



of silkere

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

#30/

28 JUN 1982

OFFICE OF THE GENERAL COUNSEL

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

Dear Mr. Johnson:

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

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

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

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

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

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

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

Sincerely,

Martin Howard Katz General Counsel - touch haven Mounts

UNITED STATES GOVERNMENT

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Memorandum

Carl Blechschmidt, OPM

: Through: Harry Cohen, OPM

: 17

Harry Cohen, OPM

Martin Howard Katz, General Counsel

Stephen Lemberg, Acting Deputy Constal Counsel

: Harleigh Ewell, CGC //

TO

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

Mowers Manufactured by the Sensation Corporatim

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



3

THE SENSATION CORP.

3601 NORTH 16TH STREET

OMAHA, NEBRASKA 66110

TELEPHONE (402) US-3664

May 12, 1982





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

Dear Mr. Katz:

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully,

THE SENSATION CORPORATION

President

Encl osures

MCJ: pf

7



. PRICES EFFECTIVE November 6, 1981

F.O.B. OMAHA, NE.

MODEL	DESCRIPTION	SUGGESTED LIST	W/HDL.
HEAVY DUT	Y WALK-BEHIND'(PUSH) MOWERS - CHUTE DEFLECTOR INCLU	JDED	·
11L2-0	21" 4.3 HP Kawasaki 2-cycle	\$534.95	96
11L3-2	21" 3.5 HP B&S Engine w/valve rotator	369.95	84
11L4-3	21" 4.0 HP B&S Engine w/valve rotator	379.95	85
11L5-6	21" 5.0 HP B&S Engine	424.95	95
11L5-8	21" 5.0 HP B&S I/C Engine 2/cast iron		
	cylinder sleeve	469.95	95
14L2-1	. 14" 3.0 HP B&S Engine - Cemetery Model	259.95	47
19L4-1	19' 4.0 B&S Engine w/valve rotator	364.95	81
STANDARD	WALK-BEHIND (PUSH) MOWERS - CHUTE DEFLECTOR INCLUDE	<u>ID</u>	
11G3-4	21" 3.5 HP B&S Engine w/valve rotator	369.95	81
11G4-4	21" 4.0 HP B&S Engine w/valve rotator	379.95	82
11G5-8	21" 5.0 HP B&S Engine	424.95	91
19G3-3	19" 3.5 HP B&S Engine w/valve rotator	334.95	76
11J3-3	21" 3.5 HP B&S Engine w/valve rotator	349.95	77
ACCESSORI	ES FOR SENSATION PUSH MOWERS		
90A9-4 ⁻	Grass Catcher. Fits all G, 19L and 11L series mowers. Poly, front door opening.	42.95	12
90A9-6 OP	EI Grass Catcher. Fits all G, 19L and 11L series mowers. Front door opening, poly.	49.95	12
90B9-6 OP	EI Grass Catcher. Fits all.G and 19L series mowers. Side positioning. Rear door, screen.	54.65	12
90J9-4 OP	EI Grass Catcher w/poly reinforced side panel. Rear positioning. Fits all l1L series.	54.95	12
THIRTY (3	0) DAYS LEAD TIME IS REQUIRED ON EACH ITEM		
11G5-10	21' 5.0 HP B&S L/C Engine w/cast iron cylinder sleeve	474.95	93
63P5-0	Leaf Blower. 5.0 HP B&S 10 x $3.50/4.00$ pneumatic	449.95	100
73P5-0	Vacuum. 5.0 HP B&S $10 \times 3.50/4.00$ pneumatic, 13 " impeller	854.95	165

THE SENSATION CORPORATION

ALL PRICES SUBJECT TO CHANGE WITHOUT NOTIFICATION

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



November 6, 1981 OMAHA, NE. PRICES EFFECTIVE SUGGESTED W/HDL . LIST DESCRIPTION MODEL ACCESSORIES FOR SENSATION PUSH MOWERS 3XAC-2 Air Cleaner Kit w/snorkel tube. Fits all' , **\$** 37.95 - mowers w/B&S Engine. 2 3XCD Chute Deflector Kits. (Specify 14", 19", or 21") 9.75 2-1/3 3XGT-2 Auxiliary 5 Qt. Gas Tank Kit. Fits 19" and 21" push mowers. 39.95 **3XHA-** 3 Height Adjuster Kit. Fits most Sensation 19" and 21" mowers. 35.95 3xsc Slip Clutch Kit. Fits 19" and 21" mowers. (Specify model to be used on.) 8.95 1 3XWP-0 5.85 Wear Plate Kit. Fits 19" and 21" mowers. HEAVY DUTY SELF-PROPELLED MOWER AND ACCESSORIES 21S4-1 21" 4.0 HP B&S Engine w/valve rotator, height 524.95 99 adjuster, safety rear door, adjustable ground speed, w/ht. adj. 90S9-1 OPEI Grass Catcher w/poly mesh side and top panel. Rear positioning. Fits Model 21S4. 59.95 12 3XGT-5 Auxiliary 5 Qt. Gas Tank Kit. Fits Model 2154.. 39.95 2 If you require the "Commercial" label not to be affixed to COMMERCIAL DECAL: models in your 1982 order, you must request the removal of the label when you place your order. HEAVY DUTY HI WHEEL WEED & GRASS MOWERS AND ACCESSORIES 2455-9 24" 5.0 HP B&S Engine!, self-propelled, 3-speed 899.95 193 forward 6 reverse transmission - differential Spoke wheels & pneumatic tires. 2485-11 24" 5.0 HP B&S I/C Engine w/cast iron cylinder 949.95 195 sleeve. Self-propelled, 3-speed forward and reverse transmission - differential. controls. Spoke wheels & pneumatic tires. 14W5-3 24" 5.0 HP B&S Engine, push mower. 589.95 155 3XGT-4 Auxiliary 5 Qt. Gas Tank Kit. Fits push and self-propelled hi wheel weed mowers. 39.95 3 POWER RAKE AND AERATOR/SLICER AND ACCESSORIES 10R5-0 5.0 HP Power Rake 529.95 138 10A5-0 534.95 142 5.0 HP Power Aerator/Slicer 3XRS-0 Power Rake Assembly 23 104.95

ALL PRICES SUBJECT TO CHANGE WITHOUT NOTIFICATION

THE SENSATION CORPORATION

Power Slicer/Aerator Assembly

3XSA-0

27

119.95



24" COMMERCIAL HI WHEELER WEED & GRASS **MOWER**

2485-9

STD. SELF PROPELLED

Accessories Available

ngine Specifications	
Type	Briggs & Stratton 5 H.P 4 cycle
Bore	2.56 in.
Stroke	2.43 in.
Displacement	12.5 7 cu. in.
Type of Governor	Mechanical
Type of Main Bearings	(2) Aluminum alloy
Type of Con. Rod Bearing	Aluminum allov
Crankshaft	Case hardened steel
Starter	Recoil starter
Fuel Tank Capacity	2 quarts
Cylinder	Aluminum alloy
Válve Rotator	None
Warranty	1 year
ower Specifications	
Discharge	Bear — Semi mulcher
Blade	Formed Airlift
Blade Material	Hardened mag-carbon steel
Blade Belt Material	Specially formulated raw edge
	fiberglass cords
Blade Clutch	Tight/Slack V-Belt operated by
	lever on handle
Blade Stoppage	Brake band on blade spindle
Blade Attachment	Steel saddle on spindle
Safety Interlock	Blade disengaged switch
Width of Cut	24" Nominal
Height of Cut	$1\frac{1}{2}$ to 3" — 4 position adjustment
Handle	78 OD steel tubing x 16 ga. one piece
	with 16 ga. brace to frame
Throttle Control	Remote control on nandle
Cutting Deck	between rear wheels
Engine Base	11 ga. steel
Frame	14 ga. square steel lubing
Wheel Construction	Rear — 18 ga. steel rim with (16) 1/4" spokes
Front Wheel Bearings	Grassable shielded hall hearings
Front wheel Bearings	replaceable (2 each wheel)
Tires	Front — 6 × 1.50 comi proumatic
ilres	Rear — 20 x 2.125
	tire and tube with rim liner
Tire Load Rating	Front - 50 lbc Pear 175 lbc @ 30 psi
Crankshaft Protection	Relt drive
Weight	165 lhs
Certification	Complies with ANSI B71.1-1980 and C.P.S.C.
Warranty	1 year Homeowner
wallality	1 year Commercial effective 2-1 -81
vive Train Chariffeetians	·
rive Train Specifications	
Type of Drive	Rear wheel
Ground Speed	.1.3, 2.0 and 2.9 MPH forward 1.5 MPH reverse
Ground Speed Adjustment	
	3 speeds forward, 1 reverse
Live Axle	34" solid steel w/differential
Rear Wheel Bearings	Self aligning ball bearingsFull differential
Differential	Tight/Slack V-Belt operated by
Ciulcii Contioi	"Dead-Man" lever on handle
Drive Train Components	Belt from engine to transmission, chain
Drive Irain Components	from transmission to differential
Traction Datie	.9.6:1 to 22.4:1
	.J.U. I (U &&.T. I
Traction Ratio	
Belt & Chain Guards Safety Interlock	Heavy duty plasticTransmission neutral switch

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

.Model 3XGT .Model 3XSUModel 3XAC



5HP REAR HANDLE

11 L5-6 Commercial 21" — 4-cycle

SPECIFICATIONS

Type**Briggs & Stratton 5.0 HP 4 cycleBore*2.56 in.Stroke2.43 in.Displacement12.57 cu. in. (206 cc)Type of Governor.MechanicalType of Main Bearings(2) Aluminum alloyType of Con. Rod Bearing..Aluminum alloyCrankshaft.Case hardened steelStarter.Recoil starterFuel Tank Capacity.2 quartsCylinder.Aluminum alloyValve Rotator.NoneWarranty.1 year

Mower Specifications

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

Tire Size Front — 8 X 1.75 W semi pneumatic

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

Accessories Available

1

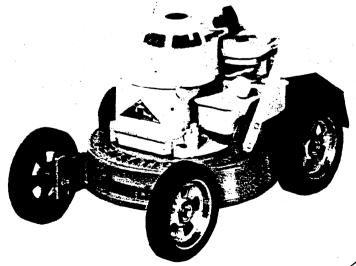
The Sensation Corporation reserves the **right** to incorporate changes in design without notice or obligation to make changes on units previously sold. Continual **progress** is a tradition with Sensation.



14"COMMERCIAL HEAVY DUTY -- WALK BEHIND MOWER

14L2-2

3HP TRIMMER





12

THE SENSATION CORPORATION

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

14L2-2 Trimmer 14" — 4-cycle

SPECIFICATIONS

Engine Specifications

Fuel Tamk Capacity quart

Cylinder

Mower Specifications

BladeFormed Airlift

Blade Material Hardened mag-carbon steel with one fastener

to engine crankshaft

Blade Attachment Zinc blade adaptor with safety shear pins

 Width of cut
 14" Nominal

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

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

Cutting Deck High-strength rust proof mag-aluminum alloy

casting, protective shield between rear

wheels, steel chute deflector

bearings, replaceable (2 ea. wheel)

Load rating — 60 lbs. Replaceable tires

Warranty 5 year Homeowner

1 vear Commercial effective 2-1-81

Accessories Available

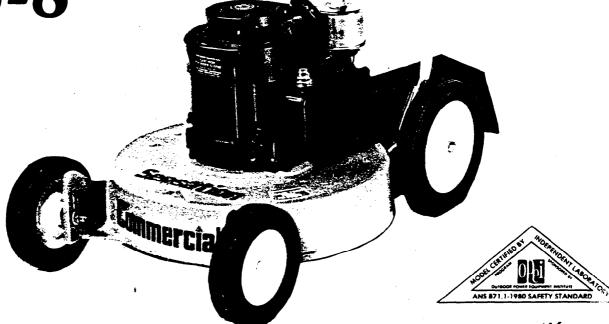


Made in U.S.A.

21'COMMERCIAL HEAVY DUTY WALK-BEHIND MOWER



5HP I/C ENGINE



THE SENSATION CORPORATION

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

11L5-8 Commercial 21" — 4-cycle I/C

SPECIFICATIONS

Engine Specifications

Type Briggs & Stratton 5.0 HP I/C 4 cycle

Type of Governor Mechanical

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

Valve Rotator Exhaust Valve Warranty1 year

Mower Specifications

Blade Welded tip - Non clog suction lift with

balanced flywheel

Blade Material Hardened mag-carbon steel with one fastener

to engine crankshaft

9 position adjustment

ga. lower, in separate halves with two-

position handle height adjustment, rigid mount

Cutting Deck High-strength rust proof mag-aluminum alloy

casting, protective shield between rear

wheels, steel chute deflector

Wheel Bearings Greaseable heavy duty extended inner race

shielded ball bearings, replaceable (2 ea. wheel)

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

Load rating - 150 lbs. Replaceable tires

crankshaft protector

1 year Commercial effective 2-1-81

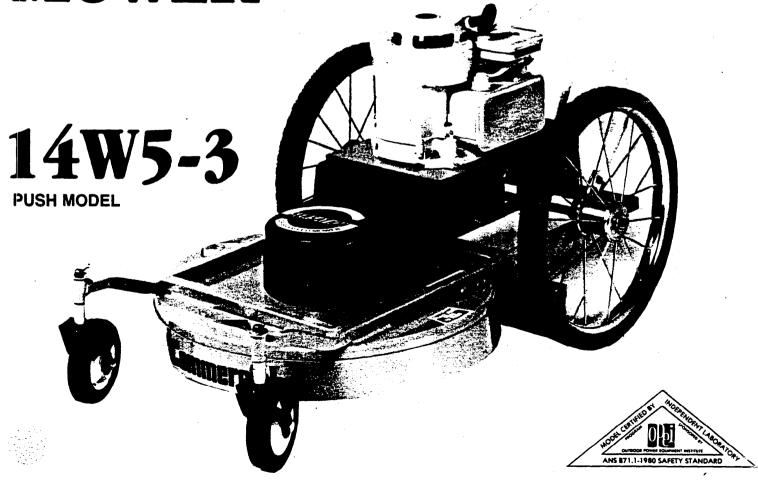
Available Accessories

Grass Catcher Model 90J9

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



24"COMMERCIAL — HI WHEELER 'WEED & GRASS MOWER



16

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

14W5-3 Hi Wheeler — 4 Cycle

SPECIFICATIONS:

Engine Specifications

Type of Governor Mechanical

 Crankshaft
 Case hardened steel

 Starter
 Recoil starte r

Cylinder Aluminum alloy

Warranty ₁ year

Mower Specifications

Discharge Rear — Semi mulcher

fiberglass cords

Blade Clutch Centrifugal clutch on engine crankshaft for easy starting

 Width of Cut
 .24" Nominal

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

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

with 16 ga. brace to frame

between rear wheels

Front Wheel Bearings Greaseable shielded ball bearings.

replaceable (2 each wheel)

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

Warranty1 year Homeowner 90 day Commercial

Accessories Available

W----70

/1

Engine Specifications

Bridgs & Stratton 5 H P 4 i ycle T C 2.56 III 2 43 in Boile Stroke Caplacoment 1% 57 (un (206 cc:) Mechanical Fine of Governor Type of Main Bearings(1) Ball bearing (1) Aluminum alloy Type of Con Rod Bearing . Aluminum alloy Case hardened steel **Crankshalt** Starter .Recoil starter 2 quarts Fuel Tank Capacity Aluminum allov Cylinder Malve Betator Exhaust valve

Mower Specifications

Warranty

. Rear — Semi-mulcher Discharge P. Kle Formed Airlift Hardened mng-carbon steel Specially formulated raw edge Billi to Material Rinde Beit Material fiberglass cords Tight Slack V-Belt operated by es ade Clutch lever on handle Brake band on blade spindle Statte Stoppage., Steel saddle on spindle Blade Attachment Safety Interlock Blade disengaged switch Width of Cut 24" Nominal 112 to 3" — 4 position adjustment

/#OD steel tubing x 16 ga. one piece Height of Cut Handie with 16 ga. brace to frame Remote control on handle Throttle Control 13 gasteel with protective shield Cutting Deck between rear wheels 11ga steel Findine Base 14 ga square steel tubing Frame Wheel Construction Greaseable shielded ball bearings. Front Wheel Bearings replaceable (2 each wheel) Front —6 x 150 semi pneumatic
Rear - 20 x 2 125 heavy duty pneumatic THOS tire and tube with rim liner 50 lbs, Rear 175 lbs @ 30 psi Front Tiro Livid Rating Belt drive Crankshaft Protection 165 lbs Weight Complies with ANSI B7111980 and C.P.S.C. Certification 1 year Homeowner Warranty 90 day commercial

.1 year

Dri ve Train Specifications

.Rear wheel 13, 20 and 2.9 MPH forward Tipe of Drive Ground Speed 1.5 MPH reverse 3 speeds forward, 1 reverse Ground Speed Adjustment Self aligning ball bearings Rear Wheel Bearings . . Full differential Differential Tight Slack V Belt operated by dual Clutch Control "Dead Man" levers on handle Belt from engine to transmission, chain Drive Train Components from transmission to differential 9 6 1 to 22 4 1 Traction Batio Heavy duty plastic Beit & Chain Guards Transmission neutral switch Safety Interiock

Accessories Available

 6-31 Gas Trok
 Model 3XGT

 6-3 dag Seky
 Model 3XSU

 7-3 dag Seky
 Model 3XSU

 6-3 dag Seky
 Model 3XGC

 6-3 dag Seky
 Model 3XGC