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Secretary

CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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Mr. Joseph G. Scoville
McDermott, Will & Emery
111 West Monroe Street
Chicago, Illinois 60603

Dear Mr. Scoville:

This is in response to your letter of September 20, 1974 concerning the applicability of the Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children. You inquired whether a proposed design of a child's chord organ which would be powered by an outside transformer producing a current of less than 30 volts R.M.S. would be subject to the performance requirements of 16 CFR 1505.6.

As you point out in your letter, 16 CFR 1505.1(a) exempts from the definition of the term "electrically operated toys components which are powered by circuits of 30 volts r.m.s. (42.4 volts peak) or less...." Thus, when section 1505.6 specifies that "electrically operated toys and components thereof shall be tested by the appropriate methods described in this section," that does not include electrically operated toys or components powered by circuits of 30 volts v.m.s. (42.4 volts peak) or less.

Please let us know if we can be of further assistance.

Sincerely,

David Schmeltzer
Acting Deputy General Counsel

McDERMOTT, WILL & EMERY
111 WEST MONROE STREET
CHICAGO, ILLINOIS 60603
312-372-2000
CABLE ADDRESS
"MILAM"
TELEX NUMBER
25-3565

September 20, 1974

Alan H. Schoem, Esq.
Consumer Product Safety Commission
Office of the General Counsel
1750 K Street, N.W.
Washington, D.C. 20207

Dear Mr. Schoem:

I am writing you in connection with our telephone conversation of yesterday regarding the definition of electrically operated toys under the regulations promulgated by the CPSC in 16 CFR §1505 et seq.

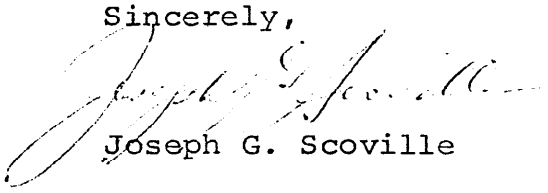
Our client, a manufacturer of children's chord organs, wishes to know the applicability of the electrically operated toy regulations to a proposed design of organ which would be powered by an outside transformer producing a current of less than 30 volts R.M.S. (42.4 volts peak). As I read the regulations, the transformer itself would fall under the definition of an electrically operated toy and so be subject to the requirements imposed by the regulations. However, the organ itself would not be subject to the regulations because it would be a component powered by a circuit of less than 30 watts R.M.S. (42.4 volts peak) and so specifically excluded by §1505(a)(1) of the regulations.

Our problem arises in interpreting the language of §1505.6(a) which states, "Electrically operated toys and components thereof shall be tested..." On its face the term "components" can be read to include all components of electrically operated toys regardless of their voltage, although such a reading would virtually destroy the effect of the exclusion in §1505 for low voltage components.

Would you be kind enough to give us your opinion as to whether components powered by circuits of less than 30 volts R.M.S. (42.4 volts peak) are subject to the performance tests

under §1505.6 of the regulations? Please be assured that this request for clarification arises from our client's desire to comply with the law in every respect and accept in advance our thanks for this courtesy.

Sincerely,



Joseph G. Scoville

JGS:mh