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Against Fire Deaths, Inc.

Our Goal: Reduce Fire Deaths In the U.S. By 90%

December 8, 1993

Nathan and Jennifer Mercer
1225 S. Gaymar Avenue
Davenport, IA 52802

Subject: Smoke Detector Failure

Dear Mr. and Mrs. Mercer:

The smoke detector that was promoted by the fire officials throughout the U.S., was promoted with **falsified advertising**. The ionization type smoke detector does not detect smoke as **claimed and promoted**.

This is a basic reason why the fire that occurred in your home was **not** detected in time to prevent injuries.

The enclosed Patton Report II, No. 7 explains how the performance of the device was falsified so as to increase sales.

I've notified fire officials in your state as to the ways that the ionization detector will **fail to detect smoke (fire)**. I've sent information by certified mail. But, fire officials are still attempting to conceal the truth about smoke detectors from the public.

I trust the enclosed reports will interest you.

Yours Truly,

Richard M. Patton
President
Registered Fire Protection Engineer

RMP/sab

Enclosures PR 4-7

Davenport dad smashes through wall in rescue attempt

■ Fire leaves toddlers in critical condition

By Sara Miller

WEDS 1/20/93

Despite a dramatic rescue attempt by their father, two Davenport toddlers were fighting for their lives Tuesday night.

Bradley and Travis Mercer, 1225 Gayman Ave., were critically burned on their faces and hands in a fire Monday night at their house. Firefighters saw a

electric adaptor attached to a baby monitor malfunctioned and started a fire in their upstairs bedroom about half an hour after they were put to bed.

Davenport firefighters gave this account of the rescue:

The boys' parents, Nathan and Jennifer Mercer, were sitting one floor below the sleeping children in their southwest Davenport duplex about 8:45 p.m. when they heard odd sounds on the speaker-like monitor.

Jennifer got up to check on the children, but when she reached the

stairway, she found smoke. It was too thick to pass through, and her children were on the other side.

She and her husband raced over to the other half of the duplex. She called 911 while he ran upstairs on the neighbor's side.

He pounded a hole through a plaster wall to the boys' bedroom and pulled 15-month-old Travis out of his crib and through the studs. The infant already had been burned severely. He couldn't reach Bradley, 3.

By the time firefighters arrived, smoke in the bedroom was even more

dense. Young Bradley still was in his bed, across the room from the outlet adaptor that started the fire. But they couldn't see him.

Eventually, firefighter Mike Ryan went in with a water hose to reduce the fire and smoke. When he found Bradley, the boy was unconscious and already badly burned.

After short stays at two Quad-City hospitals, the boys were flown to the burn unit at University Hospitals in Iowa City about 12:30 a.m. Tuesday.

"They're very critical, they still haven't stabilized," the boys' mother said Tuesday afternoon from the hospi-

tal. "We're very concerned." Firefighters said the boys may have received burns on as much as 50 percent of their small bodies, primarily on their faces.

Fire officials said the children may have been rescued sooner if the nearest smoke detector had been in their bedroom instead of out the master bedroom and down the hall.

"The smoke had to fill up two rooms and the hall before it could set off the detector," Fire Capt. James Carpenter said. "To avoid that delay, it's a good idea to have a detector in the bedroom itself."

THE DISPATCH

WEDNESDAY, JANUARY 20, 1993

Burned boys in critical condition

House fire blamed on child-monitoring device

IOWA CITY — Two boys rescued from a housefire Monday remained in critical condition today at University Hospitals, a hospital spokesman said.

The father of Bradley Mercer, 3, and Travis Mercer, 18 months, of 1225 S. Gayman Ave., smashed through a duplex wall with his bare hands Monday night to rescue one of his sons from their burning bedroom, fire officials said. The second boy was rescued by firefighters who arrived shortly after.

Fire officials are blaming the fire on a malfunctioning child-monitoring device. Fire Capt. Jim Carpenter said the monitor caused an electrical fire in the children's room.

Both boys suffered burns in the blaze, and a firefighter had to revive Bradley after rescuing him from his bedroom, officials said. The 3-year-old was rescued from the room by Firefighter Mike Ryan of Engine 2, who had to extinguish flames around the door before he could reach the child, Capt. Carpenter said.

The boys' parents had put the children to bed about 8:15 p.m. Monday. After a few minutes, they began to hear strange sounds on the moni-

toring device in the boys' room, the captain said.

When the parents went to investigate, smoke and heat coming down the stairs kept them from reaching the children, Capt. Carpenter said.

The parents then went to a neighbor's home in the other half of the duplex to call the fire department. The boys' father, Nathan Mercer, went to the neighbor's bedroom, which adjoined his sons' bedroom, pounded a hole through the wall with his fists, and reached through the hole to rescue Travis, Capt. Carpenter said. However, he could not reach Bradley.

The smoldering fire, while not creating much flame, generated a lot of smoke and heat, the captain said. Investigators theorize the boys suffered burns on their faces when draperies caught fire and fell onto the bedding, he said.

Investigators estimate the fire did \$5,000 damage to the home the Mercers rent.

He said the duplex had a smoke detector at the top of the stairs, but since the boys' bedroom was two rooms away from the detector, the alarm was delayed by its distance from the smoke.

Davenport couple sue baby monitor company

Davenport, Ia. (AP) — Nathan and Jennifer Mercer of Davenport are suing a Colorado company they say knowingly sold a defective baby monitor that they say caused a fire that killed their 3-year-old son.

The civil suit alleges the Gerry Baby Products Co. of Colorado knew its monitor had a tendency to overheat, melt and smoke but continued to sell the device.

One of the Mercers' sons died and another was critically injured in the Jan. 18 fire at their Davenport duplex. The suit filed Tuesday in Scott County District Court seeks unspecified damages.

Court records from a similar lawsuit against Gerry Baby Products indicate about 400 customers returned the monitors because of overheating, but the company did not issue a warning.

Fire department investigators listed the official cause of the fire as an electrical short circuit in which a Gerry Deluxe Baby Monitor, model No. 602, was involved.

Company representatives could not be reached for comment.

DES MOINES PAPER
IOWA

OCT. 16, 1993



Patton Report II

A PUBLICATION DEDICATED TO HUMAN FIRE SAFETY

No. 7

November 1993

A CONSPIRACY TO DECEIVE

When the marketing people originally decided to sell ionization type smoke detectors by the millions to American families, they knew they had a problem. To be able to maximize sales and profits, the device had to be able to detect any and all types of fire. But their product had giant holes in its detection profile: the truth was that their product would detect less than half of all the fires that start in a home.

Rather than concede their product's limited usefulness, they instead embarked upon an ambitious promotional campaign. The base for this campaign was an invented fire scenario for which their smoke detector would be the perfect detector. False performance claims would hide the holes in the detector's performance capabilities. The results appear on pages 3 and 4.

Accordingly to the charts and ads produced by the manufacturers, the ionization detector sounds its warning during the very earliest and most benign stage of the fire... when there is "no visible smoke, flame, or appreciable heat yet present."

This is patently untrue.

A second major falsehood that was promoted was the claim in that a fire would likely kill the occupants **before** a heat detector or fire sprinkler head would activate.

And lastly, a third untruth is that the smoldering fire is not only the most common, but **the most dangerous fire**.

Collectively, these false claims created the myth that the ionization smoke detector would serve as a reliable early detector of fire in the home and other buildings.

I first became aware of this manufactured scenario in

the early 1960s when I attended a lecture in New York City presented by Joseph E. Johnson of the Pyrotronics Company. He enthusiastically promoted his company's smoke detector as the world's finest and fastest. Pyrotronics soon began to consistently buy full page advertisements in the *NFPA Fire Journal*.

Noting Pyrotronics' successes with its promotional campaign despite bogus performance claims, other ionization smoke detector manufacturers similarly jumped on the bandwagon. Note the recurring themes among the manufacturers' ads, page 4.

The same Joseph E. Johnson of Pyrotronics was named a Director and then Treasurer of NFPA's Board of Directors. During his tenure on the NFPA's Board of Directors, the ionization smoke detector coincidentally became the favored detector within the NFPA-74 fire code. The number of homes outfitted with smoke detectors approached 80 million.

The overall strategy was to provide false information to fire department officials **so as convince those officials to promote** (and actually **sell**) **the smoke detector as the true solution to fire**. With aid and support from the NFPA, those who made smoke detectors were "educating" the firemen to be salesmen (both figuratively and literally) for the smoke detector industry.

Yes, the entire smoke detector sales program, which ended up putting very flawed detection devices into American homes, was founded upon deliberate, carefully planned, promotional oriented lies. The firemen were very effectively conned by those lies.

There is no way that the perpetrators and the cooperators would not have realized that the downstream cost of the fraud would include a horrendous toll in preschool children.

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THE TRUTH REVEALED, THEN CONCEALED

THE DUNES TESTS

During the mid 1970s the federal government financed an extensive field testing of smoke detectors (called the "Dunes Tests"). The researchers, headed by Richard W. Bukowski of Underwriters Laboratories, found out that the device that was advertised as super fast at detecting **smoldering** fires, actually did not detect such fires. However, Bukowski et al concealed these negative findings.

THE CAL CHIEF'S TESTS

During 1978 the Los Angeles Fire Department initiated a similar, one million dollar investigation of smoke detector performance (called the "Cal Chief Tests"). Again the ionization detector **failed to detect the smoldering fire**. Bukowski, by this time was working at the U.S. Bureau of Standards. He used his influence to suppress the "Cal Chiefs Report," presumably because it would have revealed the deceptions built into his earlier research. To this day these research findings have never been officially released to the public.

DETECTOR FAILS TO DETECT MOST FIRES

The 1963 edition of the *NFPA Quarterly* magazine (predecessor to the *Fire Journal*) featured an article concerning an even earlier test program, entitled, "**Los Angeles Fire Department Tests - Fire Detection Systems In Dwellings.**" The opening paragraph of this report begins:

*"A check of the fire records of Los Angeles for the six-month period, January through June 1960, revealed that of the 6,387 fires in buildings, 4,151 occurred in dwellings. **These records further showed that 75 per cent of the dwelling fires were caused by smoking and misuse of matches, and that 75 per cent of the fires in dwellings started out as slow, smoldering fires.**" (emphasis added)*

Assuming this finding is true, that means that a **brand new ionization smoke detector equipped with a fresh battery will fail to detect three out of every four fires that occur in a home**. As explained within Patton Report II, No. 6, there are also four additional **failure modes** for this device that now "protects" most children in this country.

U.L. TESTING NOT REALISTIC

A cigarette caused smoldering fire in an upholstered chair or sofa or in bedding will produce a large

particulate cold smoke. As discussed in Patton Report II, No. 3, the ionization detector does not detect this type of fire (smoke).

Underwriters Laboratories tests the ionization detector for a number of fire (smoke) conditions, but none of the tests leading to a "listing" (approval) includes a fire condition that simulates a **real smoldering fire in a real home**.

FIRE CHIEFS BECOME AWARE OF FAILURES

Two of many statements by fire officials are quoted below:

"We put 50 million smoke detectors in buildings in America in a two year period, and our fire loss and death rate goes up. We're having a little trouble explaining these things." A statement by Gordon Vickery, former head of the U.S. Fire Administration. Source: FIRE ENGINEERING, September 1980.

"A startling fact has been disclosed... John C. Gerard, Fire Chief of the Los Angeles Fire Department cited national statistics showing battery powered devices have a 50 to 80 percent failure rate." Source: FIRE CONTROL DIGEST, Vol. 5, No. 10, October 1980.

Although virtually every fire official and fire protection engineer in this country came to realize there was something terribly wrong with the ionization detector, no one warned the public relative the dangers.

AN AWESOME COST IN HUMAN LIVES

I have great difficulty comprehending the behavior of regulatory people who, more than 20 years ago, discovered the fire detector experienced extreme difficulty in detecting a cigarette caused smoldering fire, and then "solved" that problem through the simple process of omitting an appropriate test from the evaluation process.

This on going fraud which began during the mid 1960s has now progressed for nearly 30 years without interruption, and the ionization detector manufacturers, the NFPA, plus an enormous number of government officials, are still cooperating to conceal from the public the ways and conditions under which the device will fail to warn. As the number of those who died as a result of the fraud increased, seemingly the desire to keep the facts concealed also increased. ♦

ILLUSTRATIONS OF DECEPTION

The manufacturers used the curves shown below in a calculated effort to deceive fire officials and the public into believing that the ionization detector would perform as it would not perform.

The curves clearly imply that most fires (75%, it was claimed) will exist in a near dormant stage (smoldering) for very prolonged periods of time. Also, it was claimed that the ionization detector would alert the building occupants very early during the smoldering stage.

The truth: the ionization detector generally does not detect the smoldering fire at all. Usually this detector will activate during the transition stage to flaming, or **after** the fire is already large and menacing. Total failure to detect is not uncommon.

The smoke detector promoters also claimed that heat detectors do **not** operate very early during the **flaming** stage; that they operate only when the fire is into what seemingly is the "holocaust" stage. It also was false.

The fire curve shown 3/4 size was included in an article entitled, "**Engineering Early Warning Fire Detection**" by Joseph E. Johnson, President of Pyrotronics, Inc. This article was published in the February 1969, *Fire Technology*, a publication of the Society of Fire Protection Engineers.

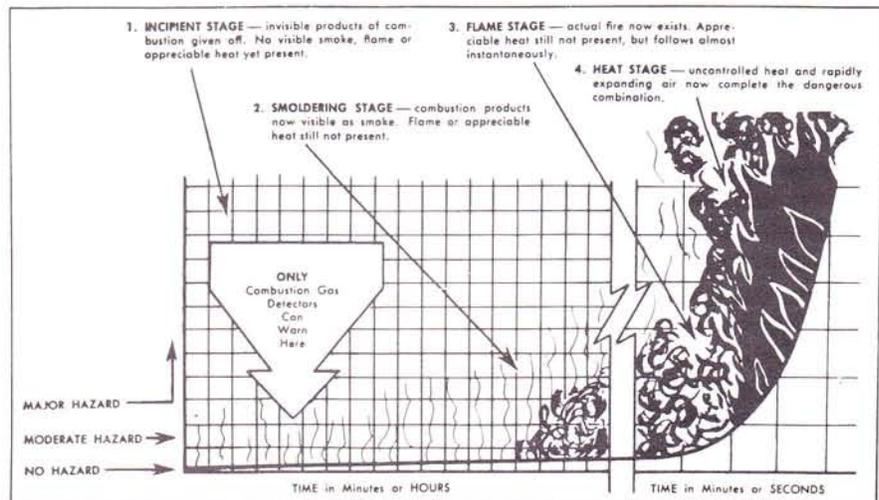
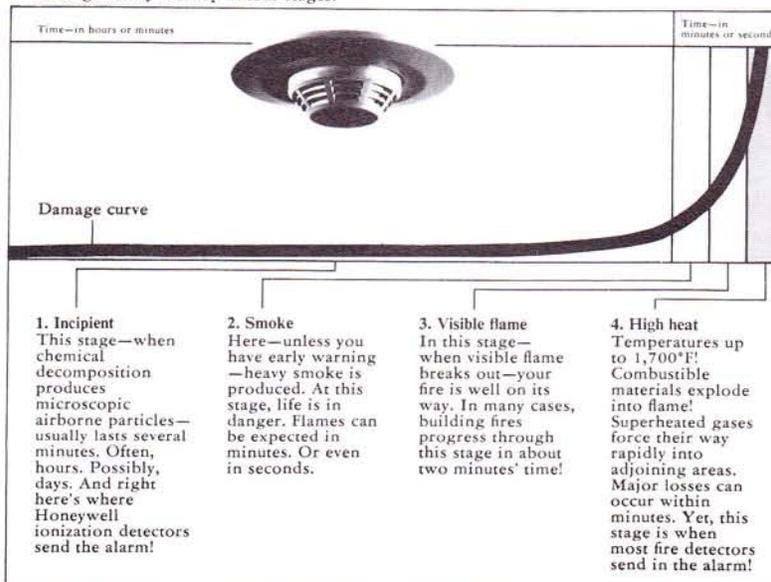


Figure 1. Four stages of fire.

Honeywell helps detect fires before they start.

Fires generally develop in four stages:



The fire curve shown here (3/4 size) was part of a full page (8-1/2 X 11) advertisement that appeared in the July 1972 edition of the *NFPA Fire Journal*.

THREE DECADES OF FALLACIES

Beginning in the mid 1960s, a promotional campaign evolved, including films, videos, meetings, demonstrations, falsified research, media ads, etc.; all presenting intentional false performance information concerning smoke/heat detectors. Below, some of the false performance claims that appeared within the NFPA *Fire Journal*, are reproduced. If there was any doubt about the inability of the **ionization** detector to detect a **smoldering** fire, that doubt died during the Dunes Tests of 1974. The **average** time to detect a **smoldering** fire (162 chances) was 1 hour and 5 minutes. Yet these businessmen continued to lie to the American people, claiming virtual instantaneous detection of such fires. For further facts regarding the Dunes Tests, see Patton Report II, No. 3.

• • • Here are extracts from some of the false ads • • •

"PYR-A-LARM FASTEST Fire & Smoke Detector Available - A new series of brochures on fire protection for schools, hospitals, EDP and other hazardous areas is now available. Only PYR-A-LARM reacts immediately to the invisible products of combustion **before** there is visible smoke, heat or flame." **Pyrotronics, Inc., September 1965**

"3 Minutes are worth half a dozen fire engines - The BRK Electronic Fire Detector gives an alarm MINUTES, HOURS, even DAYS earlier ... Before there is smoke, before there is fire ... the BRK fire detector picks up the invisible gases of combustion and triggers the alarm..." **BRK Electronics, Inc., July 1966**

"before visible smoke or fire---FIREMARK'S new FM-1600 Ionization Fire Detector will sense products of combustion and instantly respond." **FIREMARK, November 1968**

"Is a little smoke any cause for alarm? You bet your business it is. Because a little smoke means a little fire. And we all know little fires grow big, fast as blazes. Well, Kidde makes a device that smells smoke and yells fire long before anything gets hot. (Even when the smoke's invisible.)" **Kidde, November 1968**

"'FIRE!' a whisp of smoke, a flicker of flame is all it takes to activate a Couch system" **S.H. Couch Division, September 1969**

"Early warning is vital in any fire alarm system...(sic) The new detectors see "unseen" particles of combustion...in a fire's incipient stage. The stage when you can do something about it!...before smoke, flames and heat build up. Before sprinklers are activated." **Honeywell, July 1972**

"Operating on the ionization principle, SmokeGard senses danger - sounds a warning - gives you time to react - before you can even see it or smell it." **SmokeGard, Statitrol Corporation, May 1972**

"Nothing - absolutely nothing - beats our BRK units when it comes to overall fire detection capability and earliness of warning. Every BRK employs an ionization chamber, well known for its ability to detect even tiny invisible particulant matter from an incipient fire." **BRK Electronics, September 1973**

• • • Below is an ad that came much closer to the truth • • •

"Before you recommend a smoke detector, remember you're going to bet somebody's life on it. A lot of people don't know that different smoke detectors work best under different conditions. They're going to bet their lives that the smoke detector you recommend is the type they need.

A good photocell unit detects a slow smoldering fire faster than a good ionization-type, and 75% of all residential fires start out smoldering.

Ionization units are not recommended for kitchens, garages and rooms with fireplaces; where more than 50% of fatal fires begin. There are no such restrictions for locating a photocell detector like The Edwards Scout." **Edwards, September 1975**