

According to a former plant manager of Davis Industries, at the time a leading Southern California based manufacturer of small, inexpensive handguns, a common practice used to avoid expensive litigation when a consumer was injured by a Davis firearm was to offer an immediate payment of \$1,000 in return for the offending firearm. The former industry official claimed the type of consumer who would purchase a Davis handgun tended to need the money especially if they had been injured. More often than not the injured consumer agreed to the quick settlement. Additionally, the company would retrieve the offending firearm before word of a potential problem was widely publicized.<sup>43</sup>

### Section Five: Defective Tires and Bad Meat

Imagine if car companies could introduce new cars with no built-in safety protection, if drug companies could sell untested drugs at will, or if there were no requirements for the safety and inspection of meats.

Fortunately, that's not the case.

Virtually every consumer product—from children's toys to refrigerators and cars—is regulated for safety. Congress has given authority to federal agencies to assure that almost every consumer product in America is subject to safety regulation. For example, the Consumer Product Safety Commission (CPSC) regulates the safety of consumer products used in the home, at schools, and in recreation; the United States Department of Agriculture (USDA) has authority over meat and poultry; and the National Highway Traffic and Safety Administration (NHTSA) sets safety standards for cars.

The history of consumer product regulation teaches that a significant number of deaths, injuries, and illnesses can be prevented as a result of properly implemented and rigorously enforced health and safety standards. Below is one example of how federal regulation works to protect Americans every day.

#### The Firestone Recall

In 2000, American consumers witnessed one of the largest consumer product recalls in the automobile industry when Firestone recalled its 15-inch ATX and ATX II tires and the Wilderness AT tires produced at its plant in Decatur, Illinois. The tires were increasingly losing tread and causing the vehicles they were supporting to rollover resulting in an increase in automobile-related deaths and injuries.

On August 9, 2000, both Ford and Firestone issued a recall of more than 14.4 million tires. At the time of the August 9th recall announcement, Firestone estimated that 6.5 million of these tires were still in service.<sup>44</sup> On August 15, Firestone announced a

<sup>43</sup> *Supra* note 37

<sup>44</sup> Senate Rpt. 106-423 - MOTOR VEHICLE AND MOTOR VEHICLE EQUIPMENT DEFECT NOTIFICATION IMPROVEMENT ACT.