Frank H. Case, III, Esquire  
Governmental Affairs  
Sears Roebuck and Company  
1211 Connecticut Avenue  
Washington, D.C. 20036  

Dear Mr. Case:  

This is in response to your letter of May 16, 1974, asking whether the term, "manufacturer," as used in 16 CFR 1505.4(a)(3), includes private labelers, so as to require private label retailers to keep and make available to the Commission records relating to the production and distribution of articles subject to the electrically operated toy regulations under the Federal Hazardous Substances Act.  

The Office of the General Counsel is of the opinion that the term "manufacturer" as used in the above-mentioned portion of the regulations was not intended to include private labelers, even where the articles are manufactured to the specifications of the private labeler.  

Please contact me should you have any further questions regarding this matter.  

Sincerely,  

Michael A. Brown  
DSLEMBERG/HAFREESTO: jh 5-22-74 General Counsel  
gc file  
gg chron  
gc reading  
Freeston  
Lemberg  

cc: Executive Director  
Field Coordination  
OSCA  
BOC  

[Signature]

ADVISORY OPINION