ADVISORY OPINION #287

U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

August 31, 1982

OFFICE OF THE
GENERAL COUNSEL

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Mr. Michael J. Kanaley, Jr.
Law Clerk
Brown, Kelly, Turner, Hassett & Leach
700 Niagara Frontier Building
Buffalo, New York 14202

Dear Mr. Kanaley:

This refers to Mr. Harry Hammitt's letter to you dated August 17, 1982 and is a further response to your letter of June 25, 1982 regarding vest-type restraints.

You asked whether a vest-type restraint, which wraps around a hospital patient's upper torso and is secured to the bed, would be considered an article of wearing apparel or an interior furnishing under the Flammable Fabrics Act; further, if the vest is considered to be an interior furnishing, whether a hospital would be considered a place of assembly or accommodation under the Act.

It is the opinion of the Office of General Counsel that the vest-type restraint which you describe would be considered an article of wearing apparel within the meaning of Section 2(d) of the Flammable Fabrics Act, 15 U.S.C. § 1191(2)(d), because it is something that is placed around the body and secured and is worn, in effect, as a vest. Therefore, such items must comply with the Standard for the Flammability of Clothing Textiles, 16 C.F.R. Part 1610.

If you have any further questions, please do not hesitate to contact us.

Sincerely,

Claire B. Marcus
Attorney

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