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

OFFICE OF THE GENERAL COUNSEL

28 JUN 1982

Mr. M. Carl Johnson, Jr. President
The Sensation Corporation
3601 North 16th Street
Omaha, Nebraska 68110

Dear Mr. Johnson:

This letter responds to your letter of May 12, 1982, in which you request a determination of whether Sensation models 14W5-3, 24S5-9, 24S5-11, 11L5-6, 11L5-8, and 14L2-2 3.0 HP Cemetery Model are consumer products and thus subject to the Safety Standard for Walk-Behind Power Lawn Mowers, 16 C.F.R. Part 1205. 'You later requested that model 11L2 also be included in our determination; The data-you have submitted indicate that these mowers are not consumer products because consumers do not appear to "customarily" use them.

The term "consumer product" is defined in 15 U.S.C. § 2052(a)(l), and the term does not include "any article which is not customarily produced or distributed for sale to, or use or consumption by, or enjoyment of, a consumer." The legislative history of this section indicates that products that are not used more than occasionally by consumers are not consumer products. H.R. Rep. No. 92-1153, 92d. Cong., 2d. Sess. 27 (1972).

In general, we have established no specific criteria to determine whether consumers use a product more than occasionally. Instead, we review all available information relevant to a particular determination.

In the case of **these mowers**, you have submitted the following data which indicate that the current use and distribution patterns of those mowers are such that these mowers do not fall within the definition of the term "consumer product":

- 1. The combination of the price, weight, horsepower, and (especially in the case of the cemetery model) purpose of these models support the likelihood of a low level of consumer usage.
- 2. All of your advertising is carried out in trade publications.
- 3. Your distribution system relies entirely on **independent** distributors who sell the mowers directly to large-scale commercial buyers or to commercial dealers. None of these models are marketed through mass merchandisers or discount stores.
- 4. The survey of all your distributors showed that not more than five percent of these mowers are sold to consumers.
  - 5. These models are relatively low production items.

Our technical **staff** has reviewed the information which you submitted, and no infonnation that would contradict any of the factors mentioned above has been brought to our attention. Therefore, based on all of these factors, we reached our conclusion that, at the present **time**, the use and distribution patterns of these mowers are such that they are not consumer products.

We wish to stress, however, that this determination is based primarily on the information supplied by you, and, if data showing different use or distribution patterns become available, our determination could change. For example, if consumer use patterns were to change in the future so that these mowers would be used more than occasionally by consumers, they could then be considered subject to the standard.

Sincerely,

Martin Howard Katz General Counsel - touch haven Mounts

UNITED STATES GOVERNMENT

U.S. CONSUMER PRODUCT SAFETY COMMISSION

# Memorandum

Carl Blechschmidt, OPM

: Through: Harry Cohen, OPM

: ';

Harry Cohen, OPM

Martin Howard Katz, General Counsel

Stephen Lemberg, Acting Deputy Constal Counsel

: Harleigh Ewell, CGC //

TO

S.BJECT: Request for Jurisdictional Determination Over Certain Power Lawn

Mowers Manufactured by the Sensation Corporatim

Attached is a copy of a request from the Sensation Corporation for a determination of whether certain of their mowers are consumer products and thus subject to the Safety Standard for Walk-Behind Power Lawn Mowers. Please give us any comments the st. If may have that would bear on the extent to which consumers may buy or use these mowers.



3

# THE SENSATION CORP.

3601 NORTH 16TH STREET

OMAHA, NEBRASKA 66110

**TELEPHONE (402) US-3664** 

May 12, 1982

Mr. Martin Katz, **Esq.**General Counsel
Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20007



RE: REQUEST FOR A DETERMINATION THAT SENSATION 5.0 HP HEAVY-DUTY COMMERCIAL MOWER MODELS 14W5-3, 24S5-9, 24S5-11, 11L5-6 AND 11L5-8 AND SENSATION MODEL 14L2-2 3.0 HP CEMETERY MODEL ARE NOT CONSUMER PRODUCTS AND THUS NOT SUBJECT TO THE SAFETY STANDARDS FOR WALK BEHXND MOWERS.

Dear Mr. Katz:

The Sensation Corporation is a 4: year old manufacturer of heavy-duty commercial mowers. Some of our mowers may be used by a few consumers, but the majdrity of our mowers are used primarily (or virtually 100%) by the commercial or professional user.

Perhaps 10% - 30% of our 19" and 21" 3.5 HP and 4.0 HP mowers may end up being used by consumers. Therefore, we will not request that these units be exempted from the safety standards.

As a result, we are only requesting that our 5.0 HP walk behind mowers, i.e. the 24" and 21" units and our 3.0 HP 14" model be declared exempt. We know that the Commission has granted an exemption to Toro and Snapper for their 5.0 HP units and since our comparable models are considered to be even more "Mack Truck" oriented, we hope that the Commission will make a favorable ruling on our above request as soon as possible.

We, of course, as listed below, can support the fact that these mowers are used primarily by commercial and professional users.

The following information is enclosed in order to support our request:

1. Five copies of a specification sheet for each of the above referenced models.

Page two TO: Martin Katz, Esq. May 12, 1982

2. We conducted research with all of our customers to determine what percentage of the users of these mowers were consumer and what percentage were used by commercial or professional users. All of our returned questionnaires are on file in our office. The results are as follows:

Model	Description	% <u>Consume</u> r	Z Commercia
14W5-3	24" 5.0 HP Push, Hi Wheeler Weed Cutter	5	45
24S5-9	24" 5.0 HP Self-Propelled Hi Wheeler Weed Cutter	4	96
24S5-11	24" 5.0 HP Self-Propelled Hi Wheeler Weed Cutter	0	100
11L5-6	21" 5.0 HP Push Mower	3	<b>97</b>
11L5-8	21" 5.0 HP Push Mower	2	98
14L2-2	14" 3.0 HP Cemetery Trimmer Mower	1	99

As you can 'see, commercial users account for a minimum of 95% of the users of these mowers, i.e. only 5% or less of the users are consumers.

3. Five sets of our suggested factorylist prices are enclosed and we have underlined in red ink the prices of the above models that we are requesting be exempted from the safety standards due to their being used as commercial mowers.

We hope that after you examine the above data that the Commission will grant us the same exemption already given to our much larger competitors, Toro and Snapper . . . particularly since we are essentially a producer of only heavy-duty mowers for the commercial user.

Respectfully,

THE SENSATION CORPORATION

President

Encl osures

MCJ: pf

7



. PRICES EFFECTIVE November 6, 1981

F.O.B. OMAHA, NE.

		SUGGESTED	
MODEL	DESCRIPTION	LIST	W/HDL.
HEAVY DUTY	WALK-BEHIND'(PUSH) MOWERS - CHUTE DEFLECTOR INCLU	DED	
11L2-0	21" 4.3 HP Kawasaki 2-cycle	\$534.95	96
11L3-2	21" 3.5 HP B&S Engine w/valve rotator	369.95	84
11L4-3	21" 4.0 HP B&S Engine w/valve rotator	379.95	85
11L5-6	21" 5.0 HP B&S Engine	424.95	95
11L5-8	21" 5.0 HP B&S I/C Engine 2/cast iron		
	cylinder sleeve	469.95	95
14L2-1 .	14" 3.0 HP B&S Engine - Cemetery Model	259.95	47
19L4-1	19' 4.0 B&S Engine w/valve rotator	364.95	81
STANDARD W	WALK-BEHIND (PUSH) MOWERS - CHUTE DEFLECTOR INCLUDE	<u>D</u>	
11G3-4	21" 3.5 HP B&S Engine w/valve rotator	369.95	81
11G4-4	21" 4.0 HP B&S Engine w/valve rotator	379.95	82
11G5-8	21" 5.0 HP B&S Engine	424.95	91
19G3-3	19" 3.5 HP B&S Engine w/valve rotator	334.95	76
11J3-3	21" 3.5 HP B&S Engine w/valve rotator	349.95	77
ACCESSORIE	S FOR SENSATION PUSH MOWERS		
90A9-4 <sup>-</sup>	Grass Catcher. Fits all G, 19L and 11L series mowers. Poly, front door opening.	42.95	12
90A9-6 OPE	I Grass Catcher. Fits all G, 19L and 11L series mowers. Front door opening, poly.	49.95	12
90B9-6 OPE	I Grass Catcher. Fits <b>all.G</b> and <b>19L</b> series mowers. Side positioning. Rear door, screen.	54.65	12
90J9-4 OPE	I Grass Catcher $ extbf{w/poly}$ reinforced side panel. Rear positioning. Fits all $ extbf{11L}$ series.	54.95	12
THIRTY (30	) DAYS LEAD TIME IS REQUIRED ON EACH ITEM		
11G5-10	21' 5.0 HP B&S L/C Engine w/cast iron cylinder sleeve	474.95	93
63P5-0	Leaf Blower. 5.0 HP B&S 10 x 3.50/4.00 pneumatic	449.95	100
73P5-0	Vacuum. 5.0 HP B&S 10 x 3.50/4.00 pneumatic, 13" impeller	854.95	165

THE SENSATION CORPORATION

ALL PRICES SUBJECT TO CHANGE WITHOUT NOTIFICATION

**3601 No. 16th St., Omaha, Nebraska 66110 U.S.A. (402)345-3884** 



PRICES EFF	ECTIVE November 6, 1981	F.Q.B. OMAH	A, NE.
		SUGGESTED	/
MODEL	DESCRIPTION	LIST	W/HDL .
	FOR SENSATI <u>ON PUSH MOWERS</u>		
3XAC-2	Air Cleaner Kit w/snorkel tube. Fits all' mowers w/B&S Engine.	, <b>\$</b> 37.95	2
3XCD	Chute Deflector Kits. (Specify 14", 19", or 21")	9.75	2-1/3
3XGT-2	Auxiliary 5 Qt. Gas Tank Kit. Fits 19" and 21" push mowers.	39.95	2
<b>3XHA-</b> 3	Height Adjuster Kit. Fits most Sensation 19" and 21" mowers.	35.95	2
3xsc	Slip Clutch Kit. Fits 19" and 21" mowers. (Specify model to be used on.)	8.95	1
3XWP-0	Wear Plate Kit. Fits 19" and 21" mowers.	5.85	1
HEAVY DUTY	SELF-PROPELLED MOWER AND ACCESSORIES		
2184-1	21" 4.0 HP B&S Engine w/valve rotator, height adjuster, safety rear door, adjustable ground speed, w/ht.adj.	524.95	99
9089-1 OPE	Grass Catcher <b>w/poly</b> mesh side and top panel. Rear positioning. Fits Model <b>2154.</b>	59.95	12
3XGT-5	Auxiliary 5 Qt. Gas Tank Kit. Fits Model 2184	39.95	2
COMMERCIAL	DECAL: If you require the "Commercial" label not models in your 1982 order, you must reque the label when you place your order.	•	
HEAVY DUTY	HI WHEEL WEED & GRASS MOWERS AND ACCESSORIES		
24\$5-9	24" 5.0 HP B&S Engine!, self-propelled, 3-speed forward 6 reverse transmission - differential Spoke wheels & pneumatic tires.		193
2485-11	24" 5.0 HP B&S I/C Engine w/cast iron cylinder sleeve. Self-propelled, 3-speed forward and reverse transmission - differential. Dual controls. Spoke wheels & pneumatic tires.	949.95 <b>-</b>	195
14W5-3	24" 5.0 HP B&S Engine, push mower.	589.95	155
3XGT-4	Auxiliary 5 Qt. Gas Tank Kit. Fits push and self-propelled hi wheel weed mowers.	39.95	3
POWER RAKE	AND AERATOR/SLICER AND ACCESSORIES		
10R5-0	5.0 HP Power Rake	529.95	138
10A5-0	5.0 HP Power Aerator/Slicer	534.95	142
3XRS-0	Power Rake Assembly	104.95	23
3XSA-0	Power Slicer/Aerator Assembly	119.95	27

ALL PRICES SUBJECT TO CHANGE WITHOUT NOTIFICATION



Made in U.S.A.



1400 0 TH WHOOLO	1 0 9 0 10
Engine Specifications	
Type	Briggs & Stratton 5 H.P. 4 cycle
Bore	
Stroke	2.43 in.
Displacement	
Type of Governor	
Type of Main Bearings	
Type of Con, Rod Bearing	Aluminum alloy
Crankshaft	
Starter	Recoil starter
Fuel Tank Capacity	
Cylinder	Aluminum alloy
Válve Rotator	
Warranty	1 year

# **Mower Specifications**

Discharge	.Formed AirliftHardened mag-carbon steel
Blade Clutch	. Tight/Slack V-Belt operated by lever on handle
Blade Stoppage Blade Attachment Safety Interlock Width of Cut Height of Cut Handle	<ul> <li>Brake band on blade spindle</li> <li>Steel saddle on spindle</li> <li>Blade disengaged switch</li> <li>24" Nominal</li> <li>1½" to 3" — 4 position adjustment</li> <li>½" OD steel tubing x 16 ga. one piece</li> </ul>
Throttle Control	with 16 ga. brace to frame . Remote control on handle . 13 ga. steel with protective shield between rear wheels
Engine Base Frame Wheel Construction	14 ga. square steel tubing . Front — 20 ga. steel discs
Front Wheel Bearings	replaceable (2 each wheel)
Tires	Rear — 20 x 2.125 heavy duty pneumatic tire and tube with rim liner
Tire Load Rating	Belt drive 165 lbs. Complies with ANSI B71.1-1980 and C.P.S.C.

# **Drive Train Specifications**

Type of Drive	
Ground Speed	
	1.5 MPH reverse
Ground Speed Adjustment	
Live Axie	
Rear Wheel Bearings	
Differential	Full differential
Clutch Control	Tight/Slack V-Belt operated by
	"Dead-Man" lever on handle
Drive Train Components	Belt from engine to transmission, chain
	from transmission to differential
Traction Ratio	
Belt & Chain Guards	
Safety Interlock	Transmission neutral switch

# Accessories Available

5 Qt. Gas Tank	Model 3XGT
Riding Sulky	Model 3XSU
Riding Sulky	Model 3XAC

The Sensation Corporation reserves the right to incorporate changes in design without notice or obligation to make changes on units previously sold. Continual progress is a tradition with Sensation.



**5HP REAR HANDLE** 

# **11 L5-6 Commercial 21" — 4-cycle**

# **SPECIFICATIONS**

# **Engine Specifications**

### **Mower Specifications**

balanced flywheel Width of cut ... 21" Nominal Height of Cut ... ... 1" to 3" (bolt on wheel) in ¼" increments, ga. lower&separate halves with two position handle height adjustment, rigid mount casting, protective shield between rear wheels, steel chute deflector Wheel Bearings ...... Greaseable heavy duty extended inner race shielded ball bearings, replaceable (2 ea. wheel)

Tire Size Front — 8 X 1.75 W semi pneumatic

Rear — 10 X 1.75 W semi pneumatic Load rating — 150 lbs. Replaceable tires Crankshaft Support ..... Die cast aluminum anti-bend crankshaft protector 90 day Commercial

#### **Accessories Available**

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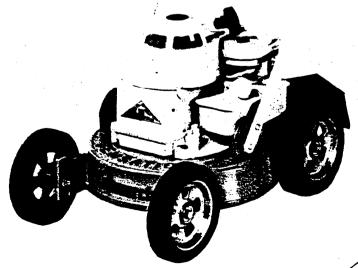
The Sensation Corporation reserves the **right** to incorporate changes in design without notice or obligation to make changes on units previously sold. Continual **progress** is a tradition with Sensation.



# 14"COMMERCIAL HEAVY DUTY -- WALK BEHIND MOWER

14L2-2

**3HP TRIMMER** 





12

THE SENSATION CORPORATION

3601 North 16th Street, Omaha, Nebraska 68110 U.S.A. (402) 345-3884

# 14L2-2 Trimmer 14" — 4-cycle

# **SPECIFICATIONS**

# **Engine Specifications**

Fuel Tamk Capacity ...... quart 

Cylinder 

### **Mower Specifications**

Blade ......Formed Airlift

Blade Material ..... Hardened mag-carbon steel with one fastener

to engine crankshaft Blade Attachment ....... Zinc blade adaptor with safety shear pins

 Width of cut
 14" Nominal

 Height of Cut
 .1-1/4" to 3-1/4" (bolt on wheel) in 1/2" increments,

ga. lower, in separate halves, rigid mount Dial-trol on engine

Cutting Deck ...... High-strength rust proof mag-aluminum alloy

casting, protective shield between rear

wheels, steel chute deflector

bearings, replaceable (2 ea. wheel)

Load rating - 60 lbs. Replaceable tires

Warranty ...... 5 year Homeowner

1 vear Commercial effective 2-1-81

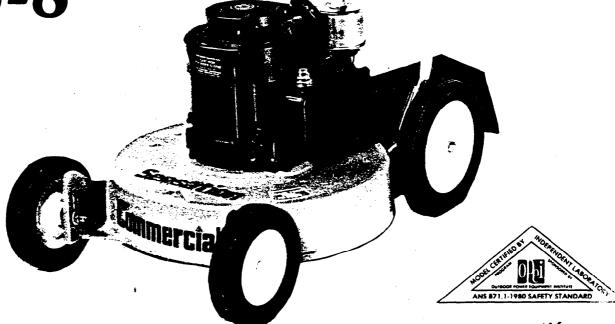
#### **Accessories Available**



# 21'COMMERCIAL HEAVY DUTY WALK-BEHIND MOWER



**5HP I/C ENGINE** 



THE SENSATION CORPORATION

3601 North 16th Street, Omaha, Nebraska 68110 U.S.A. (402) 345-3884

# 11L5-8 Commercial 21" — 4-cycle I/C

# **SPECIFICATIONS**

### **Engine Specifications**

Type ...... Briggs & Stratton 5.0 HP I/C 4 cycle 

Type of Governor ...... Mechanical

Type of Con. Rod Bearing ...... Aluminum alloy Starter Recoil starter Air Cleaner ...... Dual element

Valve Rotator ..... Exhaust Valve

Warranty ......1 year

### **Mower Specifications**

Blade ...... Welded tip - Non clog suction lift with

balanced flywheel

Blade Material ...... Hardened mag-carbon steel with one fastener

to engine crankshaft

9 position adjustment

ga. lower, in separate halves with twoposition handle height adjustment, rigid mount

Cutting Deck ....... High-strength rust proof mag-aluminum alloy

casting, protective shield between rear

wheels, steel chute deflector

Wheel Bearings ...... Greaseable heavy duty extended inner race

shielded ball bearings, replaceable (2 ea. wheel)

Tire Size Front — 8 X 1.75 W semi pneumatic Rear — 10 X 1.75 W semi pneumatic

Load rating - 150 lbs. Replaceable tires

crankshaft protector

1 year Commercial effective 2-1-81

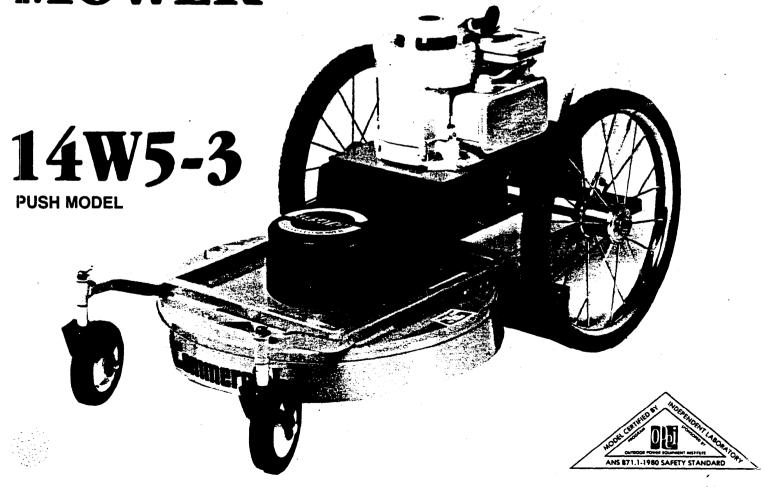
#### **Available** Accessories

Grass Catcher ...... Model 90J9

Height Adjusters ... "Quick Adjust" Model 3XHA
Deck Side Wear Plate ... Model 3XWP Remote Air Cleaner ...... Model 3XAC 



# 24"COMMERCIAL \_ HI WHEELER 'WEED & GRASS MOWER



16

THE SENSATION CORPORATION
3601 North 16th Street, Omaha, Nebraska 68110 U.S.A. (402) 345-3884

# 14W5-3 Hi Wheeler — 4 Cycle

# SPECIFICATIONS:

### **Engine Specifications**

Type of Governor Mechanical

 Crankshaft
 Case hardened steel

 Starter
 Recoil starte r

Cylinder ..... Aluminum alloy

Warranty ..... ₁ year

#### Mower Specifications

Discharge ...... Rear — Semi mulcher

fiberglass cords

Blade Clutch ...... Centrifugal clutch on engine crankshaft for easy starting

 Width of Cut
 .24" Nominal

 Height of Cut
 .1½" to 3" − 4 position adjustment

 Handle
 .78 OD steel tubing x 16 ga. one piece

with 16 ga. brace to frame

between rear wheels

Front Wheel Bearings ....... Greaseable shielded ball bearings.

replaceable (2 each wheel)

Tires ...... Front — 6 x 1.50 semi pnéumatic Rear - 20 x 1.75 semi pneumatic

Warranty ......1 year Homeowner 90 day Commercial

### **Accessories** Available

# War. 70

/1

# Engine Specifications

<ul> <li>Briggs &amp; Stratton 5 H P 4 i yele TC</li> </ul>
.2.56 III
2 43 in
1% 57 (um(206 cc:)
 Mechanical
 .(1) Ball bearing (1) Aluminum alloy
Aluminum alloy
 Case hardened steel
.Recoil starter
 2 quarts
Aluminum alloy .
Exhaust valve
 1 year

# **Mower Specifications**

Pischarge	Rear — Semi-mulcher	
Ci yde	Formed Airlift	
Billy le Material	,	
Ginde Beit Material	Specially formulated raw edge	
a are been independent	fiberglass cords	
is acte Clutch		
1. 104 2101(1)	lever on handle	
Sin to Change	Brake band on blade spindle	
Blacte Stoppage	Cheel and the or countle	
Blade Attachment	. Steel saddle on spindle	
	Blade disengaged switch	
Width of Cut	24" Nominal	
Height of Cut	1'2 to 3" — 4 position adjustment	
Handie	/nOD steel tubing x 16 ga. one piece	
	with 16 ga. brace to frame	
Throttle Control	Remote control on handle	
Committee .	between rear wheels	
E novem Pass		
F coping pase .	14 as equato steel tubing	
Prome		
Tringel Construction	Rear – 18 ga. steel rim with (16) 14" spokes	_
	near— 10 ga. steel in with 10 % spokes	5
Front Wheel Bearing	ngs	
	replaceable (2 each wheel)	
- Biros	Front —6 x 150 semi pneumatic	
	Rear - 20 x 2 125 heavy duty pneumatic	
	tire and tube with rim liner	
Tiro Lind Rating	Front 50 lbs, Rear 175 lbs (iii 30 ps)	
Crankshaft Protection		
Weight	165 lbs	
	Complies with ANSI B7111980 and C PS C	0
	1 year Homeowner	
***************************************	90 day commercial	
	out they commended	

# Drive Train Specifications

Time of Drive	
· ·	1.5 MPH reverse
Ground Speed Adjustment	3 speeds forward, 1 reverse
I MA Axie	
Bear Wheel Bearings	Self aligning ball bearings
Differential	
Clutch Control	Tight Slack V Belt operated by dual
	Dead-Man levers on handle
Drive Train Components	Belt from engine to transmission, chain
5 TO THE SOME	from transmission to differential
Traction Batio	9 6 1 to 22 4 1
Bot & Chain Guards	Heavy duty plastic
Patety Interock	Transmission neutral switch

# Accessories Available

5 Ct. Gas Tick	Model 3XGT
A Tra Suki	Model 3XSU
To note Air Cleaner	Model 3XAC
the training	Medal SXGG