



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D. C. 20207

~~March 15, 1999~~

MAY 17, 1999

A handwritten signature in black ink, consisting of several overlapping loops and lines.

Mr. Michael E. Wald
1111 Brice Drive
Edgewater, Maryland 21037

**RE: FOIA Request S-803052: CPSC RP950139 T-FAL Corporation, Model
8781 Hi-Speed Toaster**

Dear Mr. Wald:

Thank you for your Freedom of Information Act (FOIA) request seeking information from the Commission. The records from the Commission files responsive to your request have been processed and copies of the releasable responsive records are enclosed.

The enclosed records include file information generated by the Commission itself or its contractors for regulatory or enforcement purposes. These records are in file CPSC RP950139; (T-FAL Corporation) and are identified as Laboratory Summaries, Hazard Assessment memoranda, Preliminary Determination Sheet and other correspondence, notes and documents. The Commission has established management systems under which supervisors are responsible for reviewing the work of their employees or contractors. The file information materials are final and have been prepared and accepted by the Commission's staff under such review systems. The Commission believes that it has taken reasonable steps to assure the accuracy of the information. Please note that the Commission's staff, not the Commissioners themselves, made the preliminary determination that this product presented a substantial risk of injury to the public as defined by the Consumer Product Safety Act.

Portions of this law enforcement investigatory file (designated CPSC RP950139, T-FAL Corporation) must be withheld pursuant to the Exemptions 5 and 7(E) of the FOIA, 5 U.S.C. §§ 552(b)(5) and (b)(7)(E). Exemption 5 provides for the withholding from disclosure of inter-agency and intra-agency memoranda which would not be available by law to a party in litigation with the agency. FOIA Exemption 7(E) provides for the withholding from disclosure records or information compiled for law enforcement purposes, to the extent that the production of such law enforcement records or information would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

The records being withheld consist of a memorandum containing recommendations, opinions, suggestions and analyses of the Commission's technical and legal staffs. The records constitute both predecisional and deliberative discussion that clearly falls within the

attorney-client and attorney-work product privileges. Any factual materials in the records not covered by some other exemption are inextricably intertwined with exempt materials or the disclosure of the factual materials would itself expose the deliberative process. We have determined that the disclosure of these certain law enforcement investigatory records responsive to your request would be contrary to the public interest. It would not be in the public interest to disclose these materials because disclosure would (1) impair the frank exchange of views necessary with respect to such matters, and (2) reveal the techniques, guidelines and strategies utilized by the investigative and legal staff in developing the information regarding this investigation and other on-going investigations, which if disclosed would significantly risk circumvention of the statutes and regulations that the Commission administers.

Finally, portions of the file where the manufacturer has requested confidentiality must be withheld pursuant to Exemptions 3 and 4 of the FOIA, 5 U.S.C. §§ 552(b)(3) and (b)(4), and section 6(a)(2) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(a)(2). FOIA Exemption 3 provides for the withholding from disclosure of matters that are specifically exempted from disclosure by another statute. In applying FOIA Exemption 3 in this instance we are applying in part section 6(a)(2) of the CPSA. Section 6(a)(2) prohibits the Commission from disclosing information that is exempt from disclosure under Exemption 4 of the FOIA. That exemption protects trade secrets and confidential commercial information. Confidential commercial information is information directly related to a firm's business that the firm has not made public and whose disclosure could give a substantial commercial advantage to a competitor. Specifically, we are withholding portions that if disclosed would reveal confidential financial and business relationships, sales figures, and customer lists. Specifically, we are withholding pages 55 through 63, 64 through 101, 120 through 124, and 161 through 260.

According to the Commission's regulations implementing the FOIA at 16 C.F.R. § 1015.7, a partial denial of access to records may be appealed to the General Counsel of the Commission within thirty (30) days of your receipt of this letter. An appeal must be in writing and addressed to: FOIA APPEAL, General Counsel, ATTN: Office of the Secretary, U.S. Consumer Product Safety Commission, Washington, D. C. 20207.

This completes the processing of your request. The cost to the Commission to perform the searches and prepare this information was \$150.00. In this instance, we have decided to waive the charges. Thank you for your interest in consumer product safety. Should you have any questions, contact us by letter, facsimile (301) 504-0127 or telephone (301) 504-0785.

Sincerely,

Todd A. Stevenson
Deputy Secretary and
Freedom of Information Officer
Office of the Secretary

Enclosure



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

~~March 15, 1999~~

May 17, 1999

Mr. Jay Tilley, Editor
Washington Business Information, Inc.
Product Safety Letter
1117 North 19th Street, #200
Arlington, Virginia

A large, stylized handwritten signature in black ink, located to the right of the recipient's address.

**RE: FOIA Request S-710140A: CPSC RP950139 T-FAL Corporation,
Model 8781 Hi-Speed Toaster**

Dear Mr. Cox:

Thank you for your Freedom of Information Act (FOIA) request seeking information from the Commission. The records from the Commission files responsive to your request have been processed and copies of the releasable responsive records are enclosed.

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Portions of this law enforcement investigatory file (designated CPSC RP950139, T-FAL Corporation) must be withheld pursuant to the Exemptions 5 and 7(E) of the FOIA, 5 U.S.C. §§ 552(b)(5) and (b)(7)(E). Exemption 5 provides for the withholding from disclosure of inter-agency and intra-agency memoranda which would not be available by law to a party in litigation with the agency. FOIA Exemption 7(E) provides for the withholding from disclosure records or information compiled for law enforcement purposes, to the extent that the production of such law enforcement records or information would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

The records being withheld consist of a memorandum containing recommendations, opinions, suggestions and analyses of the Commission's technical and legal staffs. The records constitute both predecisional and deliberative discussion that clearly falls within the attorney-client and attorney-work product privileges. Any factual materials in the records not covered by some other exemption are inextricably intertwined with exempt materials or the disclosure of the factual materials would itself expose the deliberative process. We have determined that the disclosure of these certain law enforcement investigatory records responsive to your request would be contrary to the public interest. It would not be in the public interest to disclose these materials because disclosure would (1) impair the frank exchange of views necessary with respect to such matters, and (2) reveal the techniques, guidelines and strategies utilized by the investigative and legal staff in developing the information regarding this investigation and other on-going investigations, which if disclosed would significantly risk circumvention of the statutes and regulations that the Commission administers.

Finally, portions of the file where the manufacturer has requested confidentiality must be withheld pursuant to Exemptions 3 and 4 of the FOIA, 5 U.S.C. §§ 552(b)(3) and (b)(4), and section 6(a)(2) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(a)(2). FOIA Exemption 3 provides for the withholding from disclosure of matters that are specifically exempted from disclosure by another statute. In applying FOIA Exemption 3 in this instance we are applying in part section 6(a)(2) of the CPSA. Section 6(a)(2) prohibits the Commission from disclosing information that is exempt from disclosure under Exemption 4 of the FOIA. That exemption protects trade secrets and confidential commercial information. Confidential commercial information is information directly related to a firm's business that the firm has not made public and whose disclosure could give a substantial commercial advantage to a competitor. Specifically, we are withholding portions that if disclosed would reveal confidential financial and business relationships, sales figures, and customer lists. Specifically, we are withholding pages 55 through 63, 64 through 101, 120 through 124, and 161 through 260.

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This completes the processing of your request. The cost to the Commission to perform the searches and prepare this information was \$150.00. In this instance, we have decided to waive the charges. Thank you for your interest in consumer product safety. Should you have any questions, contact us by letter, facsimile (301) 504-0127 or telephone (301) 504-0785.

Sincerely,

Todd A. Stevenson
Deputy Secretary and
Freedom of Information Officer
Office of the Secretary

Enclosure

Firm Name: T-FAL Corporation
File Number: RP950139
Product Name: Model 8781 Hi-Speed Toaster

FILE CLOSING

A. Number distributed: 18727

Numbers corrected:
manufacturer/importer level 11844
distributor/wholesaler level 0
retailer level 2220
consumer level 1362

MFR/PRVLR NOTIFIED
 No comments made
 Comments attached
 Ex. 3,4,6,9,2 + Excisions/Revisions
5,7E Firm has not requested
further notice
5-14-99 MB

Status reports evaluated
 Request for close received from firm
 Distribution checks completed
 Retail checks completed
 Consumer checks completed

B. Distributor/Retailer Effectiveness Checks

	Dist.	Retailer
Effectiveness Inspections Conducted	_____	_____
Telephone Checks Conducted	_____	_____
Firms in Full Compliance	_____	_____
Firms Notified but taking Insufficient Action	_____	_____
Firms not Notified	_____	_____

C. Consumer Effectiveness Checks

Telephone Checks Conducted	_____
Notified and Taking Sufficient Action	_____
Notified but not Taking Sufficient Action	_____
Not Notified	_____

Decision:

Close file
 Seek further corrective action
 Continue to monitor

Rationale: The firm implemented a CAP and was able to correct 82.37% of the Toaster affected by the recall. Based on my review of the file, I recommend the file be closed.

CLOSE APPROVALS:

Compliance officer
Director, CACA *[Signature]*
AED, CA
(Only if Close approval)

Attorney _____

cc. Regional office
ATTACHMENT: PROGRESS REPORT

U. S. CONSUMER PRODUCT SAFETY COMMISSION

ARCHIVE FORM FOR CLOSED FILE

FILE NUMBER: RP950139

DATE CLOSED (YYMMDD) :

TOTAL UNITS INVOLVED: 18727

TOTAL UNITS CORRECTED: 15426

REMARKS:

CAP IMPLEMENTED: YES NO

WHERE THIS FILE IS STORED:

LOCATION: CA00000

ACCESSION#: 424-97-0001

BOX#: 13

_____ INCIDENT DATA SENT TO EPI

_____ IDENTIFY/MARK PAGES THAT HAVE INCIDENT
DATA

_____ NO INCIDENT DATA FOR EPI IN THIS FILE



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

OFFICE OF COMPLIANCE

Division of
Corrective Actions
Tel: 301-504-0608
Fax: 301-504-0359

JAN 13 1997

Certified Mail

Matthew C. Bernstein, Esq.
Verner, Liipfert, Bernhard, McPherson and Hand
901 15th Street, N.W., Suite 700
Washington, D.C. 20005-2301

Re: CPSC RP950139
T-FAL Corporation
Model 8781 Hi-Speed Toaster

Dear Mr. Bernstein:

The U.S. Consumer Product Safety Commission staff has reviewed the progress of the above-referenced corrective action plan. The Division of Corrective Actions has determined that no further monitoring on the part of the staff is warranted. Therefore, acting under delegation from the Commission, the staff has closed this investigation. The Commission staff, however, will reopen this file if it finds that the public has not been adequately protected from the risk of injury presented by this product by the corrective actions taken by the firm.

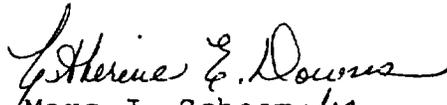
The firm has a continuing obligation to inform the Commission of defects associated with this product which could create a substantial product hazard and of information which reasonably supports the conclusion that a product creates an unreasonable risk of serious injury or death. If the firm receives any information affecting the scope, prevalence, or seriousness of the defect or hazard, it must report to this Division immediately.

Page 2
RP950139

The staff requests that the firm continue to implement its corrective action program until as many products as possible have been removed from the marketplace. If the firm receives information which might indicate that its corrective actions are not satisfactory in eliminating the defect or hazard or that the effectiveness of the corrective action program was less than what had been reported, it must report that information to the Division of Corrective Actions immediately.

Thank you for your cooperation in this matter.

Sincerely yours,



Marc J. Schoem for
Director

Division of Corrective Actions

cc: Consumer Product Safety Commission
Eastern Regional Center
6 World Trade Center
Vesey Street, 3rd Floor
New York, New York 10048



United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE: January 7, 1997

TO : Cathy Downs *ced*
Assistant Director
CCA

FROM : Tina Adeyeye ~~TA~~
Recall Coordinator
CCA

SUBJECT: Request for a close file (RP950139 - T-Fal/
Hi-Speed Toaster)

Based upon my review of this file, it shows a 82.37% effectiveness rate to date. Prior to closing this file, please review this information and advise me of the appropriateness of closing the case.

Case #: RP950139 CO:jrf

Last updated: 05/24/96 Report Date: 1/7/97

Company: T-FAL Corporation

Product: Model 8781 Hi-Speed Toaster

<u>Location of Products</u>	<u>Total Products</u>	<u>Correctionns this Period</u>	<u>Total Corrections</u>	<u>%Corrected</u>
With Manufacturer	11844	0	11844	100 00%
With Distributor	0	0	0	
With Retailer	2220	0	2220	100.00%
With Consumer	4663	0	1362	29.21%
Num. From AT&T	0		6,775	
<u>Total</u>	18,727	0	15,426	82.37%

<u>Type of Notification</u>	<u>This Reporting Period</u>	<u>Total Notifications</u>	<u>Last updated</u>
Bill Stuffer		0	05/24/96
Direct Mail Letter		1071	
Magazine		0	
Newspaper		0	
Other/Unknown		0	
Pediatricain Poster		0	
Phone Call		0	
Radio		0	
Product Catalog		0	
Retail Store Poster		0	
TV		0	
VNR		0	

<u>Calls to 800 Number/Correspondence</u>	<u>This Reporting Period</u>	<u>Total Calls/Corresp.</u>
800 Number:	0	1054
Written Requests:	0	308

To: Tina Adeyeye From: Ray Sharpe (T-Fal)

CORRECTIVE ACTION PLAN PROGRESS REPORT

For Period Ending: 5/24/96 (March 1 - May 24)

Use #: RP950139 CO: John R. Pritch Company Name: T-FAL CORPORATION
 Product: Model 8781 Hi-Speed Toaster Total Affected: 18727

PRODUCTS CORRECTED

Location of Products	Total Products	Corrections This Period	Total Corrections	Corrected
With Manufacturer	<u>11844</u>		<u>11844</u>	<u>100.0</u>
With Distributor	<u>3220</u>		<u>3330</u>	<u>100.0</u>
With Retailers	<u>8663</u>		<u>2362</u>	<u>28.3</u>
With Consumers	<u>18727</u>		<u>15426</u>	<u>82.4</u>
Total				

CONSUMER AWARENESS OF PROGRAM

Type of Notification	This Reporting Period	Total
Bill Stuffer	<u>1071</u>	<u>1071</u>
Direct Mail Letter	<u>0</u>	
Magazine		
Newspaper		
Other/Unknown		
Periodic/Unknown Poster		
Phone Call		
Product Catalog		
Radio		
Retail Store Poster		
TV		
VMR		

Calls to 800 Number/Correspondence

This Reporting Period	Total
<u>308</u>	<u>308</u>

Notes:

Figures do NOT include returns to QVC for this period. These figures will not be available until first week of June.
 Mailing to "K. Ferstle Fascination" customers.

to: Submit completed form by the 1st of each month to Tina Adeyeye at

U.S. Consumer Product Safety Commission, Office of Compliance
 4330 East West Highway, Room 613
 Bethesda, MD 20814
 OR, Fax to (301)504-0359. If you have any questions, please call Tina at (301)504-0608, ext 12

To: Tina Adeyeye

From: Ray Sharpe (T-FAL)

CORRECTIVE ACTION PLAN PROGRESS REPORT

For Period Ending: 2/29/96

Use #: RP950139 CO: John R. Pitch
 Product: Model 8781 Hi-Speed Toaster

Company Name: T-FAL CORPORATION
 Total Affected: 18727

PRODUCTS CORRECTED

LOCATION OF PRODUCTS	Total Products	Corrections This Period	Total Corrections	%Corrected
With Manufacturer	<u>11,844</u>		<u>11,844</u>	<u>100.0</u>
With Distributor	<u>2230</u>		<u>2230</u>	<u>100.0</u>
With Retailers	<u>4663</u>		<u>4663</u>	<u>100.0</u>
With Consumers	<u>18,727</u>	<u>699</u>	<u>19,426</u>	<u>80.2</u>
Total				

CONSUMER AWARENESS OF PROGRAM

Type of Notification	This Reporting Period	Total
Bill Stuffer	<u>552</u>	<u>552</u>
Direct Mail Letter	<u>200</u>	<u>200</u>
Magazine		
Newspaper		
Other/Unknown		
Pediatrician Poster		
Phone Call		
Product Catalog		
Radio		
Retail Store Poster		
TV		
VCR		
Calls to 800 Number/Correspondence		
This Reporting Period	<u>699</u>	<u>1057</u>
Written Requests		
800 Number		

Note: we have been

unable to obtain a customer list from "Lifestyle Fascination" Jackson, NJ (Mail Order they bought and distributed 1071 units. We have contacted any of those people, unless they saw warranty cards!

Submit completed form by the last of each month to Tina Adeyeye at U.S. Consumer Product Safety Commission, Office of Compliance 4330 East West Highway, Room 613 Bethesda, MD 20814 OR, Fax to (301)504-0359. If you have any questions, please call Tina at (301)504-0608, ext 11

CORRECTIVE ACTION PLAN PROGRESS REPORT

For Period Ending: 12/15/95 (Period = Oct 1 - Dec 15)

Use #: RP950119 CO: John R. Plicht Company Name: T-PAL Corporation
 Product: Model 8781 Hi-Speed Toaster Total Affected: 18722

PRODUCTS CORRECTED

Location of Products	Total Products	Corrections This Period	Total Corrections	% Corrected
With Manufacturer	<u>11844</u>		<u>11844</u>	<u>100%</u>
With Distributor	<u>2220</u>		<u>2220</u>	<u>100%</u>
With Retailers	<u>4663</u>		<u>4663</u>	<u>100%</u>
With Consumers	<u>18722</u>	<u>168</u>	<u>18810</u>	<u>101%</u>
Total				

CONSUMER AWARENESS OF PROGRAM

Type of Notification	This Reporting Period	Total
Bill Stuffer	<u>1203</u>	<u>1290</u>
Direct Mail Letter		
Magazine		
Newspaper		
Other/Unknown		
Pediatrician Poster		
Phone Call		
Product Catalog		
Radio		
Retail Store Poster		
TV		
VNR		

800 Number	Written Requests	%
<u>187</u>	<u>187</u>	<u>90%</u>
<u>355</u>	<u>355</u>	<u>10%</u>

Notes: we are awaiting receipt of a list of 1,071 remaining consumers to be notified. These were shipped from one of our customers directly to the consumer.

ota: Submit completed form by the 1st of each month to Tina Adageye at U.S. Consumer Product Safety Commission, Office of Compliance 4330 East West Highway, Room 613 Bethesda, MD 20814 OR, Fax to (301) 504-0359. If you have any questions, please call Tina at (301) 504-0608, ext 1223

CONSUMER ACTION PLAN PROGRESS REPORT

For Period Ending: Sept. 30, 1995

Use #: RP950139 CO: John R. Pritch Company Name: T-PAC Corporation
 Product: Model 8781 Hi-Speed Toaster Total Affected: 18,787

PRODUCTS CORRECTED

Location of Products	Total Products	Corrections This Period	Total Corrections	% Corrected
With Manufacturer	<u>11844</u>	<u>11844</u>	<u>11844</u>	<u>100%</u>
With Distributor	<u>2220</u>	<u>2220</u>	<u>2220</u>	<u>100%</u>
With Retailers	<u>4663</u>	<u>4663</u>	<u>4663</u>	<u>100%</u>
With Consumers	<u>0</u>	<u>0</u>	<u>0</u>	<u>0%</u>
Total	<u>18727</u>	<u>18787</u>	<u>18787</u>	<u>100%</u>

CONSUMER AWARENESS OF PROGRAM

Type of Notification	This Reporting Period	Total
Bill Stuffer	<u>67 (Retailer)</u>	<u>587</u>
Direct Mail Letter	<u>587 (Consumer)</u>	<u>587</u>
Magazine	<u>0</u>	<u>0</u>
Newspaper	<u>0</u>	<u>0</u>
Other/Unknown	<u>0</u>	<u>0</u>
Pediatric/Child poster	<u>0</u>	<u>0</u>
Phone Call	<u>67 (Retailer)</u>	<u>67</u>
Product Catalog	<u>0</u>	<u>0</u>
Radio	<u>0</u>	<u>0</u>
Retail Store Poster	<u>0</u>	<u>0</u>
TV	<u>0</u>	<u>0</u>
VNR	<u>0</u>	<u>0</u>

800 Number Written Requests	This Reporting Period	Total
<u>187</u>	<u>187</u>	<u>187</u>

is to 800 number/correspondence

Submit completed form by the 1st of each month to Tina Adeyeye at
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 4330 East West Highway, Room 613
 Bethesda, MD 20814
 OR, Fax to (301)504-0359. If you have any questions, please call Tina at (301)504-0606, ext

**NOTE - Sales to two customers account for 2822 units. These two customers have been contacted repeatedly and are still compiling a list of consumer names. (These are Retail Defcs + we should have lists by 10/13.)*

CORRECTIVE ACTION PLAN PROGRESS REPORT

For Period Ending: Sept. 30, 1995

Use #: RP950139 CO: John R. Fitch Company Name: T-FAL CORPORATION
 Product: Model 8781 Hi-Speed Toaster Total Affected: 18700

PRODUCTS CORRECTED

Location of Products	Total Products	Corrections This Period	Total Corrections	% Corrected
With Manufacturer	<u>11844</u>	<u>11844</u>	<u>11844</u>	<u>100%</u>
With Distributor	<u>2230</u>	<u>2230</u>	<u>2230</u>	<u>100%</u>
With Retailers	<u>4663</u>	<u>**</u>	<u>**</u>	<u>0%</u>
With Consumers				
Total				

CONSUMER AWARENESS OF PROGRAM

Type of Notification	This Reporting Period	Total
Bill Stuffer		
Direct Mail Letter	<u>67 (Retailer)</u>	<u>587</u>
Magazine		
Newspaper		
Other/Unknown		
Pediatrician Poster		
Phone Call	<u>67 (Retailer)</u>	<u>67</u>
Product Catalog		
Radio		
Retail Store Poster		
TV		
VNR		

Call to 800 Number/Correspondence	This Reporting Period	Total
	<u>187</u>	<u>187</u>

800 Number
 Written Requests

e: Submit completed forms by the 1st of each month to Tina Adeyeye at
 U.S. Consumer Product Safety Commission, Office of Compliance
 4330 East West Highway, Room 613
 Bethesda, MD 20814
 OR, Fax to (301)504-0359. If you have any questions, please call Tina at (301)504-0608, ext

*** NOTE - Sales to two customers account for 2822 units. These two customers have been contacted repeatedly and are still compiling a list of consumer names. (These are Retail Accts + we should have lists by 10/13.)*

and are still compiling a list of consumer names. (These are Retail Accts + we should have lists by 10/13.)

FORM 1A
Initial Input and staff worksheet

RECEIVED BY: _____
TIME: _____
HAZARD PRIORITY: _____

9/30/95

CORRECTIVE ACTIONS DIVISION
REPORT SHEET: OFFICE USE ONLY

NUMBER: RP 950139 DATE OPENED 950327 (YYMMDD) DT CLOSED _____

CACA CONTACT: JOHN Fitch RO: FOER

COMPANY NAME: T-FAL Corporation

ADDRESS: 25 Riverside Drive

CITY: Pine Brook STATE: NJ ZIP: 07058

COMPANY CONTACT: Andre Hottlet TELEPHONE: 201-875-1060

Cust. Coun.

TYPE: MFG DIST RETAIL PVT LBLR IMPORTER

NEWS CODE: 0234 TOTAL INVOLVED 6,775

PRODUCT DESCRIPTION Hi-speed toaster

MODEL: Model 8781

CEO/Delegated if different from above:

BRAND: _____

J Robert Kirk

POT. HAZARD: Fire

901 15th Street

Washington D.C. 20112-230

COMMENTS: _____

(202) 371-6184

FAX (202) 371-6211

(END COMPUTER ENTRY)

II. ADDITIONAL PRODUCT IDENTIFICATION

A. Identification/Serial Number: unk

B. Location of Serial/Model Numbers:

C. Certification on Product (UL, ecc.):

D. Average Lifetime of Product:

E. Unit Retail Value: unk

III. ADDITIONAL DEFECT AND HAZARD INFORMATION

A. Description of defect: over heating, charring, smob. possible fire hazard

... Problem for this make & model 3/27/95

FORM 1A
Initial input and staff worksheet

RECEIVED BY:
TIME:
HAZARD PRIORITY: _____

CORRECTIVE ACTIONS DIVISION
REPORT SHEET: OFFICE USE ONLY

NUMBER: RP 950139 DATE OPENED 950327 (YYMMDD) DT CLOSED _____

CACA CONTACT: John Fitch RO: FOER

COMPANY NAME: T-FAL Corporation

ADDRESS: 25 Riverside Drive

CITY: Pine Brook STATE: NJ ZIP: 07058

COMPANY CONTACT: Andre Hottel TELEPHONE: 201-575-1060

Outside
Counsel

TYPE: MFG DIST RETAIL PVT LBLR IMPORTER

NEWS CODE: 0234 TOTAL INVOLVED 6,775

PRODUCT DESCRIPTION Hi-speed toaster

MODEL: Model 8781

BRAND: _____

POT. HAZARD: Fire

CEO/Delegatae if different
from above:

J Robert Kirk, Esq
901 15th Street, NW
Washington, D.C. 20005-23

COMMENTS: _____

(202) 371-6184

FAX (202) 371-6279

(END COMPUTER ENTRY)

II. ADDITIONAL PRODUCT IDENTIFICATION

- A. Identification/Serial Number: unk
- B. Location of Serial/Model Numbers:
- C. Certification on Product (UL, etc.):
- D. Average Lifetime of Product:
- E. Unit Retail Value: unk

III. ADDITIONAL DEFECT AND HAZARD INFORMATION

- A. Description of defect: over heating, charring, smoke possible fire hazard

Nothing in Product Label for this make, model 212-105

(Product Defect Continued)

B. Cause of Defect (for example, design, quality control, materials, production error):

C. Date Discovered, How and by Whom (name of person and title): received reports since 11/94

exact date unknown, 1/95 got 2 units returned

D. When were Affected Products Produced (and how determined): imported Jun. - Dec. 94

E. Estimated Proportion of Affected Products in Total Number of Products Involved (and how determined):

F. Injury and Property Damage:

(1) Nature and severity of injury/property damage:

NO injuries, no property damage

(2) Number and type of injuries or incidents reported to date:

G. Total Number of Products Involved: 6775

Number with manufacturer/importer:

Number with Distributors: 2,000

Number with retailers:

Number with consumers: less 5,000

all units imported

*possibly distributed
could have been more imported, but not distributed*

H. Geographical Distribution:

nationwide, but mostly east coast

*most to Carlson Marketing who sold to State Farm - used it in a catalogue for employee production bonus program
believes most or all incident reports from State Farm*

IV. MANUFACTURER/IMPORTER (if different from "Reporting Firm")

A. Name: *Seb - Vosges*

B. Address: *B. P. 12, 29 Rue De La Gare 88120,*

C. Telephone Number: ()

Saint-Ame, France

D. Contact and Title:

E. If an Imported Product, Names of Other Importers of Product (if known)

V. DISTRIBUTOR/PRIVATE LABELER (if manufacturer unknown or if large company; for example, Penney, Sears Ward)

A. Name:

B. Address:

C. Telephone Number: ()

D. Contact and Title:

VI. COMPONENT PART MANUFACTURER (if applicable)

A. Name:

B. Address:

C. Telephone Number: ()

D. Contact and Title:

E. Description of Component Part Involved:

Units sent back to France for testing

VII. PRODUCT DOES NOT COMPLY WITH CPSA RULE OR STANDARD UNDER TRANSFERRED ACTS

- A. Act Involved:
- B. Standard or Ban Involved:
- C. Description of Noncompliance:
- D. Date Discovered and How:

VIII. CORRECTIVE ACTION

- A. Notification to:
 - Distributors *intend to recall and replace free of charge*
Date:
Method:
 - Retailers *stop sale 12/94*
Date:
Method:
 - Consumers
Date:
Method:
- B. Recall (and date begun):
- C. Repurchase, Refund, Repair (and date begun):
- D. Technical Fix:
- E. Disposition of Returned Units:

LX. REMINDERS AND STAFF REQUESTS

- [] Exemption Claimed for Fact and Content of Report--
Explanation That This Confidentiality Lapses With
Preliminary Staff Determination Re Hazard
- [] Exemption Claimed as Proprietary Data--Detailed
Written Request to Follow
- [] Written Verification of Initial Telephone Report
Within 48 Hours
- [] Written Full Report Requested, Attn: Hazard Evaluation
Branch (to be requested of manufacturers and importers
only)
- [] Copy Area Office
- [] Sample Request (only where have prior approval from
small purchases)

LAW OFFICES

VERNER, LIIPFERT, BERNHARD, McPHERSON AND HAND

CHARTERED

Suite 700
901 - 15th STREET, N.W.
WASHINGTON, D.C. 20005-2301
TELEPHONE: (202) 371-6000

TELECOPIER: (202) 371-6279

TELEX: 1561792 VERLIP UT

For Assistance Call Sender at Extension Shown Below

TO: CONSUMER PROD.SAFETY COMM

COMPANY: CONSUMER PRODUCT SAFETY COMMISSION

FAX: 301-504-0359

PAGES: Cover+3

FROM: J. ROBERT KIRK

PHONE: (202) 371-6184

RE:

COMMENTS:

Facsimile Cover Page

The information contained in this facsimile transmission is intended for the exclusive use of the individuals to whom it is addressed and may contain information that is privileged and confidential, the disclosure of which is prohibited by law. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

VERNER, LIIPFERT, BERNHARD, MCPHERSON AND HAND

CHARTERED

901-15TH STREET, N.W.
WASHINGTON, D C 20005-23012260 GREENSBORO DRIVE
SUITE 801
MCLEAN, VIRGINIA 22102
(703) 749-8000
TELECOPIER (703) 749-8027(202) 371-6000
TELECOPIER (202) 371-62792600 TEXAS COMMERCE TOWER
800 TRAVIS
HOUSTON, TEXAS 77002
(713) 237-9034
TELECOPIER (713) 237-1216J. ROBERT KIRK
(202) 371-6184

March 24, 1995

VIA FACSIMILE/U.S. MAILConsumer Product Safety Commission
Division of Corrective Actions
Office of Compliance
Washington, D.C. 20207Re: T-FAL Model 8781 Hi-Speed
Toaster -- Section 15 Report

Gentlemen:

We represent T-FAL Corporation, which is the importer of a consumer product known as the Model 8781 hi-speed toaster. Pursuant to Section 15 of the Consumer Product Safety Act ("CPSA") and 16 C.F.R. § 1115, we are filing this initial report because T-FAL has obtained information suggesting that under a limited set of circumstances not likely to occur in ordinary consumer use, the Model 8781 toaster may overheat in a way that could result in scorching or burning of the item being toasted and melting or scorching of the plastic case of the toaster.

T-FAL does not believe that the information in its possession reasonably supports the conclusion that the Model 8781 toaster contains a product defect which could create a substantial product hazard within the meaning of Section 15(b) of the CPSA or creates an unreasonable risk of serious injury or death. Nevertheless, T-FAL makes this report in order to share with the Commission what it has learned and the principles which will guide its plan for addressing this potential problem.

The facts known to T-FAL are as follows. During the period from June to December 1994, T-FAL imported and sold 6775 units of

Consumer Product Safety Commission
March 24, 1995
Page 2

the Model 8781 toaster. ^{1/} Of this number, 2388 were sold to a distributor known as the Carlson Marketing Group, 1896 were sold to QVC, and the remainder were sold in small lots to others. ^{2/}

T-FAL has been told by Carlson that Carlson has approximately 2000 units in its possession. Accordingly, fewer than 5000 units are currently in consumers' hands.

Since November 1994, T-FAL has received reports suggesting that several Model 8781 toasters had overheated. T-FAL is not aware of any personal injuries related to these incidents.

Since toasters commonly overheat as the result of a variety of factors having nothing to do with the design or functionality of the product, T-FAL could make no judgment about these events until it obtained the toasters in question for testing. ^{3/} T-FAL finally obtained two of these toasters and sent them to the manufacturer for testing (they were still functional). The manufacturer also tested several dozen other Model 8781 units, none of which had manifested any operational problems.

The results of those tests indicate that in some units, after repeated cycles at high temperature settings, it is possible for the item in the toaster to fail to "pop-up" and the heat to continue rather than cut-off. This problem appears to be the product of a combination of variables, including a heat build-up condition that causes the case of the unit to deform sufficiently to increase the amount of friction between the case and internal moving parts.

T-FAL intends to recall and replace free-of-charge all units of the Model 8781 toaster. It is currently developing its plan for such a recall.

The Chief Executive Officer of T-FAL is currently out of the country. To avoid unnecessary delay, we are making this preliminary report in his absence.

-
- 1/ T-FAL stopped selling the toaster based on information it had received suggesting the possibility of an overheating problem.
 - 2/ Carlson Marketing Group, Inc. is located at Carlson Parkway, P.O. Box 59159, Minneapolis, Minnesota 55459.
 - 3/ The manufacturer of the Model 8781 is Seb-Vosges, Departement Cuisson, B.P. 12, 29 Rue De La Gare 88120, Saint-Ame, France.

Consumer Product Safety Commission
March 24, 1995
Page 3

We will be providing the Commission with additional information as appropriate. In the meantime, please do not hesitate to contact us with any questions or comments you may have.

Very truly yours,


Gary J. Kirk
J. Robert Kirk
Attorneys for T-Fal Corporation

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, a, and b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
 - 2. Restricted Delivery
- Postmaster for fee.

Matthew C. Bernstein, Esq.
 Verner, Liipfert, Bernhard,
 McPherson and Hand
 901 15th Street, N.W., Suite 700
 Washington, D.C. 20005-2301

432 117 254

- Insured
- COD
- Return Receipt for Merchandise

8. Addressee's Address (Only if requested and fee is paid)

9. Signature (Agent)

[Handwritten Signature]

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



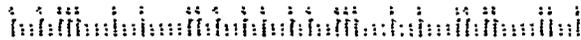
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



U.S. CONSUMER PRODUCT SAFETY COMM.
SUITE 613
4330 EAST WEST HIGHWAY
BETHESDA MD 20814-4408

JFF/RP950139

35





U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

OFFICE OF COMPLIANCE

Division of
Corrective Actions
Tel: 301-504-0608
Fax: 301-504-0359

Certified Mail

AUG 6 : 1995

Matthew C. Bernstein, Esq.
Verner, Liipfert, Bernhard, McPherson and Hand
901 15th Street, N.W., Suite 700
Washington, D.C. 20005-2301

Re: CPSC RP950139
T-FAL Corporation
Model 8781 Hi-Speed Toaster

Dear Mr. Bernstein:

The staff of the Office of Compliance of the U.S. Consumer Product Safety Commission has reviewed the actions proposed by T-FAL Corporation concerning the Model 8781 Hi-Speed Toaster. The firm has agreed to: 1) notify, by direct mail, all distributors, retailers, and identified consumers of the recall; 2) offer a replacement or refund for all products; 3) set up a toll-free line for inquiries; 4) issue a joint press release with the Commission; and 5) modify the toaster for future production. Acting under delegation from the Commission, the staff has accepted the plan as adequate.

Please continue the corrective actions implemented and initiate any others contained in the plan accepted by the staff. The Division of Corrective Actions will be monitoring the firm's corrective action plan. Please submit progress reports of the recall every 30 days to U.S. Consumer Product Safety Commission, Division of Corrective Actions, John R. Fitch, 4330 East West Highway, Room 613, Washington, D.C. 20207-0001. Please reference the CPSC file number in your response.

The Division of Corrective Actions will evaluate the effectiveness of the plan. The staff could seek broader corrective action if the corrective action plan does not prove effective.

If the firm receives or learns of any information concerning other incidents or injuries, or information affecting the scope, prevalence or seriousness of the defect or hazard, it must report that information to this Division immediately. Additionally, if the firm receives information which might

indicate that its corrective actions are not satisfactory in eliminating the defect or hazard or that the effectiveness of the corrective action program is less than has been anticipated, it must report that information to this Division immediately.

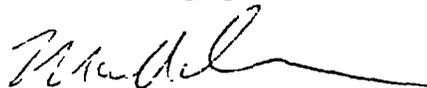
When the firm determines the corrective action plan has been implemented to the best of its ability and as many products as possible have been removed from the marketplace, it may submit a final progress report, referencing the file number, and request that the file be closed. At that time the staff will review the plan's progress and decide whether the file should be closed.

Section 6(b)(1) requires the Commission to give notice thirty days in advance of the intended disclosure of information that identifies the manufacturer or private labeler of a product. The staff is enclosing a summary of the corrective action plan. The Commission publishes a list of product recalls and other corrective actions initiated by firms in an Annual Report to Congress. This information is also occasionally used in lists for specific product categories. This letter gives the firm its opportunity under section 6(b)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(b)(1), and 16 C.F.R. Part 1101, to comment on the accuracy of the information.

The staff has made every effort to assure that the enclosed information is accurate. If, however, the firm believes that the information is not accurate, please send comments to John R. Fitch. The firm's comments must be received within twenty-three calendar days of your receipt of this certified letter if they are to be considered. Please include with any comments specific information to support any claim that the information is not accurate. If the Commission decides to disclose the information, unchanged, over any accuracy objections, it will give the firm ten (10) working days notice, as required by section 6(b)(2) of the CPSA, 15 U.S.C. § 2055(b)(2).

Thank you for your continued cooperation in this matter. If you have any questions, please contact John R. Fitch on (301) 504-0608 extension 1220.

Sincerely yours,



Marc J. Schoem
Director
Division of Corrective Actions

Enclosed are
Progress Report Form
Corrective Action Summary

cc: Consumer Product Safety Commission
Eastern Regional Center
6 World Trade Center
Vesey Street, 3rd Floor
New York, New York 10048

Judith Hayes, CECA

Voluntary Corrective Action Plans Under Section 15
of the Consumer Product Safety Act and
Section 15 of the Federal Hazardous Substances Act

The following is a list of voluntary corrective action plans recently accepted by the Commission (or the staff acting under authority delegated by the Commission). A firm's taking corrective action does not constitute admission by the firm that a substantial product hazard exists.

Space does not permit the staff to give a complete list of the specific model numbers of the products involved in each of these corrective actions. Consumers who believe that they have a product affected by one of these actions should follow the instructions given in this list or contact either the manufacturer or the Commission to determine if their product is one of those affected.

Voluntary Corrective Action Plans Under
Section 15 of the Consumer Product Safety Act and
Section 15 of the Federal Hazardous Substances Act

Date	Firm and Product	Alleged Hazard	Remedy
07/95	T-FAL Corporation Pine Brook, NJ 07058 Model 8781 Hi-Speed Toaster	Toaster fails to terminate the toasting cycle and could overheat, presenting a potential fire hazard.	The firm recalled the products from the consumer level. A refund or replacement was offered to consumers.

Is your RETURN ADDRESS on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, a, & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Matthew C. Bernstein, Esquire
 Verner, Lipfert, Bernhard, McPherson
 901 15th Street, N.W. *← HAND*
 Washington, DC 20005-2301

4a. Article Number
 432 117 435

Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

5. Signature (Addressee)

6. Signature (Agent)

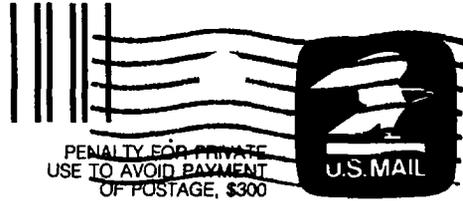
7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

CPA-PP950139-JRF-RA
U.S. CONSUMER PRODUCT SAFETY COMM.
SUITE 613
4330 EAST WEST HIGHWAY
BETHESDA MD 20814-4408





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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

OFFICE OF COMPLIANCE
AND ENFORCEMENT

Division
Corrective Action
Tel: 301-504-0600
Fax: 301-504-0355

Certified Mail

JUN 06 1995

Matthew C. Bernstein, Esquire
Verner, Liipfert, Bernhard, McPherson and Hand
901 15th Street, N.W.
Washington, DC 20005-2301

Re: CPSC RP950139
T-FAL Corporation
Model 8781 Hi-Speed Toaster

Dear Mr. Bernstein:

The staff of the Office of Compliance of the U.S. Consumer Product Safety Commission (Commission) has reviewed the available information concerning the above-mentioned case.

After careful consideration and in accordance with 16 C.F.R. § 1115.12(a), the Compliance staff has made a preliminary determination that the Model 8781 Hi-Speed Toaster presents a substantial product hazard as defined by section 15(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(a). Specifically, the Model 8781 Hi-Speed Toaster could fail to terminate the toasting cycle and overheat. The user of the product could sustain serious injuries if the toaster causes a fire.

The staff welcomes and will give full consideration to any comments or additional information from the firm concerning its preliminary determination. The staff will meet with the firm as necessary to discuss its comments or corrective action.

Voluntary Corrective Actions

The staff requests that the firm take voluntary action to notify consumers and to recall or correct potentially hazardous products which are in the chain of distribution and in the possession of consumers. If the firm agrees to take voluntary corrective action, please submit a written corrective action plan describing the actions which it plans to take. Section

1115.20(a) of the regulations on Substantial Product Hazard Reports, 16 C.F.R. § 1115.20(a), outlines the elements of an appropriate corrective action plan. The staff has also enclosed examples of recall actions taken by firms that the firm may find useful. The staff will review the firm's plan promptly and discuss with it any suggestions it has or additional measures it believes T-FAL Corporation should take.

Additionally, rather than the Commission unilaterally issuing a press release, the staff believes it would be appropriate for the firm and the Commission to issue a joint press release announcing the recall. The staff will work with the firm to develop and issue a mutually acceptable release.

A voluntary corrective action plan must include an agreement that the Commission may publicize the terms of the plan and inform the public of the nature and the extent of the alleged substantial product hazard. Please read carefully the enclosed document on "Information Disclosure" dated May 12, 1983. This document discusses the statutes and regulations which govern the Commission's disclosure of information and explains Commission staff's policy on the disclosure of information concerning product recalls and similar actions.

When the corrective action program begins, the Division of Corrective Actions will monitor the progress of the corrective action. The staff requests that the firm provide monthly progress reports to the Division of Corrective Actions (using the enclosed form). Please provide customer lists and any other information requested so that the staff can monitor the effectiveness of the corrective action at various levels of the distribution chain.

Compliance With Reporting Obligations

Once agreement is reached on a corrective action plan and the plan is implemented, if appropriate, the staff will also investigate and assess whether it believes the firm has complied with the reporting requirements of Section 15(b) of the CPSA, 15 U.S.C. § 2064(b). That section requires every manufacturer, distributor, and retailer of a consumer product who obtains information which reasonably supports the conclusion that the product (1) contains a defect which could create a substantial product hazard, or (2) creates an unreasonable risk of serious injury or death, immediately to inform the Commission of the defect, or risk, unless the firm has actual knowledge that the Commission has been adequately informed of the defect, or the risk. See 16 C.F.R. Part 1115. The CPSA makes it a prohibited act to violate the reporting requirement. Firms may be liable

for a civil penalty of \$6000 for each product involved up to a maximum of \$1,500,000 for any related series of violations. Sections 15(b), 19(a)(4), 20 and 21 of the CPSA, as amended, 15 U.S.C. §§ 2064(b), 2068(a)(4), 2069 and 2070, describes the obligation of manufacturers, distributors and retailers to furnish information to the Commission and the penalties for failing to furnish such information.

If the firm receives any information concerning other incidents or injuries, or information affecting the scope, prevalence or seriousness of the defect or hazard, it must report that information to this Division immediately. Additionally, if the firm receives information which might indicate that its corrective actions are not satisfactory in eliminating the defect or hazard or that the effectiveness of the corrective action program is less than what has been reported, it must report that information to this Division immediately.

The staff requests a response within 10 working days from receipt of this letter. Please reference the CPSC file number in your response.

The staff will make every effort to work closely and cooperatively with the firm to assure a successful corrective action plan which will protect the public while at the same time create a minimum of burden and inconvenience for the firm. If you have any questions or desire assistance in responding to this letter, you may contact John R. Fitch, U.S. Consumer Product Safety Commission, 4330 East West Highway, Room 613, Washington, D.C. 20207-0001, telephone: (301) 504-0608 extension 1220.

Sincerely,

Marc J. Schoem
Director
Division of Corrective Actions

Enclosures

Progress Report Form
Information Disclosure Sheet
Examples of Notification Measures

cc: Consumer Product Safety Commission
Eastern Regional Center
6 World Trade Center
Vesey Street, 3rd Floor
New York, New York 10048

id on the reverse side?

SENDER:

- Complete items 1 and/ or additional services.
- Complete items 3, and b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

J. Robert Kirk, Esq.
 Verner, Liipfert, Bernhard, McPherson
 901 15th Street
 Washington, DC 20005-2301

AND HAND

4a. Article Number

068 850 491

Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

Is your RETURN ADI

5. Signature (Addressee)

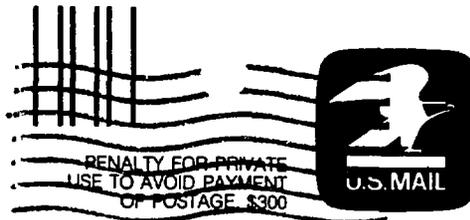
6. Signature (Agent)

7. Date of Delivery

4-3-95

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



CECA - RP950139 - JRF - 7th FEB

U.S. CONSUMER PRODUCT SAFETY COMM.
SUITE 613
4330 EAST WEST HIGHWAY
BETHESDA MD 20814-4408



~~FOR OFFICIAL USE ONLY~~

Certified Mail

MAR 30 1995

J. Robert Kirk, Esq.
Verner, Liipfert, Bernhard, McPherson and Hand
901 15th Street
Washington, DC 20005-2301

Re: CPSC RP950139
T-FAL Corporation
Model 8781 Hi-Speed Toaster

Dear Mr. Kirk:

Thank you for your report of March 24, 1995 under section 15(b) of the Consumer Product Safety Act, as amended (CPSA), 15 U.S.C. § 2064(b). In your report, you indicated that the Model 8781 Hi-Speed Toaster could overheat in a way that could result in melting or scorching of the plastic case of the toaster. A fire or burn hazard could exist.

Enclosed for your information are the Consumer Product Safety Act and the Commission's regulation entitled, "Substantial Product Hazard Reports," 16 C.F.R. Part 1115. These documents explain the Commission's authority and policy with regard to products which may present substantial product hazards and also explain the firm's rights and obligations under the Act.

One of the responsibilities of the Compliance staff is to determine preliminarily whether a defect is present in a product and, if so, whether that defect rises to the level of a substantial product hazard as defined by section 15(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(a).

Information Requested

For the staff to assess accurately the potential hazard associated with the firm's product, if any, it requires certain information from the manufacturer or importer of this product. Please provide the "Full Report" information specified by 16 C.F.R. § 1115.13(d) (1-14) on pages 200-201 of the enclosed Federal Register notice. In your response, please reference each question number (1-14).

In addition to providing the information requested in 16 C.F.R. §1115.13(d) (1-14), paragraph 15 of the "Full Report" requests any additional information needed by the staff. In accordance with paragraph 15 (see page 201), please also provide the following additional information:

- 15a. Copies of all test reports, analyses, and evaluations, including premarket tests and reports of tests and any analyses related to the reported problem. Include the date and place such tests and analyses were conducted by or on behalf of the firm and the identity of the persons involved in the testing and analyses. Provide your firm's best explanation for the potential defect.
- 15b. Copies of all engineering drawings, engineering change notices and material specifications relevant to the identified problem.
- 15c. The identity of the person(s) who identified the potential problem, the date he/she identified the problem, any persons they notified, and the date of notification.
- 15d. Concerning the information specified by 16 C.F.R. §1115.13(d) (6), please include a copy of all safety related consumer or dealer complaints, warranty or other claims, reports of injury, and copies of all documents related to such complaints, claims and injuries. Please include, copies of all court complaints and related documents filed in or associated with lawsuits involving the product and a description of the resolution of those lawsuits, if any.
- 15e. Provide three samples of the product, one failed sample and two new samples. Include retail packaging and instructions for assembly and use. Also provide a sample of the "fix", if such has been made, with instructions to be given to consumers. If there is a cost associated with these samples, notify us prior to sending the samples.
- 15f. A copy of the firm's catalog depicting the product.
- 15g. Indicate if the product is listed with or recognized by Underwriters Laboratories (UL). If so, provide a copy of the UL report.
- 15h. Provide the names and addresses of all distributors, retailers, and purchasers, including consumers.
- 15i. Indicate if the toaster is manufactured exclusively for T-FAL. If not, provide names and addresses of any other known importers.

If the consumer complaints and the other documents requested in Paragraph 15d. above are unavailable, please indicate the reason for such unavailability, and provide a summary of the requested items containing the name, address and telephone number of the claimant, or the name address and telephone number of the plaintiff's attorney.

Staff Assessment

After receiving the firm's response, the Commission's Compliance staff will make a preliminary determination as to whether it believes the product presents a substantial product hazard. See 16 C.F.R. § 1115.12(a). Therefore, it is of primary importance that the firm now provide all of the requested information so that the staff can make an accurate assessment of the potential safety hazard associated with the product.

Information Disclosure

The Commission often receives requests for information provided by firms under section 15(b) of the CPSA. Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5), prohibits the release of such information unless a remedial action plan has been accepted in writing, a complaint has been issued or a firm consents to such release. (See section 6(b) of the CPSA, as amended (enclosed)).

In addition to the above, if the firm submits any information that it considers to be a trade secret, or confidential commercial or financial information, it must mark it "confidential" in accordance with section 6(a)(3) of the CPSA, as amended, 15 U.S.C. § 2055(a)(3) and 16 C.F.R. § 1015.18. The Commission is prohibited from disclosing to the public information that is in fact trade secret or proprietary commercial or financial data. If the firm does not request confidential treatment at the time of its submission or within ten days thereafter, the staff will assume that it does not consider information in the submission to be a trade secret or otherwise exempt from disclosure under section 6(a) of the CPSA and the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

Continuing Obligation

Please note that the firm has a continuing obligation to supplement or correct its "Full Report" as new or different information becomes known. For instance, if after filing the "Full Report" the firm receives or learns of information concerning other incidents or injuries, or information that

affects the scope, prevalence or seriousness of the defect or hazard, it must report that information to this Division immediately.

The Division of Corrective Actions requests that the firm provide a response within 10 working days of your receipt of this letter. **Please reference the CPSC file number in your response.** If you seek assistance or if you have any questions, you may contact John R. Fitch, Division of Corrective Actions, U.S. Consumer Product Safety Commission, 4330 East West Highway, Room 613, Washington, D.C. 20207-0001, telephone: (301) 504-0608 extension 1220. Thank you for your cooperation in reporting under section 15 of the Consumer Product Safety Act.

Sincerely,

Marc J. Schoem
Director
Division of Corrective Actions

Enclosures

Compilation of CPSC Statutes
Substantial Product Hazard Regulations
FOIA Regulations
Information Disclosure Sheet
Recall Handbook

cc: Consumer Product Safety Commission
Eastern Regional Center
6 World Trade Center
Vesey Street, 3rd Floor
New York, New York 10048

Tide - 5/29/06 -

~~with down~~

June 11, 15

MAC
Bernstein

accurate

Mac Bernstein

Overall

A little alarmist
overall

alarmist

of overall Broad characterizations
Made by OPRAM

Not helpful.

* request → some update to status

of hand → no control.

* T Fal working with Commission -
proceeding - update -

LAW OFFICES
VERNER, LIIPFERT, BERNHARD, MCPHERSON AND HAND
CHARTERED
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DATE: July 19, 1995

TO: Mr. John R. Fitch COMPANY NAME: CPSC

FROM: Matthew C. Bernstein ORIGINATOR'S TEL. NO.: (202) 371-6051

TELECOPIER NO.: (301) 504-0359 TOTAL NO. OF PAGES 2

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CONFIRMATION TEL. NO.: (301) 504-0608 CLIENT/MATTER NO.: 02157.0002

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(202) 371-6000
FAX: (202) 371-6279

July 19, 1995

Via Facsimile

Mr. John R. Fitch
Division of Corrective Actions
U.S. Consumer Product Safety Commission
Washington, D.C. 10207

Re: CPSC RP950139
T-FAL Corporation
Model 8781 Hi-Speed Toaster

Dear Mr. Fitch:

In the corrective action plan filed by T-FAL on June 28, 1995, we incorrectly stated T-FAL's toll-free telephone number as "(800) 525-7417." The correct toll-free telephone number is: (800) 395-8325.

We apologize for this error and any inconvenience it may have caused.

Sincerely,


Matthew C. Bernstein

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2400 Texas Corporate Center
Box 1499
Houston, Texas 77002
(713) 871-8334
FAX (713) 871-1316

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DATE: June 28, 1995

TO: Mr. John R. Fitch COMPANY NAME: CPSC

FROM: Matthew C. Bernstein ORIGINATOR'S TEL. NO.: (202) 371-6051

TELECOPIER NO.: (301) 504-0359 TOTAL NO. OF PAGES 8

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June 28, 1995

Mr. John R. Fitch
Division of Corrective Actions
U.S. Consumer Product Safety Commission
Washington, D.C. 10207

Re: CPSC RP950139
T-FAL Corporation
Model 8781 Hi-Speed Toaster

Dear Mr. Fitch:

T-FAL Corporation ("T-FAL") is filing this corrective action plan, pursuant to 16 C.F.R. § 1115.20(a), as requested in your letter of June 6, 1995. This voluntary action is being taken as a precaution in light of concerns that the Model 8781 toaster could, under some circumstances, overheat and cause a fire. While T-FAL believes it is unlikely that the toaster would cause a fire, T-FAL plans to recall the Model 8781 toasters currently held by distributors, retailers, and consumers and offer to replace them with new, modified Model 8781 toasters. Of the 6775 units of the Model 8781 toaster imported by T-FAL, approximately 2000 units have already been returned to T-FAL by its principal distributor. Thus, although T-FAL does not know the exact number of units actually sold or distributed by its customers, the number of Model 8781 toasters in the possession of consumers is well under 5,000.

I. Description of Product^{1/}

The T-FAL Model 8781 Hi-Speed Toaster is equipped with an extra-wide slot for toasting items up to 1.4 inches thick and 10 inches long and is capable of completing the toasting cycle twice as fast as other wide-slot toasters. To operate the Model 8781 toaster, the user places a slice of bread into the slot and pushes down on the actuator, causing the elevator mechanism to lower the bread into the toaster. The bread is then toasted by an internal heating element until the electronic timer activates the solenoid at the end of the toasting cycle, thereby cutting off electricity to the heating element and causing the elevating mechanism to raise the toasted bread.

1/ See 16 C.F.R. § 1115.20(a)(1)(iii).

II. Nature and Cause of Potential Product Hazard^{2/}

In a few instances, the actuator and elevator mechanism in the Model 8781 toaster apparently failed to rise at the end of the toasting cycle. In the manufacturer's testing of the product following these instances, in a few cases, after multiple toasting cycles were performed in short succession at the high-temperature setting, the plastic housing on some toasters became slightly deformed by the heat generated from the heating element. This deformity in turn sometimes caused the actuator to jam against the housing, preventing the heating element from cutting off and the elevator mechanism from rising. In addition, because the metal blades of the switch are larger than those found in a standard toaster, pressure between these blades and the plastic part which operates the switch is greater and thus more susceptible to jamming. Should jamming occur at the actuator or switch, the toaster could overheat, creating a potential risk of fire or causing the plastic housing to melt or be scorched.

III. Notification of Public^{3/}

Notification of Distributors. T-FAL has already started to notify its distributors of the potential problem through direct mailing, as approved by the United States Consumer Product Safety Commission ("Commission") on June 20, 1995. At Tab A is a copy of the Commission-approved notice sent to distributors. A list of the distributors who have received this notice is provided at Tab B.

Notification of Retailers. T-FAL will attempt to notify retail customers directly by mail. At Tab C is a copy of the proposed notice to retailers for the Commission's review and approval. T-FAL has asked its distributors to consult their sales records for the names and addresses of retailers who purchased the Model 8781 toaster. T-FAL will contact any such retailers to notify them of the potential problem.

Notification of Consumers. T-FAL will identify consumers by the following methods:

- (1) Returned Warranty Cards. A number of warranty cards containing consumer names and addresses have been returned to T-FAL. A list of those consumers will be provided to the Commission.
- (2) Purchaser Names Provided by T-FAL's Distributors. T-FAL has asked its distributors to consult their sales

^{2/} See 16 C.F.R. §§ 1115.20(a)(1)(i) and (v).

^{3/} See 16 C.F.R. § 1115.20(a)(1)(ii).

records for the names and addresses of consumers who purchased the Model 8781 toaster. T-FAL will then compile a master list of consumers, which will be provided to the Commission.

When consumers have been identified, T-FAL will notify them of the potential problem, as follows:

- (1) Direct Mailing to Consumers. T-FAL will send notices by certified mail directly to identified consumers, in accordance with the Commission's Corrective Action Handbook. At Tab D is a copy of the proposed consumer notice for the Commission's review and approval.
- (2) Establish Toll-Free Telephone Line. T-FAL will make available an "800" toll-free number to respond to inquires from consumers who purchased the product. The number is: (800) 525-7417.

IV. Instructions^{4/}

T-FAL has already instructed its customers to suspend distribution and sale of the Model 8781 toaster and return all toasters remaining in their inventory to T-FAL. In the notice to be mailed directly to consumers, discussed in Section III of this plan, T-FAL will identify the potential problem associated with the Model 8781 toaster and offer to replace any Model 8781 toasters returned (at T-FAL's expense) by consumers. Detailed instructions on how to the return the toasters will be contained in the notification, as described in Section V of this plan.

V. Corrective Action^{5/}

T-FAL's corrective action plan consists of three parts:

- Recall of Model 8781 toasters currently held by distributors, retailers and consumers; and
- Replacement with modified Model 8781 toasters; or alternatively,
- Crediting or refunding distributors, retailers or consumers who choose not to receive replacement toasters.

Recall Plan. The recall plan consists of two parts: 1) notifying consumers about the product recall; and 2) implementing the product recall.

^{4/} See 16 C.F.R. § 1115.20(a)(1)(iv).

^{5/} See 16 C.F.R. § 1115.20(a)(1)(vi).

- (1) Notification of Recall. As described in Section III of this plan, a recall notice will be mailed directly to distributors, retailers and consumers. A toll-free telephone number will be available to receive inquiries regarding the potential problem associated with the Model 8781 toaster and to provide information and assistance to consumers who would like to return or replace their toasters.
- (2) Implementing the Recall. Distributors, retailers and consumers will be asked to mail the toasters back to T-FAL. T-FAL will reimburse them for the costs of postage and shipping.

Replacement Plan. T-FAL will offer to replace current Model 8781 toasters with new, modified Model 8781 toasters. When a toaster is returned to T-FAL, T-FAL will send a modified replacement toaster, along with a check for the cost of postage and shipping incurred by the consumer.

Alternatives to Replacement: Credit or Refund. If for any reason a distributor, retailer or consumer would prefer not to receive a modified toaster, T-FAL will offer the holder credit or a cash refund.

VI. Preventing Recurrence^{6/}

The steps that have been, or will be, taken by T-FAL to prevent recurrence of the potential product hazard include:

- The modification of the Model 8781 toaster;
- Inclusion of a warning leaflet with all new Model 8781 toasters; and
- The removal of current Model 8781 toasters from the stream of commerce.

Modification of the Model 8781 Toaster. To eliminate the potential jamming problem discussed in Section II of this plan, the manufacturer has:

- Reduced the size of the metal blades of the switch from 6 mm to 4 mm;
- Added a metal part to decrease the sliding friction between the control button and the housing; and
- Removed the plastic "beard" from the housing where the actuator has previously jammed.

^{6/} See 16 C.F.R. § 1115.20(a)(1)(vii).

Mr. John Fitch
June 28, 1995
Page 5

The Commission has reviewed these modifications and held them to be an adequate solution to the potential problem.

Warning to Consumers. A warning leaflet will accompany all new, modified Model 8781 toasters. The warning will read:

Hi-Speed toasters are faster and more powerful than standard toasters. Consumers should not leave the Model 8781 toaster unattended while in use.

Consumers should closely watch the Model 8781 toaster when 1) using it for the first time and 2) using it after having changed the temperature setting.

This warning will also appear in the instruction manual which accompanies the toaster.

Removal of Current Model 8781 Toasters. Once implemented, the recall plan, discussed in Section V of this plan, will remove from distribution and use a substantial number of potentially defective toasters, thereby significantly reducing the likelihood of the potential hazard recurring.

VII. Products in the Distribution Chain^{7/}

T-FAL's proposal for direct notification of distributors, retailers, and consumers, described in Sections III of this plan, constitutes the main focus of its effort to identify Model 8781 toasters currently in the distribution chain. After a reasonable period of time, T-FAL will assess the effectiveness of this effort, and, if necessary, will propose additional steps to the Commission.

VIII. Commission Monitoring^{8/}

T-FAL acknowledges that the Commission may monitor the corrective action described herein. T-FAL will furnish any necessary information required by the Commission to monitor the corrective action.

XI. Admission Disclaimer^{9/}

The submission of this corrective action plan does not constitute an admission by the T-FAL Corporation that either reportable information or a substantial product hazard exists.

7/ See 16 C.F.R. § 1115.20(a)(1)(viii).

8/ See 16 C.F.R. § 1115.20(a)(1)(x).

9/ See 16 C.F.R. § 1115.20(a)(1)(xiii).

Mr. John Fitch
June 28, 1995
Page 6

XII. Final Acceptance by Commission^{10/}

T-FAL acknowledges that the corrective action plan presented herein becomes effective only upon its final acceptance by the Commission.

T-FAL has made every attempt to develop an effective corrective action plan in consultation with the Commission and as required by 16 C.F.R. § 1115.20(a)(1). Once the Commission approves T-FAL's plan, T-FAL will provide monthly progress reports to the Division of Corrective Actions and will provide customer lists and any other information requested so that the Division's staff can monitor the effectiveness of the corrective action plan at various levels of the distribution chain, as requested in your letter of June 6, 1995.

In the meantime, please contact us at (202) 371-6000 if you have any questions or comments regarding this plan.

Sincerely,



Gary J. Klein
J. Robert Kirk
Matthew C. Bernstein
Attorneys for T-FAL Corp.

Enclosure: Certification of Andre L. Hottlet
President and CEO of T-FAL Corp.

^{10/} See 16 C.F.R. § 1115.20(a)(1)(xiv).