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28 DEC 1973

Barrett A. Hurwitz, Esq.
Hurwitz and Hurwitz
Attorneys and Counsellors at Law
888 Purchase Street
New Bedford, Massachusetts 02700

Dear Mr. Hurwitz:

This is in reference to our telephone conversation last week in which you requested a copy of Commercial Standard 191-53 and asked about guarantees under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) I have also received your letter dated December 12 on the same subjects.

Enclosed is a copy of CS 191-53, entitled "Flammability of Clothing Textiles," which applies to men's trousers and the fabric used in those trousers. The Flammable Fabrics Act prohibits, among other things, the manufacture for sale, the sale, and the offering for sale in interstate commerce of any product, fabric, or related material which fails to conform to an applicable standard under the Act. As I mentioned to you on the telephone, most fabric used in men's trousers has been found to meet the tests set forth in CS 191-53.

Section 8 of the Flammable Fabrics Act applies to guarantees, and the enclosed rules and regulations (16 CFR 302.7 through 302.11) relating to guarantees were continued in effect when the responsibilities of the Federal Trade Commission under the Act were transferred to this Commission on May 14, 1973. Of course, I am not able to advise you as to the relationship of guarantees and state products liability law. However, section 8 of the Act provides that a guaranty may be a bar to criminal prosecution under section 7 of the Act for violation of section 3 of the Act. Issuance of false guarantees is prohibited.

Please let me know if I can be of further assistance to you.

Sincerely,

Margaret A. Freeston
Special Assistant to the
General Counsel

Enclosure

MAFreeston:mli:12/19/73

cc: MAFreeston
GC Files