Sec. 700.1 Products covered.
(a) The Act applies to written war-
ranties on tangible personal property
which is normally used for personal,
family, or household purposes. This
definition includes property which is
intended to be attached to or installed
in any real property without regard to
whether it is so attached or installed.
This means that a product is a “con-
sumer product” if the use of that type
of product is not uncommon. The per-
centage of sales or the use to which a
product is put by any individual buyer
is not determinative. For example,
products such as automobiles and type-
writers which are used for both per-
sonal and commercial purposes come
within the definition of consumer prod-
uct. Where it is unclear whether a par-
ticular product is covered under the
definition of consumer product, any
ambiguity will be resolved in favor of
coverage.
(b) Agricultural products such as
farm machinery, structures and imple-
mements used in the business or occupa-
tion of farming are not covered by the
Act where their personal, family, or
household use is uncommon. However,
those agricultural products normally
used for personal or household gar-
dening (for example, to produce goods
for personal consumption, and not for
resale) are consumer products under
the Act.
(c) The definition of “Consumer pro-
duct” limits the applicability of the Act
to personal property, “including any
such property intended to be attached
to or installed in any real property
without regard to whether it is so at-
tached or installed.” This provision
brings under the Act separate items of
equipment attached to real property,
such as air conditioners, furnaces, and
water heaters.
(d) The coverage of separate items of
equipment attached to real property
includes, but is not limited to, appli-
cances and other thermal, mechanical,
and electrical equipment. (It does not
extend to the wiring, plumbing, ducts,
and other items which are integral
component parts of the structure.)
State law would classify many such
products as fixtures to, and therefore a
part of, realty. The statutory defini-
tion is designed to bring such products
under the Act regardless of whether
they may be considered fixtures under
state law.
(e) The coverage of building mate-
rials which are not separate items of
equipment is based on the nature of the
purchase transaction. An analysis of
the transaction will determine whether
the goods are real or personal property.
The numerous products which go into
the construction of a consumer dwell-
ing are all consumer products when
sold “over the counter,” as by hard-
ware and building supply retailers.
This is also true where a consumer con-
tracts for the purchase of such mate-
rials in connection with the improve-
ment, repair, or modification of a home
(for example, paneling, dropped ceil-
ings, siding, roofing, storm windows,
remodeling). However, where such

632
§ 700.3 Written warranty.

(a) The Act imposes specific duties and liabilities on suppliers who offer written warranties on consumer products. Certain representations, such as energy efficiency ratings for electrical appliances, care labeling of wearing apparel, and other product information disclosures may be express warranties under the Uniform Commercial Code. However, these disclosures alone are not written warranties under this Act.

(b) Warranties on replacement parts and components used to repair consumer products are covered; warranties on services are not covered. Therefore, warranties which apply solely to a repairer’s workmanship in performing repairs are not subject to the Act. Where a written agreement warrants both the parts provided to effect a repair and the workmanship in making that repair, the warranty must comply with the Act and the rules thereunder.

(i) The Act covers written warranties on consumer products “distributed in commerce” as that term is defined in section 101(3). Thus, by its terms the Act arguably applies to products exported to foreign jurisdictions. However, the public interest would not be served by the use of Commission resources to enforce the Act with respect to such products. Moreover, the legislative intent to apply the requirements of the Act to such products is not sufficiently clear to justify such an extraordinary result. The Commission does not contemplate the enforcement of the Act with respect to consumer products exported to foreign jurisdictions. Products exported for sale at military post exchanges remain subject to the same enforcement standards as products sold within the United States, its territories and possessions.