

### § 24.3

percentage of non-leather substances contained in the material. For example: An industry product made of a composition material consisting of 60% shredded leather fibers may be described as: Bonded Leather Containing 60% Leather Fibers and 40% Non-leather Substances.

(g) *Form of disclosures under this section.* All disclosures described in this section should appear in the form of a stamping on the product, or on a tag, label, or card attached to the product, and should be affixed so as to remain on or attached to the product until received by the consumer purchaser. All such disclosures should also appear in all advertising of such products irrespective of the media used whenever statements, representations, or depictions appear in such advertising which, absent such disclosures, serve to create a false impression that the products, or parts thereof, are of a certain kind of composition. The disclosures affixed to products and made in advertising should be of such conspicuousness and clarity as to be noted by purchasers and prospective purchasers casually inspecting the products or casually reading, or listening to, such advertising. A disclosure necessitated by a particular representation should be in close conjunction with the representation.

### § 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 de-

### 16 CFR Ch. I (1-1-01 Edition)

scribe 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