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CONSUMER PRODUCT SAFETY COMMISSION

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

APR 7 1975

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Ms. Gladys M. Kiernan
Vice President
Association of General Merchandise Chains, Inc.
1625 Eye Street, N.W.
Washington, D. C. 20006

Dear Ms. Kiernan:

This letter is in reply to your correspondence of February 25, 1975, in which you inquired whether store signs concerning small carpets and rugs that include words such as "Clearance Sale" or "Sale" or "Good Rugs" would constitute advertising requiring the inclusion of the words "Flammable - Read the Label?"

In advisory opinion 147 (enclosed), our Office expressed the view that "the requirement of 16 CFR 302.18(b) relative to setting forth the information Flammable - Read the Label in certain advertisement of small carpets and rugs not meeting the test criteria of DOC FF 2-70 would not be applicable to non-deceptive shelf signs or display signs in retail stores which are merely designed to indicate the price or location of the products." (emphasis added)

It is the opinion of this office that inclusion of words on shelf signs or display signs that promote or otherwise encourage the sale of small carpets and rugs would be considered "advertisements" and necessitate the inclusion of the phrase "Flammable - Read the Label."

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

Sincerely,

Michael A. Brown
General Counsel

Enclosure

ADVISORY OPINION

Agmc

ASSOCIATION OF GENERAL MERCHANDISE CHAINS, INC.
1625 Eye Street, N.W., Washington, D.C. 20006 • Phone (202) 785-2060

February 25, 1975

Mr. Michael Brown
Consumer Product Safety Commission
1750 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Brown:

It has been our opinion, and we believe the opinion of others in the trade, that stores are not required to post signs under the regulation relating to the labeling of small carpets and rugs provided these items are properly labeled with the required statement: "Flammable, Fails U.S. Department of Commerce Standards, FF 2-70; Should not be used near Sources of Ignition." Section 302, 18(b) reads (last sentence): "The phrase 'Flammable, Read the Label' shall conspicuously appear in all other advertisements of small carpets or rugs which do not meet the acceptance criteria of the Standard." Our concern has to do with the words "in all other advertisements."

We understand from a recent opinion given by you that if a store sign merely displays the dimensions or type of the rug and price, the words "Flammable, Read the Label" are not necessary on the sign. Our question relates to a store sign which gives the dimensions of the rug and the price and also contains such words as "Clearance Sale" or "Sale" or "Good Rugs." Would the addition of such words to the store sign make this an advertisement which would require the addition of the words "Flammable, Fails U.S. Department of Commerce Standards, FF 2-70"?

We will appreciate very much your opinion on this.

Sincerely,

Gladys M. Kiernan

Gladys M. Kiernan
Vice President

GMK:sj

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Consumer Product Safety Commission
Office of the General Counsel