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CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

10 JUL 1974

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Mr. G. L. Petrie
Vice President - Corporate Planning
R. E. Dietz Company
225 Wilkinson Street
Box 1214
Syracuse, N. Y. 13201

Dear Mr. Petrie:

This is in reply to your letter of June 24, 1974 requesting advice as to what steps, if any, should be taken by your company in complying with the Consumer Product Safety Commission's directives. You enclosed in your letter a copy of two catalogs describing the lines of automotive safety lights and accessories and hazard warning safety lights and equipment which your company either manufacturers or distributes.

These products appear to be within the jurisdiction of the National Highway and Safety Administration as items of 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, the items in your catalog do not come within the jurisdiction of the Consumer Product Safety Commission unless the equipment may have some other foreseeable consumer use. A reading of your catalog indicates that the only item which is apparently used for uses other than normal motor vehicle equipment use are the lanterns found in section 6 of your catalog 700-8/73, pages 43 and 44. Therefore, for your information, we are enclosing a copy of the Consumer Product Safety Act and regulations dealing with substantial hazard notification under section 15 of that act.

As of this time no standards for Consumer Products have been issued. If we can be of any further help please write.

Sincerely,

Michael A. Brown
General Counsel

Enclosures

ADVISORY OPINION

R. E. DIETZ COMPANY

TEL. (315) 424-7400
TELEX NO. 937211 OR CABLE:
"DIETZ" SYRACUSENEWYORK

225 WILKINSON STREET
BOX 1214
SYRACUSE, N. Y. 13201 U.S.A.

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RECEIVED
OFFICE OF THE SECRETARY
JUL 3 '74
CONSUMER PRODUCT
SAFETY COMMISSION

June 24, 1974

Secretary
Product Safety Commission
1750 K Street N.W.
Washington, D.C. 20207

Dear Sir:

We have been following with interest the publication in the Federal Register of information pertinent to the consumer safety act of the Product Safety Commission and have also been reading information along this line as put forth by other media, such as trade magazines and news publications.

Frankly, we are a little confused as to what steps, if any, we should be taking as manufacturers and distributors of a line of automotive safety lighting and accessories, and a companion line of hazard warning safety lights and equipment.

We are enclosing herewith recent catalogs which will give you some idea of the scope and diversity of the line, or lines, that we manufacture and distribute. We would very much appreciate advice from your office as to what steps if any we should be taking to be sure that we are complying with the Product Safety Commission's directives. Any information you can give us in this matter will be greatly appreciated.

Yours very truly,

George L. Petrie

G.L. Petrie
Vice President - Corporate Planning

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WILBUR B. JONES (COUNSEL

May 2 , 1974

Office of the General Counsel
Consumer Product Safety Commission
Washington, D. C.

Dear Sir:

This firm represents a distributor of electronic products. Among the products he distributes are micro switches. These switches are of various types and are purchased by our client in large quantities from the manufacturer. At the time of purchase, the client has no knowledge of their ultimate use.

Do the foregoing switches fall within the definition of "consumer product" as stated in Section 2052 of the Act? I am concerned with the relationship of subparagraph (1) to subparagraph (A). The latter excludes from the term "consumer product" "any article which is not customarily produced or distributed for sale to, or use or consumption by, or enjoyment of, a consumer". Should you read into that provision the concept that, to be a "consumer product" the article must be directly consumed by a consumer, and not merely ultimately consumed? For example, in our factual situation, the switches are many steps removed from ever reaching the consumer as part of a product. Do the switches then not become a consumer product until actually incorporated in a product that is to be then sold to the consumer without the intervention of any further manufacturing of product processes?

Please furnish me with any opinions or regulations that may clarify this question. If the answer to this question is al-

ready contained in a regulation, an appropriate reference to the regulation and federal register citation would be sufficient.

Thank you for your cooperation.

Very truly yours,

HUSCH, EPPENBERGER, DONOHUE,
ELSON & CORNFELD

BY: Peter H. Ruger
PETER H. RUGER

PHR/mec