require labeling, labeling each individual package that contains a product requiring labeling is sufficient to comply with the law, as long as the label is visible through the outer bag and is conspicuous. The type size of the statement would be based on the area of the individual bag containing the item, rather than on the area of the outer plastic bag.

Vending Machine Display Panels: Representatives of vending machine interests questioned what the principal display panel of a vending machine is, noting that, generally, labeling may appear either on the glass or clear plastic container of the machine or on a display card intended to be inserted in a holder in the machine. The commenters suggested that, if the machine has a display card that contains graphic material, the card itself constitutes the principal display panel. In the absence of such a card, the front of the container would be the principal display panel. The type size of the required labeling statements would depend on the area of the surface treated as the principal display panel. The Commission agrees that this approach is appropriate and has revised the final

regulation accordingly.

3. Type Size for Large Packages: Some commenters objected to the use of letter sizes specified in the electrical toy regulation for large packages. The commenters contended that the type sizes prescribed for packages with an area in excess of 30 square inches (approximately the size of a gallon container) in 16 CFR 1500.121(c)(2) are adequate for larger packages, including those with an area in excess of 400 square inches. One commenter argued that the larger type sizes prescribed in the proposed regulation are inappropriate for products subject to the CSPA which, unlike electrical toys, do not present a hazard to the intended user. That commenter also submitted mock-up labels which purported to represent how the labels would actually appear if they complied with the larger type size requirements of the proposed regulation. It also submitted other mockup labels purporting to demonstrate that the use of smaller type size on large packages could still result in conspicuous labels. As was argued with color-blocking, other commenters contended that the use of larger type sizes would increase the size of blister packaging for small products and would hinder tri-lingual labeling under NAFTA.

The Commission believes that the commenters' objections and concerns are unfounded and has adopted the proposed type size requirements in the

final rule. Labeling cannot be effective unless it attracts the attention of consumers. Both 16 CFR 1500.121 and the labeling provisions of the electrical toy regulation follow the established principle that scaling the size of type to the display panel area on which it appears is essential to accomplish this objective. The type size requirements of 16 CFR 1500.121 are designed to accommodate the relatively small packages used for products such as household cleaners. The electrical toy regulation, which has been in effect for over twenty years, expressly addresses the issue of the size of labeling for larger packages similar to those in which many products covered by the CSPA are marketed. The commenters did not adequately explain why the Commission should accede to smaller type sizes for products in large packages which could, in many cases, make labeling statements required by the CSPA inconspicuous. The Commission notes that the commenters' attempt to distinguish the electrical toy labeling requirements from those required by the CSPA on the basis of hazard to the intended user is not persuasive. The labeling required by the electrical toy regulation states in part "CAUTION-**ELECTRIC TOY: Not recommended for** children under years of age \* \* \*", a statement which has substantially the same purpose as the labels prescribed by the CSPA.

With respect to the "mock-up" labels submitted by one commenter, the proposed regulation only specified the minimum height of the letters in a precautionary labeling statement. However, the conspicuousness of a label statement also depends on the style of type used, as well on the ratio of the height of the letters in the statement to their width and the spacing between the letters. The "mock-up" labels that the commenter submitted to demonstrate that the type size in the proposed rule for packages with a display panel in excess of 100 square inches was "too large" used a heavy, bold-faced type, with an approximate two-to-one heightto-width ratio for the letters, and normal spacing between the letters. In contrast, the labeling requirements of 16 CFR 1500.121(c)(3), incorporated by reference in the proposed rule, only require that the height-to-width ratio not exceed three to one, and are silent on type style and letter spacing. Thus, while a manufacturer is free to use a label similar to the "mock-up" labels presented by the commenter, the regulation does not require it, nor would following the provisions of the proposed rule with respect to large packages

necessarily produce the result displayed by the mock-up labels that the commenter viewed as undesirable.

The same commenter also submitted other mock-up labels purporting to demonstrate that the use of smaller type size on large packages could still result in conspicuous labels. Again, in addition to letter height, type style, height-to-width ratio, and spacing all play a major role in making labels conspicuous. The Commission agrees that certain combinations of these factors coupled with sharply contrasting colors may tend to make smaller type more conspicuous. However, in the absence of requirements in the regulations specifying type style, spacing, etc., there is no assurance that the use of smaller type will result in a conspicuous label.

With respect to the allegation that the type sizes specified in the rule for large packages will require that the size of blister packaging for small products be increased, those type sizes have, for years, been accepted as striking a reasonable balance to assure that warnings are conspicuous while providing ample space for other graphic material. In the Commission's view, while changes in lithography may be required to meet the requirements of the CSPA, there is no evidence that compliance will require increasing

package sizes.

4. Blister Cards: One commenter suggested that the Commission permit blister cards to be labeled either on the front of the card or the back, reasoning that parents are just as likely to read the information on the back of the card as they are the information on the front. The Commission declines to accept this suggestion. The law requires that the principal display panel—the front of a blister card—be labeled. Moreover, the intent of the CSPA is to provide pointof-purchase warnings. There is no evidence that parents will read the back of a blister card prior to purchase. Moreover, in the case of articles like dolls or toy cars which are generally not accompanied by instructions, the Commission believes it unlikely that purchasers will read the back of the card at all.

## c. Multiple Label Statements

Several commenters expressed concern that the proposed rule would require a toy or game that contained multiple articles subject to the labeling requirements of the CSPA to bear the complete text of each label specified in the act addressing the hazard associated with each article. The proposed regulation did not address this issue. For clarity, the Commission has revised