

flammable under section 4 of the act, as to be dangerous when worn by individuals, unless the shipment or delivery for shipment in commerce of such article of wearing apparel or textile fabric is made direct to person engaged in the business of processing or finishing textile products for the pre-arranged purpose of having such article of apparel or textile fabric processed or finished to render it not so highly flammable under section 4 of the act, as to be dangerous when worn by individuals, and any person shipping or delivering for shipment the article of wearing apparel or fabric in commerce for such purpose maintains records which establish (1) that the textile fabric or article of wearing apparel has been shipped for appropriate flammability treatment, and (2) that such treatment has been completed, as well as records to show the disposition of such textile fabric or article of wearing apparel subsequent to the completion of such treatment.

(c) The importation of textile fabrics or articles of wearing apparel may be considered as incidental to a transaction involving shipment or delivery for shipment for the purpose of rendering such textile fabrics or articles of wearing apparel not so highly flammable under the provisions of section 4 of the act, as to be dangerous when worn by individuals, if:

(1) The importer maintains records which establish (i) that the imported textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment, and (ii) that such treatment has been completed, as well as records to show the disposition of such textile fabrics or articles of wearing apparel subsequent to the completion of such treatment.

(2) The importer, at the time of importation, execute and furnishes to the Bureau of Customs an affidavit stating

These fabrics (or articles of wearing apparel) are dangerously flammable under the provisions of section 4 of the Flammable Fabrics Act, and will not be sold or used in their present condition but will be processed or finished by the undersigned or by a duly authorized agent so as to render them not so highly flammable under the provisions of section 4 of the Flammable Fabrics Act, as to be dangerously flammable when worn by

individuals. The importer agrees to maintain the records required by 16 CFR 1610.39(c)(1).

(3) The importer, if requested to do so by the Bureau of Customs, furnishes an adequate specific-performance bond conditioned upon the complete discharge of the obligations assumed in paragraphs (c) (1) and (2) of this section.

NOTE: The purpose of section 11(c) is only to permit articles of wearing apparel or textile fabrics which are dangerously flammable to be shipped or delivered for shipment in commerce for the purpose of treatment or processing to render them not dangerously flammable. Section 11(c) does not in any other respect limit the force and effect of sections 3, 6, 7, and 9 of the act. In particular, section 11(c) does not authorize the sale or offering for sale of any article of wearing apparel or textile fabric which is in fact dangerously flammable at the time of sale or offering for sale, even though the seller intends to ship the article for treatment prior to delivery to the purchaser or has already done so. Moreover, under section 3 of the act a person is liable for a subsequent sale or offering for sale if, despite the purported completion of treatment to render it not dangerously flammable, the article in fact remains dangerously flammable.

## **PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X (FF 3-71)**

### **Subpart A—The Standard**

Sec.

- 1615.1 Definitions.
- 1615.2 Scope and application.
- 1615.3 General requirements.
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- 1615.31 Labeling, recordkeeping, advertising, retail display and guaranties.
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- 1615.35 Use of alternate apparatus, procedures, or criteria for testing under the standard.
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- 1615.61 [Reserved]
- 1615.62 Policy and interpretation relative to items in inventory or as to record-keeping requirements.

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1615.63 Policy regarding garment production unit identification.

1615.64 Policy to clarify scope of the standard.

SOURCE: 40 FR 59903, Dec. 30, 1975, unless otherwise noted.

### Subpart A—The Standard

AUTHORITY: Sec. 429, Pub. L. 105-276; Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569-570; 15 U.S.C. 1193.

#### § 1615.1 Definitions.

In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (15 U.S.C. 1191), the following definitions apply for purposes of this Standard:

(a) *Children's Sleepwear* means any product of wearing apparel up to and including size 6X, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping, except:

(1) Diapers and underwear;

(2) "Infant garments," as defined by section 1615.1(c), below; and

(3) "Tight-fitting garments," as defined by section 1615.1(o), below.

(b) *Size 6X* means the size defined as 6X in Department of Commerce Voluntary Product Standard, previously identified as Commercial Standard, CS 151-50 "Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers, and Children."<sup>1</sup>

(c) *Infant garment* means a garment which:

(1) Is sized nine months or smaller;

(2) If a one-piece garment, does not exceed 64.8 centimeters (25.75 inches) in length; if a two-piece garment, has no piece exceeding 40 centimeters (15.75 inches) in length;

(3) Complies with all applicable requirements of the Standard for the Flammability Clothing Textiles (16 CFR part 1610) and the Standard for the Flammability Vinyl Plastic Film (16 CFR part 1611); and

(4) Bears a label stating the size of the garment, expressed in terms of

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months of age. For example, "0 to 3 mos." or "9 mos." If the label is not visible to the consumer when the garment is offered for sale at retail, the same information must appear legibly on the package of the garment.

(d) *Item* means any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear.

(e) *Trim* means decorative materials, such as ribbons, laces, embroidery, or ornaments. This definition does not include (1) individual pieces less than 2 inches in their longest dimension, provided that such pieces do not constitute or cover in aggregate a total of more than 20 square inches of the item, or (2) functional materials (findings), such as zippers, buttons, or elastic bands, used in the construction of garments.

(f) *Test Criteria* means the maximum char length which a sample or specimen may exhibit in order to pass an individual test.

(g) *Char Length* means the distance from the original lower edge of the specimen exposed to the flame in accordance with the procedure specified in §1615.4 *Test procedure* to the end of the tear or void in the charred, burned, or damaged area, the tear being made in accordance with the procedure specified in §1615.4(g)(2).

(h) [Reserved]

(i) *Afterglow* means the continuation of glowing of parts of a specimen after flaming has ceased.

(j) *Fabric Piece* (Piece) means a continuous, unseamed length of fabric, one or more of which make up a unit.

(k) *Fabric Production Unit* (Unit) means any quantity of finished fabric up to 5,000 linear yards for normal sampling or 10,000 linear yards for reduced sampling which has a specific identity that remains unchanged throughout the Unit except for color or print pattern as specified in §1615.4(b). For purposes of this definition, finished fabric means fabric in its final form after completing its last processing steps as a fabric except for slitting.

(l) *Garment Production Unit* (Unit) means any quantity of finished garments up to 500 dozen which have a specific identity that remains unchanged throughout the Unit except

<sup>1</sup>Copies available from the National Technical Information Service, 5285 Port Royal Street, Springfield, VA 22151, and should be ordered as CS 15150.

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for size, trim, findings, color, and print patterns as specified in § 1615.4(b).

(m) *Sample* means five test specimens.

(n) *Specimen* means an 8.9 × 25.4 cm. (3.5 × 10 in.) section of fabric. For garment testing the specimen will include a seam or trim.

(o) Tight-fitting garment means a garment which:

(1)(i) In each of the sizes listed below does not exceed the maximum dimension specified below for the chest, waist, seat, upper arm, thigh, wrist, or ankle:

	Chest	Waist	Seat	Upper arm	Thigh	Wrist	Ankle
<b>Size 9–12 mos</b>							
Maximum dimension:							
Centimeters .....	48.3	48.3	48.3	14.3	26.7	10.5	13
(inches) .....	(19)	(19)	(19)	(5 <sup>5</sup> / <sub>8</sub> )	(10 <sup>1</sup> / <sub>2</sub> )	(4 <sup>1</sup> / <sub>8</sub> )	(5 <sup>1</sup> / <sub>8</sub> )
<b>Size 12–18 mos</b>							
Maximum dimension:							
Centimeters .....	49.5	49.5	50.8	14.9	28.3	10.5	13.1
(inches) .....	(19 <sup>1</sup> / <sub>2</sub> )	(19 <sup>1</sup> / <sub>2</sub> )	(20)	(5 <sup>7</sup> / <sub>8</sub> )	(11 <sup>3</sup> / <sub>8</sub> )	(4 <sup>1</sup> / <sub>8</sub> )	(5 <sup>1</sup> / <sub>8</sub> )
<b>Size 18–24 mos</b>							
Maximum dimension:							
Centimeters .....	52.1	50.8	53.3	15.6	29.5	11	13.6
(inches) .....	(20 <sup>1</sup> / <sub>2</sub> )	(20)	(21)	(6 <sup>1</sup> / <sub>8</sub> )	(11 <sup>5</sup> / <sub>8</sub> )	(4 <sup>1</sup> / <sub>4</sub> )	(5 <sup>3</sup> / <sub>8</sub> )
<b>Size 2</b>							
Maximum dimension:							
Centimeters .....	52.1	50.8	53.3	15.6	29.8	11.4	14
(inches) .....	(20 <sup>1</sup> / <sub>2</sub> )	(20)	(21)	(6 <sup>1</sup> / <sub>8</sub> )	(11 <sup>3</sup> / <sub>4</sub> )	(4 <sup>1</sup> / <sub>2</sub> )	(5 <sup>1</sup> / <sub>2</sub> )
<b>Size 3</b>							
Maximum dimension:							
Centimeters .....	53.3	52.1	56	16.2	31.4	11.7	14.9
(inches) .....	(21)	(20 <sup>1</sup> / <sub>2</sub> )	(22)	(6 <sup>3</sup> / <sub>8</sub> )	(12 <sup>3</sup> / <sub>8</sub> )	(4 <sup>5</sup> / <sub>8</sub> )	(5 <sup>7</sup> / <sub>8</sub> )
<b>Size 4</b>							
Maximum dimension:							
Centimeters .....	56	53.3	58.4	16.8	33.0	12.1	15.9
(inches) .....	(22)	(21)	(23)	(6 <sup>5</sup> / <sub>8</sub> )	(13)	(4 <sup>3</sup> / <sub>4</sub> )	(6 <sup>1</sup> / <sub>4</sub> )
<b>Size 5</b>							
Maximum dimension:							
Centimeters .....	58.4	54.6	61.0	17.5	34.6	12.4	16.8
(inches) .....	(23)	(21 <sup>1</sup> / <sub>2</sub> )	(24)	(6 <sup>7</sup> / <sub>8</sub> )	(13 <sup>5</sup> / <sub>8</sub> )	(4 <sup>7</sup> / <sub>8</sub> )	(6 <sup>5</sup> / <sub>8</sub> )
<b>Size 6</b>							
Maximum dimension:							
Centimeters .....	61.0	55.9	63.5	18.1	36.2	12.7	17.8
(inches) .....	(24)	(22)	(25)	(7 <sup>1</sup> / <sub>8</sub> )	(14 <sup>1</sup> / <sub>4</sub> )	(5)	(7)
<b>Size 6X</b>							
Maximum dimension:							
Centimeters .....	62.9	57.2	65.4	18.7	37.8	13.0	18.7
(inches) .....	(24 <sup>3</sup> / <sub>4</sub> )	(22 <sup>1</sup> / <sub>2</sub> )	(25 <sup>3</sup> / <sub>4</sub> )	(7 <sup>3</sup> / <sub>8</sub> )	(14 <sup>7</sup> / <sub>8</sub> )	(5 <sup>1</sup> / <sub>8</sub> )	(7 <sup>3</sup> / <sub>8</sub> )

(ii) Note: Measure the dimensions on the front of the garment. Lay garment, right side out, on a flat, horizontal sur-

face. Smooth out wrinkles. Measure distances as specified below and multiply them by two. Measurements

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should be equal to or less than the maximum dimensions given in the standards.

(A) Chest—measure distance from arm pit to arm pit (A to B) as in Diagram 1.

(B) Waist—See Diagram 1. *One-piece garment*, measure at the narrowest location between arm pits and crotch (C to D). *Two-piece garment*, measure width at both the bottom/ sweep of the upper piece (C to D) and, as in Diagram 3, the top of the lower piece (C to D).

(C) Wrist—measure the width of the end of the sleeve (E to F), if intended to extend to the wrist, as in Diagram 1.

(D) Upper arm—draw a straight line from waist/sweep D through arm pit B to G. Measure down the sleeve fold from G to H. Refer to table below for G to H distances for each size. Measure the upper arm of the garment (perpendicular to the fold) from H to I as shown in Diagram 1.

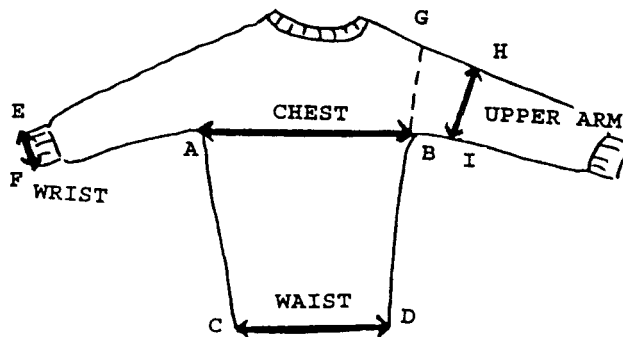


Diagram 1

DISTANCE FROM SHOULDER (G) TO (H) FOR UPPER ARM MEASUREMENT FOR SIZES 9 MONTHS THROUGH 6X

9-12 mo	12-18 mo	18-24 mo	2	3	4	5	6	6x
5.8 cm 2 <sup>1</sup> / <sub>8</sub> "	6.6 cm 2 <sup>5</sup> / <sub>8</sub> "	7.4 cm 2 <sup>7</sup> / <sub>8</sub> "	7.4 cm 2 <sup>7</sup> / <sub>8</sub> "	8.1 cm 3 <sup>1</sup> / <sub>4</sub> "	8.8 cm 3 <sup>1</sup> / <sub>2</sub> "	9.5 cm 3 <sup>1</sup> / <sub>4</sub> "	10.3cm 4"	11 cm 4 <sup>3</sup> / <sub>8</sub> "

(E) Seat—Fold the front of the pant in half to find the bottom of the crotch at J as in Diagram 2. The crotch seam and inseam intersect at J. Mark point K on the crotch seam at 4 inches above and perpendicular to the bottom of the crotch. Unfold the garment as in Diagram 3. Measure the seat from L to M through K as shown.

(F) Thigh—measure from the bottom of the crotch (J) 1 inch down the inseam to N as in Diagram 2. Unfold the garment and measure the thigh from the inseam at N to O as shown in Diagram 3.

(G) Ankle—measure the width of the end of the leg (P to Q), if intended to extend to the ankle, as in Diagram 3.

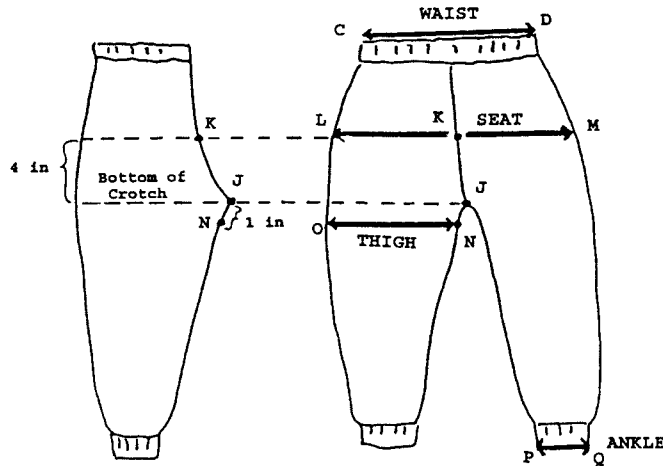


Diagram 2

Diagram 3

(2) Has no item of fabric, ornamentation or trim, such as lace, appliques, or ribbon, which extends more than 6 millimeters (1/4 inch) from the point of attachment to the outer surface of the garment;

(3) Has sleeves which do not exceed the maximum dimension for the upper arm at any point between the upper arm and the wrist, and which diminish in width gradually from the top of the shoulder (point G in Diagram 1) to the wrist;

(4) Has legs which do not exceed the maximum dimension for the thigh at any point between the thigh and the ankle, and which diminish in width gradually from the thigh to the ankle;

(5) In the case of a one-piece garment, has a width which does not exceed the maximum dimension for the chest at any point between the chest and the waist and which diminishes gradually from the chest to the waist; and has a width which does not exceed the maximum dimension for the seat at

any point between the seat and the waist and which diminishes gradually from the seat to the waist;

(6) In the case of a two-piece garment has an upper piece with a width which does not exceed the maximum dimension for the chest at any point between the chest and the bottom of that piece and which diminishes gradually from the chest to the bottom of that piece; in the case of an upper piece with fastenings, has the lowest fastening within 15 centimeters (6 inches) of the bottom of that piece;

(7) In the case of a two-piece garment, has a lower piece with a width which does not exceed the maximum dimension for the seat at any point between the seat and the top of the lower piece and which diminishes gradually from the seat to the top of that piece;

(8) Complies with all applicable requirements of the Standard for the Flammability of Clothing Textiles (16 CFR part 1610) and the Standard for the

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Flammability of Vinyl Plastic Film (16 CFR part 1611); and

(9) Bears a label stating the size of the garment in terms of age in months, or by child's size; for example: "Size 9 to 12 mos." or "Size 2." If the label is not visible to the consumer when the garment is offered for sale at retail, the same information must appear legibly on the package of the garment.

(10)(i) *Hangtags*. Bears a hangtag as shown following this paragraph stating "For child's safety, garment should fit snugly. This garment is not flame resistant. Loose-fitting garment is more likely to catch fire." The hangtag must measure 1½"×6¼". The text must be enclosed in a text box that measures

1"×5¾" and must be in 18 point Arial/ Helvetica font. The hangtag must have a yellow background and black lettering. The color yellow must meet the specifications for Standard Safety Yellow (Hue 5.OY; Value/Chroma 8.0/12) as described in American National Standard ANSI Z535.1-1998, Safety Color Code, p.6, under Munsell Notation.<sup>2</sup> One side of the hangtag must display only this message. The reverse side of the hangtag may display sizing information, but otherwise must be blank. The text must not be obscured by the hole provided for attaching the hangtag to the garment. The hangtag must be prominently displayed on the garment.

For child's safety, garment should fit snugly.  
This garment is not flame resistant.  
Loose-fitting garment is more likely to catch fire.

(ii) *Packages*. If the garments are sold in packages, the package must have a label as shown following this paragraph with the same language that would appear on the hangtag. The label must have a text box that measures ¾"×3¾". The text must be 11 point Arial/

Helvetica in black lettering against a yellow background. The packages must be prominently, conspicuously, and legibly labeled with the required message. The package label may be adhesive.

For child's safety, garment should fit snugly.  
This garment is not flame resistant.  
Loose-fitting garment is more likely to catch fire.

<sup>2</sup>ANSI Z535.1-1998, Standard for Safety Color Code, p.6, published by National Electrical Manufacturers Association is incorporated by reference. Copies of this document are available from the National Electrical Manufacturers Association, 1300 N. 17th Street, Suite 1847, Rosslyn, Virginia 22209. This document is also available for inspection at the National Archives and

Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(11) Bears a label as shown following this paragraph stating "Wear Snug-fitting, Not Flame Resistant." The text must be printed on the front of the sizing label located on the center back of the garment and must be immediately below the size designation. The

text must be a minimum of 5 point sans serif font in all capital letters and must be set apart from other label text by a line border. The text must contrast with the background color of the label. The label must not be covered by any other label or tag.

<p>WEAR SNUG-FITTING NOT FLAME RESISTANT</p>
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#### Example in 10 pt Arial font

[40 FR 59903, Dec. 30, 1975, as amended at 43 FR 4853, Feb. 6, 1978; 50 FR 53307, Dec. 31, 1985; 61 FR 47644, Sept. 9, 1996; 64 FR 2838, Jan. 19, 1999; 64 FR 34533, 34535, June 28, 1999; 65 FR 1435, Jan. 10, 2000]

#### § 1615.2 Scope and application.

(a) This Standard provides a test method to determine the flammability of items as defined in § 1615.1(d).

(b) All items as defined in § 1615.1(d) are subject to requirements of this standard.

(c) The flammability standards for clothing textiles and vinyl plastic film, parts 1610 and 1611 of this chapter, are superseded by this part insofar as they apply to items defined in § 1615.1(d).

[40 FR 59903, Dec. 30, 1975, as amended at 64 FR 34533, June 28, 1999]

#### § 1615.3 General requirements.

(a) *Summary of test method.* Five conditioned specimens, 8.9 × 25.4 cm. (3.5 × 10 in.), are suspended one at a time vertically in holders in a prescribed cabinet and subjected to a standard flame along their bottom edge for a specified time under controlled conditions. The char length is measured.

(b) *Test criteria.* The test criteria when the testing is done in accordance with § 1615.4 *Test procedure* are:

(1) *Average char length.* The average char length of five specimens shall not exceed 17.8 cm. (7.0 in.).

(2) *Full specimen burn.* No individual specimen shall have a char length of 25.4 cm. (10 in.).

[40 FR 59903, Dec. 30, 1975, as amended at 43 FR 4853, Feb. 6, 1978]

#### § 1615.4 Test procedure.

(a) *Apparatus—(1) Test chamber.* The test chamber shall be a steel cabinet with inside dimensions of 32.9 cm. (12 15/16 in.) wide, 32.9 cm. (12 15/16 in.) deep, and 76.2 cm. (30 in.) high. It shall have a frame which permits the suspension of the specimen holder over the center of the base of the cabinet at such a height that the bottom of the specimen holder is 1.7 cm. ( 3/4 in.) above the highest point of the barrel of the gas burner specified in paragraph (c) of this section and perpendicular to the front of the cabinet. The front of the cabinet shall be a close fitting door with a glass insert to permit observation of the entire test. The cabinet floor may be covered with a piece of asbestos paper, whose length and width are approximately 2.5 cm. (1 in.) less than the cabinet floor dimensions. The cabinet to be used in this test method is illustrated in Figure 1 and detailed in Engineering Drawings, Nos. 1 to 7.

(2) *Specimen holder.* The specimen holder is designed to permit suspension of the specimen in a fixed vertical position and to prevent curling of the specimen when the flame is applied. It shall consist of two U-shaped 0.20 cm. (14 ga. USS) thick steel plates, 42.2 cm. (16 5/8 in.) long, and 8.9 cm. (3.5 in.) wide, with