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[redacted]
[redacted] Ohio [redacted]

Dear Mr. [redacted]

This is in response to your letter of December 19, 1973, concerning the "Requirements for Full Size Baby Cribs" (Part 1508, title 16, Chapter II, 38 F.R. 32132) promulgated under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.). You inquired whether noncomplying cribs manufactured in California prior to the effective date of the crib regulation (February 1, 1974), may be sold after the effective date by the manufacturer to wholesalers or retailers located in and doing business solely in California.

Section 4 of the Hazardous Substances Act, 15 U.S.C. 1263, prohibits "the introduction or delivery for introduction into interstate commerce of any misbranded hazardous substance or banned hazardous substance." Further, the crib regulation provides that full size baby cribs which are introduced into interstate commerce on or after February 1, 1974, must conform to the requirements of the regulations or be considered banned hazardous substances.

It is a well established principle that remedial legislation is to be given a liberal construction consistent with its overriding purpose to protect the public (see United States v. An Article of Drug ... Racto-Unidisk ... 394 U.S. 785 (1969)). It is the view of this office that as soon as a finished crib leaves the manufacturer's place of business it is in the stream of interstate commerce even though that particular crib is eventually shipped or sold only within the state of manufacture. Accordingly, such cribs must comply with the "Requirements for Full Size Baby Cribs."

Sincerely,

Michael A. Brown
General Counsel

AHSchoem:clb:1/29/74

cc: Secretary
Executive Director
Bureau of Compliance
A. Schoem

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