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OFFICE OF THE SECRETARY

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CONSUMER PRODUCT
SAFETY COMMISSION



Dear [REDACTED]

This is in response to your recent letter to Commissioner Barbara H. Franklin regarding children's Halloween costumes. In that letter you asked what kinds of laws would apply to these costumes.

The Flammable Fabrics Act which is administered by this Commission, prohibits the sale, manufacture for sale or offering for sale of any product, fabric or related material unless it conforms to a flammability standard which may be applicable. The standard which would apply to Halloween costumes is Commercial Standard 191-53. (Copy enclosed). This standard applies to items of wearing apparel and to fabric intended or sold for use in wearing apparel.

CS 191-53 prescribes a test for determining flammability. Although this test is not mandatory, all items of wearing apparel must meet the Standard. In addition, a supplier may be asked by a customer to supply a guarantee that the fabric or item of wearing apparel he sells meets the test requirements of CS 191-53. The Flammable Fabrics Act makes it unlawful for a person to furnish a false guaranty. Thus a person who purchases fabric to be manufactured into wearing apparel may ask the fabric supplier to guarantee that the fabric meets the test requirements of CS 191-53. When the finished product is sold by the manufacturer to a wholesaler or retailer, the manufacturer may be asked to guarantee that his product meets the test requirements of CS 191-53. Although neither the fabric supplier or the manufacturer of wearing apparel is required to issue a guaranty, the customer of either may prefer to do business elsewhere.



Your letter states that your firm "is creating" different categories of children's costumes. It is unclear from this description whether the costumes are to be manufactured or whether ready-to-wear components will merely be assembled into packages. In either case, we hope that this discussion will provide the guidance you need, either as a manufacturer or a retailer. If you need further information, you may wish to contact the Commission's Los Angeles area office, as follows:

Roger C. Burrows
Acting Area Director
3660 Wilshire Blvd., Suite 1100
Los Angeles, California 90010
Phone: (213) 688-4334

We would suggest in addition, that you contact the appropriate State official to determine whether California flammability law would affect your project.

Sincerely,

Original signed by
Michael A. Brown

Michael A. Brown
General Counsel

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September 24, 1974

Ms. Barbara Hackman Franklin
Consumer Products Safety Commission
1750 Kay Street, N.W.
Washington, D.C.

Dear Ms. Franklin:

I am employed by a small costume company and we are considering trying to make some extra money for the company by taking advantage of the demand for costumes during Halloween. What my company is interested in doing is creating three different packages of children's costumes falling into the categories of 1) make-it-yourself, 2) rentals, and 3) packages of children's costumes ready-made. Aside from the fact that we are trying to find out locally if children's costumes must be fire-proofed, we are very eager to find out what if any legal stipulations are in order. Can you possibly advise us regarding any legalities which we must follow?

Please know how much we shall appreciate any assistance you might have to offer. Thank you for your time and consideration.

Sincerely yours,

BSC/fc

