Library
#169

CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

JAN 1 0 1975

6(b) CLE
No
Exec general
Mfrs
Comments Processed

Mr. C. Smith
Customer Relations
Mel Pinto Imports, Inc.
2860 Annandale Road
Falls Church, Virginia 22042

Dear Mr. Smith:

This is in response to your November 13, 1974 letter concerning the bicycle regulation published in the July 16, 1974 Federal Register (39 FR 26100). Specifically, you have asked for more detailed criteria to apply to the 16 CFR 1512.4(a) requirements for assembly of bicycles.

According to this assembly section of the regulation, the "mechanical skills required of the consumer for assembly [of a bicycle] shall not exceed those possessed by an adult of normal intelligence and ability." This requirement can only be defined in general terms and preliminarily until specific factual situations are considered and decided by the Commission or the courts. Since the bicycle regulation is not yet in effect, no enforcement actions have thus far resulted in such clarifications of the assembly requirements.

Some general comments might nevertheless help you to comply with the regulations when they do become effective. Common sense, responsibility, and maturity define an "adult" for the purposes of this section rather than an age prescribed by law. Therefore, our best estimate is that a 16-year-old would be an adult for these purposes, but younger children would not be. Please note that this section and this age clarification in no way limit the sale of bicycles to non-adults or for the use of non-adults. The regulation anticipates that an adult will assemble or supervise the assembling of the bicycle.

In response to your question about intelligence and ability, we agree that these factors do not necessarily correlate with mechanical skill. However, the requirement is intended merely to ensure that assembly of a bicycle does not demand extraordinary aptitude or specialized skills. An affidavit or certificate such as you describe would not be

ADVISORY OPINION

necessary because there are no restrictions on the sale of bicycles to those of less than average mechanical skills. The bicycle must be manufactured so that "adults of normal intelligence or ability" can assemble it, but purchasers of the bicycle need not prove their skill.

We reiterate that the assembly requirement and the entire bicycle regulation affect only the bicycle as manufactured--they place no restrictions on those persons who purchase and use the bicycle. For this reason, especially, the manufacturer's instructions for assembly, mentioned in 16 CFR 1512.3, should be as simple and as clear as possible.

We hope that this is responsive to your letter.

Sincerely,

Michael A. Brown
General Counsel

MEL PINTO IMPORTS, INC.

November 13, 1974

U. S. Consumer Product Safety Commission
Washington, D. C. 20207

Gentlemen:

Reference: Chapter II, Consumer Product Safety Commission, Volume 39, No. 137 July 16, 1974, Part 1512.4 Mechanical Requirements (a) Assembly, Page 26105.

Reference is quoted:
1512.4 Mechanical Requirements
(a) Assembly. Bicycles shall be manufactured such that mechanical skills required of the consumer for assembly shall not exceed those possessed by an adult of normal intelligence and ability.

We are asking for more detailed criteria that will be applied to insure that the bicycle has been manufactured such that assembly shall not exceed the mechanical skills possessed by an adult of normal intelligence and ability.

For example, is an adult to be considered an individual who is at least 18 years of age?

If answer to above is affirmative, then will sales of bicycles that are to be assembled be restricted to persons of no less than 18 years of age? If above is not correct, please advise the minimum age to whom such a bicycle may be sold.

It has been generally accepted that an individual may possess above average intelligence and abilities, yet could score very low in mechanical aptitude tests. Please advise if an affidavit or certification by the consumer that he does possess the required mechanical skills to assemble the bicycle will satisfy the requirements set forth in 1512.4(a) referenced above.

OFFICE & SHOWROOM:
2860 ANNANDALE ROAD
FALLS CHURCH, VIRGINIA. 22042

TELEX: 24361 PINTO UR
TELEPHONE: 532-8007-8-9-10-11
TELEGRAPHIC ADDRESS: "PINTOPORT"

MEL PINTO IMPORTS, INC.

Thanking you in advance for your response, we remain.

Sincerely,

MEL PINTO IMPORTS, INC.

C. Smith
Customer Relations

CS/fvw

OFFICE & SHOWROOM:
2860 ANNANDALE ROAD
FALLS CHURCH, VIRGINIA. 22042

TELEX: 24361 PINTO UR
TELEPHONE: 532-8007-8-9-10-11
TELEGRAPHIC ADDRESS: "PINTOPORT"