

the act prescribed, and the words “no person may \* \* \*” or “a person may not \* \* \*” mean that no person is required, authorized, or permitted to do the act prescribed; and

(3) *Includes* means “includes but is not limited to”.

[Doc. No. 1150, 27 FR 4590, May 15, 1962, as amended by Amdt. 1-10, 31 FR 5055, Mar. 29, 1966]

### PART 3—GENERAL REQUIREMENTS

Sec.

3.1 Applicability.

3.5 Statements about products, parts, appliances and materials.

AUTHORITY: 49 U.S.C. 106(g), 40113, 44701, and 44704.

SOURCE: 70 FR 54832, Sept. 16, 2005, unless otherwise noted.

#### § 3.1 Applicability.

(a) This part applies to any person who makes a record regarding:

(1) A type-certificated product, or

(2) A product, part, appliance or material that may be used on a type-certificated product.

(b) Section 3.5(b) does not apply to records made under part 43 of this chapter.

#### § 3.5 Statements about products, parts, appliances and materials.

(a) *Definitions.* The following terms will have the stated meanings when used in this section:

*Airworthy* means the aircraft conforms to its type design and is in a condition for safe operation.

*Product* means an aircraft, aircraft engine, or aircraft propeller.

*Record* means any writing, drawing, map, recording, tape, film, photograph or other documentary material by which information is preserved or conveyed in any format, including, but not limited to, paper, microfilm, identification plates, stamped marks, bar codes or electronic format, and can either be separate from, attached to or inscribed

on any product, part, appliance or material.

(b) *Prohibition against fraudulent and intentionally false statements.* When conveying information related to an advertisement or sales transaction, no person may make or cause to be made:

(1) Any fraudulent or intentionally false statement in any record about the airworthiness of a type-certificated product, or the acceptability of any product, part, appliance, or material for installation on a type-certificated product.

(2) Any fraudulent or intentionally false reproduction or alteration of any record about the airworthiness of any type-certificated product, or the acceptability of any product, part, appliance, or material for installation on a type-certificated product.

(c) *Prohibition against intentionally misleading statements.* (1) When conveying information related to an advertisement or sales transaction, no person may make, or cause to be made, a material representation that a type-certificated product is airworthy, or that a product, part, appliance, or material is acceptable for installation on a type-certificated product in any record if that representation is likely to mislead a consumer acting reasonably under the circumstances.

(2) When conveying information related to an advertisement or sales transaction, no person may make, or cause to be made, through the omission of material information, a representation that a type-certificated product is airworthy, or that a product, part, appliance, or material is acceptable for installation on a type-certificated product in any record if that representation is likely to mislead a consumer acting reasonably under the circumstances.

(d) The provisions of § 3.5(b) and § 3.5(c) shall not apply if a person can show that the product is airworthy or that the product, part, appliance or material is acceptable for installation on a type-certificated product.