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BERKE ON SAFETY**Stretching the truth
can cost a million**

A maker of silo loaders/unloaders wound up in court when its promotional materials misled customers, causing them to suffer huge business losses. One judgment went well into seven figures, and many cases settled out of court. We'll look at how the company could have avoided the lawsuits, but first a little background.

The silo loader/unloader in this instance uses an auger conveyor to spread and level haylage (chopped hay) as the material loads in the silo top. A "torpedo" on the loading system creates an 18-in.-diameter hole in the center of the stored haylage. The hole lets haylage at the top fall to the bottom of the silo where it is removed for cattle feed.

The weight of the haylage squeezes air out of the stack below, except for about the top 20 ft, and at the hole where compacting is less. Scraping haylage off the top exposes it to air. The amount of haylage sitting loose at the top of the pile during the unloading process is sufficient to cover the 16-in.-diameter auger conveyor. This is important because trapped air in the haylage promotes bacterial growth. And feeding the tainted haylage to milk cows poisons them. Had the promotional materials properly explained all of this, the farmers would not have had a case.

But the company instead based its advertising on field testing, which consisted of installing a few units on farms and



periodically asking users "How do you like it?" "Did you have any problems?" This is hardly a detailed, organized, and thorough test program. The manufacturer asked the farmers to fill out a questionnaire but failed to provide them with the form. Further, information gathered about the field-test program from phone calls wasn't recorded. The manufacturer also failed to do any proof-of-claims testing. Advertising materials claimed the auger "spread and compacted the haylage" when, in fact, it did no compacting, only spreading.

When complaints came in, the manufacturer had no system in place to record them. The company kept no official records of equipment failures, though employees remembered several instances of failures resulting from vibration and shock. A bouncing auger conveyor can seriously damage a silo as well, though the literature never mentioned this.

So, what should manufacturers do to avert such problems? For one, thoroughly test all claims made in advertising. Have an organized, scientific, statistically valid program for field-test programs and have a technically qualified person from the company oversee them. Lastly, do not use customers as guinea pigs for new products. **MD**

Lanny Berke is a registered professional engineer and Certified Safety Professional involved in forensic engineering since 1972. Got a question about safety? You can reach Lanny at lannyb@comcast.net.

Edited by Lawrence Kren