

## Federal Trade Commission

## § 305.22

the information concerning the product required by §305.13(a)(1).

(g) *Televisions offered for sale on the Internet.* Any manufacturer, distributor, retailer, or private labeler that advertises televisions on the Internet in a manner that qualifies as a catalog under this part shall disclose energy information as follows:

(1) *Content.* For each covered television, the Internet seller must display the EnergyGuide label prepared in accordance with §305.17. The seller may hyperlink to the label as long as it leads directly to the label and the hyperlink is an icon in the form of Sample Icon 13 in appendix L.

(2) *Format.* The EnergyGuide label or the icon must appear clearly and conspicuously, and in close proximity to the television's price, on each webpage that contains a detailed description of the television and its price. The scale size of the icon and/or the label prototypes in appendix L may be altered to accommodate the webpage's design, as long as the icon and/or label remain clear and conspicuous to consumers viewing the page.

(h) *Televisions offered for sale in paper catalogs.* Any manufacturer, distributor, retailer, or private labeler that advertises televisions in a paper publication that qualifies as a catalog under this Part shall disclose energy information as follows:

(1) *Content.* For each covered television, the paper catalog must either:

(i) Display the EnergyGuide label prepared in accordance with §305.17, or

(ii) (A) State the estimated annual energy cost determined in accordance with §305.5, and

(B) State the following: "Your energy cost depends on your utility rates and use. The estimated cost is based on 11 cents per kWh and 5 hours of use per day. For more information, visit <http://www.ftc.gov/energy>."

(2) *Format.* The required disclosure must appear clearly and conspicuously, and in close proximity to the television's price, on each page that displays the television and its price. If a catalog displays the EnergyGuide label pursuant to paragraph (h)(1)(i) of this section, the size of the label may be altered to accommodate the paper catalog's design, as long as the label re-

mains clear and conspicuous to consumers. If a catalog includes the statements in paragraph (h)(1)(ii) of this section, the statements must be clear and conspicuous to consumers. If a catalog displays multiple covered televisions on a page, the statement in paragraph (h)(1)(ii)(B) of this section may be displayed only once per page as long as it is clear and conspicuous.

[59 FR 34036, July 1, 1994, as amended at 59 FR 49564, Sept. 28, 1994; 59 FR 67530, Dec. 29, 1994; 60 FR 14211, Mar. 16, 1995. Redesignated at 72 FR 49971, Aug. 29, 2007, as amended at 72 FR 49974, Aug. 29, 2007; 73 FR 39226, July 9, 2008; 73 FR 63068, Oct. 23, 2008; 75 FR 41716, July 19, 2010; 76 FR 1051, Jan. 6, 2011]

EDITORIAL NOTE: At 75 FR 41716, July 19, 2010, §305.20 was amended in paragraph (a)(1) by removing the phrase "medium base compact fluorescent lamps, general service incandescent lamps including incandescent reflector lamps" and adding in its place "general service lamps" however, the amendment could not be incorporated because the phrase does not appear in paragraph (a)(1).

### ADDITIONAL REQUIREMENTS

#### § 305.21 Test data records.

(a) Test data shall be kept on file by the manufacturer of a covered product for a period of two years after production of that model has been terminated.

(b) Upon notification by the Commission or its designated representative, a manufacturer or private labeler shall provide, within 30 days of the date of such request, the underlying test data from which the water use or energy consumption rate, the energy efficiency rating, the estimated annual cost of using each basic model, or the light output, energy usage, correlated color temperature, and life ratings and, for fluorescent lamps, the color rendering index, for each basic model or lamp type were derived.

[52 FR 46894, Dec. 10, 1987, as amended at 59 FR 67530, Dec. 29, 1994. Redesignated at 72 FR 49971, Aug. 29, 2007, as amended at 75 FR 41717, July 19, 2010]

#### § 305.22 Required testing by designated laboratory.

Upon notification by the Commission or its designated representative, a manufacturer of a covered product

**§ 305.23**

shall supply, at the manufacturer's expense, no more than two of each model of each product to a laboratory, which will be identified by the Commission or its designated representative in the notice, for the purpose of ascertaining whether the estimated annual energy consumption, the estimated annual operating cost, or the energy efficiency rating, or the light output, energy usage and life ratings or, for general service fluorescent lamps, the color rendering index, disclosed on the label or fact sheet or in an industry directory, or, as required in a catalog, or the representation made by the label that the product is in compliance with applicable standards in section 325 of the Act, 42 U.S.C. 6295, is accurate. Such a procedure will only be followed after the Commission or its staff has examined the underlying test data provided by the manufacturer as required by §305.21(b) and after the manufacturer has been afforded the opportunity to reverify test results from which the estimated annual energy consumption, the estimated annual operating cost, or the energy efficiency rating for each basic model was derived, or the light output, energy usage and life ratings or, for general service fluorescent lamps, the color rendering index, for each basic model or lamp type was derived. A representative designated by the Commission shall be permitted to

**16 CFR Ch. I (1–13 Edition)**

observe any reverification procedures required by this part, and to inspect the results of such reverification. The Commission will pay the charges for testing by designated laboratories.

[59 FR 67530, Dec. 29, 1994. Redesignated at 72 FR 49971, Aug. 29, 2007, as amended at 72 FR 49974, Aug. 29, 2007]

**EFFECT OF THIS PART**

**§ 305.23 Effect on other law.**

This regulation supersedes any State regulation to the extent required by section 327 of the Act. Pursuant to the Act, all State regulations that require the disclosure for any covered product of information with respect to energy consumption, other than the information required to be disclosed in accordance with this part, are superseded.

[52 FR 46894, Dec. 10, 1987. Redesignated at 72 FR 49971, Aug. 29, 2007]

**§ 305.24 Stayed or invalid parts.**

If any section or portion of a section of this part is stayed or held invalid, the remainder of the part will not be affected.

[52 FR 46894, Dec. 10, 1987. Redesignated at 59 FR 34036, July 1, 1994, and further redesignated at 72 FR 49974, Aug. 29, 2007]

**§ 305.25 [Reserved]**

**APPENDIX A1 TO PART 305—REFRIGERATORS WITH AUTOMATIC DEFROST**

**RANGE INFORMATION**

Manufacturer's Rated Total Refrigerated Volume in Cubic feet	Range of Estimated Annual Operating Costs (Dollars/Year)	
	Low	High
Less than 2.5 .....	\$32	\$35
2.5 to 4.4 .....	\$33	\$42
4.5 to 6.4 .....	\$32	\$58
6.5 to 8.4 .....	\$48	\$48
8.5 to 10.4 .....	\$37	\$37
10.5 to 12.4 .....	\$35	\$35
12.5 to 14.4 .....	\$33	\$33
14.5 to 16.4 .....	\$46	\$46
16.5 and over .....	\$36	\$50

(\*) No data submitted for units meeting the Department of Energy's Energy Conservation Standards effective July 1, 2001.

[72 FR 49974, Aug. 29, 2007]