

upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such hazardous substance shall not be sold or disposed of contrary to the provisions of this chapter or the laws of any State or territory in which sold, the court may by order direct that such hazardous substance be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this chapter under the supervision of an officer or employee duly designated by the Commission, and the expense of such supervision shall be paid by the person obtaining release of the hazardous substance under bond.

(d) Costs and fees

When a decree of condemnation is entered against the hazardous substance, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the hazardous substance.

(e) Removal of case for trial

In the case of removal for trial of any case as provided by subsection (b)—

(1) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction;

(2) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

(Pub. L. 86-613, §6, July 12, 1960, 74 Stat. 376; Pub. L. 89-756, §§2(h), 3(d), Nov. 3, 1966, 80 Stat. 1304, 1305; Pub. L. 110-314, title II, §204(b)(4)(B), Aug. 14, 2008, 122 Stat. 3041.)

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-314 substituted “Commission” for “Secretary”.

1966—Subsec. (a). Pub. L. 89-756 substituted “Any misbranded hazardous substance or banned hazardous substance” for “Any hazardous substance that is in a misbranded package”.

§ 1266. Hearing before report of criminal violation

Before any violation of this chapter is reported by the Commission to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

(Pub. L. 86-613, §7, July 12, 1960, 74 Stat. 377; Pub. L. 110-314, title II, §204(b)(4)(B), Aug. 14, 2008, 122 Stat. 3041.)

AMENDMENTS

2008—Pub. L. 110-314 substituted “Commission” for “Secretary”.

§ 1267. Injunctions; criminal contempt; trial by court or jury

(a) Jurisdiction

The United States district courts and the United States courts of the territories shall

have jurisdiction, for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this chapter.

(b) Trials

In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this chapter, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(Pub. L. 86-613, §8, July 12, 1960, 74 Stat. 378.)

TRANSFER OF FUNCTIONS

Functions of Secretary of Health, Education, and Welfare under this chapter transferred to Consumer Product Safety Commission, see section 2079 of this title.

§ 1268. Proceedings in name of United States; subpoenas

All criminal proceedings and all libel or injunction proceedings for the enforcement, or to restrain violations, of this chapter shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

(Pub. L. 86-613, §9, July 12, 1960, 74 Stat. 378.)

TRANSFER OF FUNCTIONS

Functions of Secretary of Health, Education, and Welfare under this chapter transferred to Consumer Product Safety Commission, see section 2079 of this title.

§ 1269. Regulations

(a) Authority

The authority to promulgate regulations for the efficient enforcement of this chapter, except as otherwise provided in this section, is vested in the Commission.

(b) Joint regulations

The Secretary of the Treasury and the Commission shall jointly prescribe regulations for the efficient enforcement of the provisions of section 1273 of this title, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Commission shall determine.

(Pub. L. 86-613, §10, July 12, 1960, 74 Stat. 378; Pub. L. 110-314, title II, §204(b)(4)(B), (E), Aug. 14, 2008, 122 Stat. 3041, 3042.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-314, §204(b)(4)(B), substituted “Commission” for “Secretary”.

Subsec. (b). Pub. L. 110-314, §204(b)(4)(E), substituted “Commission” for “Secretary of Health, Education, and Welfare” in two places.

§ 1270. Examinations and investigations

(a) Authority to conduct

The Commission is authorized to conduct examinations, inspections, and investigations for