6b OK possible defects in 1974 Annual Rept. lah

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CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20016
20207

16 JAN 1974

Judith G. Cohen
38 Monroe Street
New York, New York 10002

Dear Ms. Cohen

This is in reply to your letter dated October 17, 1973, in which you request information pertaining to various aspects of television set repair, warranties, advertising and performance. With the exception of your inquires concerning legal action that can be taken against T.V. manufacturers for defective components, recalled T.V.'s, and product standards, we are unable to respond to your inquiry as it pertains to subjects outside the scope of our expertise and jurisdiction. The Commission is concerned with product safety with its primary purpose being to protect the public against unreasonable risks of injury associated with consumer products. Other than the areas noted above, your questions are more appropriate for the Federal Trade Commission which is concerned with advertising and unfair competition or unfair or deceptive acts or practices. We have, therefore, taken the liberty of forwarding your inquiry to Mr. Charles Tobin, Secretary, Federal Trade Commission, Washington, D.C.

In addition, it might be helpful for you to contact the following state offices if you have not already done so:

New York Consumer Frauds and Protection Bureau
Office of the Attorney General
Assistant Attorney General-in-charge
80 Centre Street
New York, New York, 10013

New York Department of Consumer Affairs
80 Lafayette Street
New York, New York 10013

In reply to your question concerning legal action that can be taken against "television manufacturers for defective components, etc," the CPSC may act to the extent that the defective component affects the safety of the product. In this regard, section 15(b) of the Consumer Product Safety Act requires manufacturers, distributors and retailers of consumer products who obtain information which reasonably supports the conclusion that such product fails to comply with a consumer product safety rule or contains a defect which creates a substantial risk of injury to immediately report this information to the Commission. Pursuant to section 15(c) of the Act, if the Commission determines, after an appropriate hearing, that a product distributed in commerce presents a substantial product hazard and that notification is required in order to adequately protect the public from such hazard, the Commission may order the manufacturer, or any distributor or retailer of the product to take any of the following actions:

(1) to give public notice of the defect or failure to comply,
(2) to mail notice to each person who is a manufacturer, distributor, or retailer of such product,
(3) to mail notice to every person to whom the person required to give notice knows such product was delivered or sold.

Under section 15(d), if the Commission determines, after an appropriate hearing, that a product distributed in commerce presents a substantial product hazard it may, if it believes it is in the public interest, order the manufacturer, or any distributor or retailer of such product to take whichever of the following actions the person to whom the order is directed elects:

(1) to bring the product into conformity with the requirements of an applicable product safety rule or to repair the defect in the product.
(2) to replace the product with a like or equivalent product which complies with an applicable consumer product safety rule or which does not contain the defect.
(3) to refund the purchase price of the product (less a reasonable allowance for use, if such product has been in the possession of a consumer for one year or more.

In addition, section 23 of the Act (15 U.S.C. 2072) allows any person injured as a result of any knowing (including willful) violation of a consumer product safety rule or order issued by the Commission to sue any person who knowingly (including willfully) violated any such rule or order in the appropriate United States district court. This remedy is in addition to any other remedy provided by common law or Federal or State law. Further, any interested person may, pursuant to section 24 of the Act, (15 U.S.C. 2074) bring an action in the appropriate U.S. district court to enforce a consumer product safety rule provided 30 days notice by registered mail is given to the Commission, to the United States Attorney General, and to the person against whom the action is directed.

In regard to your question concerning recall of T.V.'s the Commission to date has received six (6) notices under section 15(b) of the Act concerning televisions. In each case, the manufacturer has voluntarily taken corrective action, monitored by the Commission. The manufacturers involved and the corrective action taken in each case is as follows:

Company	Product	Possible Defect	Initial Notification	Action
RCA, 600 N. Sherman Dr. Indianapolis, Ind. 46201.	17" Color TV. Brand Name: RCA Model Nos.: ES385W ES385WR (remote control)	Possible shock from metalized coating on ACM/ AFT buttons.	June 8, 1973	Replace Buttons
Philco-Ford Union Meeting Road Blue Bell, Pa. 19422	18" Color TV Brand Name: Philco-Ford Model No.: C9111 (With variations)	Environmental and humidity conditions in beachfront areas results in H.V. cap deterioration, creating a possible fire hazard.	July 13, 1973	Field repair
Admiral Corp. 3800 Cortland St. Chicago, Ill. 60547	13" portable color TV Brand name: Admiral Model Nos: 3007P 3017P 3018P	Wire spring used to fasten tube retainer can distort and contact metal rivet, and if consumer defeats line cord polarization, house voltage can be at rivet.	Sept. 10, 1973	Telephone all distributors not to ship until spring removed, and search out customers. Barrier being placed over rivet, engineering change in future.

Company	Product	Possible Defect	Initial Notification	Note
Zenith Radio Corp. 1900 N. Austin Ave. Chicago, Ill. 60639	Color TV Sets Brand Name: Zenith Model Nos.: D4030 W5 D4030 W6 D4032 W5 D4034 P6 T2838 W6 Chassis No. 19 DC 12 Run No.: 226C or 227C Serial Nos.: 6505665-6508999 6513900-6514999 6525385-6526999 6527000-6529999 6536000-6539427	Arcing from improperly placed capacitor could start fire in plastic cabinet.	Sept. 13, 1973	Letters were sent to distributors, dealers, service centers, and customers, and a telegram was sent to distributors. A press release was sent out. Inspection procedures were tightened to avoid recurrence, an engineering change has been insituted, and an insulating barrier is being installed. The same action is being taken with the additional 9,000 sets
Montgomery Ward 619 W. Chicago Ave. Chicago, Illinois 60607	23" Color TV Console, or a 23" color stero-TV combination Brand Name: Airline Model Nos.: 15540 17430 15820 17440 15840 17450 15850 17620 17321 17640 17341 17650 17351 17920 17420 17940 17950 (prefixed by GCI or GHJ)	Possible Shock hazard from shorted transformer	Oct. 31, 1973	Press release issued, and instructions to service centers to correct any possibility of shock hazard.

Company	Product	Possible Defect	Initial Notification	Action
Packard & Bell Electronics Los Angeles, Calif. 90064	Portable Color TV Model Nos.: 8C 726 8C 736	Possible shock when touching trap door covering user controls	Dec. 3, 1973	Affected units will be tested and repaired

In regard to your question concerning product standards, the CPSC is empowered to promulgate consumer product safety standards for consumer products that present an unreasonable risk of injury. Although television sets are presently being investigated by our staff, no safety standards for televisions have been promulgated by the Commission to date. However, the Commission will be holding public hearings on TV sets in the near future.

I am enclosing for your information several copies of our Act. Please let me know if I may be of further assistance.

Sincerely,

Original signed by
Michael A. Brown

Michael A. Brown,
General Counsel

Enclosure

AHSchoem:jh:1/10/74

cc: Secretary
Executive Director
AHSchoem
GC Files
GC Chron
GC Reading