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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

JAN 24 1975

Mr. Herbert E. Jones, President
The Ohio Bedding Co., Inc.
1263 Parsons Avenue
Columbus, Ohio 43206

Dear Mr. Jones:

"One of a kind" mattresses under the Standard for the Flammability of mattresses (FF 4-72) may be excluded from testing under the Standard pursuant to rules and regulations established by the Commission. The Commission staff is in the process of proposing such rules but at this time there are no provisions for excluding "one of a kind mattresses" from the testing requirements.

The wording of the standard in regard to "one of a kind" mattresses may be misleading in that it indicates non-standard size mattresses are examples of one of a kind mattresses. However, section .1(h) of the Standard which defines "mattress prototype" specifies that a difference in size is not relevant to the issue of qualification testing. Similarly, under section .1(i), a difference in mattress size does not result in a new mattress type". As long as the components of a mattress are placed in a mattress in the same configuration, the size of the mattress is irrelevant and, therefore, no "one of a kind" exemption may be necessary for non-standard size mattresses.

In regard to the renovation of mattresses, if a customer of a renovator merely hires the services of a renovator and intends to take back the renovated mattress for his or her own use, "manufacture for sale" has not occurred (although there may have been a manufacture) and such a renovated mattress is not subject to the Mattress Standard.

However, if a renovated mattress is sold or intended for sale, either by the renovator or the owner of the mattress who hires the services of the renovator, such a transaction is considered to be a "manufacture for sale" and the mattress would be subject to the Mattress Standard.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

/S/

Margaret A. Freeston
Acting Assistant General Counsel

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ADVISORY OPINION