

§ 1615.5

washer load shall be 3.64 Kg (8 pounds) and may consist of any combination of test samples and dummy pieces. Drying shall be performed in accordance with section 8.3.1(A) of that test method, Tumble Dry, using the exhaust temperature ($66^{\circ} \pm 5^{\circ} \text{C}$, $150^{\circ} \pm 10^{\circ} \text{F}$) and cool down time of 10 minutes specified in the "Durable Press" conditions of Table IV. Alternatively, a different number of times under another washing and drying procedure may be specified and used, if that procedure has previously been found to be equivalent by the Consumer Product Safety Commission. Such laundering is not required of items which are not intended to be laundered, as determined by the Consumer Product Safety Commission.

(iii) Items which are not susceptible to being laundered and are labeled "dry-clean only" shall be drycleaned by a procedure which has previously been found to be acceptable by the Consumer Product Safety Commission.

(iv) For the purpose of the issuance of a guarantee under section 8 of the act, finished sleepwear garments to be tested according to paragraphs (b) through (e) of this section need not be laundered or drycleaned provided all fabrics used in making the garments (except trim) have been guaranteed by the fabric producer to be acceptable when tested according to paragraphs (b) through (e) of this section.

[40 FR 59903, Dec. 30, 1975; 41 FR 1061, Jan. 6, 1976; 41 FR 8032, Feb. 24, 1976, as amended at 43 FR 4853, Feb. 6, 1978; 46 FR 63251, Dec. 31, 1981; 64 FR 24526, June 28, 1999; 65 FR 12927, Mar. 10, 2000]

§ 1615.5 Labeling requirements.

(a) *Care labels.* All items of children's sleepwear shall be labeled with precautionary instructions to protect the items from agents or treatments which are known to cause deterioration of their flame resistance. If the item has been initially tested under §1615.4(g)(4) after one washing and drying, it shall be labeled with instructions to wash before wearing. Such labels shall be permanent and otherwise in accordance with rules and regulations established by the Consumer Product Safety Commission.

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(b) [Reserved]

[40 FR 59903, Dec. 30, 1975, as amended at 61 FR 1116, Jan. 16, 1996]

Subpart B—Rules and Regulations

AUTHORITY: Sec. 5, 67 Stat. 112-113, as amended, 81 Stat. 570, 15 U.S.C. 1194.

§ 1615.31 Labeling, recordkeeping, advertising, retail display and guarantees.

(a) *Definitions.* For the purposes of this section, the following definitions apply:

(1) *Standard* means the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71) (subpart A of this part) promulgated by the Secretary of Commerce in the FEDERAL REGISTER of July 29, 1971 (36 FR 14062), and amended by him in the FEDERAL REGISTER of July 21, 1972 (37 FR 14624).

(2) *Children's sleepwear* means "children's sleepwear" as defined in §1615.1(a) of the Standard; that is, "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. Diapers and underwear are excluded from this definition."

(3) *Item* means "item" as defined in §1615.1(c) of the Standard; that is, "any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear."

(4) *Marketing or handling or marketed or handled* means any one or more of the transactions set forth in section 3 of the Flammable Fabrics Act (15 U.S.C. 1192).

(5) The definitions of terms set forth in §1615.1 of the Standard shall also apply to this section.

(b) *Labeling.* (1) Where any agent or treatment is known to cause deterioration of flame resistance or otherwise enhances the flammability characteristics of an item, such item shall be prominently, permanently, conspicuously, and legibly labeled with precautionary care and treatment instructions to protect the item from such agent or treatment: Provided: