

# SENATE . . . . No. 169

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To accompany the petition of the Retail Trade Board, Boston Chamber of Commerce, by Daniel Bloomfield, for legislation relative to the marking of certain articles consisting in whole or in part of previously used, reused or reprocessed material. Mercantile Affairs.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Three.

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AN ACT RELATIVE TO THE MARKING OF CERTAIN ARTICLES  
CONSISTING IN WHOLE OR IN PART OF PREVIOUSLY  
USED, REUSED OR REPROCESSED MATERIAL.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows:*

1 SECTION 1. Section one of chapter ninety-four of  
2 the General Laws, as amended, is hereby further  
3 amended by striking out the paragraph inserted by  
4 section one of chapter one hundred and ninety-six of  
5 the acts of nineteen hundred and thirty-nine, and in-  
6 serting in place thereof the following: — “Previously  
7 used”, “previously been used”, or “been used be-  
8 fore”, when used in sections two hundred and seventy,  
9 two hundred and seventy C and two hundred and  
10 seventy-two, with respect to material, any material  
11 which was used as a part or portion of another manu-

12 factured article used by the ultimate consumer, or any  
13 material used for any other purpose by the ultimate  
14 consumer.

1 SECTION 2. Said section one is hereby further  
2 amended by adding at the end the three following  
3 paragraphs:—

4 “Reprocessed”, when used with respect to material  
5 in sections two hundred and seventy and two hundred  
6 and seventy-two, any material which had been part  
7 or portion of another manufactured article which was  
8 never used by the ultimate consumer, or any material  
9 which has never been used for any purpose by the  
10 ultimate consumer.

11 “Reused”, when used with respect to material in  
12 section two hundred and seventy and two hundred  
13 and seventy-two, any wool material which was part of  
14 another manufactured article used by the ultimate  
15 consumer, or any wool material used for any purpose  
16 by the ultimate consumer.

17 “Ultimate consumer”, a person who acquires goods  
18 not for the purpose of sale, barter or exchange.

1 SECTION 3. Said chapter ninety-four is hereby  
2 amended by striking out section two hundred and  
3 seventy, as amended by chapter one hundred and  
4 seventy-six of the acts of nineteen hundred and thirty-  
5 seven, and inserting in place thereof the following:—

6 *Section 270.* No person shall manufacture for pur-  
7 poses of sale, sell, offer or expose for sale, or have in  
8 possession with intent to sell, any article of bedding or  
9 article of upholstered furniture unless there is plainly  
10 marked upon each such article, or upon a tag sewed

11 thereon, or otherwise securely attached thereto, a  
12 statement in the English language of the kind of mate-  
13 rial used for filling in the manufacture of such article,  
14 the name of the manufacturer or vendor, and, also, if  
15 the material has previously been used, the words  
16 "second hand"; or, if the material is reused wool, the  
17 words "reused wool"; or if the material is "re-  
18 processed", the word "reprocessed", and, unless, if  
19 any such article is enclosed in a bale, box, crate or  
20 other receptacle, there shall be plainly marked upon  
21 such receptacle, or upon a tag securely attached  
22 thereto, a statement that the contents of the package  
23 are marked as herein required. Whoever renovates  
24 or remakes any mattress shall attach a tag thereto  
25 bearing the word "remade" and a statement of the  
26 kind of material used for filling. Possession of any  
27 article of bedding or article of upholstered furniture  
28 not marked as provided herein, by any person engaged  
29 in the business of manufacturing, selling or offering for  
30 sale any such article, shall be prima facie evidence  
31 that such article is being manufactured, remade or  
32 renovated, or is offered or exposed for sale, in violation  
33 of the provisions of this section. If none of the mate-  
34 rial used for filling any article of bedding or article of  
35 upholstered furniture shall have been previously used  
36 or reprocessed, the tag shall in addition bear the words  
37 "manufactured of new material"; and in the case of  
38 wool filling, if it is not "reprocessed" or "reused",  
39 the tag shall in addition bear the words "manufactured  
40 of new material". The tag required by this section  
41 shall be of durable muslin or linen, or in the case of  
42 articles of upholstered furniture, of paper or cloth per-  
43 manently pasted or attached to each such article and

44 shall be in such form as shall be prescribed by the de-  
45 partment of public health, except that on such form as  
46 prescribed, wool material may be described as "wool",  
47 "reprocessed wool" or "reused wool" as defined in the  
48 act of congress entitled "Wool Products Labeling Act  
49 of 1939" approved October fourteen, nineteen hun-  
50 dred and forty, and except that "reprocessed" and  
51 "reused" wool shall not be described thereon or  
52 classified thereby as "second-hand". If what is  
53 known in the trade as "sweeps" or "sweepings" is  
54 used in the filling of any article of bedding, such  
55 material shall be named "mill sweepings" on any tag  
56 required under this section and if material known in  
57 the trade as "oily sweeps" or "oily mill sweepings"  
58 is used in the filling of any article of bedding such  
59 material shall be named "oily mill sweepings" on any  
60 tag required under this section. The tag shall be  
61 securely sewed at least by one edge to the outside  
62 seam of the ticking or cover of every article of bed-  
63 ding to be manufactured, before the material used for  
64 filling has been placed inside the ticking or cover. No  
65 tag shall bear any misleading term or description.

1 SECTION 4. Said chapter ninety-four is hereby  
2 further amended by striking out section two hundred  
3 and seventy B, inserted by chapter four hundred and  
4 thirty-nine of the acts of nineteen hundred and thirty-  
5 five, and inserting in place thereof the following: —  
6 *Section 270B.* Whoever uses in the manufacture of  
7 any article of bedding or of upholstered furniture any  
8 material for filling which has been previously actually  
9 in use by the ultimate consumer as a part of a manu-  
10 factured article or any feathers or down unless such

11 material, feathers or down has been sterilized in  
12 accordance with said rules and regulations of said de-  
13 partment shall be punished by a fine of not more than  
14 two hundred dollars or by imprisonment for not more  
15 than one month, or both.

1 SECTION 5. Section two hundred and seventy-two  
2 of said chapter ninety-four is hereby amended by  
3 striking out the first sentence, as appearing in the Ter-  
4 centenary Edition, and inserting in place thereof the  
5 two following sentences:— No person shall sell or  
6 offer for sale any second hand, reprocessed, or reused  
7 hair, down, feathers, wool, cotton, kapok or other  
8 materials commonly used for filling articles of bed-  
9 ding or articles of upholstered furniture, representing  
10 the same to be new material. No person shall repre-  
11 sent any second hand material to be reprocessed or  
12 represent reused wool to be reprocessed wool.

