

CHAPTER 332
MATTRESSES, MANUFACTURE, ETC., AND SALE OF

Section

- 332-1 Definition
- 332-2 Materials
- 332-3 Tag, statement, form
- 332-4 Statement, contents, use
- 332-5 Tag or stamp
- 332-6 Tampering with mark or statement
- 332-7 Penalty

" **§332-1 Definition.** The term "mattress" as used in this chapter means any quilted pad, comforter, mattress, mattress-pad, bunk quilt, or cushion, stuffed or filled with wool, hair, or other soft material to be used on a couch or other bed and on which persons sleep or recline; provided that:

- (1) The term "mattress" shall not include any items considered "beddings" under the federal Textile Fiber Products Identification Act (15 United States Code §70 et seq.); and
- (2) A "cushion" includes only those that are filled with rubber, feathers, or down. [L 1927, c 234, §1; RL 1935, §1190; RL 1945, §2471; RL 1955, §55-1; HRS §332-1; am L 1988, c 20, §2]

" **§332-2 Materials.** No person, by oneself or by the person's agents, servants, or employees, shall employ or use in the making, remaking, or renovating of any mattress, any material of any kind that has been used in or has formed a part of, any mattress used in or about any public or private hospital, or institution for the treatment of persons suffering from disease, or for or about any person having any infectious or contagious disease; any material known as "shoddy", and made in whole or in part from old worn clothing, carpets, or other fabrics, or materials previously used, or any other fabrics, or materials from which shoddy is constructed; or any material, not otherwise prohibited by this chapter, of which prior use has been made, unless all of the materials have been thoroughly sterilized, and disinfected by a reasonable process, approved by the department of health. [L 1927, c 234, §2; RL 1935, §1191; RL 1945, §2472; RL 1955, §55-2; am L Sp 1959 2d, c 1, §19; HRS §332-2; gen ch 1985]

" **§332-3 Tag, statement, form.** No person, by oneself or the person's agents, servants, or employees, shall, directly or indirectly, at wholesale or retail, or otherwise, sell, offer for sale, deliver, or consign, or have in the person's possession with intent to sell, deliver, or consign, any mattress that shall not have plainly and indelibly stamped or printed thereon, or upon a tag of suitable, durable material, not smaller than three inches square, securely sewed to the covering thereof a statement, in the English language, setting forth the kind or kinds of materials used in filling the mattress, and whether the materials are in whole, or in part, new or old, or second-hand, or shoddy, and the name and address of the manufacturer or vendor thereof, or both; also the quantity of the materials used, expressed in terms of avoirdupois weight; also size of same, expressed in linear

measure, clearly indicating the length and breadth thereof, except that tags attached to comforters need state only the percentage of new material and shoddy material, and no sizes need be marked on same; provided that this chapter shall not apply to the sale or other disposal by the owner thereof, of any mattress constituting a part of the owner's household furniture.

The statement shall be in the following form:

MATERIALS USED IN FILLINGS

Percentage of kinds of materials..... Gross
weight of materials, including cover..... pounds.....
Size..... Vendor.....
Address.....

[L 1927, c 234, §§3, 11; RL 1935, §1192; RL 1945, §2473; RL 1955, §55-3; HRS §332-3; am L 1969, c 196, §1; gen ch 1985]

" **§332-4 Statement, contents, use.** Whenever the word "felt", as applied to cotton, is used in the statement concerning materials, it shall be indicated in the statement whether the felt is "felted cotton" or "felted linters". This requirement shall not apply to comforters. It shall be unlawful to use in the statement concerning any mattress the word "floss" or words of like import, if there has been used in filling the mattress any materials which are not termed as "kapok". It shall be unlawful to use in the statement concerning any mattress the word "hair" unless the mattress is entirely manufactured of animals' hair. It shall be unlawful to use in the description in the statement any misleading term or designation, or term or designation likely to mislead. [L 1927, c 234, §§4 to 7; RL 1935, §1193; RL 1945, §2474; RL 1955, §55-4; HRS §332-4]

" **§332-5 Tag or stamp.** Any mattress made from more than one new material shall have stamped upon the tag attached thereto the percentage of each material so used. This requirement shall not apply to comforters. Any mattress made from material known as "shoddy" shall have stamped or printed upon the tag attached thereto, in type not smaller than twenty-point, the words "shoddy material". [L 1927, c 234, §§8 to 10; RL 1935, §1194; RL 1945, §2475; RL 1955, §55-5; HRS §332-5; am L 1988, c 20, §3]

" **§332-6 Tampering with mark or statement.** Any person who removes, defaces, alters, or in any manner attempts the same, or causes to be removed, defaced, or altered, any mark or statement placed upon any mattress under this chapter shall be guilty of

the violation of this chapter. [L 1927, c 234, §12; RL 1935, pt of §1195; RL 1945, pt of §2476; RL 1955, §55-6; HRS §332-6]

" **§332-7 Penalty.** Any person violating this chapter shall, for each offense, be fined not less than \$20 nor more than \$100 or imprisoned not less than three months nor more than six months, or both. [L 1927, c 234, §13; RL 1935, pt of §1195; RL 1945, pt of §2476; RL 1955, §55-7; HRS §332-7]

Cross References

Classification of offense and authorized punishment, see §§701-107, 706-640, 663.