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U.S. CONSUMER PRODUCT SAFETY COMMISSION

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RECEIVED OFFICE OF ... JUN 24 10 38 AM '75 CONSUMER PRODUCT SAFETY COMMISSION

Dr. John Holsten
Lowenstein Research Center
Lyman, South Carolina 29365

Dear Dr. Holsten:

Your letter regarding the applicability of the standards issued under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) to over-the-counter piece goods fabric which are sold to the home sewing market has been referred to the Office of the General Counsel. We apologize for the delay in responding.

Generally any piece goods fabric that may be used to make wearing apparel must comply with the basic standard of Flammability for Clothing Textiles (CS 191-53). However, any fabric or related material intended or promoted for use in children's sleepwear in sizes 0-6X or 7-14 must comply with the Standards for the Flammability of Children's Sleepwear (DOC FF 3-71, 0-6X) or (FF 5-74, 7-14). Whether the fabric is intended or promoted for use in children's sleepwear depends on such relevant factors as (a) the nature of the fabric and its suitability for use in children's sleepwear, (b) the extent to which the fabric has been sold to manufacturers of children's sleepwear, and (3) the likelihood the fabric will be used for children's sleepwear. The final determination as to whether the fabric is "intended or promoted" for use in children's sleepwear rests with the Consumer Product Safety Commission, and ultimately with the courts.

The use of disclaimers that fabric is not for use in children's sleepwear would not automatically preclude a finding by the Commission that the fabric was "intended or promoted" for use in children's sleepwear if the fabric is in fact such that the Commission believes it to be intended or promoted for use in children's sleepwear.

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ADVISORY OPINION

In regard to your inquiry concerning the appropriate steps to be taken by over-the-counter fabric retailers who market fabric for use in children's sleepwear, rules and regulations adopted under the children's sleepwear standards for both sizes 0-6X and 7-14 (enclosed) require retailers who sell both complying and noncomplying items (fabrics or garments) to segregate complying and noncomplying items, and to erect signs identifying which items comply and which do not comply with the standards. Those stores that do not carry any noncomplying items of sleepwear in sizes 0-14 are not required to erect any signs.

Fabrics which are not intended or promoted for use in children's sleepwear and that do not comply with the children's sleepwear standard are not required to be identified in any particular manner. Retailers may wish to erect their own signs or take other appropriate action indicating to their customers the safety advantages to using flame-resistant fabric in making children's sleepwear.

Please do not hesitate to contact us if you have any additional questions.

Sincerely,

Margaret A. Freeston

Margaret A. Freeston
Acting Assistant General Counsel

Enclosure