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

11 AUG 1975

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CONSUMER PRODUCT SAFETY COMMISSION

Mr. Alan R. Weiskopf
Otterbourg, Steindler,
Houston & Rosen, P.C.
230 Park Avenue
New York, New York 10017

Dear Mr. Weiskopf:

This is in response to your June 27, 1975 letter which requested the advice of this office on the status of yarn under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.). Specifically, you have asked whether your client must test yarn for flammability and, if so, what type of testing would be recommended.

As you have pointed out, yarn is a "fabric" which falls within the Commission's jurisdiction under the Flammable Fabrics Act. Fabric intended for wearing apparel other than children's sleepwear in sizes 0-14 is subject to Commercial Standard 191-53. However, that standard does not provide the means to test for the flammability of yarn. Therefore, neither guaranties nor testing of yarn is required under the standard at the present time.

The views expressed in this letter have been approved by the Commission.

Sincerely,

Michael A. Brown
General Counsel

ADVISORY OPINION

OTTERBOURG, STEINDLER, HOUSTON & ROSEN, P. C.
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RECEIVED
JUN 30 1975
Consumer Product Safety Commission
Office of the General Counsel

June 27, 1975

Ms. Margaret Freeston, Esq.
Office of the General Council
of Consumer Product Safety Commission
Washington, D.C. 20207

Dear Ms. Freeston:

Confirming our telephone conversation of this morning, this office represents a client in the Textile Industry which is contemplating the manufacture and sale of Yarn which is intended for retail sale.

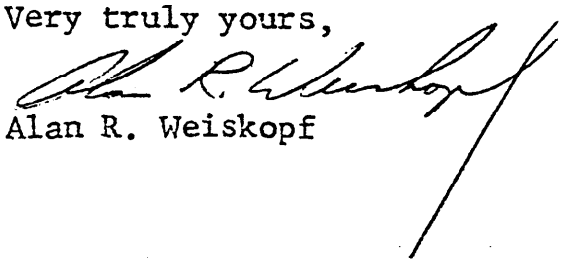
Such Yarn would appear to fall within the definition of "Fabric" under the Flammable Fabrics Act; and, accordingly, the retail store has requested from our client a Guaranty under the Act.

The problem which arises is that my client is uncertain as to how to "test" the Yarn in order to ascertain whether it complies with the Flammability Standards under the Flammable Fabrics Act. In fact, they are uncertain as to whether any testing is possible. It does not appear to be possible to test Yarn under Commercial Standard 191-53. It has been suggested that the Yarn be knit into Fabric and then tested. I must say that I find this somewhat inappropriate in that, my client could never be certain of the density at which the ultimate consumer would be knitting the Yarn.

Accordingly, I would appreciate the advice of the Commission as to whether my client must do any testing of the Yarn; and, if so, what type of testing is recommended in view of the inapplicability of Commercial Standard 191-53.

Thank you in advance for your continuing cooperation in this matter.

Very truly yours,



Alan R. Weiskopf

ARW:aa