

§24.3 Misuse of the terms “waterproof,” “dustproof,” “warpproof,” “scuffproof,” “scratchproof,” “scuff resistant,” and “scratch resistant.”

It is unfair or deceptive to:

(a) Use the term “Waterproof” to describe all or part of an industry product unless the designated product or material prevents water from contact with its contents under normal conditions of intended use during the anticipated life of the product or material.

(b) Use the term “Dustproof” to describe an industry product unless the product is so constructed that when it is closed dust cannot enter it.

(c) Use the term “Warpproof” to describe all or part of an industry product unless the designated product or part is such that it cannot warp.

(d) Use the term “Scuffproof,” “Scratchproof,” or other terms indicating that the product is not subject to wear in any other respect, to describe an industry product unless the outside surface of the product is immune to scratches or scuff marks, or is not subject to wear as represented.

(e) Use the term “Scuff Resistant,” “Scratch Resistant,” or other terms indicating that the product is resistant to wear in any other respect, unless there is a basis for the representation and the outside surface of the product is meaningfully and significantly resistant to scuffing, scratches, or to wear as represented.

PARTS 25–227 [RESERVED]

PART 228—TIRE ADVERTISING AND LABELING GUIDES

- Sec.
 228.0 “Industry Product” and “Industry Member” defined.
 228.0-1 Use of guide principles.
 228.1 Tire description.
 228.2 Designations of grade, line, level, or quality.
 228.3 Deceptive designations.
 228.4 Original equipment.
 228.5 Comparative quality and performance claims.
 228.6 Ply count, plies, ply rating.
 228.7 Cord materials.
 228.8 “Change-Overs,” “New Car Take Offs,” etc.
 228.9 Retreaded and used tires.
 228.10 Disclosure that products are obsolete or discontinued models.

- 228.11 Blemished, imperfect, defective, etc., products.
 228.12 Pictorial misrepresentations.
 228.13 Racing claims.
 228.14 Bait advertising.
 228.15 Deceptive pricing.
 228.16 Guarantees.
 228.17 Safety or performance features.
 228.18 Other claims and representations.
 228.19 Snow tire advertising.

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

SOURCE: 32 FR 15525, Nov. 8, 1967, unless otherwise noted.

§228.0 “Industry Product” and “Industry Member” defined.

As used in this part, the terms *Industry Product* or *Product* shall mean pneumatic tires for use on passenger automobiles, station wagons, and similar vehicles, or the materials used therein. The term *Industry Member* shall mean: All persons or firms who are engaged in the manufacture, sale or distribution of industry products as above defined whether under the manufacturer’s or a private brand; and the manufacturers of passenger automobiles, station wagons, and similar vehicles for which industry products are provided as original equipment.

§228.0-1 Use of guide principles.

The following general principles will be used in determining whether terminology and other direct or indirect representations subject to the Commission’s jurisdiction regarding industry products conform to laws administered by the Commission.

§228.1 Tire description.

(a) The purchase of tires for a motor vehicle is an extremely important matter to the consumer. Not only are substantial economic factors involved, but in most instances the purchaser will entrust the safety of himself and others to the performance of the product.

(b) To avoid being deceived, the consumer must have certain basic information. Certain of this information should be provided before the purchaser makes his choice but other is essential throughout the life of the tire.

(1) *Disclosure before the sale.* The following information should be disclosed in point of sale material which is