

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date March 12, 1973

To Madge E. Ames, Acting Director

Dept. Bureau of Labor & Industry

From Leon V. Walker, Jr., Assistant

Dept. Attorney General

Subject Definition of bedding

In your memorandum of February 20, you ask whether under 26 M.R.S.A. §§ 81 and 112, a white cloth tag must be attached by B.F. Goodrich Co., to mattress toppers which it manufactures and sells. The topper is a finished product and is a latex foam rubber mattress topper. It has no cover.

Such a mattress topper is an "article of bedding" within the definition in 12 M.R.S.A. §§ 1, but there is no requirement that such an article have a cover.

Section 112 requires that "each article containing new material covered by this subchapter shall bear securely attached thereto and plainly visible a substantial white cloth tag...upon which shall be indelibly stamped or printed...a statement showing the kind of materials used in filling such article..." Plainly, § 112 does not pertain to articles which have no cover.

In view of the above, it is unnecessary that a tag be attached to the reference mattress topper.

LW/mf

NOT A FORMAL OPINION