

code of federal regulations

Commercial

16

PARTS 150 TO 999

Revised as of January 1, 1982

**CONTAINING
A CODIFICATION OF DOCUMENTS
OF GENERAL APPLICABILITY
AND FUTURE EFFECT**

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case, the advertising must contain a statement clearly and conspicuously disclosing either:

- (1) The visible part or parts are simulated or imitation leather, or
- (2) The general nature of the visible part or parts in such manner as will show they are not leather or not the type of leather depicted.

Example. An advertisement contains a picture of a shoe in sufficient detail as to lead a casual reader to expect the upper and linings were composed of leather. This advertisement must disclose the true composition of these parts or disclose that they are imitation leather.

(b) The term "leather" and other terms suggestive of leather may be unqualifiedly used in advertising of shoes and slippers only when the shoes or slippers are composed in all substantial parts of top grain leather, exclusive of heels, stiffenings and ornamentation.

(1) If a shoe or slipper is composed in substantial part of leather, such terms may be used in advertising if immediately qualified to show clearly what part or parts are of leather, provided no reference to leather content shall be so emphasized as to exaggerate or otherwise deceptively represent the quantity, quality or extent of leather present.

(2) The unqualified term "leather" and other terms suggestive of leather may not be used to describe shoes and slippers or parts thereof made from split leather or from ground, pulverized or shredded leather. The term may be used if qualified so as to provide an accurate, nondeceptive description of the split leather or the ground, pulverized or shredded leather content.

(3) Terms suggestive of leather may be used to describe the appearance of a nonleather material which has the appearance of leather if immediately accompanied by a disclosure that the term refers only to the appearance and that the material is not leather.

Example. "Imitation Alligator."

(c) In the advertising of shoes and slippers, no trade name, coined name, trade-mark, depiction, symbol, or other words or terms may be used which would tend to convey the im-

pression that the shoes or slippers advertised are made of a certain kind or type of material when they are not.

(d) Examples of words and terms prohibited by this section, when applied to nonleather material are:

- "Duraleather."
- "Barkhyde."

[Guide 7]

PART 232—GUIDES FOR ADVERTISING RADIATION MONITORING INSTRUMENTS

Sec.

232.0 Application.

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AUTHORITY: Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46, unless otherwise noted.

SOURCE: 32 FR 15533, Nov. 8, 1967, unless otherwise noted.

§ 232.0 Application.

This part is applicable to the advertising of instruments, devices or other products which are represented in any manner to be of use to the general public for detecting or measuring fallout radiation. All forms of advertising, labeling and other promotional material, however, disseminated, are within the scope of this part.

§ 232.0-1 Explanation of terms.

As used in this part:

(a) "Gamma radiation" refers to the high energy radiation which would be given off by radioactive fallout particles and would present the major radiation hazard for the first few weeks after a nuclear attack;

(b) "Roentgen" refers to the standard unit of measure for the amount (dose) of gamma radiation exposure;

(c) "Dosimeter" refers to an instrument or device designed to measure the accumulated amount (total dose) of gamma radiation to which an individual or area has been exposed during the period of measurement;

(d) "Rate meter" refers to an instrument or device designed to measure the intensity (dose rate) of gamma radiation existing at the time and place of measurement;

(e) "Official OCD Criteria" refers to the "Criteria for Radiation Instruments for Use by the General Public"¹ as published by the Office of Civil Defense, Department of Defense, Washington, D.C. 20301.

§ 232.1 Products adequate for home civil defense use.

(a) A product should not be represented, directly or by implication, as providing an adequate means whereby families or individual users may detect or measure radiation resulting from a nuclear attack, unless the product meets the Official OCD Criteria in all material respects.

(b) The following are some examples of products which would fail, in material respects, to meet the Official OCD Criteria:

Example 1. A rate meter which will not measure (indicate quantitatively) gamma radiation dose rates from 1 to at least 100 roentgens per hour and give positive indication when the dose rate is between 100 roentgens per hour and 1,000 roentgens per hour;

Example 2. A dosimeter which will not measure (indicate quantitatively) accumulated doses of gamma radiation:

- a. From zero to at least 600 roentgens, or
- b. From zero to at least 200 roentgens (when provision is made for resetting the instrument's indicator back to zero to permit further use);

Example 3. A rate meter which will not provide a measure of gamma radiation within an over-all accuracy of plus or minus 35 percent of the true gamma radiation intensity (dose rate);

¹ Copies of the "Criteria for Radiation Instruments for Use by the General Public" are available upon request from the Office of Civil Defense, Department of Defense, Washington, D.C. 20301.

Example 4. A dosimeter which will not measure gamma radiation within an over-all accuracy of plus or minus 25 percent of the true accumulated amount (total dose) of gamma radiation;

Example 5. An instrument, the operation of which would be materially affected, by temperature changes, habitable altitudes, high humidity and other climatic and weather conditions, or by prolonged periods of storage;

Example 6. An instrument or device which would require the user to evaluate the radiation dose or dose rate by nothing more than his interpretation of variations in tone, brightness, loudness, color or photographic densities.

[Guide I]

§ 232.2 Products of limited home civil defense use—affirmative disclosures of limitations.

A product which does not meet the official OCD criteria in all material respects, but which would be of some significant use in detecting and measuring fallout radiation, should not be represented, directly or by implication, as providing any means whereby members of the general public could detect or measure radiation resulting from a nuclear attack, unless all advertising, labeling and promotional material used therefor clearly and conspicuously disclose all material respects in which the product fails to meet the official OCD criteria. [Guide II]

§ 232.3 Representations for toys, novelties, etc.

Products which cannot be relied on to serve a significant purpose in detecting and measuring radiation after a nuclear attack, should not be advertised or labeled in any manner which would convey the impression that the product would fulfill any such home civil defense need. [Guide III]

§ 232.4 Representations for professional monitoring instruments.

Professional, industrial, laboratory and other types of products designed for specialized radiation monitoring, but which would not be of practical use for some significant home civil defense need, should not be represented in any manner that would convey the impression that the product would be

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useful for home civil defense purposes. [Guide IV]

§ 232.5 Representations requiring qualifications.

(a) Representations which are susceptible of more than one interpretation, one or more of which would be misleading, should be qualified to remove the deceptive implications.

Example 1. Claims implying that radiation monitoring instruments provide "protection" from fallout radiation are misleading because such instruments only detect and measure radiation. Shelter is required for protection against radiation hazards. Therefore, any statement implying that monitoring instruments afford protection, such as, "Help Protect the Family," should be properly qualified.

Example 2. Such representations as "Detect and Measure Radiation" should be qualified so as to make it clear that the advertised product would be adequate for measuring only dose rates or only total doses of gamma radiation, as the case may be, unless the product adequately provides for making both types of measurements.

(b) Representations which cannot be qualified without the qualification amounting to a contradiction should not be used.

Example 1. Representations such as "100 percent Accurate" and "Fully Accurate," or any other expressions implying that an instrument would be completely accurate under all possible conditions of use, should not be used unless true in fact, because any qualification would amount to a contradiction.

Example 2. If a product does not include an adequate dosimeter and an adequate rate meter it should not be represented as a "Complete Family Kit," because any qualification of that claim, or one of similar meaning, would necessarily contradict the implication that a family would need nothing more than the kit to satisfy its basic radiation monitoring needs.

(c) Qualifications or disclosures should be made clearly and conspicuously in close conjunction with any representation which makes the qualification or disclosure necessary, and should have sufficient prominence to be observed by casual readers. Qualifications and disclosures should not be deceptively deemphasized through use of small print, asterisks, footnotes or by any other means. [Guide V]

§ 232.6 Government approval or endorsement.

If a product meets the official OCD criteria, the advertiser may reveal this fact in advertising. However, even though the product meets such criteria, an advertiser should not represent in any manner that the product is being offered by, or has been approved, accepted, recommended or otherwise endorsed by the Government or any agency thereof. Thus, representations, pictures, seals, insignia, trade or brand names, or any other term or symbol which would imply any Government connection, approval or any other form of governmental endorsement, should not be used. [Guide VI]

§ 232.7 Performance claims and other representations.

No representation should be made, in any manner, which would mislead prospective purchasers concerning:

(a) A product's manner of performance, capabilities, reliability, utility, durability, or shock-resistant or moisture-resistant properties; or

(b) The ease or simplicity with which a product may be operated, interpreted, calibrated, tested, repaired or maintained. [Guide VII]

NOTE: The Federal Trade Commission's Guides Against Deceptive Pricing and Guides Against Deceptive Advertising of Guarantees furnish guidance respecting price and guarantee representations.

PART 233—GUIDES AGAINST DECEPTIVE PRICING

Sec.

233.1 Former price comparisons.

233.2 Retail price comparisons; comparable value comparisons.

233.3 Advertising retail prices which have been established or suggested by manufacturers (or other nonretail distributors).

233.4 Bargain offers based upon the purchase of other merchandise.

233.5 Miscellaneous price comparisons.

AUTHORITY: Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46, unless otherwise noted.

SOURCE: 32 FR 15534, Nov. 8, 1967, unless otherwise noted.