Secretary's Office

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U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

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Marcel Shwergold, Esquire
Weiss, Rosenthal, Heller & Schwartzman
295 Madison Avenue
New York, New York 10017

Dear Mr. Shwergold:

This is in response to your August 15, 1975 letter concerning the compliance of men's hairpieces with the Flammable Fabrics Act and with regulations issued under that Act.

As you have pointed out, a men's hairpiece is an "article of wearing apparel" within the Commission's Flammable Fabrics Act jurisdiction and is subject to Commercial Standard 191-53 which covers the flammability of clothing textiles. However, that standard does not provide the means to test for the flammability of men's hairpieces. Therefore, in the opinion of this office, the testing of such hairpieces is not required under CS 191-53 at the present time, and no other standard under the Flammable Fabrics Act is applicable to hairpieces.

Consequently, testing of men's hairpieces is not currently required for compliance with the Flammable Fabrics Act.

While the views expressed in this letter are based on the most current interpretation of the law by this office, they could subsequently be changed or superseded.

Sincerely,

Michael A. Brown
General Counsel

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ADVISORY OPINION

WEISS ROSENTHAL HELLER & SCHWARTZMAN
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CABLE ADDRESS
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August 15, 1975

Michael Brown, Esq.
General Counsel
Consumer Product Safety Commission
1750 K Street, N.W.
Washington, D. C. 20008

Dear Mr. Brown:

We represent a client who is interested in distributing men's hairpieces composed of 100% human hair. We are aware that at present such items are considered clothing apparel and would thus be subject to the tests specified in Regulation 191-53 issued under the Federal Flammable Fabrics Act. Our concern stems from the fact that there are no specific standards that relate to hairpieces. Accordingly, we are uncertain how we can insure that our client has fully complied with the Act. Furthermore, how can we assure our client's customers that the product is in full compliance with the law? If you could provide us with any information that would help to answer these questions, it would be most appreciated.

Very truly yours,

Marcel Shwergold

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Office of the General Counsel