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JAN 31 1974

Matthew Brown, Esquire
Brown, Rudnick, Freed & Gesmer
Counsellors at Law
85 Devonshire Street
Boston, Mass. 02109

Dear Mr. Brown:

This is in reply to your letter dated December 20, 1973 concerning the application of the Federal Hazardous Substances Act, 15 U.S.C. 1261 et seq. You inquired whether a manufacturer could ship in intrastate commerce after February 1, 1974, cribs which do not conform to the recently issued crib standard.

Section 4 of the Hazardous Substances Act, 15 U.S.C. 1273, prohibits "the introduction or delivery for introduction into interstate commerce of any misbranded 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)). Accordingly, 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

cc: S. Dunn
F. Barrett
E. Finch
A. Schoem

G.C. Files
G.C. Chron
G.C. Reading