

## Re: [Full-Disclosure] Anti-MS drivel

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To: full-disclosure@lists.netsys.com  
Date: Sat, 24 Jan 2004 09:15:03 +1300

"Greh" <chows@ozemail.com.au> wrote:

<<big snip>>

> > *I haven't seen a sign on the shrink wrap of Windows XP Home that says*  
> > *"Administrator not included".*  
>  
> *It is always accepted in the Western world that if something is not SAID to*  
> *be there and ISNT there, then the people who manufactured it or sold it to*  
> *you cant be held accountable for it NOT being there.*

This is where you go off the rails...

You are simply wrong. At least when it comes to "general consumer goods" there are all kinds of *assumed* properties *that are never or only very seldom mentioned in labelling*. You're in a supermarket or at roadside stall buying apples; they have a big bin of them and you can choose as many and whichever apples you want. The apples are not labelled and any labelling you may find on the bin will not contain a warning something like "Contain less than the minimum acceptable levels of dioxin, PCBs, DDT [etc, etc]". Why not? Because various legal processes "behind the scenes" require that (and, we hope, actually test for it and monitor the situation, at least in some broad scope). Likewise, other "due level of care" requirements specify, either formally or through the court-determined if it ever gets there "expectations of a reasonable person" concept.

And there's the rub with computers. They are now (and have been for quite some time) sold as pretty much any other consumer electronics device. The "reasonable person" does not worry, when buying a toaster, or afterwards, while using it, that an entirely unknown and untrackable person on the other side of the world can pillage his bank account while the toaster is plugged in or at least while the toasting mechanism is engaged and the machine is cooking his toast. It is entirely reasonable for the consumer to not have to worry about such things, so there is no need to put a pre-sales warning on the device to that effect. Windows PCs however, are sold into the consumer market to

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a very large extent because they enable Internet access. They are (by and large) not sold with warnings about the near total lack of any effective "protection" from the kinds of evils just described. Your typical "reasonable person