

Our products were only advertised in two periodicals in 1991. The January, 1991 issue of Hardware Age and the December 16, 1991 issue of National Home Center News. Copies of the ads are enclosed.

Please review the enclosed and call if you have any questions.

Very truly yours;

SUNNYSIDE CORPORATION

A handwritten signature in cursive script, appearing to read "William Buchanan", with a long horizontal flourish extending to the right.

William Buchanan
Vice President Regulatory Affairs

WB/tau

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CHARLES JACOBSON, CARM

4-9-81

Milton J. Schulz, Deputy Regional Director
CHICAGO REGIONAL OFFICE

Sunnyside Corp.
Wheeling, IL

RN 80-0360
LAMP OIL

We are closing the subject recall because we have achieved about all that can be expected in this case. We are not pleased with the final results nor the way in which this case was handled.

We still believe that the closure problem was a mechanical one rather than ~~incompatibility~~ compatibility between the lamp oil and the closure lining. Our laboratory study supports this contention. But, we were unable to convince NYC-RO of the need to make a follow-up to the closure manufacturer.

The attached memo (D. Krause) fairly well summarizes some of the problems encountered in the recall.

Milton J. Schulz
Deputy Regional Director

cc: Recall File RN 80-0360
E/F ✓

MJS:pah

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MILTON J. SCHULZ, DEPUTY DIRECTOR
THROUGH ERIC B. AULT, S. I.

3-3-81

Debra A. Krause, Investigator

RN 80-0360;
RECALL OF SUNNYSIDE LAMP OIL

This memo is being submitted to facilitate your close out of the subject file. As stated in STI No. 80-0284, dated 7-21-80, the reason for this recall was: Seaquist Ring-Guard Closures on bottles of Sunnyside Lamp Oil were found to be malfunctioning in a number of instances. The outer rings are sometimes "jammed" rendering the caps non-functional as safety closures. This finding would serve to categorize Sunnyside Lamp Oil as a misbranded hazardous substance under Section 2(p) of the FHSA.

The firm mailed a 3-24-80 letter and short questionnaire to dealers, i.e., their direct consignees who received the recalled lamp oil and all Cotter dealers. Dealers were asked to check their lamp oil inventory and report back to Sunnyside, 1) whether they had no lamp oil in stock, 2) whether all caps appeared to be functioning properly, or 3) "X" number of caps appeared to be working properly and they would expect that many replacements. The firm was then going to monitor the number of responses and the number of replacement caps requested. The replacement caps were positive-on click-lock caps manufactured by Owens-Illinois.

CPSC learned of this problem when the CHI-RO followed-up on a complaint of an accidental ingestion involving a "jammed" cap on a bottle of Sunnyside Lamp Oil. Samples were subsequently collected at the firm under CR No. E-815-0244 during field examination of the firm's in-house inventory of lamp oil. Bottles of oil were examined from each of 10 production runs and some of the bottles with improperly functioning caps were collected for the sample. A sample of unused Seaquist closures was later collected from Sunnyside inventory under Sample E-815-9985. The investigator examined 47 caps from 6 cases (2200 each) and sampled caps he judged would not function properly as CRC's. Consequently, the New York Regional Office was asked to conduct a follow-up inspection at the cap manufacturer which was located in their region. To date, this office knows of no such follow-up having been conducted.

The above is background information regarding the recall as explained in the STI. As I have discussed with Eric Ault, SI, and Don Dovel, Compliance Officer, on a number of occasions, progress with this recall has been very problematic. I have generated several memos detailing problems encountered. In that regard, please refer to my 9-10-80 memo, a copy of which I have attached. Following this, my 1-5-81 and 2-19-81 memos are in the recall file, although I have consolidated the information contained therein below.

Since my 9-10-80 memo, I have received 11 more effectiveness check reports - six with positive results and four with negative results.

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Negative reports are as follows:

ATL-RO

Bluelick True Value Hardware - Recall notification not received. Last order received 6-78. 15/16 bottles in stock had defective caps - one operative cap was an alternate style. Investigator requested Assistant Manager to remove 15 bottles and request replacement caps. Investigator reported that Assistant Manager stated that leaking containers and loose fitting closures have been a continuing problem with products received from Sunnyside Corporation. The report also states that on the lamp oil inspected, all closures were found to be loose and appeared to have been secured only partially.

King TV Hardware - Not notified of recall. Fifty bottles on hand. 3/24 bottles in warehouse had bad caps. 15/26 bottles on shelf had bad caps. Shelf stock ordered in October, 1979. One shelf bottle of red oil was reported to have a cork stuck in the bottle due to the bottle leaking. Report states, "Many bottles on shelf and warehouse leaked when cap was not operating properly."

Oakdale TV Hardware - Manager did not remember receiving recall notification or any of the product.

CHI-RO

Ace Hardware, Indianapolis - Firm not notified. One of five bottles on shelf had ~~been kept~~ ^{cap} that was not operating properly. It was removed from sale.

MIN-DO

Johnson Wholesale Co., Inc. - Firm not notified of recall. The state's initial report was rejected because shelf stock was not examined. However, by the time the second check was done, all product had been sold. The effectiveness check report notes that some of the recalled product was noticed on shelves of Quality Hardware Store in the same building. However, I did not see any further comment as to whether these closures were examined to see if they were functioning properly, or if they were equipped with an alternate style of closure.

To date only one of the effectiveness check assignments remains outstanding in that a report has not yet been received. This is my final report on this recall since it is my understanding you will handle the final disposition of this recall file.

ATTACHMENTS

9-10-80 memo to Eric Ault regarding status of recall.

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ERIC B. AULT, S.I.

9-10-80

Debra A. Krause, Investigator

RN 80-0360;
RECALL OF SUNNYSIDE LAMP OIL

The purpose of this memo is to explain some of the recent problems encountered with the recall of Sunnyside Lamp Oil. Some of the difficulties encountered are stated in a 7-23-80 memo that I wrote to Don Dovel, Compliance Officer. A copy of this is attached as Exhibit 1. Mr. Dovel then discussed these problems with Bill Buchanan of Sunnyside via telephone. Mr. Buchanan's written response to this discussion is contained in an 8-1-80 memo that is attached as Exhibit 3. Exhibit 2 to this report consists of a 7/25/80 letter that is basically Sunnyside's first progress report for the recall. In their next correspondence to Mr. Dovel, which was referenced before, they requested close out of the recall file based upon the fact that they had not received any customer responses since 7-1-80 and only expect to receive a few more. Exhibit 4 is a 9-3-80 memo from the firm which reports a few more responses and again requests close out of the recall file. Close out of this recall seems premature, particularly in light of the findings that our investigators have made. These findings are detailed below.

BOSTON REGIONAL OFFICE

White TV Hardware - This store was not notified of the recall. Sixteen out of twenty-one bottles in stock were found to have defective CRC's.

Economy True Value Hardware - This firm was not notified of the recall. They had discontinued marketing the oil in early 1980 and had none in stock at the time of inspection.

I received a call from a Boston investigator on 9-8-80. He told me that while he was out shopping one evening he saw some Sunnyside Lamp Oil. He said that he examined the oil and found a number of non-functioning CRC's. He said he would send me a memo regarding these findings.

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CHICAGO REGIONAL OFFICE

Highwood Paint - This store was not notified of the recall. The investigator reported that 4 out of 14 bottles in stock had non-functioning CRC's and commented that they were tightened to work. This raises the question of whether tightening would, in fact, alleviate the problem with the caps.

Ace Hardware - This store was not notified of the recall. An unknown number of the items were received and there were none on hand at the time of inspection.

Osco - During the week of 7-14-80, Investigator Johnson happened to be in this store. He told me that he saw 30 to 40 bottles of Sunnyside Lamp Oil, examined approximately 12 and found that all of these had non-functioning CRC's. Don Dovel told me that he relayed this information to Bill Buchanan at Sunnyside soon after receiving my 7-23 memo. Investigator Warchal conducted an effectiveness check at this site on 7-30-80. He reported that Osco did not have any stock of the oil when they were notified of the recall. He said that in April or May they received a shipment of the oil with the old style CRC's. Mr. Warchal examined 14 bottles of the oil in stock and found two with non-functioning CRC's on 7-30-80. They were taken off the shelf and he advised the assistant manager to get replacement caps. He said the manager, who might know more about the recall, was on vacation at the time of his inspection.

It appears from this report that Sunnyside distributed old style non-functioning caps after the date that distribution was to have ceased for caps of this design. It sounds as though the oil may not have been examined by the store before putting it on the shelf.

CLEVELAND REGIONAL OFFICE

Livonia True Value - This firm followed the recall instructions and replaced the caps. The investigator examined 18 bottles of new shipment with push down and turn closures and found three CRC's that failed.

DALLAS REGIONAL OFFICE

Oates TV Hardware - This store was notified of the recall but didn't take action. One of the two bottles on the shelf was found to be defective and they were advised to remove it.

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MINNEAPOLIS DISTRICT OFFICE

Kraemers TV Hardware - This location received notification, checked their stock, requested two replacement caps and placed them on the bottles. On 8-14-80 an investigator checked two cases of 12 in the warehouse and all were found to be in compliance. The investigator also checked nine bottles on the retail shelf and found two that were non-compliant. These were removed from sale and two more replacement caps were to be ordered. The store's management thought that customers may have removed the caps to smell the oil and not replaced them properly.

Five other effectiveness checks have been conducted to date by various CPSC offices with positive results reported.

In summary, progress regarding this recall has been difficult. Initially several groups that the Chicago Regional Office felt should have been notified about the recall were overlooked by the firm. This was discussed with the firm by Don Dovel. Then after only basically one initial progress report the firm wanted the recall closed. Findings in our effectiveness checks noted a number of instances where stores had not received notification. In addition to that other difficulties in implementing the program were noted.

ATTACHMENTS

Exhibit 1 - 7-23-80 memo from DAK to Don Dovel.

Exhibit 2 - 7-25-80 progress report from Sunnyside.

Exhibit 3 - 8-1-80 response memo from Sunnyside to Don Dovel.

Exhibit 4 - 9-3-80 memo from Sunnyside.

Addendum:

8/21/80 report just received from New York Regional Office. Effectiveness check at Snitzer Brothers revealed store was not notified of recall as far as the owner could remember. Four (4) out of five (5) bottles on the shelf were found to have defective safety closures.

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DON DOVEL, COMPLIANCE OFFICER
THROUGH ERIC B. AULT, S. I.

Debra A. Krause, Investigator

7-23-80

RN 80-0360

RECALL OF SUNNYSIDE LAMP OIL

As you know from our discussion last week and your review of my 7-14-80 contact memo, a couple of discrepancies have recently come to light in regard to the Sunnyside Lamp Oil recall. Specifically, it was recently learned that Sunnyside had not targeted their recall for any oil other than two lots of assorted oil made during January and February of 1980. This excludes Lot 80198 of red oil that was found to have a 10.6% failure rate during 3-13-80 field examination. Also, since the firm has limited the recall period to distribution made during January and February of 1980, they have excluded any distribution that may have occurred during the first week of March. The problem was first discovered and distribution halted during my 3-7-80 inspection. In addition to these above items, something else came up during a 7-18-80 conversation with Mr. Buchanan of Sunnyside. We were reviewing the customer with Mr. Buchanan of Sunnyside over the phone when he told me that he had sent to me a list of three HWI warehouses that were found on this list. He said that these warehouses had received the oil as a special order and may have sent it on to individual stores or buyers. He said he didn't know where the four cases in question had gone and said that HWI may not know either. I expressed my feelings that HWI may in fact know where the oil has gone and that I could not understand why they were excluded from notification. Mr. Buchanan made a response to the effect that it was only four cases of oil that was involved. He eluded to the fact that it wouldn't be necessary to get involved with the whole HWI chain of warehouses for a few cases of oil. It seems to me that this omission could be rectified by notifying the three stores involved. I discussed the situation with Eric Ault, S. I., and he asked that this information be forwarded to you for your consideration.

Also, for your general information, I was informed by Investigator Dave Johnson last Friday that he had seen some Sunnyside Lamp Oil in a store earlier that week. Specifically, he said that he had observed approximately 30 to 40 bottles of Sunnyside Lamp Oil at an Osco store in the Brick Yard Shopping Center which is located at 6505 W. Diversey Ave. in Chicago. He told me that he had examined approximately 12 of these bottles

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and found that all of the CRC's were jammed and therefore not functioning properly as safety closures. I have assigned this location to be inspected during the procedure of recall effectiveness checks.

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July 25, 1980

Ms. Debra Krause
U.S. Consumer Product Safety Commission
Chicago Area Office
230 South Dearborn St.
Room 2945
Chicago, Ill. 60604

Dear Ms. Krause:

This letter will confirm our phone conversation today concerning our mailing-of response cards relating to Sunnyside assorted lamp oil.

During the last week of March 1980 we mailed 7,387 letters and postal reply cards referred to in our letter of March 21, 1980.

To-date we have received 1,467 responses. Of these responses 285 replied that they carry no Sunnyside lamp oil in stock, 402 replied that they had checked and found all caps functioning properly, and 766 replied that they needed a total of 9,052 replacement caps. All requests for replacement caps have been filled and shipped.

There were 363 customers that purchased assorted lamp oil direct from Sunnyside during January and February of 1980. To-date 156 of these stores have responded. We will keep you up-to-date as additional responses come in.

Sincerely,

SUNNYSIDE CORPORATION

William Buchanan
Regulatory Affairs

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CHUBB CORPORATION

225 Carpenter Avenue | Wheeling Illinois 60090 | 312 / 541-5700



August 1, 1980

Mr. Donald Doval
U.S. Consumer Product Safety Commission
Chicago Area Office
230 South Dearborn St.
Room 2945
Chicago, Ill. 60604

Dear Mr. Doval:

This letter is in response to our phone conversation earlier this week.

We have contacted Hardware Wholesalers, Inc. in an attempt to locate the four cases of lamp oil shipped to their warehouses. A copy of this letter is enclosed for your information.

We have found that there were four customers that purchased assorted lamp oil from Sunnyside during the first week of March and had not been previously notified.

We also found that there was one customer that purchased red lamp oil from Batch B0198 that had not been previously notified.

These five customers have been sent letters and response cards.

Our direct costs for recapping our lamp oil, mailing letters and response cards, and shipping replacement caps has exceeded \$10,000.00. It has been five months since we have shipped lamp oil with the closure in question, and we have not received any response cards since July 1, 1980.

We do not expect to receive any further responses, except for those few letters listed above, which we will handle as they come in.

In view of the foregoing, we feel that it would not be beneficial to keep the file open on this question and request that this file be closed out.

Sincerely,

William Buchanan
Regulatory Affairs



September 3, 1980

Ms. Debra Krause
U.S. Consumer Products Safety Commission
Chicago Area Office
Room 2945
230 S. Dearborn St.
Chicago, Ill. 60604

Dear Ms. Krause:

Please refer to my letter to you of July 25, 1980 and my letter of August 1, 1980 to Mr. Donald Doval, concerning responses to our mailings relative to Sunnyside Lamp Oil caps.

Since my letter of July 25, 1980 we have received three responses. Two of these responses were from the four customers we had recently notified, who had purchased assorted Lamp Oil from Sunnyside during the first week of March. They replied that they had checked and found all caps functioning properly. The other response was from a previous purchaser requesting that we forward 24 replacement caps, which we did.

Again, as we expect to receive few additional responses, we feel that it is not beneficial to keep the file open and request that this file be closed out.

Very truly yours,

SUNNYSIDE CORPORATION

William Buchanan
Regulatory Affairs

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LABORATORY REPORT

1. PRODUCT Sunnyside, Scented Lamp Oil, 32 Fl. oz.		2. SAMPLE NUMBER E-815-0244
3. SEALS: <input checked="" type="checkbox"/> INTACT <input type="checkbox"/> BROKEN <input type="checkbox"/> NONE	4. DATE RECD. Approx. 4-16-80	5. RECEIVED FROM Sample Custodian
		6. LABORATORY HSPS

7. DESCRIPTION OF SAMPLE
One corrugated shipping case with dividers, officially sealed E-815-0244, 4-08-80, Leon D. Harris, containing 12 plastic bottles.

Ralph P. Lee

8. LABELING Sunnyside, scented lamp oil, 32 fl. oz, Sunnyside Corp., Wheeling, Ill 60090

9. LOT/BATCH/SERIAL NUMBER No

10. NET CONTENTS 32 Fl. oz. (1 Qt.) .9463 liter

11. CONTAINER Closure 28 mm consolidated (Seaquist) CRC (close tightly) on a round clear plastic (PVC) bottle, marked on the bottom 1, or 2 or 3 or 4.

12. PRODUCT DESCRIPTION
Scented Lamp oil

13. SUMMARY OF ANALYSIS

We have test data indicating that this design package meets the effectiveness specifications of 16 CFR 1700.15 (b). However, in these samples sub 13 thru 24 the outer ring of the closure binds (maybe due to product action on outer and inner cap) in such a way so that the closure functions like a conventional continuous threaded (CT) closure, which in our opinion will not meet the effectiveness specifications of 16 CFR 1700.15 (b).

14. RESERVE SAMPLE
Sample evaluated and the 12 units returned to storage container under seal: E-815-0244, Charles J. Wilbur, 10-16-80. Sample returned to sample custodian for storage.

15. a. ANALYST SIGNATURE <i>Charles J. Wilbur</i>	15b. DATE 10-16-80	15c. HOURS	16. SPL. TYPE
17a. CHECK ANALYST SIGNATURE	17 b. DATE	17c. HOURS	18. PROJECT
19a. REPORT CHECKED BY	19b. DATE	19c. HOURS	

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20a. REPORT SENT TO:	20b. DATE	ATTACHMENTS	PAGE <u>1</u> OF <u>1</u>
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CHARLES JACOBSON, CERM

7/29/80

Milton J. Schulz, Deputy Regional Director
CHICAGO REGIONAL OFFICE

E-815-0244, SUNNYSIDE LAMP OIL
E-815-9985, SEQUIST CRC's

Attached are some memos from Eric Ault which raise certain issues regarding the Sequist closures. We did not believe the closures (plastic material) were incompatible with the lamp oil as in the case reported by MIN-AO. To verify this we had the laboratory perform some tests on the closures.

As you can see from the results, the only part of the closure affected by the lamp oil was the liner adhesive. The CRC feature was unaffected. In view of this, we still believe that Sequist produced a batch of defective CRC's that possibly could be attributed to a poor mold.

Milton J. Schulz
Deputy Regional Director
CHICAGO REGIONAL OFFICE

cc: NYC-ED/R. Benson

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Memorandum

TO : MILTON J. SCHULZ, CHI-RO
DEPUTY DIRECTOR

DATE: 7-23-80

FROM : Eric B. Ault, S. I. **ABA**

SUBJECT: SUNNYSIDE PRODUCTS/SEAQUIST CLOSURES

I have recently reviewed the results of a sample examination of Seaquist Closures used on Sunnyside Lamp Oil. Analysis was performed by the Chicago Regional Laboratory at my request. Specifically, the lab checked the Seaquist Closures for compatibility with the lamp oil. This was done by inverting full containers of lamp oil and by soaking individual caps in the lamp oil. Our lab confirmed ESHS findings that the glue holding the cap inner lining in place is incompatible with the lamp oil. However, our findings show that there is no such incompatibility between the plastic of the caps and the lamp oil.

The CHI-Lab sample analysis has confirmed, in my opinion, the fact that incompatibility is not the prime problem involved in the failure of the closures used on Sunnyside Lamp Oil. Our analysis shows the plastic of the closures to be uneffected by the oil. Field examination found newer lots of Sunnyside Lamp Oil to have a higher failure rate than older lots. This result is exactly the opposite of what would be expected if incompatibility were the source of the problem. Note also that new lots were packaged with closures from another later shipment and different Seaquist production lot. Field examination of unused closures conducted at Sunnyside found many of them with the ring jammed in the "up" position or with the ring difficult to move rather than freely turning.

ESHS indicated that unused closures they examined were within the manufacturer's torquing specifications. If this is the case, it would seem that the normal capping machine would be capable of applying them in a manner such that a complying package would result. This was clearly not the case at Sunnyside.

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I am not questioning the ability of a properly manufactured Ring-Guard closure to pass the protocol test. It is my opinion that the closures supplied to Sunnyside may have been substandard. It appears that there is insufficient clearance between the inner cap and the outer ring, perhaps resulting from mold wear. I feel that it is possible that the supplier, Seaquist, may have shipped many similar closures. As I stated in my 6/6/80 memorandum I feel an inspection at Seaquist is in order to examine at least complaints, quality control, and manufacturing records for the subject closures.

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Memorandum

MILTON J. SCHULZ, CHI-AO
ACTING DIRECTOR

DATE: 6-6-80

FROM : Eric B. Ault, CHI-AO *FBI*
Acting Deputy Director

SUBJECT: SUNNYSIDE PRODUCTS/SEAQUIST CLOSURES

As you are aware, CHI-AO inspected Sunnyside Products in response to a consumer complaint involving ingestion of the firm's lamp oil product. That investigation suggested that Ring-Guard Closures used on the lamp oil may have failed to function as intended.

Inspection was made at Sunnyside to check out the firm's packaging quality control and to examine finished product stocks. Inspection showed that Sunnyside's packaging quality control was probably not adequate to insure that closures were operating properly after packaging. In addition to the quality control review a field examination of filled stock on hand was conducted. Samples of filled stock with failing closures were collected from stock on hand. A short time later, another sample of unused closures in the possession of Sunnyside was collected following field examination of these. Samples were collected of those closures where the outer ring was difficult to turn or seemed to be jammed.

It was the contention of Sunnyside that apart from their quality control problems the closures purchased from Seaquist were faulty. Their conclusion was based on the fact that older stock on hand had a much lower failure rates in the field examination than did their more recent production which was capped with a later shipment of the Ring-Guide Closures. This contention was also supported by our field examination of unused closures on hand. A high percentage of these seemed to be jammed in some way so that the outer ring was difficult to turn and did not move freely about the inner cap. Sunnyside officials were very concerned about some type of follow-up being made at the closure manufacturer. In fact, they have several times inquired about follow-up and have filed a Freedom of Information request for a report on any follow-up made. To my knowledge, at the present time no such follow-up has been made.

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Samples collected by CHI-AO at Sunnyside of both packaged goods and unused closures were submitted to Chuck Wilbur, ESHS, one of our packaging experts. I talked with Mr. Wilbur about the results of his examination. Mr. Wilbur stated that the problem was due to the fact that the inner liner in the caps was not compatible with the mineral spirits in the lamp oil. He indicated that this had caused the closures to become non-functional. I asked Mr. Wilbur if he had examined the unused closures and he told me that he had. He stated that they were within torquing specifications set by the manufacturer. Mr. Wilbur pointed out that he had seen similar problems of incompatibility with other lamp oil products recently. He did indicate that these lamp oil products had used a different style closure from a different manufacturer, however.

I realized that I am not a packaging expert as is Mr. Wilbur. However, I do not feel that the facts in the case support his contention that incompatibility is the only problem involved. Were that the case, then older merchandise inspected during the field examination would be expected to show more failures than newer stock not so long exposed to the product. Just the opposite results were observed during the field examination. In addition, I find it hard to believe that the average capping machine is not capable of breaking loose the jammed outer rings during capping if those rings are within Seaquist packaging specifications. It is certainly possible that the reaction to the lamp oil is part of the problem in this case, but facts seem to indicate that it is not the only cause.

Following recent contact with Sunnyside I called NYC-AO to see if any follow-up had been made at the Seaquist facility in New Jersey. I had originally telephoned then Director of Operations, Gil Boden, when the problem first came to our attention. He had indicated to me at that time that some kind of follow-up would be made. Subsequent conversations have been with Ray Benson, Deputy Director. Ray determined that no follow-up had been made and promised to look into the situation. I spoke with him this week about the problem. He indicated that NYC-AO had not reached a final decision but that they were not inclined to make any follow-up. He stated that they had discussed the problem with Chuck Jacobson of CERM. He stated that their reasoning was that this closure had been previously examined when a problem was encountered with a vitamin product packaged by Miles Laboratories using the Ring-Guard cap. Samples collected in that follow-up had successfully passed protocol testing. I told Ray that we were not questioning the ability of the design to pass protocol tests. Our contention was that the closures in question may not have met the firm's specifications when shipped.

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I indicated that we felt that mold wear may have resulted in a closure without sufficient clearance between the inner cap and outer ring to allow for free movement of the ring. I told Ray that I felt that a full inspection at Seaquist might not be necessary but that the firm's complaint records and quality control records, at least, could be checked. This might indicate whether Seaquist was having a particular problem with the Ring-Guard Closures. I pointed out to Ray that our user of the closures was very much interested in the results of CPSC follow-up and might make things hot for all of us if no follow-up was made. Ray stated that New York still had the problem under consideration.

I still feel that an inspection at the closure manufacturer's facility is in order in this case. This might definitely rule out the possibility of faulty closures. If it is determined that the closures are not at fault, then Sunnyside should be informed that the problem was due to incompatibility. If no follow-up is made and the problem is credited to incompatibility as it now is the firm should also be so informed. While it is the packager's responsibility to insure his product is properly packaged, I believe that CPSC would be remiss in its duties if we were to allow Sunnyside to repeat the incompatibility problem with another closure while we are in possession of this information.

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[Handwritten initials]

July 28, 1980

MEMORANDUM OF TELEPHONE CONVERSATION

Between: William Buchanan/Regulatory Affairs
SUNNYSIDE CORPORATION
Wheeling, IL (312) 541-5700

and

Donald L. Dovel, Compliance Officer
CHICAGO REGIONAL OFFICE/CPSC-815

I called Mr. Buchanan on 7/17/80 relative to his firm's recall efforts of their lamp oil. I told him that according to our current information, they were not specifically recalling their red oil, lot no. B0198 and the lamp oil received by their consignees during the first week of March 1980. He said this was correct, however, he was confident their notification procedure would still accomplish recall of the above material. I pointed out that we would be monitoring their recall efforts and in the event we determined their program was ineffective, we would seriously take this into consideration whether or not a penalty was appropriate. He said he realized this, however, he was still confident their recall would be effective.

I also telephoned Mr. Buchanan on 7/28/80 concerning their recall. I explained that it was my understanding three HWI warehouses also received the lamp oil in question, but they had not been advised of the recall. I asked him why these three warehouses should not be informed of the recall? He said only four (4) cases of oil were involved and HWI may not be able to ascertain the ultimate consignees. I told him this would still not prohibit his firm from notifying three HWI warehouses. He then agreed to notify them (Dixon, IL - Cape Girardeau, MO - Medina, OH). I pointed out that one of our staff had recently noted 12 bottles of their lamp oil at Osco Drug's 6505 W. Diversey Avenue store with questionable closures. After reviewing his records he said they received a response to their recall letter from this store and nine (9) closures were supplied to them. He said he did not know the date of the response and the date of the shipment of the nine (9) closures. I told him we would expect their recall efforts to be effective. I asked him why they could not recall their red oil and their first week of March shipments? Although he thought this may not be necessary, he said they would attempt to do this. He said they would review their computer printout and perhaps they could accomplish this by notifying all customers who have purchased the product and comparing it with the list of those consignees who received the recall notice. Mr. Buchanan stated he would forward us this information next week.

[Handwritten signature]
Donald L. Dovel

[Handwritten number 187]

MEMORANDUM OF TELEPHONE CONVERSATION

7-23-80

E/F

CALLED: Bill Buchanan, Regulatory Affairs
Sunnyside Corp.

CALLER: Debra A. Krause, CHI-AC

SUBJECT: RN 80-0360
RECALL OF SCENTED LAMP OIL

I called Mr. Buchanan on 7-18-80 to discuss several points regarding the recall. Topics discussed are as follows:

1. As stated in my contact memo of 7-14-80, Mr. Buchanan had said that he was going to review the list of customers he sent me and make some deletions. Before sending out assignments for recall effectiveness checks I wanted to see what customers he was deleting in order to avoid assigning these locations. When I asked Mr. Buchanan about this he initially indicated that the list that he had sent to me was different from the list that Sunnyside had used to send out the recall notice. He said that in order to send out information about the recall they had obtained mailing labels for all Cotter stores from Cotter and had used those to notify all Cotter dealers. He said they then had their computer print a list of all customers other than Cotter stores and warehouses who had purchased assorted oil in January and February of 1980 directly from Sunnyside. At first he then told me that the list he sent to me had been their direct consignees purchasing oil from 7-1-79 to 2-29-80. We then began reviewing the list over the telephone together after which he concluded that the list that had been sent to me was a computer run using the Product Code 71732 for assorted oil targeted for direct purchasers of assorted oil during the months of January and February, 1980. During our review of the customer listing he sent me, it came to light that Sunnyside had not sent notices of the recall to the three HWI warehouses given on this list. When Mr. Buchanan told me this, I asked him why these three recipients of lamp oil had been omitted from notification. He said that the four cases of oil sent to these three warehouses had been sent on special orders and were probably then relayed to individual stores or buyers. He said that they didn't know where the four cases had gone and that HWI may not know. He said maybe the cases had been used for some kind of promotion. I

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conveyed to him that the HWI warehouses may, in fact, know where the cases went and that I could not understand why these recipients had been overlooked when Sunnyside sent out notification. He made a response to the effect that this involved only four cases of oil and why get involved with all the HWI warehouses for such a small amount when they're not sure where the oil actually went. I could not understand the rationale he gave for this omission but did not pursue the matter any further at this time.

2. I asked Mr. Buchanan how soon they would be sending their first progress report to me. He said that he expected to have it completed by the middle of next week.
3. I then asked Mr. Buchanan for some clarification regarding the figures he provided me during our 7-10-80 discussion. The number of cases he reported as being in inventory on 3-7-80 for assorted oil made in January and February of 1980 did not jive with the numbers that were recorded in the CR for the sample collected. Mr. Buchanan said that he could not account for such a discrepancy. We were both quite surprised since the inventory was taken jointly by Eric Ault, Bill Buchanan and myself, therefore, we should all have the exact same figures. We then decided to review the figures that we both had for all 10 production runs and made the following findings:

<u>Lot No.</u>	<u>Bill Buchanan's Inventory Figures</u>	<u>Inventory Figures Recorded in CR</u>
B0171	753 cases	682 cases
A0172	842 cases	1104 cases
L9041	110 cases	113 cases
B0198	220 cases	252 cases
L9004	255 cases	207 cases
L9019	162 cases	162 cases

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K9220	180 cases	180 cases
J9083	42 cases	42 cases
B0208	252 cases	252 cases
K9024	32 cases	32 cases

Mr. Buchanan noted that the assorted oil that was being recapped while we were taking inventory was only oil from production run B0171. He said that he had recorded that 552 cases were recapped during this operation. Adding this number to his inventory figure of 753 cases he derived that 1,305 cases were actually in-house at the time of our field examination project.

4. I asked Bill Buchanan if, as of that date, any the complaints had been received regarding the closures other than the one that had precipitated my initial inspection of Sunnyside. He said that there had been no others to date.

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ERIC B. AULT, S. I.

7-14-80

Debra A. Krause, Investigator

RN 80-0360, RECALL OF
SUNNYSIDE LAMP OIL

The following is update information pertaining to the recall of Sunnyside Lamp oil which I would like included in the file.

On 7-8-80, I received a listing from Sunnyside of their direct consignees who received lamp oil subject to the recall. There were approximately 375 consignees on this list including Cotter warehouses. I talked to Bill Buchanan from Sunnyside about the recall on 7-9 and 7-10-80.

I explained to Mr. Buchanan that we also needed to conduct effectiveness checks at their indirect consignees who received lamp oil, i.e., Cotter dealers who received oil from Cotter warehouses as opposed to directly from Sunnyside. In this regard, I asked him if Cotter stores are concentrated in certain states/territories. He said their stores are located throughout the United States. Mr. Buchanan explained that Sunnyside had gotten a mailing list from Cotter with addresses of their 7,000 plus dealers. Since Cotter dealers cannot be readily discerned through phone book listings, I told him I would need some of these addresses. I told Mr. Buchanan the cities in which most of our area offices and resident posts are located. Mr. Buchanan agreed to randomly select approximately 30 indirect Cotter consignees in these cities and send the addresses as soon as possible. During our conversation, he mentioned that Cotter had put a blurb about the recall in their weekly newsletter to dealers. He said he would send me a copy of this.

I noticed that in the far left hand column of the customer list, the number 100 appeared next to addresses of Ace Stores. Mr. Buchanan pointed out that the accounts numbered from 131 to 144 are Cotter warehouses while the No. 130 is the code used for Cotter dealers. He said the No. 156 specifies the HWI Warehouses and No. 155 corresponds to HWI Stores. He noted that the bulk of Sunnyside's direct consignees are Cotter dealers.

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Mr. Buchanan told me that the computer run designated direct consignees received assorted lamp oil from 7-1-79 - 2-29-80. He said this run does not include any customers receiving straight colors of lamp oil, unless they also happen to received assorted oil. Mr. Buchanan said that in Sunnyside's opinion, the problem was only with assorted oil manufactured in January and February, 1980. The company made four runs of lamp oil in January and February of 1980 - two of assorted and two straight colors (red and crystal). Of the 10 lots reviewed during 3-13-80 field examination, the two runs of assorted oil were found to have the highest failure rate (B0171=27.3% and A0172=15.7%). The two straight color runs made in February, 1980 were red (B0198) with a failure rate of 10.6% and crystal (B0208) with a failure rate of 3.7%. This run of red oil manufactured in February, 1980 had the third highest failure rate of the 10 lots examined. (The next highest failure after that was 6.9% (L9041, red oil.) The failure rate of 10.6% found for red oil B0198 seems significant enough to have been targeted in the recall.

Mr. Buchanan said recall letters were sent to all Cotter Stores regardless of whether they bought lamp oil. He said non-Cotter Stores were sent recall letters only if they bought assorted oil in January and February of 1980. Mr. Buchanan explained that because the computer run encompassed a wider time frame than their targeted recall period of January and February, 1980, a few non-Cotter Stores on the list might not have gotten assorted oil during this two month period and therefore, would not have received the recall letter. Mr. Buchanan indicated that he was going to review the list and manually delete these customers.

In short, as the recall has been presently established by Sunnyside, they have not specifically targeted recipients of red oil B0198 to alert them of the recall. Also, distribution of the lots exhibiting the highest failure rates was halted at the time of my 3-7-80 inspection. Therefore, it appears that customers receiving oil during the first week of March were also not specifically targeted for notification regarding the recall. Mr. Buchanan indicated that distribution information was stored by month as opposed to smaller increments such as days. He also told me that Sunnyside is just in the process of computerizing records and they are still working out the snags with this new system.

I talked to Mr. Buchanan 7-10-80 and verified that customers purchasing straight colors (red and crystal) oil in January and February of 1980 may not have been reached by the recall. He said sales for those two straight colors were low for these

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two months. He said most customers are Cotter Stores, therefore, they know about the recall. Individual Cotter Stores could have gotten assorted or straight colors of oil although the computer run only targets recipients of assorted colors. Mr. Buchanan said he could provide sales figures for January and February, 1980. However, he noted that just because oil was purchased then does not mean it was manufactured during in those two months.

In order to keep volume figures in perspective, annual sales volume of Sunnyside Lamp Oil for 1979 was reported to be 13,118 cases or 157,416 bottles. Mr. Buchanan told me that Sunnyside sold 1,639 cases of assorted lamp oil during January and February of 1980 - 1,499 cases to Cotter Stores and warehouses and 140 to non-Cotter stores. The red (B0198) and Crystal (B0208) oil we had discussed were both manufactured during February, 1980. Mr. Buchanan said a total of 83 cases of crystal oil were sold during February, 1980 - 68 to Cotter dealers and 15 to non-Cotter dealers. He also told me that a total of 71 cases of red oil were sold during February, 1980 - 51 to Cotter dealers and 20 to non-Cotter dealers. He said the specific lot of red oil in question (B0198) had been produced Feb. 26, 7 and 8, and that a total of 259 cases had been manufactured. According to my records, 252 cases of B0198 red oil were in inventory when distribution was halted 3-7-80. This would leave only 7 cases unaccounted for in terms of recall notification. Mr. Buchanan said in his notes he had written that 220 cases were in inventory at that time. This would mean that 39 cases were distributed in total. The exact number that went to Cotter as opposed to non-Cotter dealers is unknown.

During a 6-13-80 conversation with Mr. Buchanan he said that after a computer run that was to be done the following week he would clarify/update any change in information or figures previously provided. During our 7-10-80 phone conversation he gave me the following information. Corrected figures for assorted lamp oil only:

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Produced February, 1980	1,440 cases (12 each)
Inventory as of 3-7-80	1,305 cases
Probably shipped	135 cases
Produced January, 1980	1,122 cases
Inventory as of 3-7-80	842 cases
Probably shipped initially	280 cases
Returned from Cotter Warehouses	145 cases
Probably shipped	135 cases

The total number of cases of assorted lamp oil probably shipped in January and February of 1980 is 270 cases or 3,240 bottles. The total number of replacement caps requested as of 7-9-80 was 9,052, a number almost triple the number of units probably shipped. Mr. Buchanan speculated that some customers were making blanket requests for replacement caps for their entire inventory or some caps were being replaced on stock manufactured in 1979.

When I talked to Mr. Buchanan on 7-9-80, he told me that the unused Seaquist caps had been returned to Seaquist. He said Seaquist has basically had no comment about the situation other than that they feel the cap is functioning properly. He said Sunnyside hasn't decided what action they are going to take yet. He again inquired whether CPSC had inspected Seaquist headquarters in New Jersey yet. I told him I hadn't heard anything about that recently. I later learned that no inspection of that site has yet been made. At that time, Mr. Buchanan told me that the last request for replacement caps was on 6-18-80 and that the total number of replacement caps requested as of 7-9-80 was 9,052. He also said that based upon the volume of oil purchased, Sunnyside had determined that not many units had gone to indirect Cotter consignees.

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ALL AREA OFFICES

7-21-80

Debra A. Krause, CHI-AC

MIS: 30185

STI: 20-0284

Target: 9/2/80

Hours : 2 Per Check

RN 80-0360

RECALL OF SUNNYSIDE LAMP OIL
MANUFACTURED BY SUNNYSIDE CORP.,
225 CARPENTER AVE., WHEELING, IL 60090

INITIAL REPORT OF RECALL AND REQUEST FOR
EFFECTIVENESS CHECKS

1. Reason for Recall: Seaquist ring-guard closures on bottles of Sunnyside Lamp Oil were found to be malfunctioning in a number of instances. The outer rings are sometimes "jammed" rendering the caps non-functional as safety closures. This finding would serve to categorize the Sunnyside Lamp Oil as a misbranded hazardous substance under Section 2(p) of the FNSA.
2. Type of Program: Voluntary Corrective Action Program.
3. Identifying Product Data: Sunnyside Lamp Oil is packaged in 32 oz. clear plastic bottles with the words "sunnyside SCENTED lamp oil" appearing on the front of the bottle and "SUNNYSIDE CORPORATION CONSUMER PRODUCTS DIVISION WHEELING, IL 60090" on the back. The oil comes in a variety of scents and colors (red, green, amber, blue and clear). The bottles subject to the recall bear a Seaquist ring-guard closure, i.e., a white plastic two piece closure where the inner portion is threaded to attach to the bottle and the outer portion consists of a plastic ring. In raised white lettering on the cap is "LIFT WHILE TURNING CLOSE TIGHTLY 3,669,294". The retail price per bottle is generally close to \$2.
4. Corrective Action Plan: The firm mailed a letter dated 3-24-80 and short questionnaire to dealers, i.e., their direct consignees who received the recalled lamp oil and all Cotter dealers. The dealers were asked to check their lamp oil inventory and report back to Sunnyside: 1) whether they had no lamp oil in stock, 2) whether all caps appeared to be functioning properly, or 3) "X" number of caps did not seem to be working properly and they would expect that many replacements. The firm is monitoring the number of responses and the number of replacement caps requested.

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Seagquist caps that were unused at the time of the 3-7-80 inspection have been returned to Seagquist. Filled bottles in Sunnyside's inventory at that time have been recapped and returned to inventory. The replacement caps are positive on click-lock caps manufactured by Owens-Illinois.

5. Injuries Deaths, Safety Related Complaints, Legal Actions Against the Firm: On 7-18-80, the firm's representative told me that to date they had not received any complaints regarding the lamp oil closures other than the one I brought to their attention during my 3-7-80 inspection which involved an accidental ingestion of the subject oil
6. Number of Products Involved: Sunnyside has targeted only two lots of lamp oil for recall. These are lots of assorted colors of oil manufactured in January and February of 1980 for which the CRC's exhibited the highest failure rate during field examination. The lots are identified as A0172 and B0171. Lot numbers appear on cases but not individual products. 1,122 cases (12 bottles each) of assorted oil were produced in January, 1980 and 1,440 cases in February, 1980.
7. Dates of Production: The two lots of assorted oil being recalled were produced in January and February of 1980.
8. Dates of Distribution: The oil is kept in inventory and distributed as it is ordered. The lots being recalled were available for distribution from the time they were produced until 3-7-80 when distribution was halted.
9. Mode of Distribution and Number of Consignees: Sunnyside has approximately 375 direct consignees that receive the subject lamp oil. Ten of these consignees are Cotter warehouses who then redistribute the oil to some of their 7,000 plus dealers. Although Sunnyside believes that most Cotter retail stores did not acquire the product, they sent recall notices to all Cotter dealers. In addition to these indirect consignees who received oil from Cotter warehouses Sunnyside sold the oil directly to a number of Cotter stores. These stores make up the bulk of Sunnyside's direct consignees.
10. Geographic Distribution: The product is distributed throughout the United States with no known geographic concentration.
11. Estimated Life of Product in Consumer's Hands: Unknown.
12. when and how the Firm Learned of the Problem: The firm's representatives stated that they first became aware of the

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problem during a 3-7-80 CPSC inspection. That inspection was initiated as a follow-up to a NEISS case involving accidental lamp oil ingestion attributed to a faulty cap.

13. When and How CPSC Learned of the Problem: The CHI-AO received a complaint regarding accidental ingestion of Sunnyside Lamp Oil. A 3-4-80 investigation found that the cap involved in the incident and a similar cap from a second bottle of the oil were both "jammed" facilitating easy removal. The 15 month old victim received hospital treatment subsequent to the ingestion.
14. Samples: Samples were collected under CR No. E-815-0244 during field examination of the firm's in-house inventory of the lamp oil. Bottles of oil were examined from each of 10 production runs and some of the bottles with improperly functioning caps were collected for the sample. A sample of unused Seaquist closures was later collected from Sunnyside inventory under Sample No. E-815-9985. The investigator examined 47 caps from six cases (2200 each) and sampled caps he judged would not function properly as CRC's.
15. Firm's Plan for Disposition of Returned Product: Both the bottles returned from Cotter warehouse inventory and Sunnyside's own inventory have been recapped and returned to stock. In accordance with the firm's corrective action program, retailers will not actually return inventory but will receive replacement caps on an as needed/as requested basis. They are then to dispose of the non-functioning caps.
16. CPSC Plan for Monitoring: Please perform standard level effectiveness checks at the following locations. Indirect Cotter consignees have been indicated by an asterisk. Although they may have not received the oil they should have been notified of the recall. All other sites should have actually received the subject lamp oil.

When you are making the effectiveness checks, please see if there is any Sunnyside lamp oil in stock at that time bearing the subject closures. If so, count the inventory and examine the caps. Record the number of non-functioning CRC's, if any. The caps were found to be non-functional as CRC's in instances where the outer ring was "jammed" and did not freely rotate. Therefore, the cap can be removed simply by turning without lifting up in these instances. Try to remove the cap without lifting up in order to check whether it is functioning properly. See if the store can tell you when shelf inventory was purchased - particularly if non-

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functioning CRC's are found. Also, if the CRC's aren't functioning properly please report the color of oil where they were found and ask if this oil was from a case of assorted colors of oil or a case containing only that color of oil. Please be sure to inquire whether the store has received any safety related complaints due to non-functioning CRC's found on this lamp oil.

Atlanta Area Office

Bluelick TV Hardware, 11552 Bluelick Rd., Louisville, KY 40229

King TV Hardware, 1837 Piedmont Rd., N. E., Atlanta, GA 30324

*Oakdale TV Hardware, 1140 Oakdale Rd., Charlotte, NC 28216

Boston Area Office

White TV Hardware, 428 Franklin St., Framingham, MA 01701

*Economy True Value Hardware, 219 Massachusetts Ave., Boston,
MA 02115

Chicago Area Office

Highwood Paint, 2695 Waukegan Ave., Highland Park, IL 60035

Ace Store, 2817 N. Clark, Chicago, IL 60614

Oscro Drug, 6505 W. Diversey, Chicago, IL 60635

Ace Store, 2369 E. 62nd St., Indianapolis, IN 46220

Cleveland Area Office

Livonia True Value, 33533 Five Mile Rd., Livonia, MI 48154

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Dallas Area Office

Everett TV, 101 W. Davis, Conroe, TX 77301

*Gates TV Hardware, 2320 Gates Dr., Dallas, TX 75226

Cotter & Co. (Warehouse), 8401 Ambassador Row, Dallas, TX 75247

Denver Area Office

McConnell TV Hardware, 3999 N. Academy, Colorado Springs, CO 80917

Kansas City Area Office

Miller TV Hardware, 4900 State Ave., Kansas City KS 66102

Los Angeles Area Office

Vista TV Hardware, 3295 E. McDowell Rd., Phoenix, AZ 85008

Minneapolis Area Office

Kraemers TV Hardware, Glen Lake Shopping Center, Minnetonka, MN 55345

Johnson Wholesale Co., Inc., 5113 Academy Dr., Madison, WI 53716

Coast to Coast Stores, 6915 University, Middleton, WI 53562

New York Area Office

Benjamin Brothers TV Hardware, 121 N. Summit, Tenafly, NJ 07670

Snitzer Bros. TV, 776 Tonawanda St., Buffalo, NY 14207

Philadelphia Area Office

Fisher's TV Hardware, 7430-32 Frankford Ave., Philadelphia, PA 19136

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San Francisco Area Office

Larkfield Hardware, 510 Larkfield Center, Santa Rosa, CA 95401

*ARC Tru-Value Home Center, 4750 Mission St., San Francisco,
CA 94112

Seattle Area Office

*Alexander East Union TV Hardware, 2205 E. Union Ave., Seattle,
WA 98122

*Beaumont TV Hardware, 4303 N. E. Fremont St., Portland, OR 97213

Cotter & Co. (Warehouse), 1600 N. E. 181st Ave., Portland, OR 972

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5-22&23-80

CALLER: DEBRA KRAUSE, INVESTIGATOR, CHI-AO
D. Krause
CALLED: WILLIAM BUCHANAN, REGULATORY AFFAIRS,
SUNNYSIDE CORP.
SUBJECT: RECALL OF SUNNYSIDE LAMP OIL, RN NO. 80-0360

BACKGROUND

The CHI-AO sent Sunnyside a letter dated 3-19-80 stating that they should immediately initiate a recall of all bottles of their lamp oil that are equipped with defective closures. The firm's response letter, dated 3-21-80, outlines their plan to send a notification letter to all consignees and to provide replacement caps on an as needed basis. On 5-21-80, I was asked to obtain a recall, number, issue an initial notification memo and assign some effectiveness checks. In that regard I telephoned Mr. Buchanan on 5-22&23-80 to obtain supplemental information.

CONVERSATION

I confirmed with Mr. Buchanan that he had obtained copies of my 3-7 & 3-12/13-80 inspection reports per his FOIA request and that he concurred with the figures and information contained therein. I repeated the numbers I would be using for purposes of the recall to insure their accuracy. I asked if the firm had any reports of injuries/deaths/safety related complaints or legal actions regarding the lamp oil closures other than the NEISS case incident we had discussed in March. Mr. Buchanan said that had been the only incident to date. I verified that the Seaquist caps were introduced into lamp oil production in January, 1979 at which time they were available for distribution as well. Distribution of bottles bearing these caps ceased as of my 3-7-80 inspection. Mr. Buchanan said the oil was distributed by their truck locally and by common carrier truck/rail elsewhere. He said that distribution was nationwide and that he did not know of any geographic concentration. He also said he did not know what the estimated life of the product in consumer hands would be.

Mr. Buchanan explained to me that Sunnyside has approximately 120 direct retail consignees. He said they also sell to Cotter Warehouses (of which there are about 9) and some individual Cotter retail stores. He said they thought that Cotter did not re-distribute the oil to most of their retail outlets.

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However, to insure total awareness of the recall, he said they sent recall notification letters to all Cotter retail stores in addition to their own direct consignees. This letter and a brief questionnaire are attached to his 3-21-80 letter to the CHI-AO. He said a total of about 7,000 letters were sent and approximately 1,475 response cards had been received to date. He told me about half of the respondents requested replacement caps, about 1/4 said their inventory was okay and the remaining fourth reported no inventory. The response card questionnaire simply asked the dealers to check whether 1) They have no lamp oil in stock, 2) caps on all the bottles of lamp oil appear to be functioning properly or 3) X number of caps seemed to be malfunctioning and they can expect to receive that many replacement caps. The form does not ask the retailer to report the number of bottles in inventory when he examines his stock. Therefore, it is impossible to determine the number of bottles in dealer inventory versus the number of bottles in consumer hands.

Mr. Buchanan told me they had phoned Cotter warehouses regarding the recall. He said Cotter warehouses then returned their total remaining inventory of 13,848 bottles. On 5-23-80 he told me that Cotter warehouses only bought assorted lamp oil as opposed to cases containing only one color. He said that 1,740 of the units returned from Cotter had been produced during January of 1980. Lots made during January and February of 1980 were found to have the highest failure rate during field examination. He said all units returned from Cotter plus all units in Sunnyside's own inventory as of 3-7-80 had been recapped with an Owens clic-loc closure and returned to inventory. Mr. Buchanan said that they had actually produced 43,488 bottles of assorted lamp oil in January and February of 1980 and found 32,940 of these in their own inventory as of 3-7-80. This leaves 10,548 bottles of assorted oil from January and February that went into distribution. One thousand seven hundred forty of these were returned from Cotter warehouses, which would lower the number to 8,808 in distribution. (There were four production lots in January and February of 1980 - two of assorted oil, one of red oil, one of crystal oil. Only the crystal oil had a failure rate less than 10% during field examination.) The number of replacement caps requested to retrofit bottles from these runs specifically is unknown.

Lot	Color	QTY	Failure Rate
11/24/79	Assorted	43,488	27.7
1/27/80	Assorted	43,488	15.7
3/7/80	Assorted	43,488	11.6
3/7/80	Crystal	43,488	5.0

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RECORD OF TELEPHONE CONVERSATION

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I requested that Mr. Buchanan provide me with a customer listing so that we could conduct recall effectiveness checks. He said he would check with the mailing service that sent the notification letters to get this information. I asked if quality control regarding the capping operation had been revised and if the procedures had been put in writing. I said if the procedures were in writing I would like to have a copy. Mr. Buchanan said he would check this out with Roger Petty, Director of Manufacturing. I also explained that we request firms to submit written reports biweekly or monthly to report recall progress. Mr. Buchanan asked that I make a written request for the customer listing, quality control procedures and progress reports. I talked to Mr. Buchanan briefly on 5-23-80 to clarify some information. I told him I would also like to request a copy of the letter sent out to dealers with replacement caps. Mr. Buchanan said that he didn't mind giving me some information over the phone, although he said he would prefer to see it in writing to verify data and to keep the firm abreast of all reports. I told him that I would be glad to make a written report of our conversation and would appreciate his informing me if he did note an error or discrepancy. On 5-23-80 he said he would respond to my requests as soon as they were received in writing.

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 21, 1980

Mr. Milton J. Schulz, Acting Director
Chicago Area Office
Consumer Products Safety Commission
230 South Dearborn
Chicago, Ill. 60604

Dear Mr. Schulz:

We have received your letter of March 19, 1980 concerning the CPSC inspection of our lamp oil inventory. Since I have been involved with this situation from the beginning, Mr. Lueders has asked me to respond.

I would like to clarify a few points in your letter and expand on it a bit.

The ingestion referred to in your letter occurred, according to your investigator Debra Krause, on February 17, 1980. Our first knowledge of this ingestion was March 7, 1980 when Debra Krause arrived for an inspection. This was nineteen days after the occurrence. I do not know the exact date the CPSC had been notified, but it appears from your letter that your office was informed of this before March 7, 1980. When we were made aware of the situation we immediately stopped all shipment of our lamp oil, until we could determine the scope and seriousness of the problem. If we had been notified as soon as the CPSC became aware of a possible problem we could have prevented even more bottles with this cap from entering commerce, we therefore, request prompt notification if there are any future problems concerning our products.

We were investigated by the CPSC on March 7, March 12, March 13 and March 20 involving three different investigators. These investigations did not only involve a random sampling of our lamp oil inventory on March 13th (March 18th in your letter). They also involved lengthy examinations of our files, our filling, and capping operations, questioning of our plant and office personnel and investigation of our unused cap inventory.

We cooperated every possible way, even to giving the CPSC samples of our bottles, caps, photostatic copies of our records and every assistance.

As a result we accompanied the CPSC investigators every step of the way and we have reached different conclusions from those expressed in your letter.

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Most importantly, we do not feel this is a widespread and serious problem. We know of no C/R closure that can be guaranteed to be effective 100% of the time. Effectiveness specifications as outlined in Part 1700.15 of Subchapter E of the Regulations under the Poison Prevention Packaging Act recognizes this.

We do not content that these closures are or are not child resistant. We do know that the manufacturer has certified that they have been tested and meet the requirements for Protocol testing on the one hand. On the other hand we have the results of a CPSC inspection on March 13, (not March 18 as indicated in your letter), during which inspection a random sampling of 10 different production runs (not 9 as specified in your letter) produced the following results:

Product Code	Bottles Tested	# Of Failing Closures	<u>Failure Rate</u>
B0171	216	59	27.3%
A0172	216	34	15.7%
L9041	216	15	6.9%
B0198	216	23	10.6%
L9019	216	14	6.4%
L9004	216	8	3.7%
K9220	216	2	0.9%
J9083	216	3	1.3%
B0208	216	8	3.7%
K9024	<u>72</u>	<u>0</u>	<u>0.0%</u>
TOTALS	2016	166	8.2%

In addition to a subjective test showing an overall failure rate of 8.2%, it is very possible that these very same bottles subjected to Protocol testing may have an even better success rate.

In consideration of these results we do not feel we have a "serious problem."

Of the two production codes, B0171 and A0172, that show a higher degree of failure, prompt action, on our part, allowed only a small portion of our production runs to enter channels of commerce. To be exact we produced 1440 cases of Code B0171, and at the time we stopped shipment (3/7/80) we still had 1,305 cases in our warehouse. We produced 1,122 cases of Code A0172, and at the time we stopped shipment (3/7/80) we had 842 cases in our warehouse.

In consideration of this we do not feel the "problem" is widespread.

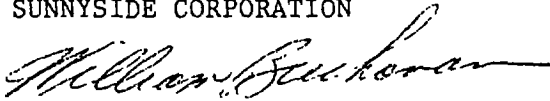
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We, too, are concerned with the safety of the public, especially as relates to the use of our products, and that is why we took the precaution on March 7, of not shipping any product with this slip ring closure. We are in the process of recapping our entire inventory with an Owens Illinois push and turn type C/R closures which we feel will be an improvement over the slip ring closure we were purchasing from Sequist. This cap and capping operation was shown to your investigators and was met with only encouraging comments and approval.

We feel we have acted responsibly and quickly to a questionable problem. We do not feel it is "widespread" or "serious". However, to minimize the limited problem that may exist we are mailing a letter and a postal reply card to be mailed to all stores who have or may have recently purchased lamp oil from us. We have enclosed a draft of this letter and reply card for your information.

Sincerely,

SUNNYSIDE CORPORATION



William Buchanan
Regulatory Affairs

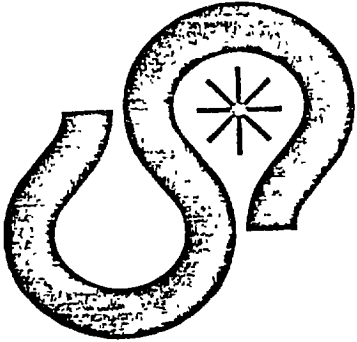
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cc: Mr. William Lueders

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NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



B U S I N E S S R E P L Y P O S T C A R D
FIRST CLASS PERMIT NO. 70 WHEELING, ILL.

sunnyside

Consumer Products Division
225 Carpenter Avenue
Wheeling, Illinois 60090

SUNNYSIDE:

I HAVE CHECKED ALL SUNNYSIDE LAMP OIL IN MY INVENTORY AND HAVE FOUND
THE FOLLOWING: (PLEASE CHECK)

- I HAVE NO LAMP OIL IN STOCK
- CAPS ON ALL SUNNYSIDE LAMP OIL APPEAR TO BE FUNCTIONING PROPERLY
- I HAVE FOUND _____ CAPS THAT APPEAR NOT TO BE FUNCTIONING PROPERLY
AND EXPECT YOU TO SUPPLY ME WITH NEW CAPS FOR THESE BOTTLES.

STORE STAMP

SIGNED _____

DATE _____

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March 24, 1980

Dear Mr. Dealer:

It has come to our attention that some Sunnyside Lamp Oil bottles may be closed with child resistant caps that don't necessarily function as designed.

It is important that you take a few minutes to check your inventory to make certain all Lamp Oil caps in your store are properly child resistant.

The caps in question are the lift and turn type and can be identified by the U.S. Pat. No. 3,669,294 on the top of the cap.

When checking your inventory please be sure the outer ring rotates freely so that the cap will not unscrew unless the outer ring is first held in the upper position. Please retighten all caps securely and place any bottles with defective caps aside, so they will not be sold to the public.

While we feel a minimal percentage of the caps in question are actually defective, the matter is of great concern to all of us. We appreciate your cooperation and apologize for any inconvenience you may be caused.

After you check your inventory it is also important that you fill out the enclosed postage paid card and return it to us as soon as possible.

Again, thank you for your cooperation.

Very truly yours,

SUNNYSIDE CORPORATION
Consumer Products Division

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(SUSPENSE)

March 19, 1980

Mr. William R. Lueders
President
SUNNYSIDE CORP.
225 Carpenter Avenue
Wheeling, Illinois 60090

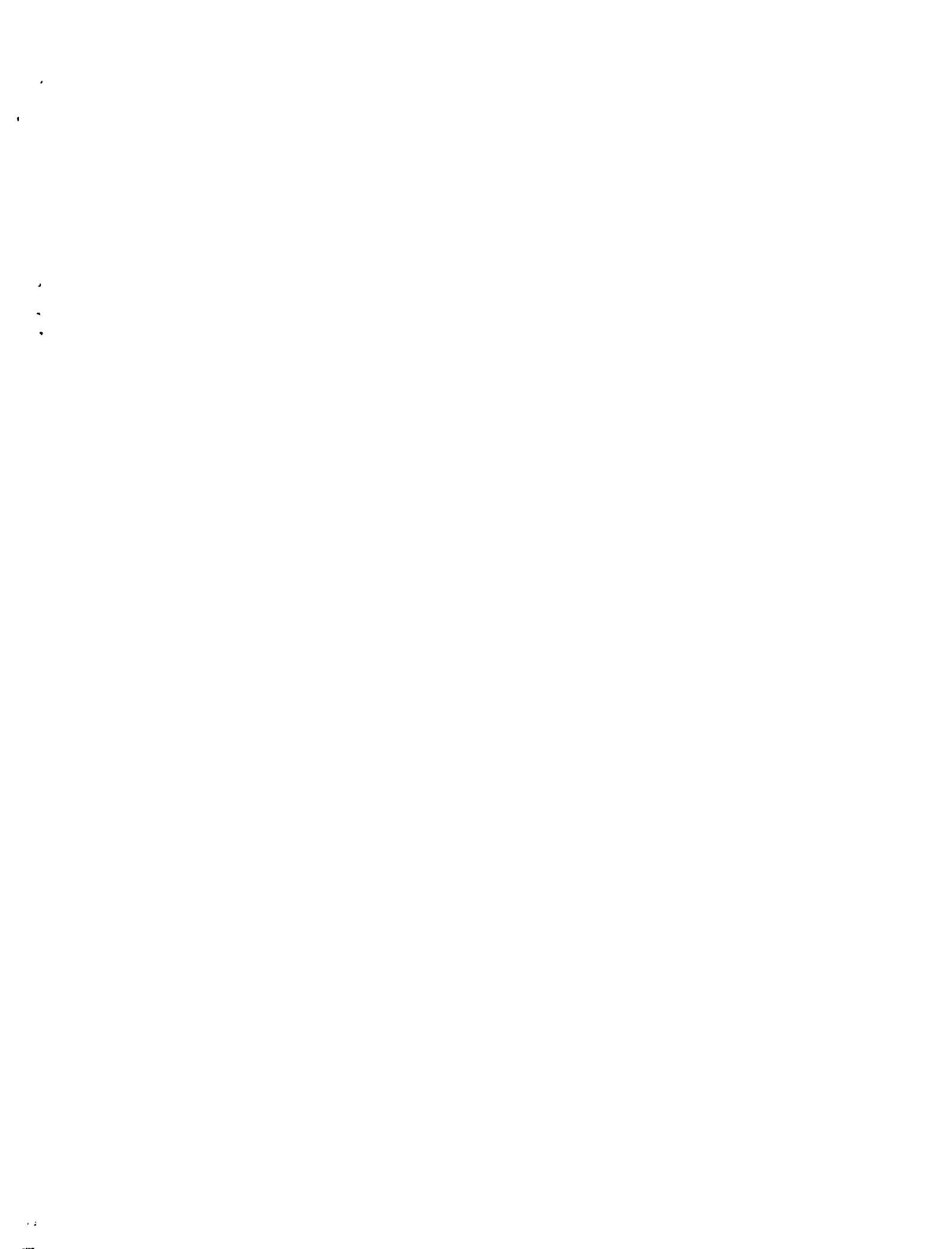
Dear Mr. Lueders:

On March 7, 1980, an investigator from this office conducted an inspection of your firm. This inspection was conducted as a follow-up to our investigation of a 15-month old child's accidental ingestion of Sunnyside Scented Lamp Oil. Our investigation revealed that the lamp oil container was equipped with a child resistant closure, but the closure failed to work properly. The subsequent inspection of your firm showed that this failing closure was not an isolated incident.

On March 13, 1980, investigators returned to your firm and conducted an examination of a random sampling of lamp oil bottles from nine (9) different production runs. Eighteen (18) cases from each of the production runs were opened and the closures on each of the bottles in these cases were tested to see if they were working properly. The results of this examination are as follows:

<u>PRODUCT CODE</u>	<u>NUMBER OF FAILING CLOSURES</u>	<u>PERCENTAGE OF FAILING CLOSURES PER TOTAL NO. OF BOTTLES EXAMINED</u>
B0171	59	27.3%
A0172	34	15.7%
L9041	15	6.9%
B0198	23	10.6%
L9019	14	6.4%
L9004	6	3.7%
K9220	2	0.9%
J9083	3	1.3%
B0208	8	3.7%

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Mr. William R. Lueders, President
SUNNYSIDE CORP.
Wheeling, Illinois 60090

March 19, 1980

Page two

These figures indicate that this is a widespread and serious problem. To prevent future accidental ingestions you should immediately initiate a recall of all the bottles of your lamp oil that are equipped with defective closures. This recall should extend to the retail distribution level.

You should be aware that lamp oil that has been packaged with a defective child resistant closure is a misbranded hazardous substance (see Section 2(p) of the Federal Hazardous Substances Act, FHSA, copy enclosed). The introduction into interstate commerce of a misbranded hazardous substance is a prohibited act under Section 4 of the FHSA. As such it could subject you and your firm to the penalties specified in Section 5 of the FHSA.

We request that you respond in writing to this office within seven (7) days of your receipt of this letter. In your response you should detail what steps you have taken to recall the violative lamp oil. With your response, you should include copies of all recall notifications you have sent out.

Sincerely,

Milton J. Schulz
Acting Director
CHICAGO AREA OFFICE/CPSC

Enclosures: a/s

MJS/JRV/kc

bcc: CER (FYI)
bcc: MJS (FYI)
bcc: EBA (FYI)
bcc: JRV/DLD (FYI)
bcc: S/J (E-815-0244)
bcc: E/F

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INSPECTION-~~INVESTIGATION~~ COVERSHEET

CP# 80074C

1. AREA OFFICE CHI	2. OPERATION Insp. <u>X</u> Inv. _____	3. DATE 3/12 & 13/80	4. REPORT NO. _____
5. ESTABLISHMENT NAME Sunnyside Corp.		6. FIRM IDENTIFICATION NO. 00-385-3181	
7. ESTABLISHMENT ADDRESS 225 Carpenter Ave. Wheeling, IL 60090		8. RELATED FIRMS None	

9. PRODUCTS INSPECTED Scented Lamp Oil	10. OTHER REGULATED PRODUCTS Paint solvents and related petroleum products
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11. ESTAB. TYPE Mfr.	12. ANN. SALES _____	a. PRODUCTS INSPECTED \$ 170,009 wholesale Units 157,416 bottles (1979)	b. OTHER REG. PRODS. \$ _____ Units _____	c. TOTAL (Inc. non-reg.) \$ 2.5 mil. Est.
13. I.S. BUSINESS Rec. _____ % Sold _____ %	14. SAMPLES COLLECTED E-615-0244		15. PROJECT _____	16. HOURS 18

17. REASON FOR INSPECT./INVEST.-DOC. REF.
 Follow-up to NCISS case 800229CHI5021 involving ingestion of Sunnyside lamp oil/malfunctioning CRC.

18. EMPLOYEE'S NAME Debra A. Krause	19. TITLE Investigator	20. SIGNATURE <i>Debra A. Krause</i>
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21. ENDORSEMENT
 Inspection of this manufacturer of scented lamp oil and other solvent products was made as part of the follow-up to a consumer complaint involving an accidental ingestion of the firm's lamp oil. Previous follow-up discovered that the closures used by Sunnyside on this product appear to fail to operate as intended. This particular inspection was made to conduct a field examination of finished stock to determine the extent of the closure problem.

Inspection revealed that the firm had some ten different production lots of lamp oil on hand. Two-hundred sixteen units from each production lot were examined. An attempt was made to remove the cap on each unit without lifting on the outer ring as directed for removing normally functioning closures. Failure rates as high as 27.3% were noted with three production lots having a failure rate of over 10%. Sunnyside officials were informed that in past cases CPSC had requested recall of units with failing closures and that distribution of improperly packaged lamp oil would be a violation of the law. They made no promises for any future action. They did indicate that they had put a hold on further shipments of lamp oil stock until units could be re-capped with a different design safety closure.

F/U: To CHI-AO Compliance Division for review.

22. ENDORSER'S NAME Eric B. Ault	23. TITLE S.I.	24. SIGNATURE <i>Eric B. Ault</i>
25. ENDORSEMENT DATE 4/4/80	26. DISTRIBUTION CHI e/f thru CHI Comp. cc: NYC-AO; CERM, Eberle	

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Sunnyside Corp.
225 Carpenter Ave.
Wheeling, IL 60090

SUMMARY

A follow-up inspection and field examination was conducted at Sunnyside Corporation on 3-12 and 3-13-80 as a continuation of the 3-7-80 inspection regarding the malfunctioning CRC's on their scented lamp oil. I showed credentials and issued a Notice of Inspection to William Buchanan, Regulatory Affairs on both 3-12 and 3-13-80. Roger Petty, Director of Manufacturing was present during my 3-12 visit but just spoke to me briefly on 3-13. On 3-12-80, I collected 25 invoices documenting sale of the lamp oil from January, 1979 to the present. Roger Petty, Director of Manufacturing, gave me an invoice showing that the first purchase of the problematic Seaquist closures was 12-7-78. He said they went into production approximately 1-1-79. Because the lamp oil is a low volume product for Sunnyside, selecting invoices was a time consuming task. Therefore, to facilitate this process I isolated my selection to their three major accounts - Ace Hardware, Cotter & Co., and Hardware Wholesalers, Inc. The invoices are attached as Exhibit 4. When Mr. Buchanan asked me why I wanted these invoices I told him that CPSC might send investigators to some of their customers to examine the closures on shelf inventory.

I further explained that I would be conducting a field examination of Sunnyside's in-house inventory of lamp oil. I said I would first have to determine the number of production runs of lamp oil and then I would examine closures from each run in an effort to determine how many CRC's were malfunctioning. I explained that non-functional CRC's would classify the lamp oil as a "misbranded hazardous substance" under the Federal Hazardous Substances Act. I also told them that in past cases like this a recall had been initiated.

On 3-12-80, Mr. Buchanan elaborated that in addition to overseeing Regulatory Affairs he is also responsible for distribution and warehousing. He added that Roger Petty is responsible for manufacturing, purchasing and also for warehousing. He said the Wheeling site is their only location and that they employ less than 50 people. The men estimated that the lamp oil had been marketed by Sunnyside for approximately 15 years. They said that production records for at least the last year could be found in their lab books.

Mr. Petty told me he had called the Seaquist office in Crystal Lake on 3-11. He said he explained their problems with the closures to the Quality Control Administrator. He said she

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did not actually comment on the situation but asked for a sample of the subject caps. He said he sent a sample of approximately 20 caps and a follow-up letter to Seaquist dated 3-11-80 delineating the problem. A copy of this letter is attached as Exhibit 2.

Mr. Petty also provided me with a copy of Seaquist/Consolidated's promotional sheet which they had received regarding the 3,669,294 CRC. See Exhibit 1. This sheet states that the closures have been protocol tested by United States Testing Company. I noted that under the category "Functional Design" the procedures for unfastening and fastening the closure are described as "A natural action for adults who don't read instructions."

I suggested that although we (Messrs. Buchanan, Petty and myself) had found a number of jammed Seaquist caps in inventory, perhaps this condition would be alleviated during the actual capping procedure. Mr. Petty said that the caps should rotate freely before application. He re-confirmed that no receiving inspection had been conducted on the caps. He said that the Seaquist caps had not been used on any other product. The capping machine was stated to be used for other products. Mr. Petty estimated that it would cost Sunnyside \$10,000 - \$15,000 to recap their inventory, not including indirect costs.

Mr. Petty said they had purchased 6,600 Owens-Illinois CRC's through Continental Glass and that they had arrived 3-11. He described these as positive-on clic-lock caps. I observed their re-capping efforts and noted that they were white caps with red lettering on top that read, "CLOSE TIGHTLY***WHILE PUSHING DOWN TURN". Mr. Petty said they had received verbal guarantees from Owens and Continental Glass that the caps meet protocol testing requirements. He said they are using this first lot of Owens caps to see if they work properly in conjunction with their capping machine. He said they seemed to be working out. Mr. Petty said they plan to get a written statement from Owens regarding protocol testing before these caps become a part of their standard production. He also said they would continue to search the marketplace for a better cap.

When I observed the recapping operation on 3-12-80, I verified that the capping machine is a Capem Capper manufactured by Consolidated Packaging Machinery Corp., Buffalo, NY. Eric Ault, S.I. accompanied me on 3-13, and also saw the capping machine. We noted that this particular machine did not appear

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to be very sophisticated. Contrary to the firm's letter of 3-21-80, we only observed the capping operation and asked questions about it although their letter states, "This cap (meaning Owens) and capping operation was shown to your investigators and was met with only encouraging comments and approval." The recapping procedure involved manually removing the Seaquist caps, manually replacing them with Owens caps and machine tightening the new caps. We were told that the tightness of the caps is mainly determined by the type of liner used in the capping jaw. We were informed that a cork liner was used when the Seaquist ring guard caps were being applied and a neoprene liner was being used to apply the new Owens caps to the lamp oil. The firm's representatives estimated that it would take four men approximately two weeks to completely recap their lamp oil inventory.

When I first observed the recapping machine on 3-12, I spoke to Sunnyside's main foreman, Wendel Tooley. I asked Mr. Tooley some direct questions regarding capping procedures. He told me they spot check the caps on 3 to 4 bottles every 20 to 30 minutes. He said this averages out to one check per pallet and added that the check is conducted when a pallet is at least 1/2 full or better. Each pallet consists of 48 cases. He said that if he finds one cap that is too loose, he adjusts the machine and re-runs the pallet. Cap tightness is mainly determined by the liner in the capper. It was pointed out that other machine adjustments are very minimal. He said he did not notice if the ring guard caps were jammed. Mr. Petty said that spot check procedures had been in effect some time and that he didn't know who had established these procedures. He said there were no written quality control procedures for checking caps. The spot check procedure as it was explained to me seemed very subjective.

The foreman, Wendel Tooley, reports to the Plant Manager, Job Wetter, and Mr. Wetter reports to Roger Petty, Director of Manufacturing. It was explained that when the foreman is absent the Plant Manager or his designee performs the spot checks. Since there are no written procedures, I don't know if the spot checking procedure is uniformly implemented by the several parties that are responsible for this task from time to time.

When I went into the warehouse on 3-12, I observed handwritten signs posted by the lamp oil stating, "DO NOT SHIP ANY LAMP OIL UNTIL FURTHER NOTICE". Messrs. Buchanan, Petty and myself then took a general inventory of the amount of lamp oil in-house and the number of production runs. We established that there were a total of 10 production runs designated as follows:

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B0171, A0172, B0198, L9004, L9041, L9019, K9220, J9083, K9024, B0208. We counted a total of 3394 cases or 40,728 bottles of lamp oil including 192 cases (4 pallets) that were being recapped on that day. A photocopy of my handwritten tally was provided to Sunnyside at their request. The largest amount of inventory was 1728 cases of the B0171 and A0172 lots, which were the most recent production runs.

The 6600 Owens caps would be sufficient to recap approximately 12 pallets of lamp oil. Messrs. Petty and Buchanan instructed the workers to draw the remaining 8 pallets from the B0171 and A0172 lots at my request. This way, they would not be totally depleting any one production run which would allow me to conduct field examination of all 10 production lots. At the same time, the workers would not be unnecessarily hindered from accomplishing their task. When I was there they were recapping bottles from the B0171 run. After recapping, the finished boxes were designated by the ink stamped codes C0073.

We also counted 22 cases of Seaquist caps in Sunnyside's warehouse plus one additional case in the processing room. Each case contained 2200 caps giving a total of 50,600 Seaquist ring guard caps in inventory.

On 3-13-80, I returned to Sunnyside to conduct the field examination of their lamp oil inventory. I was accompanied by Eric Ault, S. I., who assisted me in examining the Seaquist closures for functionability. As stated previously, he briefly observed the recapping process before we began examining the CRC's. We examined 18 cases, 12 units each, from nine production runs. We also examined 6 cases from Lot K9024 which consisted of 32 cases in total and we found no failing units from that particular run. We attempted to open each unit without lifting the outer ring. Thirty-three subs were then selected from failing units. Results were as follows:

<u>Production Run</u>	<u>No. Failing Units</u>	<u>Percent of Failure</u>
B0171	59	27.3%
A0172	34	15.7%
L9041	15	6.9%
B0198	23	10.6%

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NOTICE OF INSPECTION

U. S. CONSUMER PRODUCT
SAFETY COMMISSION

23 AREA OFFICE ADDRESS
Rm 3945
Chicago, IL 60604

2. NAME AND TITLE OF INDIVIDUAL
William Buchanan, Regulator
3. DATE
3/12/80

4. FIRM NAME
Sussex Corp.
5. HOUR
10:30
a.m.

TO 6. NUMBER AND STREET
23 Carpenter Ave
p.m.

7. CITY AND STATE
Whiting, IL
8. ZIP CODE
60070

Notice of Inspection is hereby given pursuant to:

- . Flammable Fabrics Act (15 U.S.C. 1191 et seq.);
- . Federal Trade Commission Act (15 U.S.C. 41 et seq.);
- . Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)

Refer to the back of this form for a discussion of inspectional authority.
Refer to the attachment to this form for pertinent statutory language.

9. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED
AND/OR COPIED.

The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Flammable Fabrics Act, and Consumer Product Safety Act.



10. SIGNATURE (CONSUMER PRODUCT SAFETY COMMISSION EMPLOYEE)

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NOTICE OF INSPECTION

U. S. CONSUMER PRODUCT
SAFETY COMMISSION

AREA OFFICE ADDRESS *2300 ... Km 2745*

Chicago, IL 60604

2. NAME AND TITLE OF INDIVIDUAL

Wm. Buchanan - Regulatory Affairs DATE *5/13/80*

4. FIRM NAME

Sunraysia Corp.

5. HOUR

9:45
a.m.

TO 6. NUMBER AND STREET

225 Carpenter Ave

p.m.

7. CITY AND STATE

Welling, IL

8. ZIP CODE

61090

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 et seq.);
- Federal Trade Commission Act (15 U.S.C. 41 et seq.);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)

Refer to the back of this form for a discussion of inspectional authority.
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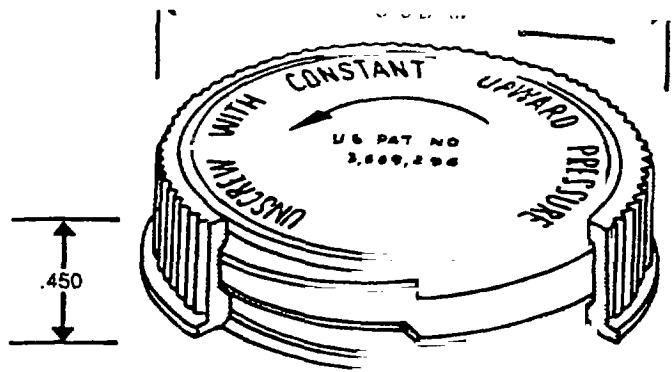
The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Flammable Fabrics Act, and Consumer Product Safety Act.

Debra Kruse / Eric B. Oelt

10. SIGNATURE (CONSUMER PRODUCT SAFETY COMMISSION EMPLOYEE)

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RING GUARD™



Child-Resistant Closures offer

Safety

Protocol tests conducted by United States Testing Company with children and adults confirm the safety features of the closure. Details from the official report available on request.

Commercially Proven

Ring Guard closures have been commercially produced and used on many products in New Zealand for several years. Practical problems of commercial application have been overcome.

Functional Design

Lift the outer ring and unscrew. Drop the ring and screw on. A natural action for adults who don't read instructions.

No Costly Container or Equipment Changes

Ring Guard safety closures may be applied with installed capping equipment. The vertical height profile is identical with standard closures, permitting immediate line changeover. Design changes for containers and cartons not required.

No "Topload" Problem

Safety closures with operating mechanisms on the topside are subject to failure under heavy warehouse storage. The unique patented design of the Ring Guard closure eliminates this problem.

Liner Options

Liners suited for special product applications are available.

Color Options

Ring Guard closures are available in standard primary colors or, under certain conditions, special color runs. All designed to help you merchandise your product most effectively.

Ring Guard closures will be available in a full range of sizes.



CONSOLIDATED CLOSURE CORP.

1701 Lake Avenue / Glenview, Illinois 60025 / Tel: (312) 724-2460 / Cable Address "Conclose"

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March 11, 1980

Ms. Carol Harshman
Seaquist Closures
300 Commerce Drive
Crystal Lake, Ill. 60014

On November 17, 1979 we purchased 101,200 of your 28-400 Ring Guard C-R closures, our PO #10624. We have recently discovered that a large percentage of these caps do not function as we presume they should.

It appears the outer ring in many cases does not spin freely which allows the ring to stick in the up position, making it easy to unscrew. In some cases the outer ring is so tight as to allow the cap to be removed without first lifting the ring to put the cap in the removable mode.

We consider these findings to be a serious potential problem and cannot take a chance on shipping any more of our existing inventory with your caps until you have fully investigated this problem and satisfied our concern.

We were inspected by an agent of the Consumer Products Safety Commission on March 7, 1979 and informed of an ingestion poisoning involving one of our products with a faulty closure manufactured by Seaquist.

This inspection led to the discovery of the tight outer ring condition I described. In order that we might continue to ship our product we agreed to recap our entire inventory with another manufacturers' CR cap which we are sure is in compliance.

I hope you will give this problem your immediate attention as we would like to return the entire inventory of used and unused caps for full credit. We also expect full compensation for the cost of recapping our filled inventory.

Sincerely,

SUNNYSIDE CORPORATION

Roger E. Petty
Director of Manufacturing

ss

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INSPECTION-~~INVESTIGATION~~ COVERSHEET

1. AREA OFFICE CHI	2. OPERATION Insp. <u> 7 </u> Inv. <u> </u>	3. DATE 3/7/80	4. REPORT NO.
5. ESTABLISHMENT NAME Sunnyside Corp.	6. FIRM IDENTIFICATION NO. 00-385-3181		
7. ESTABLISHMENT ADDRESS 225 Carpenter Ave. Wheeling, IL 60090	8. RELATED FIRMS None		

9. PRODUCTS INSPECTED Scented Lamp Oil	10. OTHER REGULATED PRODUCTS Paint solvents and related petroleum products			
11. ESTAB. TYPE Mfr.	12. ANN. SALES	a. PRODUCTS INSPECTED \$ 170,009 wholesale Units 157,416 (1979) <small>DOZES</small>	b. OTHER REG. PRODS. \$ Units	c. TOTAL (Inc. non-reg.) \$ 2.5 mil. Est.
13. I.S. BUSINESS Rec. _____ % Sold _____ %	14. SAMPLES COLLECTED E-815-0244 collected 3/13/80	15. PROJECT	16. HOURS 34	
17. REASON FOR INSPECT./INVEST.-DOC. REF. Follow-up to MEISS case 300229CHI5021 involving ingestion of Sunnyside lamp oil/malfunctioning CRC.				

18. EMPLOYEE'S NAME Debra A. Krause	19. TITLE Investigator	20. SIGNATURE <i>Debra A. Krause</i>
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21. ENDORSEMENT
Inspection of this manufacturer of scented lamp oil and other solvent-based products was made as follow-up to an investigation of an accidental ingestion. Investigation of the accident revealed that the closure may have failed to operate properly. Follow up at a retail store selling the lamp oil found stock there to have suspect closures

Inspection at Sunnyside Corp. revealed that the "lift and turn" Ring Guard closures in question were purchased from Seaquist Closures, formerly known as Consolidated Closures Corp., Millville, N.J. Sunnyside has no formal written quality control program for closures, neither receiving inspection nor finished product check. Informal checks for closure operation are made on finished goods. Sunnyside had no knowledge of the ingestion complaint nor did they have any other similar complaints.

A preliminary check of closures on finished goods found a number of units where the outer ring of the cap failed to rotate freely. It is possible to open these caps without lifting up while turning. Similarly, a number of caps in the firm's stock of unused caps were found to have a partially jammed outer ring.

F/U: Conduct field examination of firm's filled stock collecting an official sample of failing units. Conduct exam and sample unused closures.

22. ENDORSER'S NAME Eric B. Ault	23. TITLE S.I.	24. SIGNATURE <i>Eric B. Ault</i>
25. ENDORSEMENT DATE 4/4/80	26. DISTRIBUTION CHI e/f thru CHI Comp. cc: NYC-AO; CERM, Eberle	

SUMMARY

This inspection was initiated as a follow-up to a NEISS case I conducted on 3-4-80. On 2-17-80, a 15 month old male ingested an unknown quantity of Sunnyside Scented Lamp Oil. He was rushed to the hospital, admitted to intensive care, and released two days later. The bottle of oil had reportedly never been opened. The child was apparently able to open the bottle because of a child resistant closure (CRC) that seemed to be non-functional. The CRC in question was a "lift while turning" variety with an outer ring that is supposed to rotate. Although the paramedics had taken the bottle involved in the incident, the consumer still had the CRC and a similar bottle and CRC. I found that both caps could be removed from the bottle quite easily and that the outer rings did not move independently of the inner portions of the caps.

At Sunnyside Corporation I interviewed the man responsible for Regulatory Affairs and the Director of Manufacturing. They said they were not aware of the subject incident and that the only complaints they had regarding safety closures were that people had trouble removing them. Since the product was not currently in production, I asked to see their inventory of lamp oil. When the three of us opened several cases of the lamp oil and examined the caps we found some that were "jammed" and not functioning as safety closures. Their appearance and performance were similar to the ones observed at the consumer's home. The firm's representatives seemed disturbed with these findings and immediately outlined a plan to examine in-house inventory beginning with most recent production. When I returned to the firm after lunch, we examined several cases of cap inventory. We found many instances where the outer rings were jammed which would render the caps non-functional as safety closures if they remained jammed after being applied to the bottle. These caps were manufactured by Seaquist Closures, a Division of the Pittway Corp. Seaquist was formerly known as the Consolidated Closure Corp. Both names appeared on the cases of caps. Subsequent to the review of cap inventory, representatives of Sunnyside said they were putting this lamp oil into immediate quarantine until the bottles could be refitted with a different brand of cap. Two orders including lamp oil were halted in my presence so that product could be removed. They said they planned to immediately contact Seaquist about this situation.

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STRUCTURE AND TYPE OF BUSINESS

Sunnyside Corporation is an Illinois corporation that was stated to have been in business for 90 years. They are primarily a manufacturer of paint solvents and related petroleum products. Approximately 60% of their products are sold through their consumer product division at the retail level in pint, quart and gallon containers. The remaining 40% of the products are industrial products that are sold in bulk, that is, 5 gallon and 55 gallon containers and the like. When I asked if annual volume for the firm remained at approximately \$2.5 million I was asked where I got that figure. He explained the corporation is privately held and they feel that information is proprietary. I was told that the volume for the firm had not greatly increased over the last year. It was implied later in my interview that the figure I quoted was within range of being correct.

INDIVIDUAL RESPONSIBILITY AND PERSONS INTERVIEWED

When I arrived, I showed credentials and issued a Notice of Inspection to William Buchanan, Regulatory Affairs. When I explained the nature of my visit Mr. Buchanan called in Roger Petty, Director of Manufacturing. Both men were present for the duration of my visit and provided information for this report. Both men accompanied me while examining in-house inventory of filled bottles of lamp oil, as well as separate inventory of just the Seaquist caps.

Mr. Buchanan said that corporate officers remain William R. Lueders, President and Harold Meyers, Secretary/Treasurer. He said that Mr. Lueders has the final responsibility for the firm's actions. Mr. Buchanan verified that he is still responsible for keeping abreast of Federal regulations, including HSA labeling. He said that Mr. Petty is responsible for implementing procedures to comply with Federal regulations. He said that both he and Mr. Petty report directly to Mr. Lueders. During a subsequent inspection Mr. Buchanan told me he is also responsible for distribution and warehousing and that Mr. Petty is responsible for manufacturing, purchasing and also for warehousing.

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COMPLAINT FILE REVIEW

Mr. Petty presented me with the firm's complaint file which contained a total of approximately 15 to 20 complaints dated from 1973 to the present. I reviewed this file and found that approximately 1/3 of these complaints were from consumers who were annoyed by the fact that they had difficulty removing the CRC's. The other complaints were varied in nature. There were two complaints dealing with problems with closures that dated back to 1973. One complaint, dated 10-15-73, from Cotter & Co. reported instances where muriatic acid was able to leak out of the cartons because of loose closures on the containers. Another report dated, 11-1-73, from True-Value in Hastings, Michigan, said that they were having problems with "child safe twist flip caps" on cans of a product that was unidentified. They reported that some caps were loose, which allowed leakage and evaporation, and in at least one instance a cap popped off. They also stated that some caps were impossible to open. The firm's representatives said that this later case would have referred to a Van Blarcom metal cap with a plastic ring. They said they had changed their equipment in order to alleviate this problem.

I did not see any complaints regarding the closure on the firm's scented lamp oil. The firm's representatives' initial reaction seemed to be that the subject complaint was probably an isolated incident simply because they were not aware of any complaints of this nature. I pointed out that although the complaints may not have been reported to the firm, problems of this nature may still, in fact, exist.

The specific complaint (800229CHI5021) that precipitated the inspection of the manufacturer is as follows. On 2-17-80, a 15 month old male ingested an unknown quantity of Sunnyside Scented Lamp Oil. The victim's parents heard him cough and discovered him with the empty bottle of lamp oil and found oil all over him and on the floor. The child was given some milk and he subsequently vomited. He was described as not being able to catch his breath, his eyes rolled back into his head and he would periodically pass out and had to be shaken in order to bring him to. He was taken by ambulance to a local hospital. At the hospital he was given shots, an I.V. and was administered oxygen. The child was then admitted to the intensive care unit of the hospital. The following day he was transferred to the pediatrics unit and the day after that he was released from the hospital.

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When I talked to the victim's mother at their home on 3-4-80, she told me that they had forgotten that three bottles of Sunnyside Lamp Oil had been left in a cabinet that would be accessible to their son. She showed me one bottle of pine scented oil that they had been using. That had a higher neck than the other bottle and bore a push down and turn type closure which seemed to be functional. She said that she did not have the bottle that had been involved in the incident because it had been taken by the paramedics. However, she did have the CRC that had accompanied that bottle and a similar bottle of bayberry oil with a similar CRC. In raised white letters on these caps appeared the words "LIFT WHILE TURNING*** CLOSE TIGHTLY*** 3,669,294***". The caps consisted of two parts- an outer ring and an inner cap portion. The outer ring did not turn independently but moved together with the inner portion which seemed to render the caps non-functional as safety closures. I applied both caps to the bottle and found that they were removed quite readily. Although both caps seemed to be "jammed", when I applied the incident cap to the bottle, the outer ring raised up slightly so that it was not flush with the top of the cap. This did not occur with the cap that came on the bottle of bayberry lamp oil. At any rate, both of the caps that were designed like this were quite easily removed from the bottle. Labeling found on the bottles themselves appeared to be in compliance with the Hazardous Substances Act.

After completing my interview with the consumer, I went to the Ace Hardware Store in Elgin where she said the oil involved in the incident was purchased. At that site I found approximately 65 bottles of 5 different scents of oil manufactured by Sunnyside which bore CRC's similar to the one involved in the incident. I also observed approximately 15 bottles of bayberry scented oil that bore a different cap which required holding a tab in while unscrewing to remove the cap. I then examined approximately eight bottles containing the type of CRC involved in the incident. I found that several unscrewed quite readily while others appeared to be functioning properly, i.e., when I turned the cap the outer ring would rotate but the cap would not come off until a lifting motion was also applied.

COMPLIANCE HISTORY

Several CPSC inspections have been conducted at Sunnyside Corporation over the past several years. The most recent inspection occurred on 6-6-77 under the Paint Solvent Program, FP 77005. That inspection determined that all of the firm's solvents for paint (and similar surface coating materials) were packaged

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in containers bearing safety closures manufactured by Van Blarcom Closures, Inc. A sample of paint thinner using this closure was collected for protocol testing at that time. It was also noted that three product labels had been revised since the 6-29-76 inspection to meet HSA labeling requirements. Those products were Sunnyside Paint and Varnish Remover, Sunnyside Muriatic Acid and Sunnyside Acetone.

PRODUCT GUARANTEES

Mr. Buchanan said that Sunnyside does not issue any product guarantees. I asked if they had received a guarantee on the child resistant closures from Consolidated/Seaquist. Mr. Petty said that they had a general protocol guarantee from that firm. He said that they rely on the cap manufacturer to do protocol testing. Later he said he had checked his files and that he could not find any written guarantee from Consolidated/Seaquist, therefore, the guarantee they have is apparently a verbal one.

PRODUCT EXAMINATION

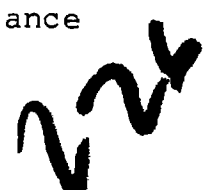
Messrs. Buchanan and Petty stated that Sunnyside Lamp Oil is approximately 99% petroleum distillates in the form of low odor paraffin solvents (LOPS). They said that the petroleum distillates are procured from Exxon and that Sunnyside adds color and perfume to complete the product. The flash point of the product was stated to be 127 degrees F. Mr. Petty provided me with a Material Safety Data Sheet regarding this product which is attached as Exhibit 1.

Messrs. Petty, Buchanan and myself went out to the warehouse where we opened three cases of assorted scents of lamp oil. Each case contained 12 one quart bottles. From this examination we found several bottles of lamp oil where the outer ring on the cap did not rotate freely and allowed ready removal of the cap without following directions. Although the individual bottles themselves were not coded these three cases bore the designation "B0171" on the cartons. The men explained that the "B" stood for the month of February and that the numbers "0171" were a numerical sequence recorded in their lab book. They said that by looking up this number in the lab book they could determine the exact date of manufacture. During a subsequent inspection, Mr. Buchanan offered the correction that the second digit "0" represented the year, 1980, and that only the last 3 digits relate to the lab book. Likewise a "9" in the second position indicates the year 1979. Mr. Buchanan also opened one case of crystal lamp oil that bore the designation "K9024" on the carton. He said that he did not find any problematic closures in this case. Therefore, he speculated originally that the cap problem was with more recent inventory. The gentlemen said that the bottles we were examining

were those manufactured for them by Walgreens. There was a small almost rectangular indentation on the bottom of the bottles as well as a single digit number which they said indicated the machine cavity from which the bottle was produced. They said that their other bottle manufacturer, Schoeneck Containers, would have printed some sort of emblem or logo identifying their company on the bottle. They said that they no longer procure bottles from this second manufacturer which is located in the Milwaukee area, Phone (414) 786-9360. The caps on the bottles resembled those involved in the incident and also bore the patent No. 3,669,294. During this initial review period they estimated that perhaps 1,000 cases of filled bottles were in inventory at that time.

After finding problems with some of the closures the gentlemen said that a stop would be put on their inventory of lamp oil immediately. While I was there I observed an order including lamp oil that was ready to be shipped. In my presence they stopped this and one other order that contained lamp oil which was to go out that day. They advised their foreman that the lamp oil was to be removed from these orders before they were shipped. They then immediately devised a procedure for reviewing their inventory beginning with the most current production to ascertain the disposition of the caps.

When I returned to the firm after lunch, Messrs. Petty, Buchanan and myself examined Consolidated/Sequist Closures from three cases of their cap inventory. In the first carton of closures which we examined, most of the caps appeared to be defective, i.e., the outer ring was jammed and did not rotate freely as it was intended to. We also observed a plastic burr on one cap which led us to wonder if burring conditions existed on many others. On another cap I noticed that the inner portion seemed to have been installed inside the ring at a slight angle. On still another cap, Mr. Petty said that as he rotated the outer ring it appeared that the aperture was somewhat elliptical in shape instead of round. A pink label on the outside of the carton bore the words "RING GUARD CHILD RESISTANT CLOSURES". The label further described the product as follows: Size 28/400 281-0111 (This indicates a size of 28 mm and a 400 type finish on the cap.) Color WHI/WHI (A white on white cap.) Liner P/V (This indicates a pulp/vinyl liner.) Material: polypropylene. The quality control number was listed as L213119 and the quantity was given as 2200. Also on the label appeared the words "Manufactured by Consolidated Closure Corp., Millville, NJ 08332". There was a white label underneath the pink label that bore the word "Wheaton" and seemed to have a different quality control number underneath. Each of the cases seemed to have a pink label over a white label. The significance



of these two labels, if any, is as yet not clear. On the subject carton there was also a shipping stamp that indicated that the product was from Seaquist Closures, 1160 N. Silver Lake Rd., Cary, IL 60013. It also said that this was a Division of Pittway Corp. The patent number found stamped on the cartons of closures was 3,669,794 which is different by one digit than the patent number found on the caps which was 3,669,294.

We then examined a box full of older caps from an older order. Caps from this run had just previously been used in production. That carton bore the quality control number L210169. We found more caps in this box that seemed functional than in the first box we examined. We also opened one more case of caps and found not as high a percentage of non-functional caps as in the first instance. However, the number of non-functional caps was still significant. Other quality control numbers observed on other cases were L223119, 2 (or L?) 223119 and L233119.

Messrs. Petty and Buchanan estimated that between 52,000 and 55,000 of these closures were in their inventory. Upon my return visit that day they gave a revised estimate of 30,000 to 40,000 filled bottles containing these closures in inventory. Mr. Petty said that they had originally ordered approximately 100,000 of these closures from Seaquist. Therefore, given the above estimates they thought that only perhaps 5,000 - 18,000 bottles had been distributed using closures from this order. Mr. Petty said that they ordered about 100,000 caps most recently from Seaquist directly but that they had procured their first order of about 50,000 of these closures through a jobber, Continental Glass Co. in Chicago, IL. The men seemed to think that their initial order of caps through the jobber was not defective. I could not see any justification for this reasoning.

Mr. Buchanan consulted some records and then told me that the annual volume for Sunnyside Lamp Oil in 1979 had been 13,118 cases or 157,416 bottles.

QUALITY CONTROL/MANUFACTURING OPERATIONS

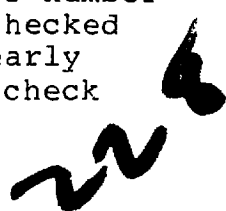
As stated before, Sunnyside relies on the CRC supplier to do protocol testing. Mr. Petty said that they do not conduct receiving inspection, although they do run compatibility tests. The men explained that samples of caps and bottles are procured before purchasing, bottles are filled, they find out how the cap works in the machine and they check the compatibility of the bottle, cap and liner. They said that compatibility testing is done primarily at a time when there has been a change in caps or bottles. When production begins, they said all runs

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are lab tested every day and samples are retained from every run. Samples were said to be tested for color, odor, specific gravity and seal on closure. They said they take a general look at the closure at the time of laboratory testing. Mr. Petty said the caps are tested by holding the product 30 days or more, after which they check the weight loss of the product. If there is no weight loss then they derive that the seal is sufficient. They said they then remove the cap and examine it. These statements do not seem to indicate that specific checks are done at this time to determine functionability of the CRC. I asked about seeing records in regard to compatibility testing. The men said that their lab director had just gone on vacation to India. They indicated that it would take them some time to search through the laboratory director's records in order to see what these tests entailed.

Mr. Petty said that the CRC's are applied to the lamp oil with a Cap'em Capper made by Consolidated Machinery in New York. He stated that this machine company is not related to Consolidated Closure Corp. He described this capping machine manufacturer as one of the foremost in the industry. Mr. Petty said the machine has a capping jaw and a slip clutch mechanism. He said the machine is set up by a trial and error method, i.e., they set the machine and manually test the cap. This process is repeated until the operator feels that the setting is correct. This appears to be a totally subjective judgment. I asked what they did if the machine slipped out of the original setting or how they would determine if it had slipped out of the original setting. Mr. Petty said the machine operates consistently when set. I asked how they know this and if the machine was set in accordance with the cap manufacturer's torque specifications. The men said Seaquist did not provide torquing specs and that they didn't recall receiving such specs from any other cap manufacturer. Mr. Petty said their capping machine does not have numerical or linear increments by which to set it. I asked if they had put paint lines or some other marks on pertinent moving parts so that they could visually note any slippage from the original setting. Mr. Petty said they had not. Even if the machine is consistent once set, it is reset manually by the same trial and error method each time which would indicate some variation in cap torquing with each run.

Mr. Petty told me that cap tightness is checked periodically by line workers or most often by the foreman. He said there is no set schedule for these checks in terms of time or number of units. The men estimated that cap tightness is checked at least 15 to 20 times per 5 hour shift. During the early phases of my visit they said that although they don't check



the CRC's with scheduled regularity, they feel the CRC's are okay. They said a complete run is made in one to two days constituting 5 to 10 hours machine time in total. Mr. Buchanan said that during a two day run approximately 10,000 bottles of lamp oil would be produced. The men said the product is run periodically with heaviest distribution during the Christmas season.

RAW MATERIALS/SUPPLIERS

Sunnyside used to purchase bottles for lamp oil with a deep neck or 410 finish from Schoeneck Container in Milwaukee, WI. Mr. Petty said that caps for these bottles had to be manually torqued. One such bottle and cap was a push down while turning type that I observed at the consumer's home. The other type required holding a tab while turning, such as I observed at the Ace Hardware Store in Elgin, IL. Mr. Petty said that for better quality control, they decided to procure ring caps that could be machine torqued. He said the change was made to aid in the ease of manufacturing. He said they then began to get a bottle with a shallow neck or 400 finish from Schoeneck so that it would be compatible with the ring cap which is a shallower cap. Mr. Petty told me that they stopped buying these bottles from Schoeneck about one year ago because they had received some defective, poor quality bottles. During the past year he said they have used bottles made by Walgreens. He indicated they had had no problems with this new source. He told me that both brands of bottles were purchased through Continental Glass Co., Chicago, IL. He gave me the invoice for bottles seen in Exhibit 3 but said he wasn't sure which brand of bottle was represented on that invoice. He said he thought the Schoeneck bottles had an identification emblem or logo on the bottom. Messrs. Petty and Buchanan identified the stock we surveyed as Walgreen bottles. They had an almost rectangular indentation in the bottom as well as a single digit number signifying the machine cavity they were produced from.

In regard to the caps for deep neck bottles, Mr. Petty said those caps were purchased from a number of sources and that they were not always easy to get. He indicated that the hold-in while turning type cap had been purchased from Sunbeam in the past. More importantly, the shallow caps that were found to be malfunctioning were manufactured by Seaquist Closures, a Division of Pittway Corp. Before being absorbed by Pittway, Seaquist was known as Consolidated Closures Corp., Millville, NJ 08332. I was told that Seaquist has a local buying office

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at 300 Commerce Drive, Crystal Lake, IL. A shipping stamp on the cartons of caps at Sunnyside indicates that they came from Seaquist Closures, 1160 N. Silver Lake Rd., Cary, IL 60013. Whether the caps are actually made there or elsewhere is presently unknown. An invoice for purchase of Seaquist closures is attached as Exhibit 2.

The firm's representatives stated that 99% of the lamp oil consists of low odor paraffin solvents, a petroleum distillate procured from Exxon. They said that Sunnyside adds perfume and coloring to complete the product.

PRODUCT LABELING

Mr. Buchanan said that the lamp oil is sold only under the Sunnyside name.

PRODUCT CODES

The men said that the bottles of lamp oil themselves are not coded although the cartons are. Each carton contains 12 one quart bottles of lamp oil. For example, the three cartons of assorted scents that we examined during my inspection bore the code "B0171". They said that the "B" indicates that this carton of oil was produced during the month of February, "0" represents the year, 1980, and the "171" was a numerical sequence off of the lab book. They said that by looking up this number in the lab book they could determine the date of manufacture.

DISTRIBUTION

Mr. Buchanan said that the lamp oil is distributed throughout the continental United States. He said that it is sold primarily to hardware stores such as Ace, True-Value and HWI. He said they also sell the product to variety stores and other sources. He gave me several invoices of sale which are attached as Exhibit 4. He said that invoices containing lamp oil shipments were not easy to find since this is a low volume product. He said that the wholesale unit price per bottle of lamp oil is approximately \$1.08. After consulting his records, Mr. Buchanan said that the annual volume of lamp oil for 1979 was 13,118 cases or 157,416 bottles.

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VIOLATIVE CONDITIONS OR PRACTICES

From observations made from In-Depth Investigaton 800229CHI5021, examination of a random sample of Sunnyside Lamp Oil inventory and examination of inventory of several cases of Seaquist closures, evidence exists that these closures do not always function in the manner of child resistant closures. A significant number of instances were noted (particularly in cap inventory) where the outer ring did not rotate freely but was jammed so that it would not rotate independently of the inner portion of the cap. This condition permits easy removal of the cap. This finding would serve to categorize the Sunnyside Lamp Oil as a "misbranded hazardous substance" under Section 2(p) of the Federal Hazardous Substances Act. The exact extent of this hazard has not been determined as yet. A previous order of Seaquist Closures was estimated to have contained approximately 50,000 caps. A more recent order was said to have included 100,000 caps. The firm estimated that 52,000 to 55,000 of these caps were in inventory and that 30,000 to 40,000 filled bottles using these caps were in inventory. If these figures are accurate then 5,000 to 18,000 bottles using caps from this recent shipment have been distributed. The firm's representatives stated that they did not believe that caps from the prior order were defective although I could see no justification for this reasoning.

DISCUSSION WITH MANAGEMENT

During my visit to the firm I gave Mr. Buchanan a copy of the Compiled Laws Administered by CPSC. He said that he had copies of the laws but did not have them all in one place such as I had given to him. When I first told Messrs. Petty and Buchanan about the ingestion incident that I had investigated, they reacted as though this must be an isolated case since they had not received any complaints of this nature in regard to Sunnyside Lamp Oil. When the three of us then opened several cases of the lamp oil in inventory they acknowledged that several bottles did in fact bear closures that were not functioning properly. They acknowledged that a problem did exist and that a stop order would be immediately placed on their inventory. They then explained that they would undertake a careful review of inventory and replace the defective caps with ones that were functioning properly. Later during my inspection with the firm, several cases of Seaquist cap inventory were examined. At that point it was discovered that a large number of the closures were defective. In the first case of caps that was examined, the majority was found to have an outer ring that was jammed. The other two cases opened

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did not seem to have as many defective units, although the extent of the defect was significant. At that point, the firm's representatives stated that none of the inventory bearing these caps would leave the firm. They said that they would procure a different brand of caps and re-cap all of their inventory before it would be shipped. They said that they immediately planned to contact Seaquist Closures in regard to the discovery of this defect.

ATTACHMENTS

- Exhibit 1 - Material Safety Data Sheet for Sunnyside Lamp Oil
- Exhibit 2 - Invoice dated 11-21-79 documenting purchase of Seaquist Closures
- Exhibit 3 - Invoice dated 12-28-79 documenting purchase of bottles from Continental Glass Co.
- Exhibit 4 - Three recent invoices of sale for Sunnyside Lamp Oil.


Debra A. Krause
Investigator

DAK:vld

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NOTICE OF INSPECTION

U. S. CONSUMER PRODUCT
SAFETY COMMISSION

1. AREA OFFICE ADDRESS

Chicago, Ill 60604

2. NAME AND TITLE OF INDIVIDUAL

William Buchanan - Regulatory Affairs

3. DATE

5/7/80

4. FIRM NAME

Sunnyside Corp

5. HOUR

10

a.m.

TO 6. NUMBER AND STREET

225 Carpenter Ave

p.m.

7. CITY AND STATE

Wheeling, Ill

8. ZIP CODE

60090

Notice of Inspection is hereby given pursuant to:

- . Flammable Fabrics Act (15 U.S.C. 1191 et seq.);
- . Federal Trade Commission Act (15 U.S.C. 41 et seq.);
- . Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)

Refer to the back of this form for a discussion of inspectional authority.
Refer to the attachment to this form for pertinent statutory language.

9. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Flammable Fabrics Act, and Consumer Product Safety Act.

Robert Krause

10. SIGNATURE (CONSUMER PRODUCT SAFETY COMMISSION EMPLOYEE)

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Section I

MANUFACTURER'S NAME: SUNNYSIDE CORPORATION
 STREET ADDRESS: 225 Carpenter Avenue
 CITY, STATE, AND ZIP CODE: Wheeling, Illinois 60090
 EMERGENCY TELEPHONE NO.: (312) 541-5700 (312) 831-2415 (312) 297-5611
 CHEMICAL NAME AND SYNONYMS: Not Applicable
 TRADE NAME: Sunnyside Lamp Oil
 CHEMICAL FAMILY: Petroleum Hydrocarbon Fraction, Perfume, Dye
 FORMULA: Not Applicable

SECTION II - HAZARDOUS INGREDIENTS

PAINTS, PRESERVATIVES, & SOLVENTS

PIGMENTS	Not Applicable	%	TLV (Units)	SOLVENTS	Not Applicable	%	TLV (Units)
CATALYST	Not Applicable			ADDITIVES	Not Applicable		
VEHICLE	Not Applicable			OTHERS	Not Applicable		

HAZARDOUS MIXTURES OF OTHER LIQUIDS, SOLIDS, OR GASES: Not Applicable

SECTION III - PHYSICAL DATA

BOILING POINT (°F)	IBP-FBP	350-395 °F.	SPECIFIC GRAVITY (H ₂ O=1)	.761
VAPOR PRESSURE (mm Hg)		0.7 mm Hg. @ 20°C.	PERCENT VOLATILE BY VOLUME (%)	100%
VAPOR DENSITY (AIR=1)		5.4	EVAPORATION RATE (1)	n-Butyl Acetate = 1 0.29
SOLUBILITY IN WATER		Negligible		
APPEARANCE AND ODOR		Water-white liquid; essentially odorless, very mild paraffinic odor.		

SECTION IV - FIRE AND EXPLOSION HAZARD DATA

FLASH POINT (METHOD USED)	TCC 127°F.	FLAMMABLE LIMITS	Lel	Uel
EXTINGUISHING MEDIA	Foam, Dry chemical, CO ₂ , Water spray		0.7%	6.50%
SPECIAL FIRE FIGHTING PROCEDURES	Use air-supplied rescue equipment for enclosed areas. Cool exposed containers with water.			
UNUSUAL FIRE AND EXPLOSION HAZARDS	Do not store or mix with strong oxidants. Combustible liquid.			

SECTION V - HEALTH HAZARD DATA

THRESHOLD LIMIT VALUE: 200 ppm for 8-hour working day

EFFECTS OF OVEREXPOSURE: Severe eye irritation, drying of skin. Excessive inhalation causes headache, dizziness, nausea and respiratory irritation.

EMERGENCY AND FIRST AID PROCEDURES:

- Inhalation: Remove to fresh air and call physician; apply artificial respiration if necessary.
- Skin Contact: Remove contaminated clothing and wash with mild soap and water.
- Eye Contact: Flush with water until irritation subsides.
- Ingestion: If swallowed, do not induce vomiting, call a physician.

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SECTION VI - REACTIVITY DATA

STABILITY	UNSTABLE	X	CONDITIONS TO AVOID
	STABLE		Heat, sparks, open flame and fire

INCOMPATIBILITY (Materials to avoid) Strong oxidizing agents like liquid chlorine and concentrated oxygen

HAZARDOUS DECOMPOSITION PRODUCTS Thermal decomposition may yield carbon monoxide.

HAZARDOUS POLYMERIZATION	MAY OCCUR	X	CONDITIONS TO AVOID
	WILL NOT OCCUR		

SECTION VII - SPILL OR LEAK PROCEDURES

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED Remove ignition sources. Recover free liquid. Add absorbent to spill area. Avoid breathing vapors, ventilate enclosed spaces. Keep petroleum products out of public sewers, ditches and bodies of water.

WASTE DISPOSAL METHOD Incinerate absorbed material.

SECTION VIII - SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION (Specify type) Normally not needed.

VENTILATION	LOCAL EXHAUST	Face velocity > 60 fpm	SPECIAL	Use with adequate*/ ventilatic
	MECHANICAL (General)		OTHER	

PROTECTIVE GLOVES Yes

EYE PROTECTION Yes

OTHER PROTECTIVE EQUIPMENT Eye bath and safety shower. Oil-impervious apron, if needed.

SECTION IX - SPECIAL PRECAUTIONS

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING Keep away from heat, sparks and open flame. Keep containers closed. Use with adequate*/ ventilation.

OTHER PRECAUTIONS Avoid prolonged or repeated contact with skin. Wash skin with soap and water after contact.

*/ Adequate means equivalent of outdoor ventilation.

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