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APR 17 1974

Mr. Donald E. Mulligan
Managing Editor
Sanitary Maintenance
407 E. Michigan Street
Milwaukee, Wisconsin 53201

Dear Mr. Mulligan:

This letter is in response to your correspondence of January 25, 1974, in which you request a legal definition of the term "consumer product." It appears that your request is directed toward establishing the scope of the products covered by the Commission's regulations concerning child-resistant packaging.

Effective May 14, 1973, functions relating to the administration and enforcement of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) were transferred to the Consumer Product Safety Commission pursuant to section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)). It is under the provisions of the Poison Prevention Packaging Act that the Commission has issued regulations pertaining to child-resistant packaging. In order to determine the class of products subject to regulation under that Act, it is necessary to look to the provisions of that Act.

Section 3(a) of the Poison Prevention Packaging Act (15 U.S.C. 1472) provides that after certain findings, the Commission may establish, by regulation, standards for the special packaging of any household substance. A household substance is defined in section 2(2) of the Act (15 U.S.C. 1471) as "any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household...."

Products not used in or about the household are, therefore, not subject to the provisions of the Poison Prevention Packaging Act. However, the fact that a "household substance" is labeled "for commercial and institutional use only" would not exempt it from coverage of the Poison Prevention Packaging Act.

If I can be of further assistance please let me know.

Sincerely,

Michael A. Brown
General Counsel

ADVISORY OPINION

AHSchoem:epj:4/16/74
R. Eisenberg — Secretary
gc chron — Executive Director
gc files — BCM
gc reading — OSCA
C. Boehne (to be distributed to Field Offices)