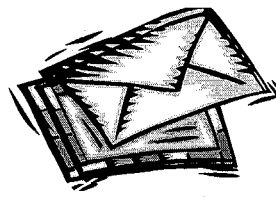


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CL-188394 48-5476

Printed: 2/25/2016

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NHTSA #: ES16-000818	Rec'd Date: 2/25/2016	Referred By: NAD-200
XREF #:	Doc Type: GEN	Doc Date: 2/12/2016
Delivery: EXP	Address To: NHTSA	Due Date:
S10 #:	DOT/I #:	RMP #:
Subject: LETTER FROM [REDACTED] REGARDING THE ISSUE OF UNINTENDED ACCELERATION IN TOYOTA AND LEXUS VEHICLES		
Ack Date:	Ack By:	Signed For:
Sign Office: AA FOR ENFORCEMENT	Signature: AS APPROPRIATE	
Cleared Date:	Cleared By:	Cleared For:
File Loc:	XREF File:	Closed Date: 2/25/2016
Added By: TMAPP x62870	Modified By: TAMMY.MAPP	
Most Recent Comment:		

Author:

[REDACTED]
[REDACTED]
SHAVER LAKE, CA [REDACTED]

Tel: [REDACTED] Fax: E-mail:

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2016 FEB 25 A 9:49

Assigned To	Task	Asgn Date	Deadline	Returned Date
NEF-010	APPROPRIATE	2/25/2016		2/25/2016

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2/12/16

1200 New Jersey Avenue, SE.
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Washington, DC 20590.

2016 FEB 25 A 8:50

I am sending you a copy of a letter I sent to Toyota Motor Sales in Torrance, California and several others. Is there anything new regarding the issue of unintended acceleration in Toyota and Lexus vehicles? It just happened to me and I am really concerned about this issue. I hope it will not happen again in the future. I do not believe the issue has been resolved. If it is due to the floor mats there ought to be a warning label on every vehicle ever sold. Good Lord, we have warning labels on everything else!

Thank you for your consideration in this matter,

[REDACTED]
Shaver Lake, Ca [REDACTED]
[REDACTED]

ES16-000818

Toyota Motor Sales, U.S.A., Inc.

2/12/16

19001 South Western Ave.
Dept. WC11
Torrance, CA 90501

I am writing you in the hope of finding a definitive answer for the cause of a single car accident on Feb 2, 2016.

First of all, I have been a huge fan of Toyota automobiles for many years, having owned a 1985 Celica GTS, a 2001 4-Runner, and most recently, a 2013 Highlander (Limited). This was our "splurge" car, one I had hoped to purchase for many years. I loved this car. Now I am shocked and saddened to report an "unintended acceleration".

On Tuesday, Feb 2, 2016, I was parking my car and needed to readjust the car in the space, as I was a bit over the line next to a handicapped space. I was going to put the car into reverse to back up and reposition the car. Before I could do that the car lurched forward with the engine "racing" and making a horrible sound. It was as if the accelerator was "floored". I am certain that my foot was not on the accelerator pedal. Within a couple of seconds the car jumped over the cement parking block and into a pole. The car has significant damage that will cost somewhere between \$ 13,000 to \$15,000 to repair. I am left stunned and never thought this would happen to me. I've been driving since I was 15 and have never had an at fault accident.

Fortunately, I was not injured, though I am frightened to drive the car again. I felt as if I was no longer the driver and that the car was driving itself. My beloved Highlander....!

I have been told the most likely cause is the floor mat. That is the first thing most people from the Toyota dealership and Hedrick's Collision Center assume. If it is the floor mat, why is it still happening after all the issues and lawsuits in the past? I was told the carpet floor mat was found to be unattached. How does this happen if I did not even know it could be attached or detached? I had an all-weather mat over the carpet mat. I was recently told that the carpet mat should have been removed before the all-weather mat was placed. The all-weather mat could have forced the carpet mat under the brake and onto the accelerator pedal. My husband checked the mats and did not find any obstruction or a mat stuck under the pedal. Truthfully, it is hard for me to believe enough pressure to "floor" the pedal was caused by the floor mat.

And, what if it's not? What if there is another cause?

After researching the issue on the internet I am even more concerned about the safety of the automobile. As you already know, there have been many incidents, some where the cause was known, others that have been investigated and the cause was not clear. A \$ 1.2 Billion settlement was reached without (according to some) full disclosure from Toyota. I don't believe one can truly understand how incomprehensible an accident like mine is until it happens to you personally. I certainly don't wish to experience this kind of accident again and don't wish any harm to come to myself or anyone else.

What if there is another cause besides driver error or floor mats? What if more accidents occur in the future in cars that were manufactured after those included in the settlement? Are we all just to accept this possibility without further investigation? Is the NHTSA following up on this issue?

I would dearly love to drive our Highlander again (once it is repaired) if I can be assured that it is safe to do so. Brian Cooper, (the Service Department Manager at Toyota of Clovis) has told me he will assign someone to assess the vehicle. I'm hoping the vehicle's "Event Data Recorder" will shed some light on the accident. I'm also sending copies of this letter to The Hartford (our insurance carrier), Martin Fox of the Clovis Insurance Agency and the NHTSA.

I just want to know if it is safe to drive my car again, and if measures are being taken to resolve the issue of "unintended acceleration". Please don't pass this off as an old issue. It is not. There are recent reports of this problem, some of which are similar to mine.

I am an RN and in years past worked in an ICU with trauma victims of motor vehicle accidents. The potential for serious injury and disability is very real to me. I am grateful that I was not injured but am concerned about driving the car in the future.

You'll find in the following pages some recent reports of unintended acceleration in 2013 Highlander and other Toyota and Lexus vehicles. The reports came from several websites, so there may be some duplication. I welcome your response.

Someday I hope to have my faith restored in the Toyota brand. I was (and hope to be in the future) your biggest fan.

[REDACTED]
Shaver Lake, Ca [REDACTED]
[REDACTED]

Seven problems related to *car accelerates on its own* have been reported for the 2013 Toyota Highlander.

 Car Accelerates On Its Own problem 1

Failure Date: 12/03/2015

TI- the contact owns a 2013 Toyota Highlander. The contact stated that the vehicle experienced unintended acceleration while starting the vehicle. The vehicle happened without warning. The vehicle was taken to the dealer but was not diagnosed. The vehicle was not repaired. The failure occurred approximately. The manufacturer was made aware of the issue. The failure occurred approximately 3 times. The failure mileage was approximately 33,000. The VIN was not provided. Khkh.

 Car Accelerates On Its Own problem 2

Failure Date: 09/12/2014

On September 12 2014 my wife was pulling into a parking space at her doctor's office. The space include a stop curb and it faced a four lane street. As she pulled into the space, she braked to avoid contacting the curb and was about to shift into park when the car suddenly accelerated. The car jumped the parking curb and then another curb and entered a grassy area (approximately 10 ft wide. The car continued to accelerate and jumped another curb and landed in a 4 lane street. She continued to apply the brakes while the car continued to accelerate across the street. She was headed toward another curb and grassy area and a downhill slope followed by a meineke repair business. Not wanting to go down the hill and into the building, she turned the car to the right but not in time to avoid entering the second grassy area. She was now traveling parallel to the meineke building and side swiped two small trees, and was headed toward a very busy rush hour street. To avoid accelerating into this street, she decided to try shifting the car into neutral. She looked down to find the neutral gear, and just as she looked up, she crashed head-on into another tree. The air bags did not deploy but the seat belts saved her. The car was significantly damaged to the drivers side front where she hit the tree and to the side of the car where she side swiped the two trees. The meineke employees called 911 and a detective took her to her doctor's office for treatment. She injured her ribs and back and continues to receive treatment. I'm convinced this is a software problem and I am attempting to resolve this with Toyota but hold out little hope. It needs to be fixed before there are additional injuries or loss of life. My wife could have died if the car had made it to the very busy street.

 Car Accelerates On Its Own problem 3

Failure Date: 03/19/2014

The contact owns a 2013 Toyota Highlander. The contact stated that the vehicle erroneously accelerated while the brake pedal was depressed. The vehicle was taken to

the dealer where the failure could not be diagnosed. The manufacturer was contacted about the failure. The failure mileage was 5,600. The VIN was unavailable.

 Car Accelerates On Its Own problem 4

Failure Date: 03/04/2014

Vehicle failed to accelerate from a stop. It just rolled along, accelerator depressed till about halfway, then it accelerated rapidly spinning the tires, this has occurred 3 times. It has also hesitated badly while accelerating with no response to pedal position then sudden and unexpected rapid acceleration, this has occurred 5 times. This condition has become dramatically worse since it was serviced for unexpected acceleration problems where the dealer claimed they could not reproduce the problem. Headlights are also aimed way too high illuminating the trees instead of the road and blinding oncoming drivers. The dealer claims they cannot duplicate this either and that there is no problem. The vehicle was serviced for these hazards at 6006 miles. We have stopped using the car since we feel it is unsafe.

 Car Accelerates On Its Own problem 5

Failure Date: 02/01/2014

TI the contact owns a 2013 Toyota Highlander. The contact stated while driving 55 mph the vehicle suddenly accelerated. The contact was able to engage the brake pedal and the vehicle resumed normal function. The contact also stated that the door hatch motor emitted a loud clicking sound when it was opened and closed. The dealer replaced the motor; however, the failure was not corrected. The failure mileage was 88. The current mileage was 2,500. Rk.

 Car Accelerates On Its Own problem 6

Failure Date: 10/01/2013

Pulling into parking space - brakes applied - car lurched forward (unintended acceleration) - brakes did not engage - car jumped the curb, crossed the sidewalk and hit a tree - airbag did not deploy.

 Car Accelerates On Its Own problem 7

Failure Date: 02/15/2013

The contact owns a 2013 Toyota Highlander. The contact stated that on several occasions, the vehicle exhibited unintended acceleration. Additionally, the vehicle would vibrate excessively when stationary with the engine on. The vibrations would cause ear pain to the contact. The vehicle was not diagnosed or repaired. The manufacturer was notified and no solution was offered. The failure mileage was 11,000.

From: [REDACTED] (law firm representing personal injury and wrongful death cases)

September 15, 2015 The Cooper Firm Lexus, NHTSA, personal injury, product defect, Toyota, unintended acceleration

NHTSA Declined to Probe Toyota's Unintended Acceleration

The National Highway Traffic Safety Administration has rejected a probe from an electrical engineer to investigate low-speed unintended acceleration in Toyota and Lexus vehicles.

[REDACTED] from Thousand Oaks, California, an electrical engineer with a doctorate degree from Stanford University, filed a petition with the government safety agency requesting that they open an investigation in June of this year. [REDACTED] claimed that his 2009 Lexus ES350 sedan suddenly accelerated while his wife was driving, smashing them into some bushes. He also cited information from the vehicle's data recorder, requesting that the agency look at the cars' hardware and software. His information cited that the gas pedal was not pressed until one second before the crash, which does not make sense to him.

The National Highway Traffic Safety Administration (NHTSA) released a document declining the probe, stating that the three crashes cited in the request are consistent with the driver mistakenly hitting the gas pedal instead of the brake. NHTSA also shared that it has already examined the issue in two previous studies. Regarding the event data recorder in [REDACTED] probe, NHTSA replied that the gas was being pumped between samples taken every second. "The petitioner's allegations regarding the three crashes are based upon several misconceptions about the manner in which the EDR samples and records pre-crash data in the ES350, Corolla and Camry vehicles. In each of the three crashes, the vehicles accelerated as the drivers were attempting to park the vehicles. All three accelerations occurred as the vehicles were entering the intended parking spaces and in the times and positions where driver braking should be initiated to safely park the vehicles," NHTSA said.

Sudden acceleration is not a new issue for Toyota. There have been investigations and recalls for 10 million vehicles and several lawsuits. NHTSA even penalized Toyota \$1.2 billion for hiding the information. Most of the related recalls have been related to faulty brakes, sticky gas pedals and floor mats, but Toyota has denied that it has problems with the electronic throttle controls.

This is the second time this year that NHTSA has refused to open an investigation on Toyota's unintended acceleration. **Another engineer sent a similar probe in May of 2015.**

From [REDACTED]

Issue Reported: OCT 02, 2013

Vehicle: 2013 Toyota Highlander

NHTSA: Action Number: 1014635 Service Bulletin Number: 10546569

Component: vehicle speed control

Summary: Pulling into parking space - brakes applied - car lurched forward (unintended acceleration) - brakes did not engage - car jumped the curb, crossed the sidewalk and hit a tree - airbag did not deploy.

Vehicle: 2013 Toyota Highlander

NHTSA: Action Number: 1033221 Service Bulletin Number: 10559956

Component: vehicle speed control

Summary: TI* the contact owns a 2013 toyota highlander. The contact was driving 5 mph and attempted to engage the brakes when the vehicle violently lunged forward and crashed into a support beam, then down an embankment before finally crashing into a tree. A police report was not filed and no injuries were reported. The vehicle was taken to an independent mechanic. The manufacturer was made aware of the failure. The vehicle was not repaired. The failure and current mileage was 14,000.

Issue Reported: MAR 19, 2014

Vehicle: 2013 Toyota Highlander

NHTSA: Action Number: 1048701 Service Bulletin Number: 10573595

Component: vehicle speed control

Summary: TI* the contact owns a 2013 toyota highlander. The contact stated that the vehicle erroneously accelerated while the brake pedal was depressed. The vehicle was taken to the dealer where the failure could not be diagnosed. The manufacturer was contacted about the failure. The failure mileage was 5,600. The vin was unavailable

Issue Reported: APR 15, 2014

Vehicle: 2013 Toyota Highlander

NHTSA: Action Number: 1057810 Service Bulletin Number: 10582957

Component: vehicle speed control

Summary: TI* the contact owns a 2013 toyota highlander. The contact stated that on several occasions, the vehicle exhibited unintended acceleration. Additionally, the vehicle would vibrate excessively when stationary with the engine on. The vibrations would cause ear pain to the contact. The vehicle was not diagnosed or repaired. The manufacturer was notified and no solution was offered. The failure mileage was 11,000.

Issue Reported: MAY 02, 2014

Vehicle: 2013 Toyota Highlander

NHTSA: Action Number: 1062400 Service Bulletin Number: 10586279

Component: vehicle speed control

Summary: As i was pulling into a parking space (maybe 5 miles per hour) and put my foot on the brake to stop, my 2013 toyota highlander lunged forward so hard that it went over the concrete spacer, a grass median, the curb and into the street beyond the parking lot. I was able to brake and stop the acceleration, but it was so sudden, fast and

unexpected that i scraped the passenger side on the vehicle next to me. A by-stander commented "i don't know what happened! All of a sudden your car just raced away!" i have driven for over 45 years without an accident. I have been a loyal toyota customer, buying one for my son and daughter as well as this vehicle and i thought whatever problems toyota had were taken care of but now i am afraid to drive my vehicle. *

Issue Reported: MAY 14, 2014

Vehicle: 2013 Toyota Highlander

NHTSA: Action Number: 1065363 Service Bulletin Number: 10588353

Component: vehicle speed control

Summary: TI* the contact owns a 2013 toyota highlander. The contact stated that while driving in reverse less than 5 mph, the vehicle suddenly and inadvertently accelerated causing her to lunge backward 20 feet and crashing into a parked vehicle. The vehicle only came to a complete stop after it crashed into a fence and garden. The contact was not injured. A police report was not filed. The vehicle was towed to an auto body facility. The dealer was notified of the failure. The manufacturer was not made aware of the failure. The vehicle was not repaired. The failure mileage was 3000.

From: Bisnar & Chase (attorneys)

The Root Cause

At this point, Toyota alleged that the root cause of sudden acceleration was dealt with, in an attempt to save the company's reputation and to gain back any trust that they had lost from their customers. This would later be considered to be misleading the public with false information, as Toyota had made plans to provide for a minimum clearance of 10 millimeters between the all-weather mats and a fully depressed gas pedal, but had not implemented those plans and had still produced cars with a dangerous potential for the gas pedal to get stuck on the mats. Toyota had also not recalled all of the vehicles that had similar design features to the ones recalled for floor mat entrapment, namely the Corolla, the Highlander, and the Venza.

WHY TOYOTA IS SETTLING ITS SUDDEN-ACCELERATION CASES

Wednesday, 09 April 2014 10:59 By Mitch Trachtenberg, Truthout | Report

More and More, Cars Are Rolling Computers

People understandably believe that a car's gas pedal is mechanically connected to the car's throttle. In modern cars, there is no such connection. A foot on the gas pedal is signaling a computer in the car that the driver would like to go faster; a little electric

motor then opens the throttle in response to the driver's command. This enables the car to do clever things with the throttle on your behalf to improve gas mileage, to allow for automatic adjustment to altitude, and so on. It also means the computer runs the car's throttle, just like the computer controlled the Therac-25. The driver offers "input" but it's the computer that moves the physical parts.

Sudden acceleration is not new. The National Highway Traffic Safety Agency (NHTSA) has now looked into it twice, once engaging NASA engineers for help, both times failing to find any problems in the cars they examined. The manufacturers, along with the highway safety agency, have politely suggested that it is generally due to "pedal misapplication," an argument that many have been inclined to believe. It hasn't helped that instances of sudden acceleration seem to happen to older drivers with a greater frequency than you might expect if it were really a problem with the car.

That changed, in part, after a horrific 911 call on August 28, 2009. A veteran California Highway Patrol officer, [REDACTED] was driving his family in a Lexus, Toyota's luxury brand, when it accelerated out of control and the brakes failed to slow it. A passenger was on the phone with 911 when the Lexus ran off an embankment at an estimated 120 MPH. No one suggested that [REDACTED] did not know the gas from the brake.

Another investigation suggested that the problem was floor mats. Toyota recalled the cars for a floor-mat fix.

Now, the company has been fined \$1.2 billion because its executives withheld information pointing to some other problem with the car.

What other problem? Has the press told us?

The Watchdog Doesn't Bark and the Fail-safes Fail

There are several good candidates for possible causes, but somehow this part isn't getting well-reported. The first good candidate came up in a jury trial in Oklahoma late last year, in which a jury found Toyota guilty in the fatal crash of a 2005 Camry driven by [REDACTED] who suffered extensive injuries. The jury called for \$3 million in compensatory damages.

After the verdict but before the jury could decide on punitive damages, Toyota decided to settle this case and a large set of outstanding sudden-acceleration cases. The reason Toyota became anxious to settle may have been the expert testimony of Michael Barr, an embedded software systems expert who had been allowed to examine the source code of Toyota's engine-control system and who found terrible problems with the system's design. The problems, said Barr, made it theoretically possible that a software failure would both trap the throttle in a wide open position and disable the very systems that should notice the problem. Perhaps worse for Toyota, Barr found many problems throughout the software, any one of which would indicate shoddy engineering practice.

First, Toyota had not used error-correcting memory, a special type of hardware that is able to automatically detect and correct situations where some rare physical event flips a one to a zero or vice versa. It had told NASA's investigators that it had used error-correcting memory, which may have led NASA's safety experts to pay less attention to certain situations than they did.

But this is just one problem from a laundry list that Barr turned up. Toyota did have many layers of fail-safes in place. The problem is that these fail-safes did not cover all situations, and left the possibility of a single-point failure. Many of these fail-safes are somewhat technical, but they are not rocket science.

As one example, many critical data items in embedded systems are mirrored in multiple locations. If the system detects different values for the same item from the different locations in which an item is stored, the system can respond, perhaps even to the extent of resetting itself. But although many of the variables in Toyota's system were mirrored, one that was not was the target throttle angle, which basically tells the car how fast to go. There was no backup.

Another problem: To make sure that a system is running properly, it can incorporate a watchdog timer, a subsystem that expects to be given an "all ok" signal from the various tasks the system runs. When a task doesn't check in on schedule with the watchdog timer, again, the system can respond by correcting or resetting itself. Toyota had a watchdog timer, but it checked only certain routines, meaning that the task which controlled the throttle could become non-responsive without the watchdog being alerted.

The list goes on. A type of software call that can exhaust a system's critical memory was included, even though it is generally not used in safety-critical software. According to Barr, NASA was told that there was twice as much safety margin in the exhaustible resource (the "stack") as was actually present; Toyota had mismeasured. Barr's investigation found buffer overflows, invalid pointer dereferences, race conditions, unsafe casting, potential stack overflow, and nested scheduler unlocks in the source code used by Toyota's 2005 Camry L4, any of which could have caused the sort of memory corruption that would leave the throttle stuck.

Remarkably, the diagnostic codes that might have clued an engineer into failures were handled by the exact same task whose failure could freeze the throttle. This task, referred to as task X throughout the trial because its actual name is considered secret by Toyota, was referred to as a "kitchen sink" task by Barr.

Another Theory Addresses More Evidence

Barr's theory may well explain what happened in various Toyota cars, but it leaves some mystery about why sudden acceleration is reported in many models of cars from a wide variety of manufacturers. It also leaves unexplained why sudden acceleration seems to happen to a statistically unlikely degree to older drivers, often from the very moment they shift from park to drive or reverse.

The somewhat disheartening answer may well be that there are other, additional sources of sudden-acceleration incidents - multiple pathways leading to the same deadly result.

A retired electronics engineer, Dr. Ron Belt, has a testable theory that he has offered in several papers, including one released in April 2012. Belt thinks it is possible that some incidents of sudden acceleration are due to negative voltage spikes on battery supply lines. Belt theorizes that if a spike occurs at the moment the voltage is being sampled in order to correct the voltage applied to the throttle motor, this could lead to an increase in the input to the throttle motor, which could result in sudden acceleration.

The voltage sampling does not happen frequently, and the spikes may be associated with transitions into gear. Belt believes his theory may account for some of the things Barr's theory does not explain - for example, the statistical association of sudden acceleration with older drivers, who may have a different driving pattern than the long commutes many younger people have, and the presence of sudden-acceleration complaints across a wide variety of automotive manufacturers.

The Media "Watchdogs" Don't Bark Either

Why haven't Barr's report and Belt's theory been widely disseminated by the media? Probably because the in-depth discussion of this has been in outlets like EDN Network ("an electronics community for engineers, by engineers...") and EETimes ("connecting the global electronics community"), not those like *The New York Times* or *The Washington Post*.

EDN's headline is clear: "Toyota's Killer Firmware." Here's one from *EETimes*: "Single Bit Flip that Killed." Compare those with the final sentence of an *Associated Press* story by reporter Sean Murphy: "Toyota has denied the allegation, and neither the National Highway Traffic Safety Administration nor NASA found evidence of electronic problems." Or this one, from a December story in *Bloomberg Businessweek*, discussing Toyota's decision to settle 200 consolidated claims: "Toyota apparently didn't want to risk that California juries would assume there had to be something wrong with Toyotas if owners claimed their cars suddenly hurled themselves into trees, walls, or other cars."

The technical press gets it - the business and mainstream media don't.

What are the reasons for this? Have the media not bothered to read the testimony? Is this the laziness of "he said, she said" reporting, where the fact that NASA failed to find something is presented as evidence that it does not exist? The NASA engineers were very clear on page 20 of their report that they were not able to vindicate the Toyota engine software; they simply said that in the limited time they were provided, they could not find a problem. In the executive summary of their work, the caveats do not appear.

Or is it simply human nature: Are people disinclined to exert the effort to understand the potential dangers of the new information ecology on which society has become dependent?

Increasingly, people's lives are placed in the hands of visible technology and also software - invisible technology. The coastal nuclear power plant? No problem, the statisticians say a tsunami is unlikely. The chemical plant in India? Perfectly safe, as long as it's in a country far away from the neighborhoods where Union Carbide executives live. Software is an even more difficult problem than physical technology - corporations generally keep their software secret, since it provides them with a proprietary advantage. The resulting secrecy can make it difficult to find the source of failures.

Does this matter? How many more years before cars drive automatically? Who will believe the first driver to say the car wouldn't respond to their steering? Who will believe the second?

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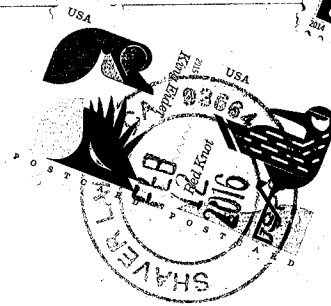
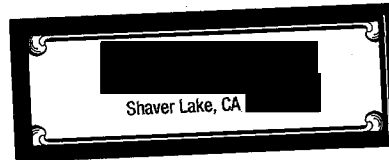
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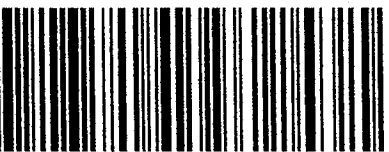
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