5 NOV 1973

42

James E. Olds, Esquire
The Toro Company
8111 Lyndale Avenue South
Bloomington, Minnesota 55420

Dear Mr. Olds:

This letter is in further reply to your letter of August 31, 1973, to Mr. Garber which has been referred to this office for reply. In your letter you request that certain products manufactured by your company for turf maintenance work be excluded from classification as "consumer products" because they are designed for institutional use and not distributed for the use or consumption or enjoyment of consumers.

The Commission is aware that there are many products which will present a difficult problem categorizing as a consumer or non-consumer product. Our present thinking is that rather than attempting to classify the many products which may present close questions on an ad hoc basis it would be more efficient to publish general guidelines for the benefit of the public and manufacturers.

Until guidelines are published, I suggest that products which raise any question in your mind be considered consumer products and that Section 15(b) of the Consumer Product Safety Act (15 USC 2064(b)) and regulations issued relating to Section 15(b) be followed. In this way, your company will be protected and persons using the products, be they consumers or persons using the product exclusively for industrial purposes, will derive the protection and benefit of a notification campaign if the product contains a substantial hazard.

Your past cooperation is appreciated.

Sincerely,

Michael A. Brown

Michael A. Brown
General Counsel

DSchmeltzer:grt
cc: General Counsel/Chron
General Counsel
Mr. Finch
Miss Dunn - Official File

ADVISORY OPINION