

GENERAL DISCUSSION

MR. R. J. PAINTER.¹—What are the relations of BSI to the purchasing problems of the British Government?

MR. H. M. GLASS.²—I am glad you asked this question, because in a way it is not emphasized in the paper. The British Government has an agreement with the BSI that to the maximum extent possible government departments will adopt British Standards for use for their commodities.

Nevertheless, of course, British Standards primarily aimed at civilian commodity use cannot necessarily express all the requirements of the government departments. The government has a defense committee, operating through the Ministry of Defense, which evolves what are called defense specifications, which are published through Her Majesty's Stationery Office. There is definitely at that level, a close liaison between the government departments and BSI. BSI representatives are generally on most of these defense committees, and the members of the defense committees are notified of projects which BSI intends to take up, so that they are fully aware of developments and thus do not duplicate activities.

Similarly, we in BSI are aware of projects which they are going to develop, and we make it a point, where it is for a commodity which can fulfill a civilian need, to make known that proposal to our appropriate section in the BSI to see

whether they will prepare a British Standard, and perhaps there is a fifty-fifty possibility of a British Standard being prepared.

There is this understanding and agreement, that to the maximum extent possible British Standards are adopted by government departments.

MR. HENRY KUHLMAN.³—I would like to direct a question to Mr. Jacobs or Mr. Glass with regard to the action that may be taken in case of a violation, even though compliance is voluntary.

MR. F. W. REINHART.⁴—Since this is an extremely important question to many people in this country, I think we should ask both gentlemen to answer from their viewpoints, and possibly ask for others.

MR. F. M. JACOBS.⁵—The question is in a way a rather difficult one because in practice we do not see very much evidence of violation. But in theory it is so that when a product is made according to a standard, the supplier has the right to print on the container or on the article the letters NEN (Netherlands Standard).

When he has done this and the standard is not met, there is somewhere in the law in Holland, a provision for prosecuting the offender. That is no doubt the way I think it will work in other countries as well.

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MR. GLASS.—From the United Kingdom's point of view, in the course of over fifty years' operation of British Standards naturally we have a little bit of experience from cases which have arisen.

I would like to differentiate between two situations. One way we are not operating under our hallmark certification scheme, and the other way we are. It is open to anyone, just as Mr. Jacobs says that in The Netherlands it is, to mark products as conforming with our national standards, for example, "BS-XYZ."

Now, that in a sense is an obligation, as though it were part of a contractual obligation, and if, in fact, the articles do not comply with the British Standard, then there is a law which operates in our country, the Merchandise Marks Act, which means that the aggrieved side of the contract could go to the courts and demand some recompense for this misrepresentation of the article.

It generally does not quite come to that, by which I mean that frequently we at the BSI receive information that certain articles are put on the market as complying with a British Standard and do not comply. Sometimes they do not in very obvious details which would be evident on a mere inspection. Not many cases have arisen. I should not think that in the course of 50 years we have considered more than perhaps a dozen or twenty cases.

Now, it is within the scope of BSI to take the matter to court. What we have found to be quite adequate so far is to write to the manufacturer. That has had one of two effects; either the manufacturer decides that he cannot make the grade, in which case the letters no longer appear—there is no more marking of that product as conforming with the standard—or we find that in fact he does realize that there has been a transgression and he rectifies the situation. In other words, we have not had to take

the cases to court. Some private individuals have occasionally taken a case to law, and the Merchandise Marks Act has operated to the detriment of the particular manufacturer if he is proved wrong.

The other situation I want to mention is the certification mark question. Not only are those factors which I have previously mentioned in operation, but, in addition, if the manufacturer does not make his product continuously conform to the British Standard for which he is being granted a license his license can be taken away from him.

Now, finally, I would like to make this point. We have not had to have recourse to law because I think that this principle has operated, the principle that a manufacturer will find that his reputation will suffer tremendously if in fact he is making false claims, and if they are made at the national level, which in fact they are once he starts quoting the national standard, or if it is found out that he was a certification license holder and the license has been withdrawn, it does not do him any good. That is one point of principle which applies with the voluntary conditions under which we operate.

Another point I would like to emphasize is that I would not like the BSI to be regarded as a police force in this respect. We take lots of points into consideration. With the best will in the world, something sometimes goes wrong in the processing of an article, and factors of that sort have to be taken into consideration. We look for goodwill and cooperation; we do not act precipitately.

MR. PAINTER.—Many of these questions come down to how precisely and how detailed we can write our specifications. Should specifications try to assure the consumer that every cubic inch of steel in a steel beam or every little speck in a pound of molding powder does comply with the specifications?

This is a very important legal and com-

mercial question, and it is an interesting one. We must wrestle with it probably more and more as we try to write more precise specifications. Some feel that many of these problems would be solved if specifications included sampling plans that are soundly based such that the probability is known whether any portion of the material selected at random would meet the specification. Another answer, if we could get it, is to write performance specifications, but we are a long way from performance specifications in many fields. As soon as we can get them, we will eliminate many problems.

MR. REINHART.—I might make a few remarks from experience over the past couple of years. In my work in ASTM and commercial standards, there have been very few violations. I can think of

only a few and most of them have been solved by simply calling to the attention of the proper officers of the corporation what is going on. I know that with a couple of commercial standards this method has worked quite effectively.

But I understand that there are a couple now in which there may be some difficulty, and it appears from the information I have been able to gather that there are two recourses. One is for the person who has suffered damage to go to court and sue for damages. The other is to make a complaint to the Federal Trade Commission, in which case the Federal Trade Commission prosecutes on the basis that there are false statements in the advertising, which is a violation of a Federal law.