

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5887

To amend the Federal Hazardous Substances Act to require the inclusion of warning labels on Internet and catalogue advertising of certain toys and games.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2010

Mrs. LOWEY introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Federal Hazardous Substances Act to require the inclusion of warning labels on Internet and catalogue advertising of certain toys and games.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Choking Hazard  
5 Awareness Act”.

1 **SEC. 2. LABELING REQUIREMENT FOR INTERNET AND**  
2 **CATALOGUE ADVERTISING OF CERTAIN TOYS**  
3 **AND GAMES.**

4 Section 24 of the Federal Hazardous Substances Act  
5 (15 U.S.C. 1278) is amended—

6 (1) by redesignating subsections (c) and (d) as  
7 subsections (d) and (e), respectively;

8 (2) by inserting after subsection (b) the fol-  
9 lowing:

10 “(c) INTERNET, CATALOGUE, AND OTHER ADVER-  
11 TISING.—

12 “(1) REQUIREMENT.—Any advertisement for  
13 any toy, game, balloon, small ball, or marble that re-  
14 quires a cautionary statement under subsections (a)  
15 and (b), including advertisement on Internet  
16 websites or in catalogues or other distributed mate-  
17 rials, shall include the appropriate cautionary state-  
18 ment required under such subsections in its entirety  
19 displayed on or immediately adjacent to such adver-  
20 tisement. Such cautionary statement shall be dis-  
21 played in the language that is primarily used in the  
22 advertisement, catalogue, or Internet website, and in  
23 conspicuous and legible type in contrast by typog-  
24 raphy, layout, or color with other material printed or  
25 displayed in such advertisement, and in a manner

1 consistent with part 1500 of title 16, Code of Fed-  
2 eral Regulations (or a successor regulation thereto).

3 “(2) ENFORCEMENT.—The requirement in  
4 paragraph (1) shall be treated as a consumer prod-  
5 uct safety standard promulgated under section 7 of  
6 the Consumer Product Safety Act (15 U.S.C. 2056)  
7 and the publication or distribution of any advertise-  
8 ment that is not in compliance with the require-  
9 ments of paragraph (1) shall be treated as a prohib-  
10 ited act under section 19 of such Act (15 U.S.C.  
11 2068).”.

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