Statement of How to Avoid Hazard. The label should clearly state the action to be taken or avoided. Thus, the label should be revised to state "NEVER burn charcoal inside homes, vehicles, or tents." The current statement, "Do Not Use for Indoor Heating or Cooking Unless Ventilation Is Provided for Exhausting Fumes to Outside," may be dangerously misleading. It may incorrectly convey to the user that it is safe to burn charcoal indoors if some sort of ventilation is provided. Even if charcoal is burned in areas where there is some ventilation, CO may not be reduced to safe levels.

An industry member stated that advising users that they should never burn charcoal indoors was unnecessary and too stringent. He cited the example of restaurants, and some home owners, that cook indoors with charcoal under a hood with ducting and a high-capacity exhaust fan to expel the CO to the outside. He also expressed the fear that changing the wording of the label would make users think there had been some change in the product that made it more dangerous.

The Commission does not believe that persons who have gone to the trouble and expense of installing a powered exhaust hood specifically so they can cook indoors with charcoal are going to think the label applies to them (except to the extent they should be sure the exhaust system is operating properly). The Commission concludes that including language on the label to indicate that charcoal can be burned indoors if such an exhaust system is used would dilute the primary safety message and confuse consumers who did not have such a system.

Marketers of charcoal may provide additional explanatory material about the statement to never use charcoal in homes. And, the label statement could even be asterisked or footnoted to draw attention to such material. However, such explanatory material must not negate the content of the warning for persons without such specialized equipment. To do so would violate the prohibition against deceptive disclaimers at 16 CFR 1500.122. In addition, packages of charcoal that are supplied only to restaurants and other commercial establishments are not

required to comply with the FHSA, and are not subject to the requirements for either the current label or the proposed revised label.

This industry member also stated that it was safe to burn charcoal in a fireplace that has a chimney with an open flue. However, the Commission has information indicating that burning charcoal in a fireplace may not create a chimney draft sufficient to exhaust CO to the outside. [11] Accordingly, based on the presently available information, the Commission concludes that including a statement that charcoal can be burned in fireplaces would constitute a prohibited deceptive disclaimer. The Commission seeks comment on this issue, including specific data on whether, and under what conditions, charcoal can safely be burned in a fireplace.

Recommended Revised Label. For the reasons stated above, and elsewhere in this notice, the Commission proposes that the label currently required on packages of charcoal be revised to appear and read as follows:

BILLING CODE 6355-01-P

## <u>△WARNING</u>

## **WARNING** CARBON MONOXIDE HAZARD

Burning charcoal inside can kill you. It gives off carbon monoxide, which has no odor.

NEVER burn charcoal inside homes, vehicles or tents.

BILLING CODE 6355-01-C

## **E. Other Features of the Label**

Conspicuousness of the Safety
Messages. The Commission's Human
Factors staff concluded that, as a matter
of optimum label design, it would be
desirable for the label to be consistent
with the ANSI Z535.4, American
National Standard for Product Safety
Signs and Labels. That standard
specifies that the signal word
"WARNING" should be written in black
lettering surrounded by an orange
background. The signal word should
also be placed at the top of the label and
be preceded by the hazard alert symbol.

Under the ANSI standard for safety labels, the label should also be surrounded by a black borderline, which in turn should be surrounded by a white border to make the label more distinct. The Human Factors staff also recommended that the lettering of the warning statement be in black on a white background, to maximize readability. In addition, they recommended that the "X" on the pictogram be red, to achieve the maximum visual impact and warning effect.

The charcoal-bag industry, however, pointed out that this optimum label would require the bag to have a

minimum of four colors: red, orange, black, and white. The industry stated that many of the printing presses for charcoal bags have the capability of printing only six colors, and that presses capable of printing more than six colors are very expensive. Generally, most bags already have at least six colors, and the presently-used colors often do not include one or more of the colors that would be required by the "optimum" label described above. Industry members stated that customers may consider the color scheme of a product to be part of its brand identification. For the reasons given by the industry, the Commission is proposing to not use the