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RECEIVED  
AUG 24 1975  
CONSUMER PRODUCT  
SAFETY COMMISSION

SEP 1 1975  
# 216

Ms. Glenda Pifer  
Acting Clothing Specialist  
United States Department of Agriculture  
Extension Service  
Washington, D. C. 20250

Dear Ms. Pifer:

This is in response to your inquiry of December 18, 1974 concerning the responsibility of the home sewer relating to the flammability of children's sleepwear. Under the Flammable Fabrics Act the Commission has issued two standards for children's sleepwear.

The Standard for the Flammability of Children's Sleepwear, sizes 0-6X (DOC FF 3-71, as amended) became fully effective July 23, 1973. All children's sleepwear items in sizes 0-6X manufactured on or after that date must meet the Standard. The term children's sleepwear includes nightgowns, pajamas and similar or related items, such as robes, intended to be worn primarily for sleeping or activities relating to sleeping, as well as fabrics and related material intended or promoted for use in sleepwear.

The Standard for the Flammability of Children's Sleepwear, sizes 7-14 (FF 5-74) will become effective May 1, 1975. Sleepwear items in sizes 7-14 (including garments and fabric and related material intended or promoted for use in sleepwear garments) manufactured on or after that date must comply with the Standard. Copies of both Sleepwear Standards are enclosed for your information.

You inquired about the responsibility under the standards of home sewers (1) who buy fabric and make garments which they sell; (2) who make garments for pay when the fabric is purchased by the client; (3) who make items that are sold at bazaars, hospitals, etc., and; (4) who make gift items.


ADVISORY OPINION

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It is our view that in the first and third situations described above, the finished garments would generally be required to comply with the appropriate sleepwear standard, since they are "manufactured for sale," and thus subject to the Flammable Fabrics Act. The detailed testing procedures prescribed under the standards would, thus, have to be followed.

In the second and fourth situations above, where a home sewer makes garments for pay when the fabric is purchased by the client, and the home sewer makes gift items (we interpret the term "gift item" to mean these items made for the client and given by the client to another person as a gift,) it does not appear that the finished garments would be required to comply with the sleepwear standards as there is no "sale" of the finished items. However, both standards require fabric intended or promoted for use in children's sleepwear to comply with the standards and we would urge all home sewers to use flame resistant material when making children's sleepwear.

Sincerely,

  
David Schmeltzer  
Acting Deputy General Counsel

Enclosure

AHSchoem:mli:3/14/75

Rewritten/Retyped

cc: AHSchoem  
GC File  
GC Chron  
GC Reading(2)  
WHGarber  
Ryan, BCM  
Records

UNITED STATES GOVERNMENT

# Memorandum

U.S. CONSUMER PRODUCT  
SAFETY COMMISSION  
WASHINGTON, D.C. 20207

TO : Alan H. Schoem, Office of General Counsel  
THRU : Al Dimcoff, Deputy Executive Director  
FROM : Harry Garber, BCM

DATE: February 6, 1975

SUBJECT: Sleepwear Flammability Standards - Department of  
Agriculture Inquiry re Responsibility of Home Sewer

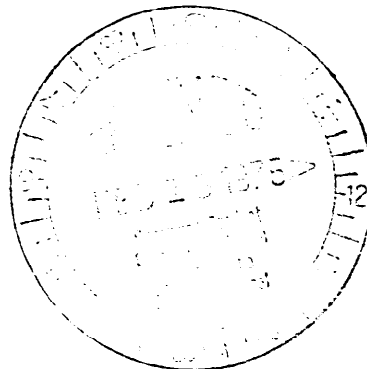
In accordance with your request a draft letter is forwarded responding to USDA inquiry on the above subject matter.

The USDA inquiry relates to four situations, each of which involves the ultimate delivery of garments by the home sewer to third parties. The circumstances outlined involve more than a situation in which the home sewer makes garments for her own use.

In view of this circumstance and of the further circumstance that the activities are similar to those which might be performed by a manufacturer, the draft letter takes the position that the garments should comply with the Sleepwear Standards, while pointing out that it is possible to petition from relief from all or part of the Standards.

This is a somewhat "touchy" situation and you might wish to seek Commission approval on any response to USDA. My personal feeling is that all sleepwear items should, at a minimum, comply with the flammability criteria imposed by the Standard. Whether some consideration might be given to relief from the sampling provisions of the Standards under any of the outlined circumstances might be addressed if a request were made showing merit in that regard.

Attachment



UNITED STATES GOVERNMENT

# Memorandum

U.S. CONSUMER PRODUCT  
SAFETY COMMISSION  
WASHINGTON, D.C. 20207

DATE: *Jan 9, 1975*

TO : Harry Garber

FROM : M. K. Ryan, Acting Director, Bureau of Compliance

TO : Al Dimcoff, Acting Executive Director

THRU: *MAR*  
Margaret A. Freeston, Acting  
Assistant General Counsel

FROM : Alan H. Schoen, Office of the General Counsel

*AHS*

SUBJECT: Home Sewer Relating to the Flammability of Children's Sleepwear

Attached is an inquiry from Glenda Pifer of the Department of Agriculture Home Extension Service concerning the responsibility of the home sewer relating to the flammability of children's sleepwear. I understand similar questions came up when the FTC was responsible for enforcing the FFA. Please prepare a reply for the General Counsel's signature.

Attachment

*Ans. by Jan 24, 75*

*Re in Garber's office  
Jan 23, 1975 according  
to memo.*

UNITED STATES DEPARTMENT OF AGRICULTURE  
EXTENSION SERVICE  
WASHINGTON, D.C. 20250

*Cooperating with Land Grant  
Colleges and Universities*

December 18, 1974

Mr. Alan Schoem  
Office of General Counsel  
Consumer Product Safety Commission  
5401 Westbard Avenue  
Washington, D.C. 20207

Dear Mr. Schoem:

We have received an inquiry concerning the responsibility and liability of the home sewer relating to the flammability of children's sleep wear:

1. If the home sewer buys fabric and makes garments which she sells.
2. If the home sewer makes garments for pay when the fabric is purchased by the client.
3. Home sewer who makes items that are sold at bazaars, hospitals, etc.
4. Home sewer makes gift items.

Will you prepare a statement which we can use in our educational programs?

Sincerely,

*Glenda Pifer*

GLEND A PIFER  
Acting Clothing Specialist

