this time has taken no action to exercise this authority. Thus, the Commission has not adopted any regulations which would bar or regulate the sale of cigarette lighters and knives dispensed in penny gum and novelty vending machines.

In a letter dated May 16, 1974, to Representative Sullivan, we advised her that our Office of Standards Coordination and Appraisal is currently reviewing all pertinent information to determine whether or not these articles present an unreasonable risk of injury. Once this analysis is completed, the Commission will determine whether it should develop a proposed regulation under the FHSA, or any of the other acts which the Commission administers. We will be happy to advise you of the results of this study as soon as they are available.

Sincerely,

Michael A. Brown

Michael A. Brown
General Counsel

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130 Teachers Drive
St. Louis, Missouri 63103
February 24, 1974

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Mr. Richard O. Simpson
Consumer Product Safety Commission
Washington, D.C. 20207

MAR 16 1974

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OFFICE OF THE CHAIRMAN
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CONSUMER PRODUCT SAFETY COMMISSION

Dear Chairman Simpson:

I would like to thank you and the various departments within the Consumer Product Safety Commission for your and their assistance to me.

In a recent letter to Representative Leonor Sullivan, dated January 25, 1974, Mrs. Barbara Ludden states that cigarette lighters and knives dispensed via penny gum and novelty fall within the jurisdiction of the Federal Hazardous Substances Act, 15 U.S.C. 1261 et. seq., category D, section E. I take this to mean that this practice is prohibited by legislation.

Yet, letters to various Senators, including James Pearson, from you state there are "no regulations currently exist(ing) which would ban the sale of such items in vending machines accessable to children."

Needless to say, I am quite confused about this obvious difference in opinion regarding this matter. Does or does not the Commission have the authority and the statutes to regulate this practice? If so, what powers does the Commission have to assure that this practice does not continue, other than requests for compliance? Requests for compliance are thoughtful; however, I do not know of many multi-million dollar operations who are willing to comply to requests without being forced to do so.

Gen. Counsel

Judging the information I have obtained from your commission, the National Bureau of Standards and various other data there is sufficient evidence proporting the fact that lighters are extremely dangerous "weapons" in the hands of a child.

As requested by Representative Sullivan I will soon be sending you both a list of those companies I find distributing lighters and knives via child-oriented vending machines, in the St. Louis area. Obviously, there is no possible way for me to send you information outside of this area, other than to report that I have been in twenty-five states in the past year and found lighters dispensed in this matter in all but one. I do need to know what information to send. Not always are vending licenses current , often there is no company identification, and store authorities are often unwilling to cooperate with a "non-governmental" official.

Sincerely Yours,

Sharman Swartz

Sharman Swartz