

MEETING LOG

CPSA 6 (b)(1) Closed  
No. 87742  
Product Recalled  
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DATE of MEETING: July 27, 1995

WHERE: 4330 East West Highway Bethesda, Maryland

PARTICIPANTS: CPSC: Alan H. Schoem, Office of Chairman (301-504-0283); Lori Saltzman, Health Sciences; Melissa Hampshire, Office of General Counsel  
**Federal Trade Commission:** Toby Levin, Division of Advertising Practices (202-326-3156)

Harvey Schakowsky, Solar Protective Factory, Inc.  
2524 N. Lincoln Avenue Suite 197 Chicago, Illinois  
60614 (312-281-5855)

MEETING LOG PREPARED BY: Alan H. Schoem, August 1, 1995

SUMMARY: The meeting was held at Mr. Schakowsky's request. Mr. Schakowsky discussed the history of his firm which was started in 1990. The firm produces garments that filter out UVB rays, i.e. sunblocking garments. He discussed his attempts to have the firm's garments listed by the Food and Drug Administration as a medical device.

Mr. Schakowsky discussed the types of tests conducted by his firm to assure its garments offer UV protection. The tests include laundering, abrasion, and skin irritancy tests. Mr. Schakowsky also discussed the tests conducted by some of his competitors and the differences between his firm's garments and the competitors garments.

Mr. Schakowsky's goal is to have uniform tests for UV garments so that there is a level playing field. At a minimum he believed there should be tests for skin irritancy, tests of the garments while dry and wet, and wear tests to determine if the garment retains its sunblocking ability.

Mr. Schakowsky was concerned that his competitor's garments might not perform as well as his firm's garments; and that the public might think they were getting more protection than they were.

CPSC staff discussed its legal authority to establish standards. The staff indicated it believed it was unlikely there would be a basis for the Commission to establish a mandatory standard or to take other regulatory action unless there was some particular risk of injury presented by the garments that rose to an actionable level under the Commission's statutes. CPSC staff suggested the Federal Trade Commission would be the appropriate lead agency if advertising of UV garments was deceptive or misleading. Ms. Levin discussed the authority of the FTC.

CPSC staff offered to put Mr. Schakowsky in touch with the appropriate officials within ASTM if he wished to pursue voluntary standard activity.