

(c) On May 19, 1972, the Federal Trade Commission published a notice in the FEDERAL REGISTER (37 FR 10104) temporarily suspending the washing requirements under FF 1-70 for carpets and rugs containing alumina trihydrate in the backing. This temporary suspension was extended a number of times. On March 28, 1973 the Federal Trade Commission proposed in the FEDERAL REGISTER (38 FR 8101) an alternative laundering procedure for such carpets and rugs and gave notice that the suspension of the laundering requirement was extended until the completion of the proceeding to establish an alternative laundering procedure. The suspension continues in effect.

[40 FR 59931, Dec. 30, 1975, as amended at 65 FR 12933, Mar. 10, 2000]

Subpart D—Interpretations and Policies

§ 1630.81 Policy on recall of noncomplying carpets and rugs.

(a) *Purpose.* The purpose of this section is to state the policy of the Commission concerning recall of carpets and rugs which are subject to and fail to comply with the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70) (16 CFR part 1630, subpart A). In this policy statement, the Commission reaffirms that provisions of the Flammable Fabrics Act (FFA) authorize recall of any product which fails to comply with an applicable flammability standard issued under that Act. Additionally, this policy statement announces general principles which will be followed by the Commission in exercising the authority contained in the FFA to require recall of carpets and rugs from various levels of distribution, including carpets and rugs in the possession of the ultimate consumer.

(b) *Recall from distributors and retailers.* The Commission will exercise the authority contained in the FFA to order recall of carpets and rugs which fail to comply with the Standard for the Surface Flammability for Carpets and Rugs and which are in the possession of any distributor, retailer, or other person or firm in the chain of distribution, where the facts, including the number and pattern of test fail-

ures, indicate that such action is necessary and appropriate.

(c) *Recall from consumers.* (1) In cases involving carpets and rugs distributed in commerce by a domestic manufacturer, or imported into the United States, after July 11, 1978, the Commission will exercise the authority contained in the FFA to order recall of carpets and rugs which fail to comply with the Standard for the Surface Flammability of Carpets and Rugs and which are in the possession of ultimate purchasers, including installed carpet, where the facts, including the number and pattern of test failures, indicate that such action is necessary and appropriate.

(2) The Commission may exercise the authority of section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) to order the repair, replacement, or repurchase of any carpets or rugs in the possession of ultimate purchasers, including installed carpet, if such carpets and rugs present a "substantial product hazard" as that term is used in the Consumer Product Safety Act in any case involving carpets or rugs which were distributed in commerce by a domestic manufacturer or imported into the United States, on or before July 11, 1978, or any time thereafter.

(Sec. 5, 15 U.S.C. 1194, 67 Stat. 112, June 30, 1953; sec. 5, 15 U.S.C. 45(b), 38 Stat. 719, Sept. 26, 1914; sec. 15, 15 U.S.C. 2064, 86 Stat. 1221, Oct. 27, 1972)

[44 FR 2169, Jan. 10, 1979]

PART 1631—STANDARD FOR THE SURFACE FLAMMABILITY OF SMALL CARPETS AND RUGS (FF 2-70)

Subpart A—The Standard

Sec.

- 1631.1 Definitions.
- 1631.2 Scope and application.
- 1631.3 General requirements.
- 1631.4 Test procedure.
- 1631.5 Labeling requirements.

Subpart B—Rules and Regulations

- 1631.31 Reasonable and representative tests and recordkeeping requirements.
- 1631.32 Reasonable and representative tests and recordkeeping requirements—additional requirements.