

**§ 303.45 Exclusions from the act.**

(a) Pursuant to section 12(b) of the Act, the Commission hereby excludes from the operation of the Act:

- (1) All textile fiber products except:
  - (i) Articles of wearing apparel;
  - (ii) Handkerchiefs;
  - (iii) Scarfs;
  - (iv) Beddings;
  - (v) Curtains and casements;
  - (vi) Draperies;
  - (vii) Tablecloths, napkins, and doilies;
  - (viii) Floor coverings;
  - (ix) Towels;
  - (x) Wash cloths and dish cloths;
  - (xi) Ironing board covers and pads;
  - (xii) Umbrellas and parasols;
  - (xiii) Batts;
  - (xiv) Products subject to section 4(h) of the Act;
  - (xv) Flags with heading or more than 216 square inches (13.9 dm<sup>2</sup>) in size;
  - (xvi) Cushions;
  - (xvii) All fibers, yarns and fabrics (including narrow fabrics except packaging ribbons);
  - (xviii) Furniture slip covers and other covers or coverlets for furniture;
  - (xix) Afghans and throws;
  - (xx) Sleeping bags;
  - (xxi) Antimacassars and tidies;
  - (xxii) Hammocks;
  - (xxiii) Dresser and other furniture scarfs.
- (2) Belts, suspenders, arm bands, permanently knotted neckties, garters, sanitary belts, diaper liners, labels (either required or non-required) individually and in rolls, looper clips intended for handicraft purposes, book cloth, artists' canvases, tapestry cloth, and shoe laces.
- (3) All textile fiber products manufactured by the operators of company stores and offered for sale and sold exclusively to their own employees as ultimate consumers.
- (4) Coated fabrics and those portions of textile fiber products made of coated fabrics.
- (5) Secondhand household textile articles which are discernibly secondhand or which are marked to indicate their secondhand character.
- (6) Non-woven products of a disposable nature intended for one-time use only.

(7) All curtains, casements, draperies, and table place mats, or any portions thereof otherwise subject to the Act, made principally of slats, rods, or strips, composed of wood, metal, plastic, or leather.

(8) All textile fiber products in a form ready for the ultimate consumer procured by the military services of the United States which are bought according to specifications, but shall not include those textile fiber products sold and distributed through post exchanges, sales commissaries, or ship stores; provided, however, that if the military services sell textile fiber products for nongovernmental purposes the information with respect to the fiber content of such products shall be furnished to the purchaser thereof who shall label such products in conformity with the Act and regulations before such products are distributed for civilian use.

(9) All hand woven rugs made by Navajo Indians which have attached thereto the "Certificate of Genuineness" supplied by the Indian Arts and Crafts Board of the United States Department of Interior. The term *Navajo Indian* means any Indian who is listed on the register of the Navajo Indian Tribe or is eligible for listing thereon.

(b) The exclusions provided for in paragraph (a) of this section shall not be applicable (1) if any representations as to the fiber content of such products are made on any label or in any advertisement without making a full and complete fiber content disclosure on such label or in such advertisement in accordance with the Act and regulations with the exception of those products excluded by paragraph (a)(6) of this section, or (2) if any false, deceptive, or misleading representations are made as to the fiber content of such products.

(c) The exclusions from the Act provided in paragraph (a) of this section are in addition to the exemptions from the Act provided in section 12(a) of the Act and shall not affect or limit such exemptions.

(Sec. 12, 72 Stat. 1723; 15 U.S.C. 70j)

[24 FR 4480, June 2, 1959, as amended at 25 FR 4318, May 14, 1960; 25 FR 7044, July 26, 1960; 29 FR 48, Jan. 3, 1964; 61 FR 11544, Mar. 21, 1996]

**PART 304—RULES AND REGULATIONS UNDER THE HOBBY PROTECTION ACT**

Sec.

- 304.1 Terms defined.
- 304.2 General requirement.
- 304.3 Applicability.
- 304.4 Application of other law or regulation.
- 304.5 Marking requirements for imitation political items.
- 304.6 Marking requirements for imitation numismatic items.

AUTHORITY: 15 U.S.C. 2101 et seq.

SOURCE: 40 FR 5496, Feb. 6, 1975, unless otherwise noted.

**§ 304.1 Terms defined.**

(a) *Act* means the Hobby Protection Act (approved November 29, 1973; Pub. L. 93-167, 87 Stat. 686, (15 U.S.C. 2101 et seq.)).

(b) *Commerce* has the same meanings as such term has under the Federal Trade Commission Act.

(c) *Commission* means the Federal Trade Commission.

(d) *Imitation numismatic item* means an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item. Such term includes an original numismatic item which has been altered or modified in such a manner that it could reasonably purport to be an original numismatic item other than the one which was altered or modified. The term shall not include any re-issue or re-strike of any original numismatic item by the United States or any foreign government.

(e) *Imitation political item* means an item which purports to be, but in fact is not, an original political item, or which is a reproduction, copy or counterfeit of an original item.

(f) *Original numismatic item* means anything which has been a part of a coinage or issue which has been used in exchange or has been used to commemorate a person, object, place, or event. Such term includes coins, tokens, paper money, and commemorative medals.

(g) *Original political item* means any political button, poster, literature, sticker, or any advertisement produced for use in any political cause.

(h) *Person* means any individual, group, association, partnership, or any other business entity.

(i) *Regulations* means any or all regulations prescribed by the Federal Trade Commission pursuant to the Act.

(j) *United States* means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(k) *Diameter of a reproduction* means the length of the longest possible straight line connecting two points on the perimeter of the reproduction.

[40 FR 5496, Feb. 6, 1975, as amended at 53 FR 38942, Oct. 4, 1988]

**§ 304.2 General requirement.**

Imitation political or numismatic items subject to the Act shall be marked in conformity with the requirements of the Act and the regulations promulgated thereunder. Any violation of these regulations shall constitute a violation of the Act and of the Federal Trade Commission Act.

**§ 304.3 Applicability.**

Any person engaged in the manufacturing, or importation into the United States for introduction into or distribution in commerce, of imitation political or imitation numismatic items shall be subject to the requirements of the Act and the regulations promulgated thereunder.

**§ 304.4 Application of other law or regulation.**

The provisions of these regulations are in addition to, and not in substitution for or limitation of, the provisions of any other law or regulation of the United States (including the existing statutes and regulations prohibiting the reproduction of genuine currency) or of the law or regulation of any State.

**§ 304.5 Marking requirements for imitation political items.**

(a) An imitation political item which is manufactured in the United States, or imported into the United States for introduction into or distribution in commerce, shall be plainly and permanently marked with the calendar year in which such item was manufactured.