publication], which is 6 months after publication of the final rule, is reasonable. The vast majority of manufacturers are committed to being in compliance before this, by May 1, 1995. The one company that states it needs until December 1995 to comply may be able to do so much sooner. Moreover, this company may have sufficient inventory to cover the period of time between the effective date and the date complying packaging can be provided. Furthermore, revenue from mouthwash does not constitute the major portion of its sales.

For the instances where modifications to the bottles or development of special caps for these bottles are required, the manufacturers may not be able to incorporate them into production by July 24, 1995. In this event, these manufacturers may have to use other bottle/cap combinations from contract packagers until other arrangements can be made.

Applicability of the Effective Date

In the proposal, the effective date would apply to products packaged after the effective date. A commenter requests that the effective date should apply to products shipped on or after that date. The commenter's request that the effective date should apply to the shipping date would tend to reduce any potential motivation for stockpiling noncomplying product packaged before the effective date. This request cannot be granted, however, because PPPA § 8, 15 U.S.C. 1471n, mandates "[n]o [special packaging] standard shall be effective as to household substances subject to this Act packaged prior to the effective date of such final regulation."

Definition of "Single Retail Unit"

The proposal specified that the rule applied to products containing 3 g or more in a single package. The proposal explained that the "single package" to be covered by the rule was a "single retail unit." A commenter stated that the term "single retail unit" should be defined as "a package intended to be made available to consumers for direct retail purchase."

The use of the term "single retail unit" was intended to clarify that a regulated substance supplied in a retail package which contained smaller packages that, considered individually, would not be subject to the rule because each of the smaller packages contained less than the regulated amount, would be subject to the CRP standard if the total amount of the regulated substance in the retail package exceeded the regulated amount. The proposal did not

intend to limit the applicability of the standard to packages sold at retail.

In view of this comment, the Commission concludes that the term "single retail unit" is confusing in this context. Rather, the Commission considers the term "package" to mean the container or wrapping in which a household substance is supplied for consumption, use, or storage by individuals in or about the household. This includes, but is not limited to, any package intended to be made available to consumers for retail purchase. This definition is not intended to be the same as the statutory definition of "packaging" at PPPA § 2(3), 15 U.S.C. 1471(3)

Definition of "Household Substance"

A commenter contended that "amenities" do not fall within the definition of "household substance" in 15 U.S.C. 1471(2). Amenities are small quantities of substances, such as soap, shampoo, or mouthwash, that are placed in hotel rooms or other accommodations for use by the room's occupants. If the commenter's contention were correct, amenities would not be subject to an otherwise applicable PPPA standard.

The PPPA's definition of household substance includes "any substance which is customarily produced or distributed for sale for consumption or use * * * by individuals in or about the household and which is * * * a hazardous substance as [defined in the Federal Hazardous Substances Act ("FHSA")] * * * [or] a food, drug, or cosmetic [as defined in the Federal Food, Drug, & Cosmetic Act]." PPPA § 2(2), 15 U.S.C. 1471(2). Mouthwash subject to the proposed rule clearly is either a hazardous substance or a drug or cosmetic. How the other elements of this definition apply to mouthwash distributed as amenities in hotel rooms is discussed below.

1. Mouthwash amenities are "sold" for use by individuals. If a hotel purchases prepackaged units of mouthwash to place in hotel rooms, such packages clearly are sold to the hotel for use by individuals. In the unlikely event that hotel employees repackage mouthwash from a larger container to a smaller one to be left in the room, the mouthwash is nevertheless sold to the hotel for use by individuals since only individuals can use mouthwash. In addition, the mouthwash amenity can be viewed as being sold to the hotel occupants, since the amount paid by the hotel guests for lodging also pays for providing the mouthwash.

2. Items used in hotel rooms are used "in or about the household." One

definition of the term household is "the home and its affairs." "Home" in turn is defined as "the house, apartment, etc., where one lives or is living temporarily; living quarters." Webster's New World Dictionary. Hotels and other places that provide amenities are places where people live, however temporarily. Therefore, hotels are households.

Another definition of household is "those who dwell under the same roof and compose a family: A domestic establishment; specif: A social unit comprised of those living together in the same dwelling." Webster's Third New International Dictionary of the English Language Unabridged, 1986 Ed. ("Webster's Unabridged"). Thus, under this definition, a household refers to a group of people rather than to any particular type of building. Accordingly, if a hotel rents rooms where more than one member of a household may stay at a time, amenities used in those rooms are used "in or about the household."

The Commission's regulations under the FHSA state that an "article is suitable for use in or around the household * * * [if] under any reasonably foreseeable condition of purchase, storage or use the article may be found in or around a dwelling." 16 C.F.R. 1500.3(c)(10)(i). The term "dwelling" means "a building or construction used for residence: ABODE, HABITATION." Webster's *Unabridged.* This term is not limited to a permanent home or primary residence. Thus, the Commission's rules lend support to the interpretation that items used in hotels are used "in or about the household.'

Finally, even if a hotel room were not a household, it is customary, and expected, that amenities will be removed from hotel rooms by guests for use at home. Thus, for this independent reason, amenities are "customarily produced or distributed for sale for consumption or use * * * in or about the household."

For the reasons given above, the Commission concludes that amenities supplied in hotel rooms and the like are household substances, as that term is used in the PPPA.

D. Statutory Considerations

1. Hazard to Children

As noted above, the toxicity data concerning children's ingestion of ethanol-containing mouthwash demonstrate that the amount of ethanol in available mouthwash preparations is sufficient to cause serious illness and injury to children. These mouthwash preparations are readily available to children. Even though the