

Section 1401, Pub. L. 89-563, title I, §112, Sept. 9, 1966, 80 Stat. 725; Pub. L. 91-265, §3, May 22, 1970, 84 Stat. 262; Pub. L. 93-492, title I, §104, Oct. 27, 1974, 88 Stat. 1478, related to inspections and investigations for enforcement of this subchapter and of motor vehicle accidents. See sections 30117, 30166, and 30167 of Title 49.

Section 1402, Pub. L. 89-563, title I, §113, as added Pub. L. 93-492, title I, §105, Oct. 27, 1974, 88 Stat. 1480, required manufacturer opposing action of Secretary under this chapter on ground of increased cost to submit cost information necessary to evaluation of manufacturer's statement. See section 30167 of Title 49.

A prior section 1402, Pub. L. 89-563, title I, §113, Sept. 9, 1966, 80 Stat. 725; Pub. L. 91-265, §4(a)-(c), May 22, 1970, 84 Stat. 262, related to discovery of defects by manufacturer, prior to repeal by section 102(a) of Pub. L. 93-492 effective on sixtieth day after Oct. 27, 1974.

Section 1403, Pub. L. 89-563, title I, §114, Sept. 9, 1966, 80 Stat. 726, related to certification of conformity with motor vehicle safety standards and form and placement of certification. See section 30115 of Title 49.

Section 1404, Pub. L. 89-563, title I, §115, Sept. 9, 1966, 80 Stat. 727, as amended by Pub. L. 89-670, §§3(f)(1), 8(i), Oct. 15, 1966, 80 Stat. 931, 943, and Pub. L. 90-83, §10(b), Sept. 11, 1967, 81 Stat. 224, authorized Secretary of Transportation to carry out the provisions of this chapter through a National Traffic Safety Bureau, headed by a Traffic Safety Director.

Section 1405, Pub. L. 89-563, title I, §116, Sept. 9, 1966, 80 Stat. 727, related to effect of this chapter on anti-trust laws of the United States. See section 30103 of Title 49.

Section 1406, Pub. L. 89-563, title I, §118, Sept. 9, 1966, 80 Stat. 728, required Secretary, in exercising authority under this subchapter, to utilize services, research, and testing facilities of public agencies to maximum extent practicable.

Section 1407, Pub. L. 89-563, title I, §119, Sept. 9, 1966, 80 Stat. 728, authorized Secretary to issue, amend, and revoke such rules and regulations as Secretary deemed necessary to carry out this subchapter.

Section 1408, Pub. L. 89-563, title I, §120, Sept. 9, 1966, 80 Stat. 728; Pub. L. 91-265, §5, May 22, 1970, 84 Stat. 263; Pub. L. 93-492, title I, §110(b), Oct. 27, 1974, 88 Stat. 1484, related to annual report to Congress. See section 30169 of Title 49.

Section 1409, Pub. L. 89-563, title I, §121, Sept. 9, 1966, 80 Stat. 728; Pub. L. 91-265, §1, May 22, 1970, 84 Stat. 262; Pub. L. 92-548, §2, Oct. 25, 1972, 86 Stat. 1159; Pub. L. 93-492, title I, §101, Oct. 27, 1974, 88 Stat. 1470; Pub. L. 94-346, §1, July 8, 1976, 90 Stat. 815; Pub. L. 97-331, §2(a), Oct. 15, 1982, 96 Stat. 1619, authorized appropriations to carry out this chapter for fiscal years 1983, 1984, and 1985.

Section 1410, Pub. L. 89-563, title I, §123, as added Pub. L. 90-283, Apr. 10, 1968, 82 Stat. 72; amended Pub. L. 92-548, §3, Oct. 25, 1972, 86 Stat. 1159, related to exemption from safety standards of motor vehicles. See section 30113 of Title 49.

Section 1410a, Pub. L. 89-563, title I, §124, as added Pub. L. 93-492, title I, §106, Oct. 27, 1974, 88 Stat. 1481, related to petitions of interested persons to commence proceedings on orders issued under sections 1392 and 1412(b) of this title. See sections 30103 and 30162 of Title 49.

Section 1410b, Pub. L. 89-563, title I, §125, as added Pub. L. 93-492, title I, §109, Oct. 27, 1974, 88 Stat. 1482; amended S. Res. 4, Feb. 4, 1977; H. Res. 549, Mar. 25, 1980, related to occupant restraint systems. See section 30124 of Title 49.

#### PART B—DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

### §§ 1411 to 1420. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section 1411, Pub. L. 89-563, title I, §151, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1470, related to notification respecting manufacturer's find-

ing of defect or failure to comply with motor vehicle safety standard. See section 30118 of Title 49, Transportation.

Section 1412, Pub. L. 89-563, title I, §152, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1470, related to notification of Secretary's finding of defect or failure to comply with motor vehicle safety standard, publication in Federal Register, and opportunity to present data, views, and arguments. See section 30118 of Title 49.

Section 1413, Pub. L. 89-563, title I, §153, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1471; amended Pub. L. 97-331, §4(b), Oct. 15, 1982, 96 Stat. 1620; Pub. L. 102-240, title II, §2504(a), Dec. 18, 1991, 105 Stat. 2083, related to contents, time, and method of notification regarding manufacturer's finding of defect or failure to comply with motor vehicle safety standard. See sections 30118 and 30119 of Title 49.

Section 1414, Pub. L. 89-563, title I, §154, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1472; amended Pub. L. 102-240, title II, §2504(b), Dec. 18, 1991, 105 Stat. 2083, related to remedy for defect or failure to comply with motor vehicle safety standard. See sections 30119 and 30120 of Title 49.

Section 1415, Pub. L. 89-563, title I, §155, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1474; amended Pub. L. 98-620, title IV, §402(17), Nov. 8, 1984, 98 Stat. 3358, related to enforcement of notification and remedy orders. See section 30121 of Title 49.

Section 1416, Pub. L. 89-563, title I, §156, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1475, related to hearing on reasonableness of notification and remedy for defect or failure to comply with motor vehicle safety standard. See sections 30118 and 30120 of Title 49.

Section 1417, Pub. L. 89-563, title I, §157, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1475, related to exemption for inconsequential defect or failure to comply with motor vehicle safety standard. See sections 30118 and 30120 of Title 49.

Section 1418, Pub. L. 89-563, title I, §158, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1475; amended Pub. L. 95-599, title III, §317, Nov. 6, 1978, 92 Stat. 2752; Pub. L. 97-331, §4(a), Oct. 15, 1982, 96 Stat. 1619, related to information, disclosure, and record-keeping, and to confidential information. See sections 30117, 30166, and 30167 of Title 49.

Section 1419, Pub. L. 89-563, title I, §159, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1476, provided definitions for purposes of this part. See section 30102 of Title 49.

Section 1420, Pub. L. 89-563, title I, §160, as added Pub. L. 93-492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1477, provided that this part did not create or affect warranty obligations under State or Federal law and that consumer remedies under this part were in addition to, and not in lieu of, rights or remedies under State or Federal law. See section 30103 of Title 49.

#### SUBCHAPTER II—TIRE SAFETY

### §§ 1421 to 1426. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section 1421, Pub. L. 89-563, title II, §201, Sept. 9, 1966, 80 Stat. 728, related to labeling for pneumatic tires and required contents of label.

Section 1422, Pub. L. 89-563, title II, §202, Sept. 9, 1966, 80 Stat. 729, related to maximum permissible load standards for original equipment tires. See section 30123 of Title 49, Transportation.

Section 1423, Pub. L. 89-563, title II, §203, Sept. 9, 1966, 80 Stat. 729, related to uniform quality grading system for motor vehicle tires and elimination of deceptive and confusing tire nomenclature. See section 30123 of Title 49.

Section 1424, Pub. L. 89-563, title II, §204, Sept. 9, 1966, 80 Stat. 729; Pub. L. 93-492, title I, §110(c), Oct. 27, 1974, 88 Stat. 1484, related to regrooved tires. See sections 30123, 30163, and 30165 of Title 49.

Section 1425, Pub. L. 89-563, title II, § 205, Sept. 9, 1966, 80 Stat. 729, provided that, in event of conflict, orders and regulations issued by Secretary under this subchapter and subchapter I of this chapter applicable to motor vehicle tires were to prevail over orders and interpretations issued by Federal Trade Commission. See section 30123 of Title 49.

Section 1426, Pub. L. 89-563, title II, § 206, as added Pub. L. 91-265, § 6, May 22, 1970, 84 Stat. 263, related to safety standards for retreaded tires.

### SUBCHAPTER III—RESEARCH AND TEST FACILITIES

#### § 1431. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379

Section, Pub. L. 89-563, title III, § 301, as added Pub. L. 91-265, § 7, May 22, 1970, 84 Stat. 263; amended H. Res. 988, Jan. 3, 1975; S. Res. 4, Feb. 4, 1977; H. Res. 549, Mar. 25, 1980, related to facilities for research and testing in traffic safety.

### CHAPTER 39—FAIR PACKAGING AND LABELING PROGRAM

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#### § 1451. Congressional declaration of policy

Informed consumers are essential to the fair and efficient functioning of a free market economy. Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons. Therefore, it is hereby declared to be the policy of the Congress to assist consumers and manufacturers in reaching these goals in the marketing of consumer goods.

(Pub. L. 89-755, § 2, Nov. 3, 1966, 80 Stat. 1296.)

#### EFFECTIVE DATE

Pub. L. 89-755, § 13, Nov. 3, 1966, 80 Stat. 1302, provided that: "This Act [enacting this chapter] shall take effect on July 1, 1967: *Provided*, That the Secretary (with respect to any consumer commodity which is a food, drug, device, or cosmetic, as those terms are defined by the Federal Food, Drug, and Cosmetic Act) [section 301 et seq. of Title 21, Food and Drugs], and the Commission (with respect to any other consumer commodity) may by regulation postpone, for an additional twelve-month period, the effective date of this Act [this chapter] with respect to any class or type of consumer commodity on the basis of a finding that such a postponement would be in the public interest."

#### SHORT TITLE

Pub. L. 89-755, § 1, Nov. 3, 1966, 80 Stat. 1296, provided: "That this Act [enacting this chapter] may be cited as the 'Fair Packaging and Labeling Act'."

#### § 1452. Unfair and deceptive packaging and labeling; scope of prohibition

##### (a) Nonconforming labels

It shall be unlawful for any person engaged in the packaging or labeling of any consumer commodity (as defined in this chapter) for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled consumer commodity, to distribute or to cause to be distributed in commerce any such commodity if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of this chapter and of regulations promulgated under the authority of this chapter.

##### (b) Exemptions

The prohibition contained in subsection (a) of this section shall not apply to persons engaged in business as wholesale or retail distributors of consumer commodities except to the extent that such persons (1) are engaged in the packaging or labeling of such commodities, or (2) prescribe or specify by any means the manner in which such commodities are packaged or labeled.

(Pub. L. 89-755, § 3, Nov. 3, 1966, 80 Stat. 1296.)

#### § 1453. Requirements of labeling; placement, form, and contents of statement of quantity; supplemental statement of quantity

##### (a) Contents of label

No person subject to the prohibition contained in section 1452 of this title shall distribute or cause to be distributed in commerce any packaged consumer commodity unless in conformity with regulations which shall be established by the promulgating authority pursuant to section 1455 of this title which shall provide that—

(1) The commodity shall bear a label specifying the identity of the commodity and the name and place of business of the manufacturer, packer, or distributor;

(2) The net quantity of contents (in terms of weight or mass, measure, or numerical count) shall be separately and accurately stated in a uniform location upon the principal display panel of that label, using the most appropriate units of both the customary inch/pound system of measure, as provided in paragraph (3) of this subsection, and, except as provided in paragraph (3)(A)(ii) or paragraph (6) of this subsection, the SI metric system;

(3) The separate label statement of net quantity of contents appearing upon or affixed to any package—

(A)(i) if on a package labeled in terms of weight, shall be expressed in pounds, with any remainder in terms of ounces or common or decimal fractions of the pound; or in the case of liquid measure, in the largest whole unit (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart;

(ii) if on a random package, may be expressed in terms of pounds and decimal fractions of the pound carried out to not more