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AUG 24 1975
CONSUMER PRODUCT SAFETY COMMISSION

APR 11 1975

#216

Ms. Glenda Pifer
Acting Clothing Specialist
United States Department of Agriculture
Extension Service
Washington, D. C. 20250

Dear Ms. Pifer:

This is in response to your inquiry of December 18, 1974 concerning the responsibility of the home sewer relating to the flammability of children's sleepwear. Under the Flammable Fabrics Act the Commission has issued two standards for children's sleepwear.

The Standard for the Flammability of Children's Sleepwear, sizes 0-6X (DOC FF 3-71, as amended) became fully effective July 23, 1973. All children's sleepwear items in sizes 0-6X manufactured on or after that date must meet the Standard. The term children's sleepwear includes nightgowns, pajamas and similar or related items, such as robes, intended to be worn primarily for sleeping or activities relating to sleeping, as well as fabrics and related material intended or promoted for use in sleepwear.

The Standard for the Flammability of Children's Sleepwear, sizes 7-14 (FF 5-74) will become effective May 1, 1975. Sleepwear items in sizes 7-14 (including garments and fabric and related material intended or promoted for use in sleepwear garments) manufactured on or after that date must comply with the Standard. Copies of both Sleepwear Standards are enclosed for your information.

You inquired about the responsibility under the standards of home sewers (1) who buy fabric and make garments which they sell; (2) who make garments for pay when the fabric is purchased by the client; (3) who make items that are sold at bazaars, hospitals, etc., and; (4) who make gift items.

ADVISORY OPINION

It is our view that in the first and third situations described above, the finished garments would generally be required to comply with the appropriate sleepwear standard, since they are "manufactured for sale," and thus subject to the Flammable Fabrics Act. The detailed testing procedures prescribed under the standards would, thus, have to be followed.

In the second and fourth situations above, where a home sewer makes garments for pay when the fabric is purchased by the client, and the home sewer makes gift items (we interpret the term "gift item" to mean these items made for the client and given by the client to another person as a gift), it does not appear that the finished garments would be required to comply with the sleepwear standards as there is no "sale" of the finished items. However, both standards require fabric intended or promoted for use in children's sleepwear to comply with the standards and we would urge all home sewers to use flame resistant material when making children's sleepwear.

Sincerely,

/S/

David Schmeltzer
Acting Deputy General Counsel

Enclosure

AHSchoem:mli:3/14/75 Rewritten/Retyped

cc: AHSchoem
GC File
GC Chron
GC Reading(2)
WHGarber
Ryan, BCM
Records

UNITED STATES GOVERNMENT

Memorandum

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

TO : Alan H. Schoem, Office of General Counsel

THRU : Al Dimcoff, Deputy Executive Director

FROM : Harry Garber, BCM

DATE: February 6, 1975

SUBJECT: Sleepwear Flammability Standards - Department of Agriculture Inquiry re Responsibility of Home Sewer

In accordance with your request a draft letter is forwarded responding to USDA inquiry on the above subject matter.

The USDA inquiry relates to four situations, each of which involves the ultimate delivery of garments by the home sewer to third parties. The circumstances outlined involve more than a situation in which the home sewer makes garments for her own use.

In view of this circumstance and of the further circumstance that the activities are similar to those which might be performed by a manufacturer, the draft letter takes the position that the garments should comply with the Sleepwear Standards, while pointing out that it is possible to petition from relief from all or part of the Standards.

This is a somewhat "touchy" situation and you might wish to seek Commission approval on any response to USDA. My personal feeling is that all sleepwear items should, at a minimum, comply with the flammability criteria imposed by the Standard. Whether some consideration might be given to relief from the sampling provisions of the Standards under any of the outlined circumstances might be addressed if a request were made showing merit in that regard.

Attachment

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

UNITED STATES GOVERNMENT

Memorandum

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

DATE: Jan 9, 1975

TO : Harry Garber
THRU : M. K. Ryan, Acting Director, Bureau of Compliance
THRU : Al Dimcoff, Acting Executive Director
FROM : Alan H. Schoem, Office of the General Counsel
AHS

THRU: Margaret A. Freeston, Acting Assistant General Counsel

SUBJECT: Home Sewer Relating to the Flammability of Children's Sleepwear

Attached is an inquiry from Glenda Pifer of the Department of Agriculture Home Extension Service concerning the responsibility of the home sewer relating to the flammability of children's sleepwear. I understand similar questions came up when the FTC was responsible for enforcing the FFA. Please prepare a reply for the General Counsel's signature.

Attachment

Ans. by Jan 24, 75

Per in Garber's office Jan 23, 1975 according to Thom.

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

UNITED STATES DEPARTMENT OF AGRICULTURE
EXTENSION SERVICE
WASHINGTON, D.C. 20250

Cooperating with Land Grant Colleges and Universities

December 18, 1974

Mr. Alan Schoem
Office of General Counsel
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Dear Mr. Schoem:

We have received an inquiry concerning the responsibility and liability of the home sewer relating to the flammability of children's sleep wear:

1. If the home sewer buys fabric and makes garments which she sells.

2. If the home sewer makes garments for pay when the fabric is purchased by the client.

3. Home sewer who makes items that are sold at bazaars, hospitals, etc.

4. Home sewer makes gift items.

Will you prepare a statement which we can use in our educational programs?

Sincerely,

Glenda Pifer

GLENDA PIFER
Acting Clothing Specialist

RECEIVED
DEC 19 1974
Consumer Product Safety Commission
Office of the General Counsel