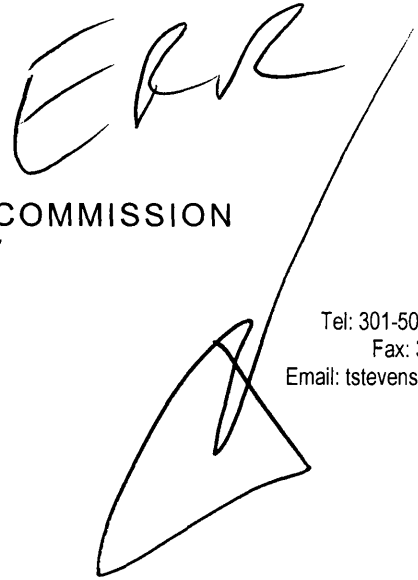




ERR



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

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

Tel: 301-504-0785X1239
Fax: 301-504-0127
Email: tstevenson@cpsc.gov

November 9, 1999

CERTIFIED MAIL

Jay Tilley
Editor ♦ Product Safety Letter
Washington Business Information
1117 North 19th Street
Arlington, VA 22209-1798

**Re: FOIA Request S9110024: Kmart Tru-Burn Gas Grills
/ Corrective Action or Recall File FC980017**

Dear Mr. Baker:

Thank you for your Freedom of Information Act (FOIA) request to the Commission. . The records from the Commission files responsive to your request have been processed and copies 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 FC980017 and are identified as inspection reports, hazard assessment memoranda 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.

We must withhold other records responsive to your request, specifically, the preliminary determination form, from the Commission's Office of Compliance's law enforcement investigatory file 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 an internal memoranda 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.

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.

Processing this request, performing the file searches and reviewing the information, cost the Commission \$80.00. In this instance, we have decided to waive all of the charges.

Sincerely,

Todd A. Stevenson

Enclosures



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

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

Tel: 301-504-0785X1239
Fax: 301-504-0127
Email: tstevenson@cpsc.gov

October 4, 1999

CERTIFIED MAIL

David H. Baker, Esq.
Thompson, Hine & Flory
1920 N Street, N.W.
Washington, D.C. 20036-1601

Re: FOIA Request S9080007: Kmart Tru-Burn Gas Grills
/ Corrective Action or Recall File FC980017

Dear Mr. Baker:

Thank you for your Freedom of Information Act (FOIA) request to the Commission. . The records from the Commission files responsive to your request have been processed and copies 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 FC980017 and are identified as inspection reports, hazard assessment memoranda 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.

We must withhold other records responsive to your request, specifically, the preliminary determination form, from the Commission's Office of Compliance's law enforcement investigatory file 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 an internal memoranda 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.

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.

Processing this request, performing the file searches and reviewing the information, cost the Commission \$80.00. In this instance, we have decided to waive all of the charges.

Sincerely,

Todd A. Stevenson

Enclosures

FC980017

News from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, D.C. 20207

For Immediate Release
May 11, 1999
Release # 99-109

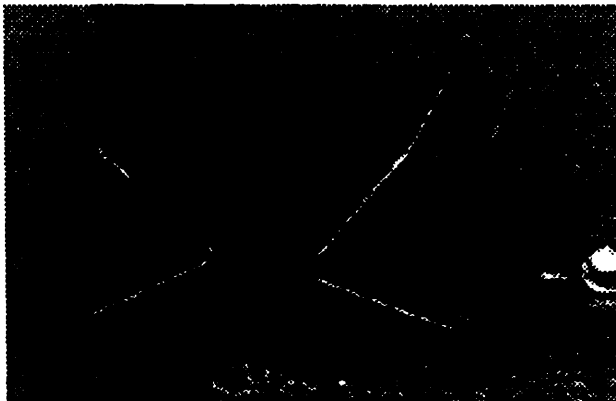
Contact: Ken Giles
(301) 504-0580 Ext. 1184

CPSC, Kmart Announce Recall of "Tru-Burn" Portable LP Gas Grills

WASHINGTON, D.C. - In cooperation with the U.S. Consumer Product Safety Commission (CPSC), Kmart Corporation, of Troy, Mich., is recalling about 40,000 "Tru-Burn" Portable LP Gas Grills. The burner manifold connection can separate during use, resulting in a flame outside the grill which could burn consumers and ignite nearby combustibles.

CPSC is aware of one reported fire outside of a consumer's grill due to the manifold connection separating during use. No injuries were reported.

The "Tru-Burn" Portable LP Gas Grill has a black porcelain paint finish with two chrome-plated wire, steel legs. When assembled, the gas grill is about 18-inches long and 12-inches high. There are three rectangular-shaped handles, one attached to each end of the grill's body and one attached to the lid. The box in which the grill was packaged is labeled with UPC Code 024838170001 and Kmart Code 0-118731-116. Writing on the box includes, "TRU-BURN."



MFR/PRV/LBR NOTIFIED
 No Comments made
 Comments attached
 Excisions/Revisions
 Firm has not requested further notice
5/11/99

(more)

1

(grills)

-2-

Kmart sold these portable grills nationwide through its Kmart stores from February 1996 through August 1998 for about \$22.

Consumers should immediately stop using these grills and return them to a Kmart store for a full refund. For more information, consumers should call Kmart toll-free at 1-800-63KMART anytime.

The "BBQ-PRO" model portable gas grills currently being sold by Kmart are not included in this recall.

The U.S. Consumer Product Safety Commission protects the public from unreasonable risks of injury or death from 15,000 types of consumer products under the agency's jurisdiction. To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at <http://www.cpsc.gov/talk.html>. For information on CPSC's fax-on-demand service, call the above numbers or visit the web site at (<http://www.cpsc.gov/about/who.html>). To order a press release through fax-on-demand, call (301) 504-0051 from the handset of your fax machine and enter the release number. Consumers can obtain this release and recall information at CPSC's web site at <http://www.cpsc.gov>. To establish a link from your web site to this press release on CPSC's web site, create a link to the following address: <http://www.cpsc.gov/cpscpub/prerel/prhtml99/99109.html>. ###

Editor's Note: To access a full-color version of the product photo in JPEG (JPG) format, go to this press release on CPSC's web site at:

<http://www.cpsc.gov/cpscpub/prerel/prhtml99/99109.html>

To download, place the cursor on the image, click and hold the mouse button (right mouse button for PC users), and use the "save as" menu to save the image in the desired location.

Receive Press Releases by Email: To subscribe to this convenient service, send an email containing your full name, position, organization, mailing address, email address, phone number and fax number to: kdulic@cpsc.gov.



Firm Name: Kmart Corporation
Troy, MI

File Number: FC980017
"Tru-Burn" Portable
LP Gas grill

CORRECTIVE ACTION PLAN:

A. Notice:

Event:

Date:

XXX Press Release

Spring 1999

** Attached Draft PR is in OIPA.
PR will be issued during the
Spring because grill is a
seasonal item.

XXX Direct Mail (100%)
(All Kmart Stores)

Week of 3/8/99

** Attached notice will be
sent to all Kmart Stores.
Kmart notified all its stores
on 9/16/98 to remove these
grills from sale.

 CPSC Safety Alert

XXX Point of Purchase Signs
** Copy attached.

Week of 3/8/99

 Paid Advertising (describe)

 Other (describe)

B. Repair, Replacement, Refund

 Repair approved by technical
support

 Replacement with product approved
by technical support

XXX Refund

3

XXX mfr/importer level
N/A wholesaler/distributor level
XXX retailer level
XXX consumer level

 Mail in to firm

XXX Return to retailer

 Home visit to repair or replace

 Home repair by consumer

XXX Toll-free line 1-800-63KMART (635-6278)

 Other (describe):

D. Effectiveness: Kmart sold 45,520 units.

Number corrected at manufacturer : Importer has no inventory.

Number corrected at distributor N/A

Number corrected at retailer To Be Determined.
Retailers have removed all grills from sale.

Number corrected at consumer To Be Determined

E. Decision on corrective action:

XXX Accept CAP and Monitor

 Accept and Close File

 Pursue further remedial action

4

Kmart Corporation
Page Three

FC980017

CAP APPROVALS:

Compliance Officer _____

Sen. Compliance Officer _____

Mary Boyman 2/23/99

Attorney _____

Office of Compliance:

Mallory 2/23/99

Name

Name

Dir One

Title/Division

Title/Division

5

DRAFT

All Kmart General Store Managers and Store Directors
All Kmart Operations Managers
All Service Desk Associates
All Kmart Merchandise Claims and Receiving Clerks

Re: "Tru-Burn" Portable LP Gas Grill
Kmart Code No. 043-11-87-31-116
UPC No. 024838170001
Selling Price \$21.99

On September 16, 1998 all stores were notified via backtraffic message #9825908058 to remove all "Tru-Burn" Portable LP Gas Grills from the sales floor, stockroom, and layaway areas until notified regarding the method of disposition. The grills are being recalled from the public due to the possibility the connection between the burner manifold and the 4" tube may become disconnected possibly causing a flame to ignite combustibles resulting in a larger fire with burn incident potential. A press release will be issued by Kmart and the CPSC announcing the nationwide public recall sometime in late-March or April 1999.

Attached are two (2) Notice of Safety Recall 7" X 11" permanent signs that must be placed immediately and conspicuously in the following areas:

1. At the Service Desk. Use a 7" X 11" flat base sign holder and place on back work area in full view of customers. Do not allow visibility of the sign to become obscured at any time.
2. In the area where the "Tru-Burn" Portable LP Gas Grills were on display for sale.
 - a. Select an existing 7" X 11" end cap sign holder and use this sign as a backer, or
 - b. Use a flat base sign holder and place on the chrome top cap display, whichever is most visible to the customer. This recall sign must be posted as close as possible to the place where these grills were sold.

The recall signs **MUST REMAIN POSTED IN THESE AREAS UNTIL JULY 1, 1999**. If your store needs additional recall signs, please contact Laura Klemett at (248) 643-1474.

Customers who return a "Tru-Burn" Portable LP Gas Grill to the store must be given a refund of \$21.99. The UPC Code of 024838170001 must be used by Service Desk personnel. The UPC Code is on the recall sign. **ALL CUSTOMERS WHO RETURN THE GRILL SHOULD BE GIVEN A COMPLETE CASH REFUND, WHETHER OR NOT THEY HAVE THEIR RECEIPT.**

Any "Tru-Burn" Portable LP Gas Grills must be sent to Genco. Check the 605/MC&C area and layaway to be sure that all of these "Tru-Burn" Portable LP Gas Grills which were removed from sale in September 1998 are returned to Genco.

This recall does not include the "BBQ-PRO" portable gas grills which have "BBQ-PRO" marked on the handle. Stores should ensure the return is a "Tru-Burn" Portable LP Gas Grill and not a "BBQ-PRO" brand because stores will not be given credit for incorrect returns.

DRAFT

The number of grills returned will be tracked and supplied to the CPSC at the conclusion of the recall period (July 1999). Ensure that information is processed accurately for our records.

Customers may call 1-800 63KMART for additional recall information. In addition, Kmart's web site (www.kmart.com) will have a picture of the product and recall information for consumers.

Any media inquiries about the recall should be referred to Kmart Corporate Affairs, KRC at 248-643-1021. Thank you.

Store Operations

Legal Department

cc: Carlos-Rodriguez, KRC
Dennis Charles, KRC
Jeff Campbell, KRC
Chris Gullen, KRC
Jim Donahue, KRC
Chuck Hajduk, KRC
Laura Mahle, KRC
Bill Adams, KRC

All District Managers
All Regional Managers of Implementation
All Regional Vice Presidents

NOTICE OF SAFETY RECALL

In cooperation with the United States Consumer Product Safety Commission (CPSC), Kmart Corporation is conducting a voluntary recall of its "Tru-Burn" Portable LP Gas Grills. Kmart has determined that the tube to the burner manifold may disconnect, causing a flame to ignite combustibles resulting in a fire with burn incident potential.

The "Tru-Burn" Portable LP Gas Grills sold nationwide from approximately February 1996 through August 1998. They have a black porcelain paint finish with two chrome plated wire steel legs. When assembled, the gas grill is about 18" long by 12" high. There are three rectangular shaped handles. One attached to each end of the grill's body and one attached to the lid. There are no "Tru-Burn" markings on the grill itself. The boxes in which the grills were packaged are labeled with UPC Code 024838170001 and Kmart Code 0-118731-116.

PICTURE
HERE

Customers should immediately stop using these Grills and return them to their nearest Kmart store for a refund of the \$21.99 purchase price.

For further information about this recall, contact Kmart at 1-800-63KMART anytime.



CASE # FC980017 k.mut

RECALL EFFECTIVENESS CHECKLIST

<u>LIST</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
ACCEPT CAP LETTER	✓		
ACCEPT CAP FORM	✓		
<i>FINAL</i> DIRECT MAIL LETTER	✓	✓	
<i>FINAL</i> PRESS RELEASE	✓		
<i>FINAL</i> POINT OF PURCHASE SIGN	✓	✓	
LIST OF CONSIGNEES (detailed)	✓		
REG. – INITIAL NOTIFICATION FORM			✓

The asterisked item(s) is/are missing from the case file. Please obtain a final copy from the firm and return the file back with the missing information as soon as possible. Thanks.

9

FILE COPY

U.S. CONSUMER PRODUCT SAFETY COMMISSION

230 South Dearborn Street- Suite 2944

Chicago, Illinois 60604

Phone: (312) 353-8260

Fax: (312) 353-5013

March 17, 1999

Ms. Charlene J. Haines
Attorney
Kmart Corporation
3100 West Big Beaver Road
Troy, MI 48084-3163

RE: CPSC FC980017
Kmart Corporation
"Tru-Burn" Portable LP Gas Grill

Dear Ms. Haines:

The staff of the Central Region and the staff of the Office of Compliance of the U.S. Consumer Product Safety Commission have reviewed the corrective action plan proposed by Kmart Corporation concerning the "Tru-Burn" Portable LP Gas Grill subject to this Section 15 case. Acting under delegation from the Commission, the staff has accepted the plan as adequate. The corrective action plan includes the following elements:

1. Kmart Corporation will immediately cease distribution of the "Tru-Burn" Portable LP Gas Grill and will recall all units from the retail stores and in the possession of consumers.
2. Kmart Corporation will undertake a notification program to the consumer level. A notice will be sent to each Kmart retail store advising the store to remove these portable grills from sale. A sign will be posted in each Kmart store where this grill was sold advising consumers of the recall program.
3. Kmart Corporation, in cooperation with the CPSC, will shortly issue a joint press release announcing this recall.
4. Kmart Corporation will provide a toll-free number to assist consumers in this recall program.

10

Kmart Corporation
Page Two

Please continue the corrective actions implemented and initiate any others contained in the plan accepted by the staff. The staff will be monitoring the firm's corrective action plan. Please submit progress reports of the corrective action program every month to Tina Adeyeye, Recall Unit, Office of Compliance, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814. Her telephone and fax numbers are 301-504-0608 X 1223 and 301-504-0359, respectively. Please send a copy of your monthly reports to L. George Gayman, Senior Compliance Officer, Atlanta Office, CPSC, 401 W. Peachtree St., NW, Suite 1600, Atlanta, GA 30308. These monthly reports are due by the fifth of each month.

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

If Kmart Corporation receives any information concerning other incidents or injuries, or information affecting the scope, prevalence or seriousness of the defect or hazard, the firm must report that information to this office. Additionally, if the firm receives information which might indicate that the 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, the firm must report that information to this office.

When Kmart Corporation determines the corrective action plan has been implemented to the best of its ability and as many products as possible have been corrected or removed from the marketplace, the firm may submit a final progress report 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) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2055(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 recall and other corrective actions initiated by firms in an Annual Report to Congress. This information is occasionally used in lists for specific product categories. This letter gives the firm its opportunity under Section 6(b)(1) of the CPSA, 15 U.S.C. § 2055(b)(1), and 16 C.F.R. Part 1101, to comment on the accuracy of the information.

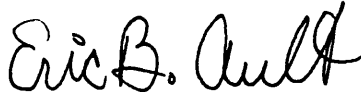
11

Kmart Corporation
Page Three

The staff has made every effort to assure that the enclosed information is accurate. If, however, Kmart Corporation believes that the information is not accurate, please send comments to L. George Gayman, Senior Compliance Officer, Atlanta Satellite Office. The firm's comments must be received within twenty-three (23) 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 cooperation in this matter. If you have any questions, please contact Mr. Gayman at (404) 730-2874.

Sincerely yours,



Eric B. Ault
Regional Director
Central Regional Center

Enclosures
FOIA Regulations
Corrective Action Summary

Certified Mail

cc: Office of Compliance, CPSC



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.

13

**Voluntary Corrective Action Plan 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
3/99	Kmart Corporation Troy, MI "Tru-Burn" Portable LP Gas Grill.	The burner manifold may may separate during use, resulting in a flame outside the grill which could burn consumers or ignite nearby combustibles.	Kmart is recalling this portable grill. All units have been removed from the stores and signs posted in the stores advising consumers of the recall.

14

Firm Name: Kmart Corporation
Troy, MI

File Number: FC980017
"Tru-Burn" Portable
LP Gas grill

CORRECTIVE ACTION PLAN:

A. Notice:

Event:

Date:

XXX Press Release

Spring 1999

** Attached Draft PR is in OIPA.
PR will be issued during the
Spring because grill is a
seasonal item.

XXX Direct Mail (100%)
(All Kmart Stores)

Week of 3/8/99

** Attached notice will be
sent to all Kmart Stores.
Kmart notified all its stores
on 9/16/98 to remove these
grills from sale.

 CPSC Safety Alert

XXX Point of Purchase Signs
** Copy attached.

Week of 3/8/99

 Paid Advertising (describe)

 Other (describe)

B. Repair, Replacement, Refund

 Repair approved by technical
support

 Replacement with product approved
by technical support

XXX Refund

Kmart Corporation
Page Two

FC980017

C. Procedures:

- Distribution chain recall
 - mfr/importer level
 - wholesaler/distributor level
 - retailer level
 - consumer level

Mail in to firm

Return to retailer

Home visit to repair or replace

Home repair by consumer

Toll-free line 1-800-63KMART (635-6278)

Other (describe):

D. Effectiveness: Kmart sold 45,520 units.

Number corrected at manufacturer : Importer has no inventory.

Number corrected at distributor N/A

Number corrected at retailer To Be Determined.
Retailers have removed all grills from sale.

Number corrected at consumer To Be Determined

E. Decision on corrective action:

Accept CAP and Monitor

Accept and Close File

Pursue further remedial action

16

Kmart Corporation
Page Three

FC980017

CAP APPROVALS:

Compliance Officer _____

Sen. Compliance Officer George Boyman 2/23/99

Attorney _____

Office of Compliance:

Maffel 1/2/99
Name

Name

Dir One
Title/Division

Title/Division

12

**U.S CONSUMER
PRODUCT SAFETY
COMMISSION**

4330 East West Highway, Bethesda, MD 20814

Fax

To: George Gayman	From: Toyin (Tina) Adeyeye
Title: Compliance Officer	Title: Recall Coordinator
Fax: 404-730-2870	Date: 3/15/99
Office: FOCR	Pages: 11

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:** THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

THANK YOU.

18
ADEYEYE, T.

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Central Regional Center
230 S. Dearborn Street
Suite 2944
Chicago, Illinois 60604
(312) 353-8260
fax (312) 353-5013

July 21, 1998

Chief Executive Officer
Kmart Corporation
3100 Big Beaver Road
Troy, MI 48084

Re: CPSC FC980017
Kmart Corporation
"Tru-Burn" Portable LP Gas Grill

Dear Sir:

The staff of the Office of Compliance of the U.S. Consumer Product Safety Commission (Commission) has reviewed the information which has come to our attention regarding the "Tru-Burn" Portable LP Gas Grill marketed by your firm.

After careful consideration and in accordance with 16 C.F.R. § 1115.12(a), the Commission staff has made a preliminary determination that some units of the "Tru-Burn" Portable LP Gas Grill present a substantial hazard as defined by Section 15(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(a). Specifically, on some units the connection of the burner manifold to the 4" tube is by means of friction alone. If this connection should separate while the grill is being used, flames would shoot out of the open end of the tube, possibly igniting combustibles and resulting in a larger fire with burn incident potential.

The staff welcomes and will give full consideration to any comments or additional information from your firm concerning this preliminary determination. The staff will meet with the firm as necessary to discuss any comments you may have or to discuss your corrective actions.

Voluntary Corrective Actions

The staff is requesting that Kmart Corporation undertake a corrective action program to notify consumers and to recall the

19

Kmart Corporation
Page Two

units of this potentially dangerous portable LP gas grill that are in chain of distribution and in the possession of consumers. If your 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 will review the firm's plan promptly and discuss with it any suggestions the staff has or additional measures it believes Kmart Corporation should take.

To assist us in the development of an acceptable corrective action program, please provide the following information on the "Tru-Burn" Portable LP Gas Grill:

1. How long has Kmart been importing and selling this item? How many units have been imported and sold?

2. Although the retail box and literature identify the product as being a "Tru-Burn" Portable Grill, does the grill itself bear any markings to help consumers identify it as a "Tru-Burn" grill? Is there any other way consumers can identify their portable LP gas grill as being a "Tru-Burn" brand?

3. The grill involved in the investigated incident has a friction connection between the burner manifold and the 4" tube, whereas the grill sampled during our inspection at Kmart has a threaded connection. Please explain why there are two types of connections.

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, 1993. 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 Central Regional Center will monitor the progress of the corrective action. The staff requests that the firm provide monthly progress reports to that office (using the enclosed form). Please provide customer lists and any other information requested

20

Kmart Corporation
Page Three

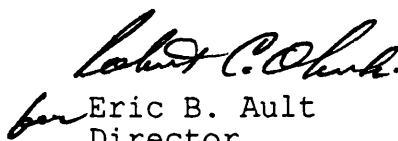
so that the staff can monitor the effectiveness of the corrective action at various levels of the distribution chain.

If you receive any information concerning other incidents or injuries, or information affecting the scope, prevalence or seriousness of the defect or hazard, you must report that information to this office immediately. Additionally, if you receive information which might indicate that your 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, you must report that information to this office immediately.

We request a written response within ten (10) working days from receipt of this letter. Please send your response to L. George Gayman, Senior Compliance Officer, Atlanta Satellite Office, Peachtree Summit Federal Building, 401 West Peachtree St., NW, Suite 1600, Atlanta, GA 30308.

The Commission 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 Mr. Gayman at 404/730-2870.

Sincerely,


Eric B. Ault
Director
Central Regional Center

EBA:LGG
Certified Mail
Enclosures: A/S

cc: Charlene Haines, Kmart Attorney

Office of Compliance, CPSC

21

Kmart Corporation
Page Three


so that the staff can monitor the effectiveness of the corrective action at various levels of the distribution chain.

If you receive any information concerning other incidents or injuries, or information affecting the scope, prevalence or seriousness of the defect or hazard, you must report that information to this office immediately. Additionally, if you receive information which might indicate that your 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, you must report that information to this office immediately.

We request a written response within ten (10) working days from receipt of this letter. Please send your response to L. George Gayman, Senior Compliance Officer, Atlanta Satellite Office, Peachtree Summit Federal Building, 401 West Peachtree St., NW, Suite 1600, Atlanta, GA 30308.

The Commission 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 Mr. Gayman at 404/730-2870.

Sincerely,


for Eric B. Ault
Director
Central Regional Center

EBA:LGG
Certified Mail
Enclosures: A/S

cc: Charlene Haines, Kmart Attorney
Office of Compliance, CPSC



News from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, D.C. 20207

For Immediate Release
January , 1999
Release # 99-

Contact:
(301) 504-0580 Ext.

CPSC, Kmart Announce Recall of "Tru-Burn" Portable LP Gas Grills

WASHINGTON, D.C. - In cooperation with the U.S. Consumer Product Safety Commission (CPSC), Kmart Corporation, of Troy, MI, is recalling about 40,000 "Tru-Burn" Portable LP Gas Grills. The burner manifold connection may separate during use, resulting in a flame which could ignite combustibles and produce a larger fire with burn incident potential.

CPSC and Kmart are not aware of any injuries involving these grills. This recall is being conducted to prevent the possibility of injury.

The "Tru-Burn" Portable LP Gas Grill has a black porcelain paint finish with two chrome plated wire steel legs. When assembled, the gas grill is about 18" long and 12" high. There are three rectangular shaped handles, one attached to each end of the grill's body and one attached to the lid. There are no "Tru-Burn" markings on the grill itself. The box in which the grill was packaged is labeled with UPC Code 024838170001 and Kmart Code 0-118731-116.

PHOTO

(more)

23

(grills)

-2-

Kmart sold these portable grills nationwide through its Kmart stores from February 1996 through August 1998 for about \$22.

Consumers should immediately stop using these grills and return them to a Kmart store for a full refund. For more information, consumers should call Kmart toll-free at 1-800-63Kmart (635-6278) anytime.

The U.S. Consumer Product Safety Commission protects the public from unreasonable risks of injury or death from 15,000 types of consumer products under the agency's jurisdiction. To report a dangerous product or a product-related injury and for information on CPSC's fax-on-demand service, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270. To order a press release through fax-on-demand, call (301) 504-0051 from the handset of your fax machine and enter the release number. Consumers can obtain this release and recall information at CPSC's web site at <http://www.cpsc.gov> or via Internet gopher services at cpsc.gov. Consumers can report product hazards to info@cpsc.gov. To establish a link from your web site to this press release on CPSC's web site, create a link to the following address:
www.cpsc.gov/cpscpub/prere1/prhtml97192.html.

#####

Editor's Note: To access a full-color version of the product photo in JPEG (JPG) format, go to this press release on CPSC's web site at: www.cpsc.gov/cpscpub/prere1/prhtml97192.html. To download, place the cursor on the image, click and hold the mouse button (right mouse button for PC users), and use the "save as" menu to save the image in the desired location.

241

DRAFT

All Kmart General Store Managers and Store Directors
All Kmart Operations Managers
All Service Desk Associates
All Kmart Merchandise Claims and Receiving Clerks

Re: "Tru-Burn" Portable LP Gas Grill
Kmart Code No. 043-11-87-31-116
UPC No. 024838170001
Selling Price \$21.99

On September 16, 1998 all stores were notified via backtraffic message #9825908058 to remove all "Tru-Burn" Portable LP Gas Grills from the sales floor, stockroom, and layaway areas until notified regarding the method of disposition. The grills are being recalled from the public due to the possibility the connection between the burner manifold and the 4" tube may become disconnected possibly causing a flame to ignite combustibles resulting in a larger fire with burn incident potential. A press release will be issued by Kmart and the CPSC announcing the nationwide public recall sometime in late-March or April 1999.

Attached are two (2) Notice of Safety Recall 7" X 11" permanent signs that must be placed immediately and conspicuously in the following areas:

1. At the Service Desk. Use a 7" X 11" flat base sign holder and place on back work area in full view of customers. Do not allow visibility of the sign to become obscured at any time.
2. In the area where the "Tru-Burn" Portable LP Gas Grills were on display for sale.
 - a. Select an existing 7" X 11" end cap sign holder and use this sign as a backer, or
 - b. Use a flat base sign holder and place on the chrome top cap display, whichever is most visible to the customer. This recall sign must be posted as close as possible to the place where these grills were sold.

The recall signs **MUST REMAIN POSTED IN THESE AREAS UNTIL JULY 1, 1999.** If your store needs additional recall signs, please contact Laura Klemett at (248) 643-1474.

Customers who return a "Tru-Burn" Portable LP Gas Grill to the store must be given a refund of \$21.99. The UPC Code of 024838170001 must be used by Service Desk personnel. The UPC Code is on the recall sign. **ALL CUSTOMERS WHO RETURN THE GRILL SHOULD BE GIVEN A COMPLETE CASH REFUND, WHETHER OR NOT THEY HAVE THEIR RECEIPT.**

Any "Tru-Burn" Portable LP Gas Grills must be sent to Genco. Check the 605/MC&C area and layaway to be sure that all of these "Tru-Burn" Portable LP Gas Grills which were removed from sale in September 1998 are returned to Genco.

This recall does not include the "BBQ-PRO" portable gas grills which have "BBQ-PRO" marked on the handle. Stores should ensure the return is a "Tru-Burn" Portable LP Gas Grill and not a "BBQ-PRO" brand because stores will not be given credit for incorrect returns.

25

DRAFT

The number of grills returned will be tracked and supplied to the CPSC at the conclusion of the recall period (July 1999). Ensure that information is processed accurately for our records.

Customers may call 1-800 63K MART for additional recall information. In addition, Kmart's web site (www.kmart.com) will have a picture of the product and recall information for consumers.

Any media inquiries about the recall should be referred to Kmart Corporate Affairs, KRC at 248-643-1021. Thank you.

Store Operations

Legal Department

cc: Carlos Rodriguez, KRC
Dennis Charles, KRC
Jeff Campbell, KRC
Chris Gullen, KRC
Jim Donahue, KRC
Chuck Hajduk, KRC
Laura Mahle, KRC
Bill Adams, KRC

All District Managers
All Regional Managers of Implementation
All Regional Vice Presidents

NOTICE OF SAFETY RECALL

In cooperation with the United States Consumer Product Safety Commission (CPSC), Kmart Corporation is conducting a voluntary recall of its "Tru-Burn" Portable LP Gas Grills. Kmart has determined that the tube to the burner manifold may disconnect, causing a flame to ignite combustibles resulting in fire with burn incident potential.

The "Tru-Burn" Portable LP Gas Grills sold nationwide from approximately February 1996 through August 1998. They have a black porcelain paint finish with two chrome plated wire steel legs. When assembled, the gas grill is about 18" long by 12" high. There are three rectangular shaped handles. One attached to each end of the grill's body and one attached to the lid. There are no "Tru-Burn" markings on the grill itself. The boxes in which the grills were packaged are labeled with UPC Code 024838170001 and Kmart Code 0-118731-116.

Customers should immediately stop using these Grills and return them to their nearest Kmart store for a refund of the \$21.99 purchase price.

For further information about this recall, contact Kmart at 1-800-63KMART anytime.

PICTURE
HERE

27

U.S. CONSUMER PRODUCT SAFETY COMMISSION

401 West Peachtree St., N.W., Suite 1600
Atlanta, Georgia 30308
tel 404-730-2870
fax 404-730-2878

fax transmission

to: MARC SITTEN

fax #:

from: L. George Byrnes

date: 2/23/99

re:

pages: 8 + Coversheet

NOTES: CAP Package for your review + approval. I will get final notice + sign with picture + will send to you + Tina for monitoring purposes. Maybe you want this mailed instead of faxed. I will coordinate issuance of P.R. with OSPA + KMA. *to*

FIELD ACTIVITY COVERSHEET

1. REGION/STATE FOCR/W	2. OPERATION (Check One) <input checked="" type="checkbox"/> Inspection () Establishment Visit <input type="checkbox"/> Telephone Contact () Investigation <input type="checkbox"/> Other []	3. DATE 1/27/98 4. NUMBER (For RO Use)	
5. ESTABLISHMENT Name [Kmart Corporation] Address [3100 W. Big Beaver Rd.] City [Troy] State [MI] Zip [48084] Telephone [248-643-1054]			
6. RELATED FIRM () Parent () Headquarters () Subsidiary () Other ____ Name [] City [] State []			
7. PRODUCTS COVERED [table top gas grills]	8. OTHER CONSUMER PRODUCTS [department store merchandise]		
9. ESTABLISHMENT TYPE <input type="checkbox"/> Manufacturer (X) Importer <input type="checkbox"/> Wholesaler () Own Label Distributor <input checked="" type="checkbox"/> Retailer () Repackager <input type="checkbox"/> Other []	10. ANNUAL PRODUCTION Product Covered Units [] Other Products \$ Units []		
11. I.S. BUSINESS % Received [90+] % Shipped [90+]	12. SAMPLES COLLECTED 98-830-3415, 3416, and 3420.	13. MIS CODE 32100	14. HOURS Activity [8.0] Travel [.5]
15. REASON FOR ACTIVITY (Assignment Reference) FOCR Compliance request for inspection and sample collection.			
16. ANNOUNCED (X) Rationale for Announced Inspection UNANNOUNCED () TDY travel.			
17. EMPLOYEE'S NAME Dennis R. Blasius	TITLE Inv.	SIGNATURE 	
18. (X) ENDORSEMENT () REMARKS () SUMMARY () OTHER _____ This inspection at the Kmart headquarters was conducted for 2 reasons. First, as a F/U to IDI 970528CWE5012 in which the burner tube of a Kmart "Tru-Burn" table top LP grill separated while the grill was in use. Second, as a F/U to a trade complaint that Kmart was importing doll strollers that could present a choking hazard. Regarding the table top grills, the inspection found that Kmart has imported and distributed the "Tru-Burn" grill since Dec. 1996. They have sold 43,377 units to date and have no complaints other than the IDI incident. The Kmart in house engineer examined the grill after Kmart learned of the IDI incident and found no problems with it. (continued)			
19. REVIEWER'S NAME John R. Vece	TITLE S.P.S.I.	SIGNATURE 	
20. REVIEW DATE 2-27-98	21. DISTRIBUTION O: FOCR; CC: CCA, C. PEREZ.		

ENDORSEMENT CONTINUED:

Sample 98-830-3415 consisting of 1 of the Tru-Burn grills was collected.

Kmart also has sold 2 models of LP table top grills made by Char-Broil Co., Columbus, GA. Model 465 1230 which Kmart sold 8,025 units of from 1991 to 3/1996; and model 1200 of which Kmart has sold 67,040 units from 3/96 to date. Kmart has received no complaints on these Char-Broil grills. Kmart provided one unit of each of these 2 model grills and they were submitted as sample 98-830-3416.

Examination of the Tru-Burn and Char-Broil grills revealed that while the Burner assembly of the Tru-Burn grill is a 2 piece design with the burner tube being apparently crimped to the manifold the Char-Broil assembly is all one piece.

Regarding the doll strollers, the inspection found that Kmart had order but not yet received 14,000 units of the "Loving Wonders" plastic doll stroller. The stroller was ordered from the importer, Daval International Ltd., Rockville Center, NY. Kmart will be the sole distributor of the stroller. Shortly after the inspection the shipment of strollers did arrive and Kmart provided 5 units which were submitted as sample 98-830-3420. Kmart has had the stroller tested by ACTS who found no small parts violations.

F/U: REFER TO HAC.

EIR 1/27/98

1

Kmart Corporation
3100 W. Big Beaver Rd.
Troy, MI. 48084-3163

SUMMARY OF FINDINGS:

This inspection of the Kmart Corporation, Troy, MI. was conducted on 1/27/98 at the request of FOER Compliance as a follow up to IDI #970528CWE5012; that investigation concerned an incident occurring on 5/18/97 in Oakland, CA. in which a burner tube assembly separated while a **"Tru-Burn" brand LP gas table top grill** was in use, creating a fire hazard. No injuries or property damaged occurred in that incident.

During this inspection it was determined that the Kmart Corporation has been importing and distributing the "Tru-Burn" brand table top gas grill since December 1996, and has sold 43,377 units to date. The firm was aware of the incident detailed in IDI #970528CWE5012, apparently after receiving a complaint from the consumer involved. Kmart's in-house engineers examined a new grill from their inventory and found no problems with the burner tube assembly. They have received no other similar complaints from consumers regarding this grill.

Samples of the "Tru-Burn" gas grill as well as a similar style Char-broil brand model #1200 gas grill were collected as samples 98-830-3415 and 3416. The samples were forwarded to Lori Saltzman, CCA via the Sample custodian.

This inspection was also conducted at the request of FOER Compliance, as a follow-up to a trade complaint that Kmart may be importing **doll strollers** which pose a small parts/ choking hazard to children. On the date of the inspection, Kmart reported that they have ordered but not yet received 14,000 units of the "Loving Wonders" plastic doll stroller through Daval International Ltd., Rockville Center, NY. 11570. Daval is the actual importer of these strollers, however Kmart is the exclusive distributor. The shipment was expected to arrive in the U.S. shortly. On 2/16/98 Kmart notified this Investigator that the doll strollers had arrived in the country and arrangements were made to have a sample of the strollers forwarded to MKE-RP. The sampled strollers were forwarded to ESL via the Sample Custodian on 2/20/98, sample #98-830-3420.

Kmart officials provided a copy of an ACTS toy test report dated 12/04/97 regarding previous testing done on these strollers. The testing laboratory evaluation noted that the stroller is labeled for "children over 3 years of age;" they recommended that the age grade be "for over 2 years of age." The testing did not note any small parts hazard.

Kmart was advised of CPSC's concern that these doll strollers may pose a small parts/ choking hazard. Kmart intends to re-evaluate

EIR 1/27/98

2

Kmart Corporation
3100 W. Big Beaver Rd.
Troy, MI. 48084-3163

the stroller's safety and conformance with federal regulations, pending review of the sampled strollers by CPSC.

PERSONS INTERVIEWED:

Credentials were shown and a Notice of Inspection issued to Ms. Charlene J. Haines, Trade Regulation Attorney, during the inspection visit conducted on 1/27/98. All information contained in this report was obtained from Ms. Haines or her assistant, Tina Graf. A copy of the Notice of Inspection is attached as Exhibit "A."

COMPLAINT FILES:

Due to the travel distance involved, it was not possible to conduct this inspection unannounced. The reasons for the inspection visit were communicated to Ms. Haines in a letter dated 1/19/98, (Exhibit "B") and she provided written and verbal responses to many of the questions during the 1/27/98 visit to her offices. (Exhibit "C").

Kmart's complaint records are computerized. Ms. Haines queried these records, and other than the complaint described in IDI #970528CWE5012, found no complaints at all regarding the table top gas grills; this included both the "Tru-Burn" model actually imported by Kmart and the "Char-Broil" model #1200 purchased from Char-Broil, Inc., Columbus, GA. directly.

There were no complaint records for the doll strollers, as they have not yet been distributed.

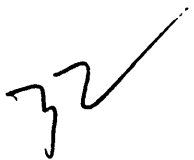
PRODUCT EXAMINATION AND DESIGN:

Tru-Burn grill:

As this inspection was conducted at Kmart's corporate headquarters office building, no warehouse stock was immediately available. Ms. Haines arranged for two unopened samples of the "Tru-Burn" grill to be in her office on 1/27/98, and one of these two grills was collected as sample #98-830-3415.

M. Haines reported that the "Tru-Burn" model table top gas grill was first imported and distributed by Kmart in December 1996. To date 43,377 units have been sold nationwide. The grill's UPC code is #0-24838-17000-1, and Kmart's item code number is #043-11-87-31-116.

This product is manufactured for Kmart by Lien Mou Industrial Factory Co., Ltd., 556 Min Woo Rd., Hsin-Chu City, Taiwan, R.O.C.



Kmart Corporation
3100 W. Big Beaver Rd.
Troy, MI. 48084-3163

Ms. Haines believed that the grill was not actually designed by Kmart, but instead was a vendor design that Kmart accepted. Ms. Haines provided five "order contracts" relating to the various purchases Kmart has made of the "Tru-Burn" grill since 9/03/96. These contracts do define general product specifications for the grills, however the specifications do not specifically address the design of the burner assembly. The contract order documentation is attached as Exhibit "D."

Photographs of the "Tru-Burn" grill that was sampled are attached as Exhibit "E." The point where the burner assembly reportedly separated on the grill involved in IDI #970528CWE5012 is noted.

The burner assembly consists of an approximately 4" long burner tube which fits into the burner manifold. The manifold measures 10 3/4" long by 3" wide by 7/16" thick. This manifold on grill sample #98-830-3415 appears to be crimped onto the burner tube, and the metal tool marks at the connection are apparently painted over with silver paint during the manufacturing process for cosmetic reasons. There is no retention device to maintain the connection between the burner tube and the main manifold assembly. This connection should be further examined by LSEL.

The assembly instructions for this grill are attached as Exhibit "F." It is clear that the burner assembly is meant to be a one-piece design, and that any separation between the burner tube and the manifold would be a failure rather than a normal function. The only direct reference to the burner assembly in the written safety and caution guidelines states "The barbecue should be cleaned regularly. Take care not to enlarge burner ports or jet."

Ms. Haines provided a copy of a Kmart laboratory test report prepared by their in-house mechanical engineer, Romel Mascapac, dated 9/18/97. This evaluation of a new "Tru-Burn" gas grill was conducted in response to the complaint involved in IDI #970528CWE5012. The engineer noted no safety problems with the grill examined. A copy of the Kmart evaluation is attached as Exhibit "G."

One of the two "Tru-Burn" model grills Ms. Haines had available in her office was collected as sample #98-830-3415. A copy of the sample collection receipt issued to Ms. Haines is attached as Exhibit "H," and a brief affidavit supporting the sample collection is attached as Exhibit "I." Sample collection report #98-830-3415 is attached as Exhibit "J." The sample was sent to CCA, care of Lori Saltzman, via the Sample Custodian on 2/18/98.

Kmart Corporation
3100 W. Big Beaver Rd.
Troy, MI. 48084-3163

Char-Broil grill:

As requested in the inspection assignment, Ms. Haines was asked about any other similar grill products they may distribute. She reported that they had distributed a "Char-Broil" brand model #465 1230 table top grill (sample #98-830-3416-01) since September 1991. This grill is purchased by Kmart directly from the Char-Broil Company, 200 Brookstone Centre Parkway, Suite #310, Columbus, GA. 31904. Kmart distributed 8,025 units of this grill, UPC #0-47362-51000-6 between 1991 and 3/20/96.

Char-Broil then discontinued that grill, and began providing Kmart with a nearly identical design, model #1200, UPC #0-47362-51200-0 (sample #98-830-3416-02). Kmart has since distributed 67,040 units of this grill to date. The two models of Char-Broil grill are very similar, the reason for the model change was not known.

Photos of Char-Broil grill UPC #0-47362-51200-0 (sample #98-830-3416-02) are attached as Exhibit "K." As can be observed in the photos, the Char-Broil burner assembly is a one piece design; the burner tube and manifold do not separate. A copy of the use/assembly instructions for this grill are attached as Exhibit "L".

Ms. Haines sent a unit of each Char-Broil grill model directly to the MKE-RP as it had not arrived in Ms. Haine's office prior to the 1/27/98 inspection visit. These two grills were also forwarded to CCA for evaluation and comparison with the "Tru-Burn" model as sample #98-830-3416 (01 and 02). A sample collection receipt was mailed to Ms. Haines for the sample #98-830-3416; a copy of this receipt is attached as Exhibit "M." Sample collection report #98-830-3416 is attached as Exhibit "N."

Doll Stroller:

The "Loving Wonders" toy plastic doll stroller referred to in the trade complaint received by FOER Compliance had not yet been imported into the U.S. by Kmart as of 1/27/98. Kmart had ordered 14,000 units through the actual importer, Daval International Ltd., 100 Merrick Rd., Rockville, NY. 11570. Ms. Haines anticipated that the stroller toy shipment would arrive at their regional distribution centers in the next two weeks or so.

Kmart did have the doll stroller evaluated prior to placing an order with Daval. A copy of the report is attached as Exhibit "O."

On 2/16/98 Ms. Graf telephoned this Investigator to report that the dolls had arrived at Kmart's distribution centers.

34

Kmart Corporation
3100 W. Big Beaver Rd.
Troy, MI. 48084-3163

Arrangement were made for six units of the toy stroller to be sent to MKE-RP for evaluation by LSEL. Sample #98-830-3420 was shipped to ESEL from MKE-RP on 2/20/98. Despite six units being requested, only five were sent to MKE-RP. Kmart will send additional units if this becomes necessary. The sample collection report is attached as Exhibit "P."

DISCUSSION WITH MANAGEMENT:

Ms. Haines was cooperative in this inquiry. She noted that Kmart has sold thousands of units of the "Tru-Burn" gas grill, and had received no other complaints except that detailed in IDI #970528CWE5012. She had no specific explanation for the burner assembly failure in that incident, but believed it was an aberration.

Kmart does not intend to distribute the "Loving Wonders" doll stroller until the sampled units can be evaluated by CPSC. Ms. Haines would appreciate any efforts possible to expedite that review.

ATTACHMENTS:

- Exhibit "A" - Notice of Inspection issued on 1/27/98.
- Exhibit "B" - 1/19/98 letter sent to Ms. Haines.
- Exhibit "C" - 1/27/98 written response from Ms. Haines.
- Exhibit "D" - Order contract documentation regarding the "Tru-Burn" grills.
- Exhibit "E" - Photos of sample #98-830-3415, the "Tru-Burn" grill.
- Exhibit "F" - Assembly instructions for the "Tru-Burn" grill.
- Exhibit "G" - Kmart engineering evaluation of the "Tru-Burn" model grill.
- Exhibit "H" - Sample collection receipt for sample #98-830-3415, "Tru-Burn" grill.
- Exhibit "I" - Brief affidavit obtained from Ms. Haines on 1/27/98.
- Exhibit "J" - Sample collection report #98-830-3415.

Kmart Corporation
3100 W. Big Beaver Rd.
Troy, MI. 48084-3163

- Exhibit "K" - Photos of the Char-Broil model #1200 grill sampled as #98-830-3416-02).
- Exhibit "L" - Assembly instructions for the Charbroil model #1200 grill.
- Exhibit "M" - Sample collection receipt for the two Charbroil gas grills, #98-830-3416 (01 and 02).
- Exhibit "N" - Sample collection report #98-830-3416.
- Exhibit "O" - ACTS Testing lab evaluation of the "Loving Wonders" toy stroller; report provided by Kmart.
- Exhibit "P" - Sample collection report #98-830-3420.
- Exhibit "Q" - "Tru-Burn" grill request for inspection.
- Exhibit "R" - "Loving Wonders" toy doll stroller request for inspection.

Dennis R. Blasius
Investigator
MKE-RP

34

Kmart Corporation
1/27/98 Inspection

1220



TABLETOP GAS GRILL MODEL 1200

ASSEMBLY INSTRUCTIONS

FOR OUTDOOR USE ONLY!

**YOUR GRILL DOES NOT USE
LAVA ROCK OR BRIQUETS!**

**PLEASE READ SAFETY & PRECAUTION
STATEMENTS, GRILL MAINTENANCE, LEAK
TESTING YOUR GRILL AND LIGHTING YOUR
GRILL BEFORE USING GRILL FOR FIRST TIME.**

**THIS GRILL IS FOR USE WITH LP GAS ONLY...
LP GAS BOTTLE IS NOT INCLUDED!**

TO THE INSTALLER: Leave these instructions with
consumer for future reference. **TO THE CONSUMER:**
Please keep these instructions for future use.

FOR YOUR SAFETY

Do not store or use gasoline or other flammable vapors and liquids in the vicinity of this or any other appliance.

FOR YOUR SAFETY

If you smell gas:

1. Shut off gas to the appliance.
2. Extinguish any open flame.
3. Open lid.
4. If odor continues, immediately call your gas supplier.

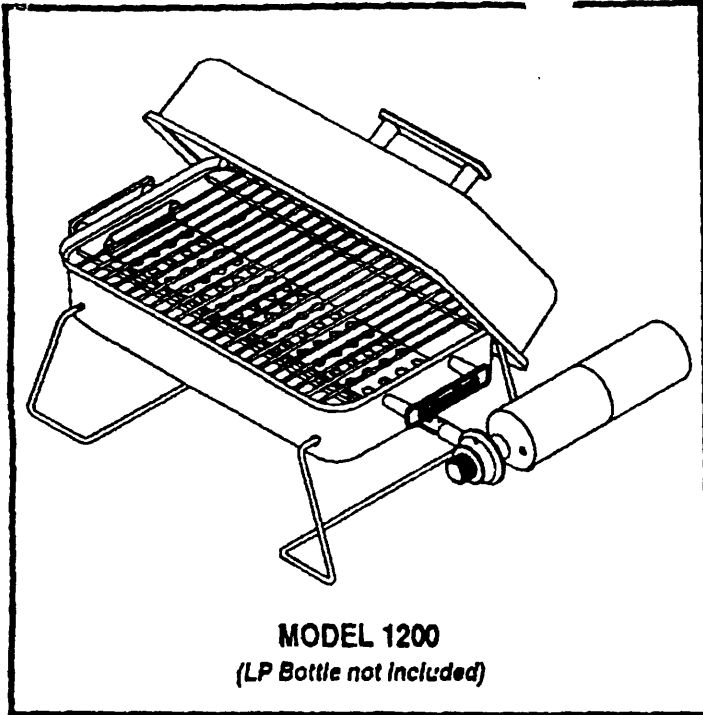
NECESSARY WARRANTY INFORMATION

Model Number _____

Date Purchased _____

8-Digit Date Code on Carton _____ 37

GRILL MODEL 1200



MODEL 1200
(LP Bottle not included)

CONGRATULATIONS... for owning a CHAR-BROIL® gas grill! This unit is produced by one of the nation's leading manufacturers of quality consumer products. For your added safety and convenience, please read any and all caution statements before beginning assembly.

If you have questions or need assistance during the assembly or need replacement parts, please call CHAR-BROIL® TOLL FREE at 1-800-241-7548 or send us your FAX at 1-706-576-6355.

If you need a non-warranty part or wish to order an accessory for your grill, please call 1-800-241-8981 or send us your FAX at 1-706-571-6088. You may also write to:

CHAR-BROIL®
P.O. Box 1240
Columbus, Georgia 31902-1240

Business hours (EST) are...

- October through March**
Monday through Friday: 8 a.m. - 6 p.m.
Saturdays: 8:30 a.m. - 5:30 p.m.
- April through September**
Monday through Friday: 8 a.m. - 8 p.m.
Saturdays: 8:30 a.m. - 5:30 p.m.
Sundays: 1 p.m. - 6 p.m.

Please know your Grill Model Number, 8-Digit Date Code and Date of Purchase prior to calling.

About the Hardware...size and type of hardware may vary but will not affect grill integrity, performance or assembly. You may have extra hardware left after completing assembly. Refer to hardware (shown actual size) during assembly.

Necessary Tools...for assembly of your grill include a screwdriver and pliers.

CHAR-BROIL® is a registered trademark of CHAR-BROIL®, A Division of W.C. Bradley Co. Assembly Instructions ©1993, W. C. Bradley Co. All Rights Reserved.

2-4161313 (11-16-93)

**FOR YOUR SAFETY... THIS GRILL
IS TO BE USED OUTDOORS ONLY!**

WARNING: Never attempt to attach this grill to the self-contained LP gas system of a camper trailer or motor home.

Please perform LEAK TEST before using grill!
See last page for proper procedures.

SAFETY & PRECAUTION STATEMENTS!

- 1 • Keep any electrical supply cord and the fuel supply cord away from heated surfaces.
- 2 • When using an electrical accessory, it must be electrically grounded in accordance with local codes or, in the absence of local codes, with the National Electrical Code, ANSI/NFPA 70-1993.
- 3 • Installation of this grill must conform with local codes or in the absence of local codes, with the National Fuel Gas Code, ANSI Z223.1-NFPA 54-1992.
- 4 • Do not install or use this grill within 36" of combustible materials from the back and sides of the grill.
- 5 • The grill shall not be located under overhead, unprotected combustible construction during use.
- 6 • The cylinder supply system must be arranged for vapor withdrawal.
- 7 • Always use hotpads or mitts with your grill while hot.
- 8 • Clear area of all inflammable materials and liquids.
- 9 • Make sure you do not smell gas odors.
- 10 • Make sure venturi (burner stem) fits properly over gas orifice (gas jet).
- 11 • Remember...it is your responsibility to assemble, install and maintain your gas grill. DO NOT let children operate or play near your grill.
- 12 • FAILURE TO FOLLOW THESE INSTRUCTIONS COULD RESULT IN SERIOUS BODILY INJURY AND/OR PROPERTY DAMAGE.

GRILL MAINTENANCE

- 1 • Frequency of clean-up, of course, is determined by how much grill is used.
- 2 • DO NOT use self-cleaning oven to clean any barbecue part. Extreme heat would remove any chrome plating and cause premature rusting.
- 3 • Meat drippings will solidify in bottom of grill after a few uses. This residue should be removed regularly. Failure to do so could cause overflow at bottom vent openings.
- 4 • First, cover work area with newspaper. Remove grill top and cooking grate. Loosen residue with scraper or putty knife. Wipe away loosened matter with paper towels.
- 5 • Inside surfaces of grill may be cleaned with strong solution of detergent and water applied with scrub brush. Thoroughly rinse grill with water and allow to completely air dry before using again.
- 6 • Replace cooking grate and grill top to grill.

Parts List / Model 1200

Qty	Description (and Hardware Callout Numbers)
1	Bar burner / Tabletop
2	Leg wire / Tabletop
1	Cooking grate / Chrome / Tabletop
1	Heat plate / Narrow / Tabletop
1	Grill top / Black / Tabletop
1	Grill bottom / Black / Tabletop
1 Parts Bag / Model 1200	
3	Handle / Phenolic / Tabletop
1	Valve/regulator / Tabletop
1	Mail order catalog
1	Instruction manual / Tabletop Model 1200
2	Hood catch / Tabletop
1 Screw & Nut Assembly Package / Model 1200	
4	24 #5-40 Hexnut
4	119 #5-40 x 1/4" Screw
1	159 1/4"-20 Hex nut / black zinc
7	147 1/4"-20 x 3/4" Screw

About the hardware... Size and type of hardware may vary but will not affect grill integrity or performance of grill. You may have extra hardware left after completing assembly. Hardware shown in instructions is actual size.

**CHAR-BROIL® LIMITED WARRANTY
TABLE TOP GRILL / MODEL 1200**

CHAR-BROIL® warrants to the original consumer-purchaser that this product shall be free from defects in workmanship and materials under normal and reasonable use and correct assembly (if assembled by consumer-purchaser) for a period of one (1) year from date of original consumer purchase.

CHAR-BROIL® will, at its option, refinish or replace any product or part found to be defective during the warranty period. CHAR-BROIL® may require you to return the part(s) claimed to be defective, for its inspection, freight or postage prepaid.

If you wish to obtain performance of any obligation under this limited warranty you should write to:

CHAR-BROIL® • Consumer Relations
P. O. Box 1240 • Columbus, GA 31993

CHAR-BROIL® may require reasonable proof of purchase and we suggest you keep your invoice.

In the state of California only, if refinishing or replacement of the product is not commercially practicable, the retailer selling this product or CHAR-BROIL® will refund the purchase price paid for the product, less the amount directly attributable to use by the original consumer-purchaser prior to discovery of the nonconformity. In addition, in the state of California only, you may take the product to the retail establishment from which it was purchased or to any retail establishment selling this product in order to obtain performance under this warranty.

This warranty does not include the cost of any inconvenience or property damage due to failure of the product and does not cover damage due to misuse, abuse, accident, damage arising out of transportation of the product, or damage incurred through commercial use of the product. This express warranty is the sole warranty given by the manufacturer and is in lieu of all other warranties, express or implied, including implied warranty of merchantability or fitness for a particular purpose. Neither CHAR-BROIL® dealers nor the retail establishment selling this product has any authority to make any warranties or to promise remedies in addition to or inconsistent with those stated above. CHAR-BROIL® maximum liability, in any event, shall not exceed the purchase price of the product paid by the original consumer-purchaser. Some states do not allow the exclusion or limitation of incidental or consequential damages. So the above limitations or exclusions may not apply to you. This warranty gives you specific legal rights and may also have other rights which vary from state to state.

28

LIGHTING YOUR GRILL

PERFORM LEAK TEST (PREVIOUS PAGE) BEFORE PROCEEDING.

VERY IMPORTANT: LIFT GRILL TOP TO OPEN POSITION!

- 1 • From **beneath** GRILL, place lighted wooden match up through a **lighting hole** in GRILL BOTTOM.
- 2 • Holding lighted match in place, turn CONTROL KNOB to open position. GRILL will ignite.
- 3 • Observe **burner flames** through holes in HEAT PLATE. Make sure BURNER ignites and stays lighted on both sides.
- 4 • Using CONTROL KNOB on REGULATOR, adjust flame to desired height for cooking.

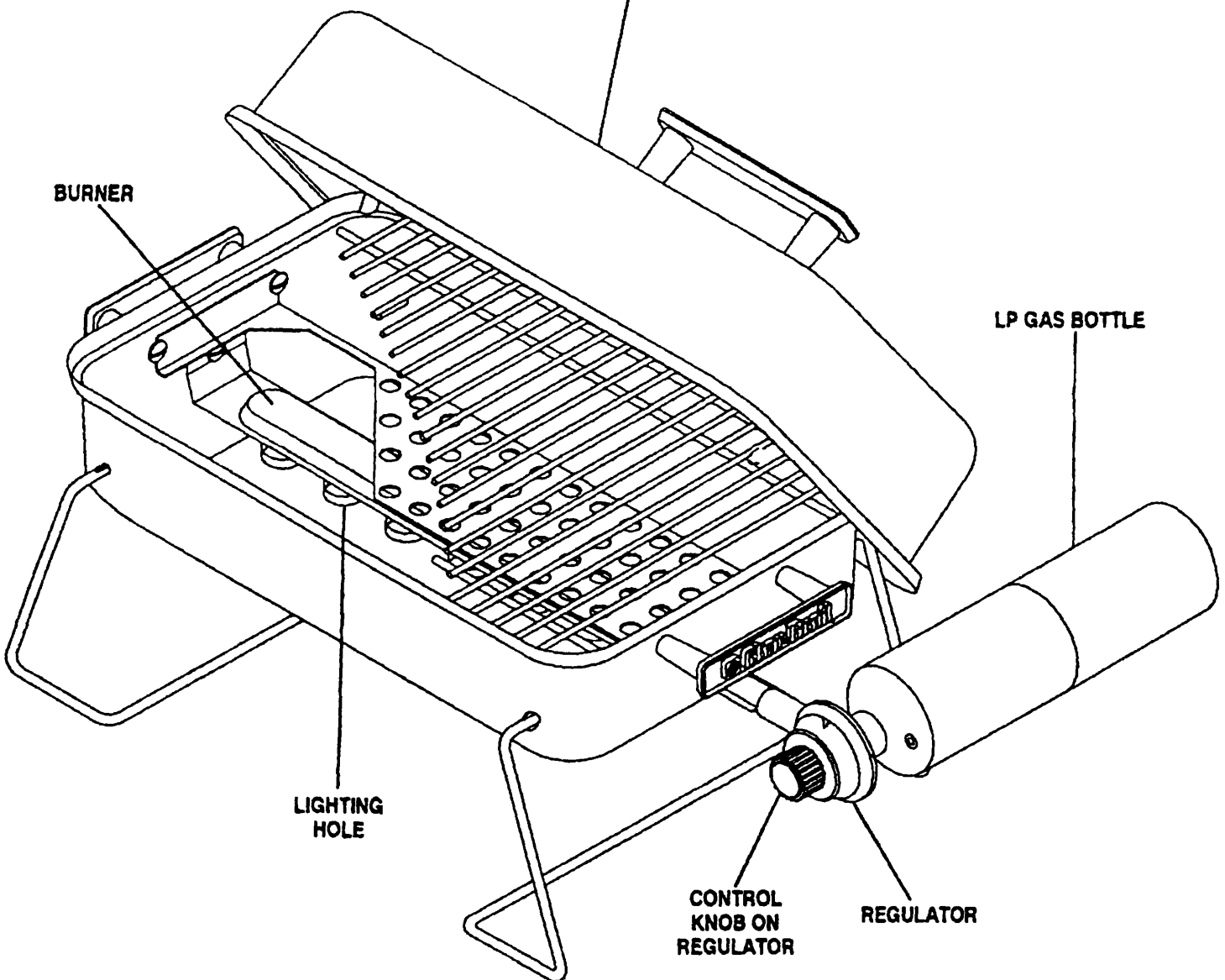
IF GRILL DOES NOT LIGHT ON FIRST TRY, TURN CONTROL KNOB AT REGULATOR VALVE TO OFF POSITION, WAIT FIVE MINUTES AND TRY PROCEDURES 1 THROUGH 4 AGAIN.

IF FLAME GOES OUT WHILE IN USE, TURN GAS OFF AT LP GAS BOTTLE, OPEN GRILL TOP, WAIT 5 MINUTES AND REPEAT LIGHTING PROCEDURES.

WARNING: NEVER TRY TO LIGHT GRILL WITH TOP CLOSED! BUILD-UP OF GASES IS VERY DANGEROUS AND COULD CAUSE EXPLOSION.

5 • **BEFORE COOKING FOR FIRST TIME...**
Operate GRILL 15 minutes with GRILL TOP closed and gas control on high. This will heat-clean internal components and dissipate odor from paint finish of GRILL.

GRILL TOP MUST BE IN OPEN POSITION WHEN LIGHTING GRILL!

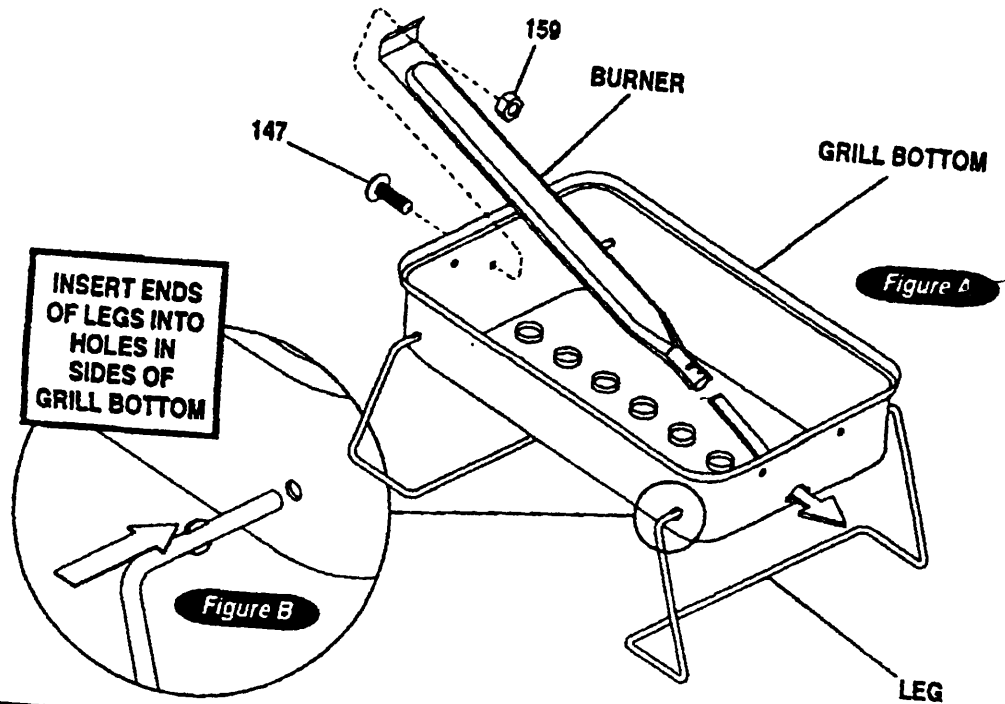
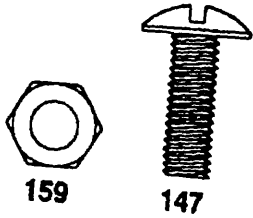


29

BURNER & LEGS TO GRILL BOTTOM

1 • Secure BURNER to GRILL BOTTOM (Figure A) with SCREW (147) and HEX NUT (159).

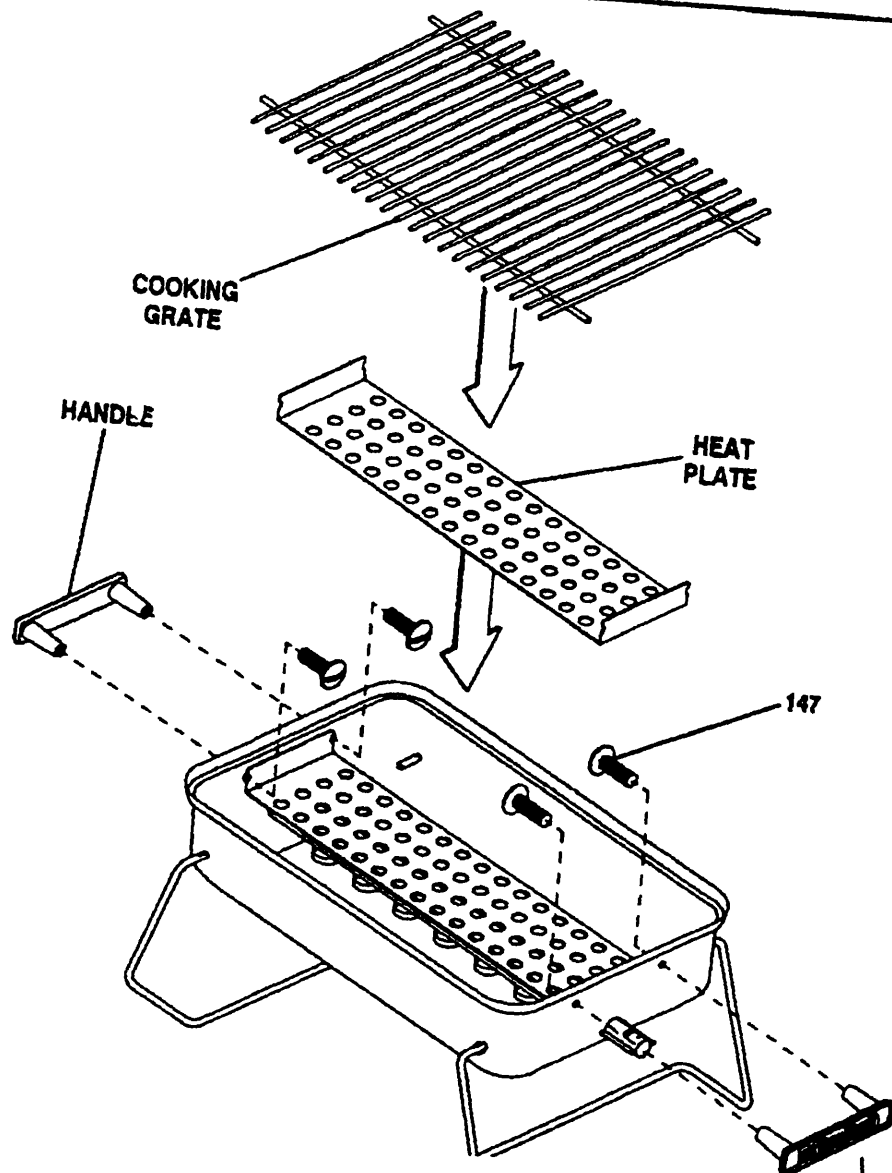
2 • Position LEGS as shown, inserting ends into holes in sides of GRILL BOTTOM (Figure B).



HANDLES, HEAT PLATE & COOKING GRATE TO GRILL BOTTOM

1 • Using SCREWS (147), attach HEAT PLATE and HANDLES to GRILL BOTTOM as shown.

2 • Place COOKING GRATE into GRILL BOTTOM.



46

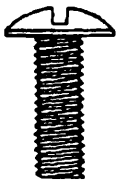
HOOD CATCHES & HANDLE TO GRILL TOP

1 • Secure HOOD CATCHES to Inside of GRILL TOP as shown with SCREWS (119) and HEX NUTS (24).

2 • Attach HANDLE to GRILL TOP with SCREWS (147).



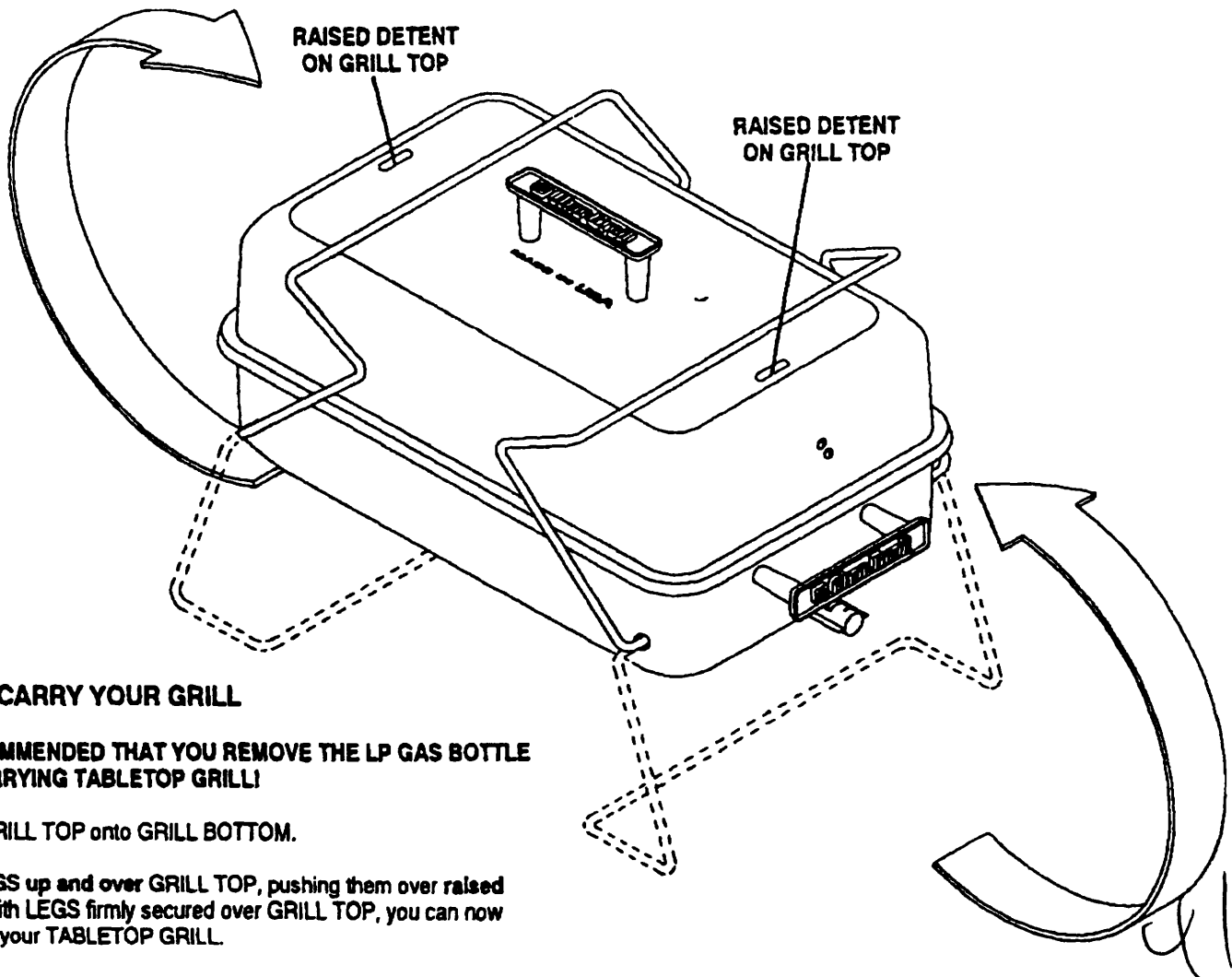
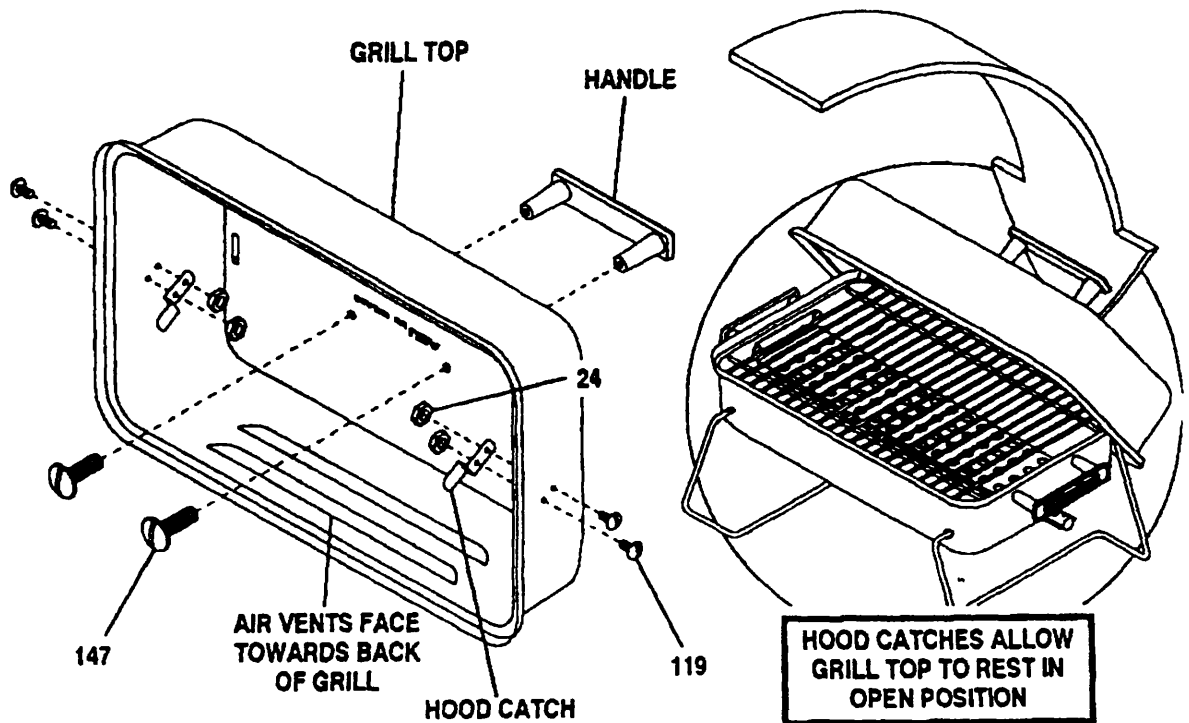
24



147



119



HOW TO CARRY YOUR GRILL

IT IS RECOMMENDED THAT YOU REMOVE THE LP GAS BOTTLE WHEN CARRYING TABLETOP GRILL!

1 • Place GRILL TOP onto GRILL BOTTOM.

2 • Fold LEGS up and over GRILL TOP, pushing them over raised detents. With LEGS firmly secured over GRILL TOP, you can now safely carry your TABLETOP GRILL.

ATTACHING THE REGULATOR & LP GAS BOTTLE

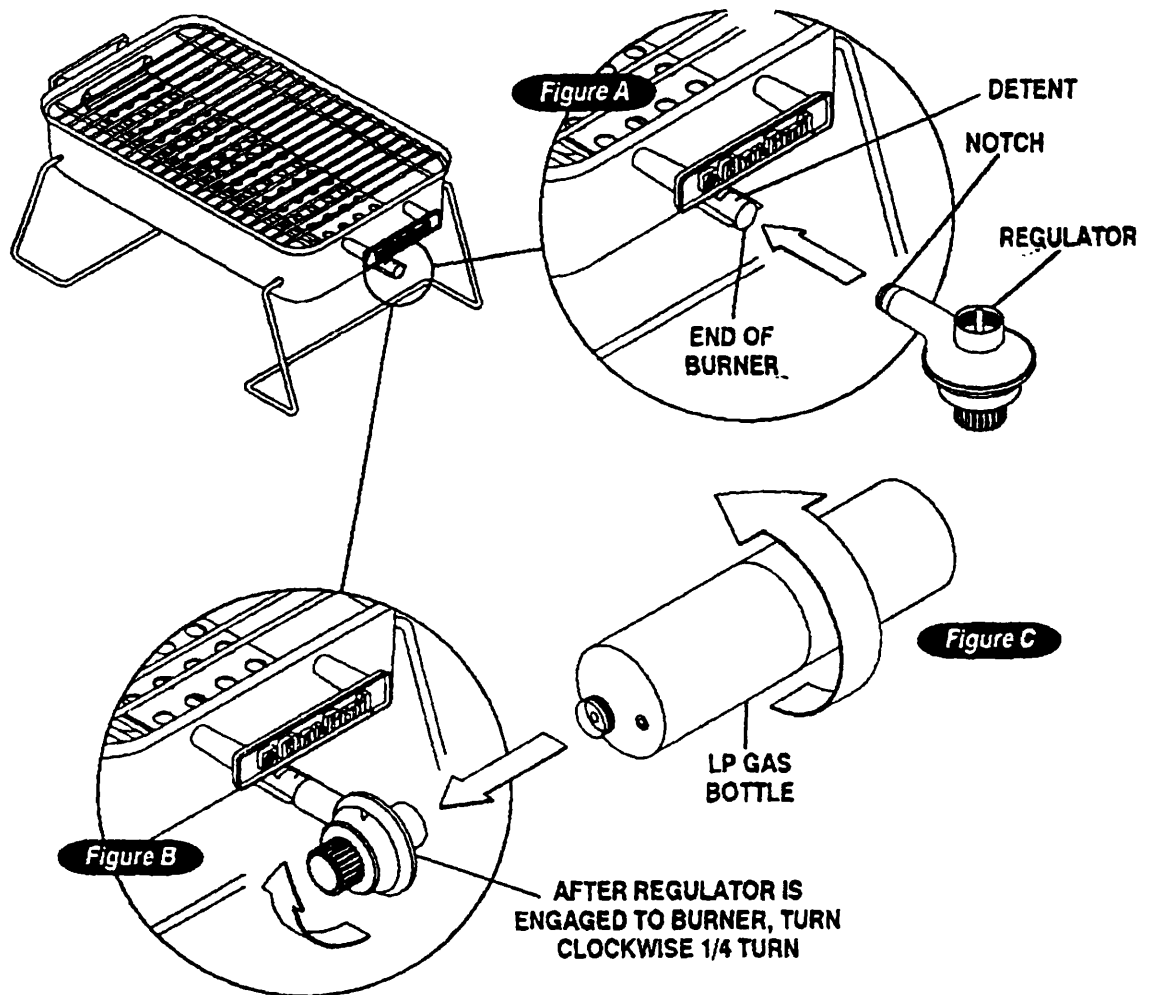
1 • With knob pointed down, insert REGULATOR into end of BURNER (Figure A).

NOTE: Notch in REGULATOR must engage detent in end of BURNER.

2 • Once REGULATOR has completely engaged BURNER, turn REGULATOR *clockwise* approximately one-quarter turn (Figure B).

3 • Lubricate threads on REGULATOR with petroleum jelly.

4 • Insert threaded end of LP GAS BOTTLE into REGULATOR and hand-tighten (Figure C).



LEAK TESTING YOUR GRILL

IMPORTANT!

As with any LP gas appliance, do not allow children to operate grill. Never use REGULATOR from this grill with any other LP appliance.

During LEAK TEST, KEEP GRILL AWAY FROM OPEN FLAMES OR SPARKS and DO NOT SMOKE. Grill must be leak tested outdoors in a well ventilated area.

After completing LEAK TEST, turn control knob to "LOCK OFF" position. LEAK TEST must be repeated each time LP GAS BOTTLE is replaced or refilled and/or after storage.

MATERIALS NEEDED...

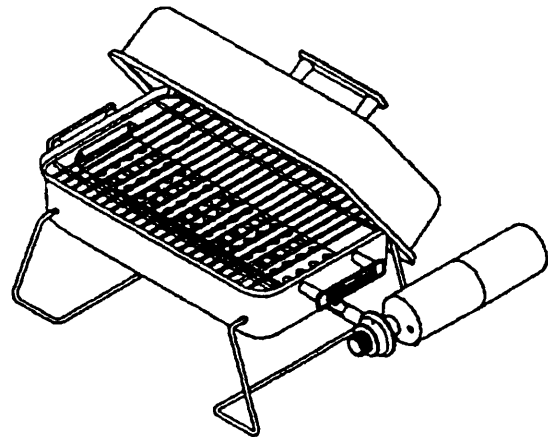
50% soap and water solution, and a clean brush.

HOW TO LEAK TEST YOUR GRILL...

- 1 • Be sure control knob on REGULATOR is in "LOCK OFF" position.
- 2 • Brush soapy solution onto connection between LP GAS BOTTLE and REGULATOR.

NOTE: If growing bubbles appear, there is a leak. Retighten connection and repeat steps 1 and 2 from above.

IF YOU CANNOT STOP A LEAK...remove LP GAS BOTTLE from REGULATOR and check for damaged threads on REGULATOR and LP GAS BOTTLE. If threads are damaged, replace damaged part(s). Also check to see if anything is obstructing flow of gas at



REGULATOR and LP GAS BOTTLE openings. Remove any obstruction that may be found and repeat LEAK TEST.

IMPORTANT...if using alternative gas source with HOSE (of any length), you must also leak check the HOSE and it's connections at gas source and REGULATOR of your grill!

To use your 1200 Tabletop Gas Grill with an LP GAS TANK... we suggest using our 4' HOSE (part number 4184623) Call our TOLL FREE number, 1-800-241-7548, to place your order!

IF YOU CANNOT STOP A GAS LEAK (WHEN USING LP GAS TANK), CLOSE TANK VALVE AND CALL YOUR LOCAL LP GAS DEALER.

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
ATLANTA, GA

UNITED STATES GOVERNMENT

MEMORANDUM

Nov. 25, 1987

TO : Operations Div., FOCF

Through : Eric B. Ault
Director, FOCF

Eric B. Ault

FROM : L. GEORGE GAYMAN, FOCF
SENIOR COMPLIANCE OFFICER

LGG

SUBJECT : Req. for Section 15 Inspection

Firm : Kmart Corporation
1100 West Big Beaver Road
Troy, MI 48064

Product : "Tru-Burn" Table Top LP Gas Grill

Attached is ID# 9708230WES012 involving the "Tru-Burn" Table Top LP Gas Grill. In this incident the burner tube separated from the tube for the regulator and cylinder. The two tubes are not connected by any positive retention device, but rather are held together only by friction. The grill was sampled under #880-8278 and was examined by ES under PSA #0984.97. A copy of the test report is attached for your information. Do NOT share this report with the firm. Coverage should be given to all models of Table Top LP Gas Grills imported by Kmart or sold by Kmart under its own label.

1. Please cover complaints, law suits, claims, returns, etc. on the firm's Table Top LP Gas Grills.
2. Please obtain instructional literature and other product information on these grills. Obtain specifications and measurements on the tubing in question and their means of assembly.
3. The labeling on the grill indicates that it is made in China. Is the grill imported by Kmart? If so, did Kmart specify the design of the grill? If Kmart is not the importer, please determine from whom Kmart purchases these table top LP gas grills.
4. Obtain specifics on any testing done on these grills. Does such testing cover the integrity of the connection of the two tubes in question.

47

Kmart Corp.
Page Two

5. Obtain the firm's assessment of the incident in the IDI and the scenerio that is of concern to us.

6. Please examine a unit of each model of Table Top LP Gas Grills imported and marketed by Kmart. Check the type of connection between the burner tube and the tube for the regulator and cylinder. Photograph these connections.

7. Please collect a sample of one unit of each model of these grills imported and marketed by Kmart where there is only friction to hold the two referenced tubes together. The sample should be sent to Pam Major, CCA. I will prepare a PSA request to address the desired analysis.

44

1. CASE NO. 970528CWE5012		2. INVESTIGATOR ID 8320		3. OFFICE CODE 860		EPIDEMIOLOGIC INVESTIGATION REPORT	
4. DATE OF INCIDENT 970518		5. DATE INITIATED 970529					
6. SYNOPSIS OF INCIDENT OF COMPLAINT The LP gas canister assembly of a brand new small portable grill detached itself from the burner and rolled onto a wooden floor. The assembly, consisting of a tube, gas control, and canister, was still turned on and 8 inch flames were shooting out of the tube and against the side of a home. The homeowner retrieved the canister and turned the gas off before any damage occurred. The grill had only been used some five minutes total when the event occurred.							
7. LOCATION Home, 10		8. CITY Oakland			9. STATE California		
10A. FIRST PRODUCT Portable LP gas grill, 3248		10B. TRADE/BRAND NAME TRU-BURN			10C. MODEL NUMBER Unknown		
10D. MANUFACTURER NAME AND ADDRESS Kmart Corporation, Troy, Michigan 48084							
11A. SECOND PRODUCT None		11B. TRADE/BRAND NAME N/A			11C. MODEL NUMBER N/A		
11D. MANUFACTURER NAME AND ADDRESS N/A							
12. AGE OF VICTIM 99		13. SEX 9		14. DISPOSITION No Injury 0		15. INJURY DIAGNOSIS No Injury 70	
16. BODY PART No Injury 99		17. RESPONDENT Complainant, 1		18. TYPE INVESTIGATION On site, 1		19. TIME SPENT 18.0	
20. CATEGORY ID Sect 15 1997		21. CASE SOURCE Consumer complaint, 07		22. SAMPLE COLLECTION NUMBER 97-860-6276			
23. PERMISSION TO DISCLOSE NAMES (NON-NEISS CASES ONLY) There is a signed document authorizing the release of name						YES: NO:	
24. REVIEW DATE 97 06 11		25. REVIEW BY 8 1 0 1		26. REGIONAL OFFICE DIRECTOR			
27. DISTRIBUTION O: EHDS cc: CCA, CHIRO, SFRO							

MFR/PRVLBR NOTIFIED
No Comments made
Comments attached
Excisions/Revisions
Firm has not requested further notice

49

288

CONSUMER PRODUCT INCIDENT REPORT

Region:WESTERN

1. NAME OF RESPONDENT Wesley Wong		2. PHONE NO. (HOME) (WORK) 510-632-4499 415-206-6903 NWN	
3. STREET ADDRESS 3928 Van Mourik Ave.		4. CITY STATE ZIP CODE Oakland CA 94605	
5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES Grill was set on high for approximately 15 minutes when 4" long metal gas pipe (gas pipe connects gas valve to grill) detached from grill (how unknown). 8" high flames were shooting out of gas pipe onto side of house; consumer turned off gas valve and discontinued use. Grill was clean prior to incident. -cont-			
6. DATE OF INCIDENTS 5/18/97	7. IF INJURY OR NEAR MISS OBTAIN AGE/SEX AND DESCRIBE INJURY: 0 Y/N none	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME none RELATIONSHIP none	
9. DESCRIPTION OF PRODUCT LP gas outdoor grill		10. BRAND NAME Truburn	
11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Truburn unknown unknown unknown unknown		12. MODEL, SERIAL NUMBERS unknown	
		13. DEALER'S NAME, ADDRESS & PHONE Kmart unknown Oakland, CA 00000 unknown	
14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES x NO IF YES, BEFORE OR AFTER THE INCIDENT? after DESCRIBE: damaged: see narrative		15. PRODUCT, PURCHASED NEW x USED DATE PURCHASED 5/10/97 AGE 8 dys.	
		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES NO x IF NOT, DO YOU PLAN TO CONTACT THEM? YES NO x OTHER?		18. IS THE PRODUCT STILL AVAILABLE? YES x NO IF NOT, ITS DISPOSITION 5/28/97 returning to dealer	
19. MAY WE USE YOUR NAME WITH THIS REPORT? YES x NO			
FOR ADMINISTRATION USE			
20. DATE RECEIVED 05/21/97	21. RECEIVED BY (NAME & OFFICE) dec/HL		22. DOCUMENT NO. H9750246A
23. FOLLOW-UP ACTION SECT 15 1997 DI 970528 CWS 5012			24. PRODUCT CODE(S) 3248
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE CCH 5/21/1997	

46

MAY-28-1997 14:50 FROM C/FOUR

TO

LARRY SPINALE

CONSUMER PRODUCT INCIDENT REPORT

H9750246A

Narrative Continued

5/28/97 Consumer is returning grill to dealer.

CPSC Source: S/GOVT

The contents of this report are based on an on-site interview with the complainant (respondent).

PRE-INCIDENT:

Scene of the event is a detached wood-framed single family residence with an elevated porch that spans the entire front of the home. The external walls of the home, including the porch, are paneled in wood. A short flight of stairs from the front walkway provides access to the porch and to the main entrance which is directly opposite the landing at the top of the stairs. The porch is somewhat narrow, but it is wide enough for such items as a small table and a couch. It has a solid waist-level railing with a rather wide horizontal top member.

The respondent organized a corner of the porch as an outdoor kitchen. He placed a "grill" table in the corner next to the home exterior wall (Photograph 1) and a small round table next to the railing. The table is just behind, and to the right, of the camera in Photograph 1. He used the table for food preparation, and the horizontal top member of the railing for accessories. The grill table supported a small domestically-made LP gas grill which he used on numerous occasions over several years to cook food. The gas grill was fueled by a small disposable LP canister (bottle) which contained sufficient gas to last through several weekend cookings.

The respondent enjoys cooking outdoors with portable grills and stoves. He has done a great deal of outdoor camping and is familiar with propane and outdoor appliances. He seemed to be very health and safety conscious as evidenced, for example, by a small playground in the front yard for his child. The playground had a movable canopy for sun protection and a movable foam mat which he always made sure was under the play item being used at that moment. He also seemed to be knowledgeable of propane and its hazards.

The cooking arrangement on his front porch suited him very well, and the domestically manufactured gas grill functioned without a problem for many months. But, finally, toward Mother's day (May 11, 1997) the bottom of the LP gas grill housing rusted through, and he set about to get a replacement.

It was the day before Mother's day. The respondent went to a nearby outlet of a large nationwide retail establishment and purchased the subject gas grill brand new. The grill was only partially assembled,

and, when he arrived home, he read the instructions and assembled it. He had no problem: The instructions were simple and straight forward, there wasn't much assembly required, and, in addition, he is mechanically inclined.

When the respondent removed the grill pieces from the cardboard container, he found the grill burner to be already fastened to the housing (Photograph 13). And, the burner pipe was already inserted into the burner (Photograph 14A), but the gas control was detached and stored in another part of the box. He removed the burner pipe, screwed the control onto it, and attached a separately purchased LP bottle which he had also used for other LP gas appliances. He then refitted the burner pipe to the grill burner (i.e., pushed it in). He set the assembled portable gas grill on the "grill" table on the front porch (Photographs 1 and 2) where it remained ready for use. He had intended to use the grill on Mother's day, but he cooked a turkey instead, and the subject LP gas grill remained on the grill table, unused, for a week.

INCIDENT:

It was the Sunday after Mother's day (May 18, 1997). The day was warm and comfortable. Toward about 5:00 in the afternoon, the respondent set about to cook some salmon on the subject gas grill; the grill was still brand new -- this was to be the first use of the appliance. He checked the appliance, set the gas control on "high", and lit the burner. He let the flame burn for a few minutes before putting the salmon on the wire grill which is located just above the lava rocks. He turned back and forth between the subject grill and the small round table he used for food preparation. He was at the table with his back to the grill -- some five minutes had passed from the time he had lit it -- when he heard a sharp clank. He turned around and saw that the LP bottle had partially fallen -- the burner pipe was resting against the top of the hole punched in the side of the grill housing. Before he could reach it, the burner pipe slipped out of the housing, and the bottle fell to the wooden porch floor and rolled to the wall (Photograph 3). The flame from the burner pipe was at full intensity. He immediately reached down and picked up the bottle. He turned the control to "off" and ceased using the gas grill.

POST INCIDENT:

The respondent inspected the newly purchased (subject) gas grill and found that there was no specific mechanism to hold the burner pipe to

49

the grill burner female connection. The two were held together strictly by friction. Somehow the burner pipe had slipped out of the burner and had fallen against the grill housing -- the clank that he had heard happened when the burner pipe hit the top of the hole. Had he not been "right there", the rolling torch could have set his house on fire, he said. Subsequently, he went through the telephone directory in search of a consumer agency that would be interested in his experience. He called the State who gave him the CPSC telephone number, and he registered a complaint with CPSC.

FOLLOW-UP:

I traveled to four branch stores of the retail establishment; one was the store where the respondent had purchased the gas grill. Another was one where he had seen it for sale. Only one of the stores -- the one where the respondent had purchased his grill -- had the subject gas grill in stock, and there was only one on the shelf. An employee opened the box. Unfortunately, there were no instructions inside. The employee told me that gas grills of that type are being discontinued because they are a seasonal item, and the season is over.

SAMPLE COLLECTED:

97-860-6276

PRODUCT DESCRIPTION:

The product is a portable LP gas grill that uses a disposable LP canister (bottle). The entire grill minus the bottle is 18-1/8" x 12" x 12". Included is a gas control that also functions as a regulator. The only product identification is on the cardboard container.

The LP canister (bottle) which was not included with the gas grill screws onto the bottom side of the gas control. The burner pipe screws into an outlet on the side of the control (Photograph 16). The operator (chef) subsequently connects the assembly, via the burner pipe, to the grill burner. The fit -- that between the pipe and burner -- is strictly a friction one. The burner pipe end is fluted; the configuration roughly resembles a hexagon. There are six flutes and six sides that appear to have been formed by squeezing (i.e., cold-metal pressing). The grill burner female connection is a round tube without flutes. When the burner pipe is pushed into the female connection, the flute ridges in the pipe provide the friction that holds the two together. With a little bit of twisting and alignment,

50

the pipe slips easily into the burner end (Photograph 11).

Manufacturer (importer): Kmart Corporation, Troy, Michigan
48084

Brand name: TRU-BURN

Country of origin: China

Labeling: Other than for the gas control which carries minimal
identification, there is no labeling on the product.

Gas control: Labeled "KR202L" and "11 96".

Universal product code: 24838 17000

Code on the container: 0-118731-116

STANDARDS INFORMATION:

The product does not carry any information or labeling indicating that it meets with a standard.

LIST OF EXHIBITS:

Photographs:

- (1) thru (3): The subject gas grill with position reenacted
- (4) & (5): Reenactment of flame intensity.
- (6) thru (8): The subject gas grill
- (9): The burner tube connection as it appears through the wire grills
- (10): The burner tube connection as it appears minus the top wire grill.
- (11): The burner tube connection as it appears minus all wire grills.
- (12): The burner tube displaced
- (13): Overall view of the grill burner
- (14): Sequence of events: The burner tube displaced.
- (14A): Pipe connection to the grill burner.
- (15): Sequence of events: The burner tube and bottle completely out of the grill housing.
- (16): Close-up of the burner tube end
- (17) & (18): The gas control
- (19) & (20): Labeling on the gas control
- (21): The container, front panel
- (22): Container end panel.
- (23): Brand name
- (24): The other end panel.
- (25): Manufacturer's identification
- (26) thru (28): Competitor's model has a "safety" clip.

INVESTIGATOR'S OBSERVATIONS:

Because the grill burner is inside the grill housing and the LP bottle and control are outside, the pipe from the control must be inserted through a hole in the grill housing in order to connect it to the grill burner. When so done, the assembly becomes as shown in Photographs 1 and 2. The hole in the housing and the burner inside sit about 4-1/2 inches above the surface upon which the grill rests. Such means that although the bottom end of the bottle rests on the (table) surface, the top is some 4 inches higher and part of the bottle weight must be supported by the burner pipe. This weight puts a lever action (torque) on the burner pipe end -- the end that is connected to the grill burner -- which gives it a tendency to rotate up and out of its position.

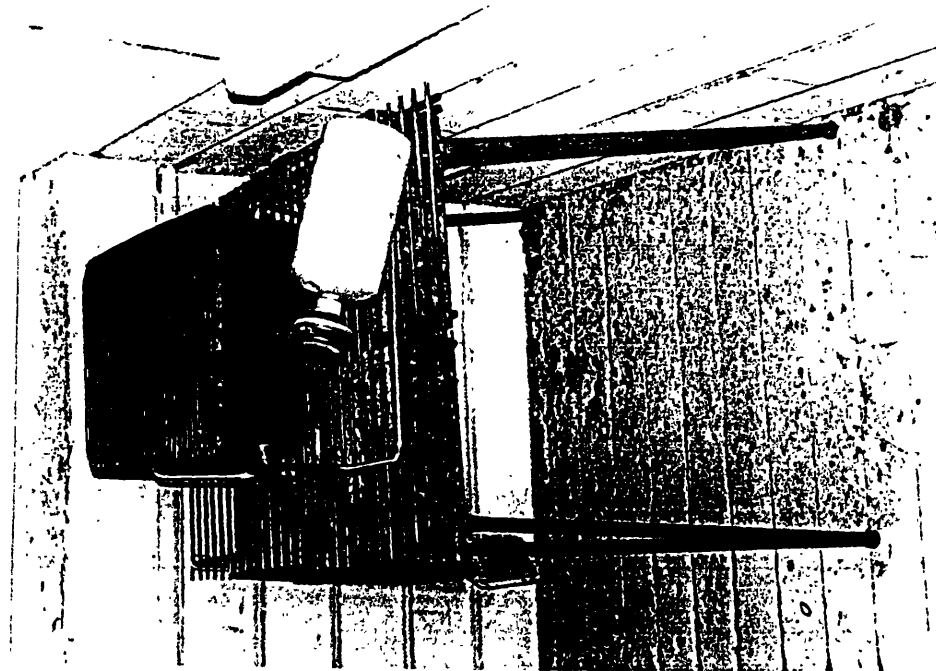
We do not know why the burner pipe disconnected from the grill burner. However, the expansion of metal at the connection could have loosened the fit. Because the bottle is a weight at the end of the pipe, a little bit of jostling of the table along with some possible back pressure could have caused the pipe to pull out. The respondent appeared to be knowledgeable and careful in how he positioned and used the subject grill. However, someone else might not be -- an out-of-level table could cause the pipe to just fall out. And, even if the table is level, the average user might not position the grill legs equally which would cause one end of the grill housing to be higher than the other.

Regardless of the cause of the event, the LP bottle should not be left hanging on the side of the housing. The product should have a method of securing the bottle and pipe to the grill burner. One possible method is to use a clip such as shown in the competitor's model (Photographs 26, 27, and 28) which was part of the grill unit the respondent replaced. Of interest is that the clip is attached to a chain which is fastened to the gas control -- the user can't lose it -- the clip is always there.

970528CWE5012

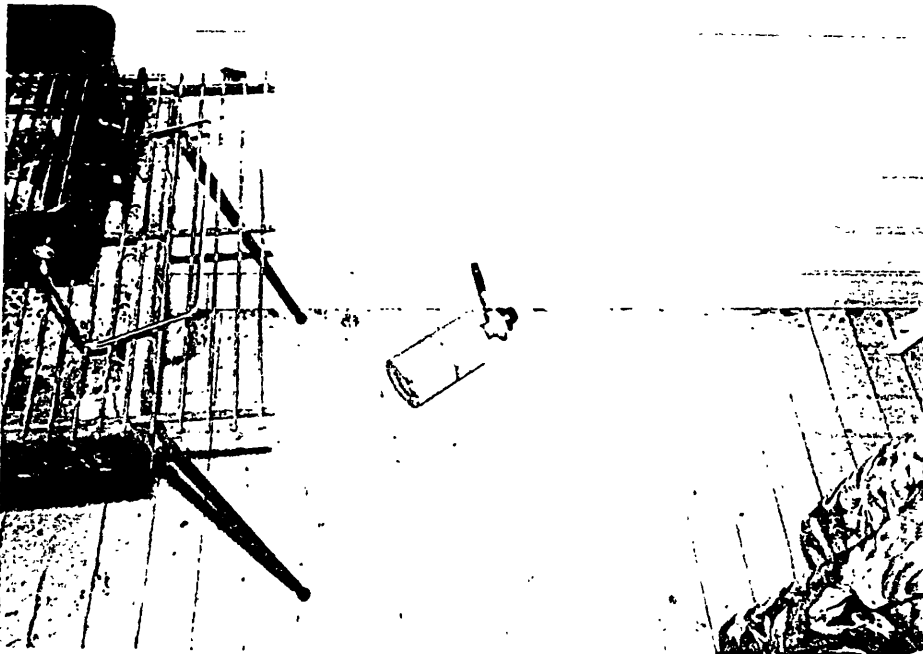


PHOTOGRAPH 1 (wide-angle lense):
The subject gas grill minus the cover as it was positioned at the
time of the event.



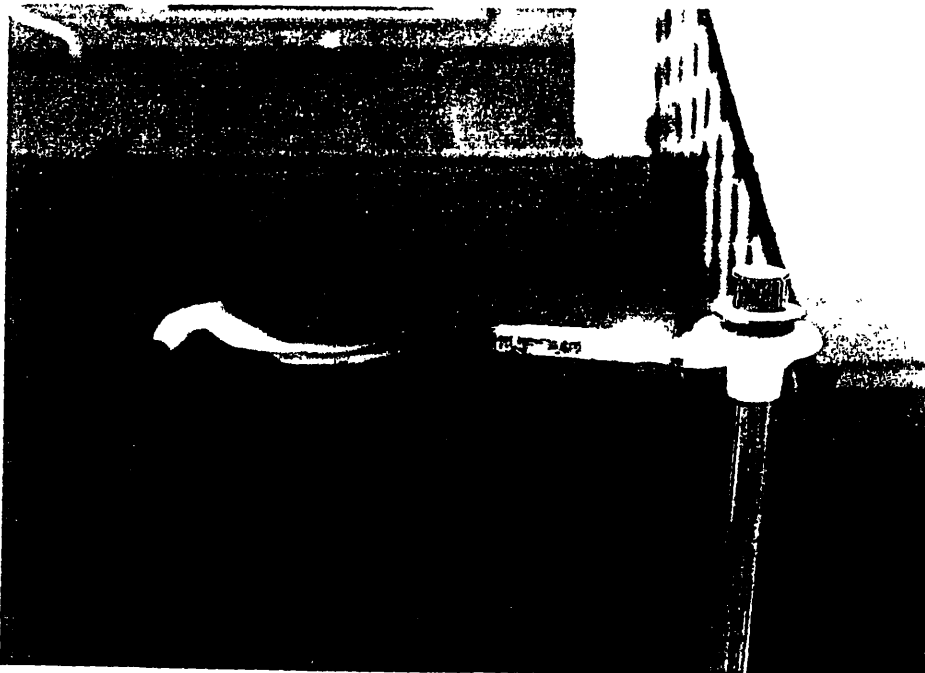
PHOTOGRAPH 2 (wide-angle lens):
Another view of the gas grill (seen in Photograph 1) as
positioned at the time of the event..

53



PHOTOGRAPH 3:

Reenactment: Position of the gas grill and propane bottle at the time of the event. The bottle fell off of the grill and onto the floor; the flame from the bottle (i.e., burner tube) was still burning at full intensity.



PHOTOGRAPH 4:

Reenactment of flame intensity: According to the respondent, the flame from the bottle-on-the-floor (Photograph 3) at the time of the event was nearly identical to the one seen here. For purposes of this photograph, the gas valve and burner tube assembly was removed from the bottle (Photographs 1 through 3) and attached to the vertical copper tube which was connected to a five gallon LP tank.

54

U.S. CONSUMER PRODUCT SAFETY COMMISSION
W276 N878 Woodridge Lane
Waukesha, WI. 53188
tel (414) 650-1216
fax (414) 650-1217



fax t r a n s m i t t a l

to: Kmart, Att: Charlene Haines

fax #: 248-643-1054

from: Dennis R. Blasius

date: January 19, 1998

re: Attached *REMAINDER OF photos!*

pages: 24, including this cover sheet

NOTES: Charlene, I've attached a copy of the consumer complaint from the gas grill incident. Sounds like you've already accumulated much of the documentation I'm interested in. I don't have anything more on the doll stroller except what I gave you.

I look forward to meeting with you Tuesday 1/27 at 9:00AM. Hopefully you will be able to provide much of the information I've requested at that time and I can collect samples of the products involved. Thank you very much for your help!

Dennis

SS