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~~31 MAR 1974~~
31 MAR 1974

Philip S. Marstiller, Esq.
Cole, Wells, Morano, Axselle
and Johnson
201 North Boulevard
Richmond, Virginia 23220

Dear Mr. Marstiller:

This is in reply to your letter of March 1, 1974, to Mr. D. W. Johnson. In that letter you requested that the Commission take no further action on your petition of December 28, 1973 (CP 74-9) requesting that pom poms be declared an imminent hazard under section 12 of the Consumer Product Safety Act, if an adverse ruling would be admissible in a private products liability suit involving pompoms.

A determination of imminent hazard by the Commission is a matter of public record available to all. So too is the granting or denying of petitions presented to the Commission. The admissibility of evidence in a products liability case is governed by the court applying the appropriate law. Therefore, we cannot advise you as to the admissibility of evidence involving a product which is the subject of a petition or a product which may present an imminent hazard.

You may withdraw your petition at any time by notifying the Secretary of the Commission. However, although a petition is withdrawn, the Commission is not precluded from taking any action deemed appropriate to protect the public from an unreasonable risk of injury associated with a particular product.

Sincerely,

Michael A. Brown
General Counsel

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