

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-314 substituted “Commission” for “Secretary”.

§ 1267. Injunctions; criminal contempt; trial by court or jury**(a) Jurisdiction**

The United States district courts and the United States courts of the territories shall have jurisdiction, for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this chapter.

(b) Trials

In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this chapter, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(Pub. L. 86-613, § 8, July 12, 1960, 74 Stat. 378.)

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

Functions of Secretary of Health, Education, and Welfare under this chapter transferred to Consumer Product Safety Commission, see section 2079 of this title.

§ 1268. Proceedings in name of United States; subpoenas

All criminal proceedings and all libel or injunction proceedings for the enforcement, or to restrain violations, of this chapter shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

(Pub. L. 86-613, § 9, July 12, 1960, 74 Stat. 378.)

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

Functions of Secretary of Health, Education, and Welfare under this chapter transferred to Consumer Product Safety Commission, see section 2079 of this title.

§ 1269. Regulations**(a) Authority**

The authority to promulgate regulations for the efficient enforcement of this chapter, except as otherwise provided in this section, is vested in the Commission.

(b) Joint regulations

The Secretary of the Treasury and the Commission shall jointly prescribe regulations for the efficient enforcement of the provisions of section 1273 of this title, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at

such time, after due notice, as the Commission shall determine.

(Pub. L. 86-613, § 10, July 12, 1960, 74 Stat. 378; Pub. L. 110-314, title II, § 204(b)(4)(B), (E), Aug. 14, 2008, 122 Stat. 3041, 3042.)

Editorial Notes

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-314, § 204(b)(4)(B), substituted “Commission” for “Secretary”.

Subsec. (b). Pub. L. 110-314, § 204(b)(4)(E), substituted “Commission” for “Secretary of Health, Education, and Welfare” in two places.

§ 1270. Examinations and investigations**(a) Authority to conduct**

The Commission is authorized to conduct examinations, inspections, and investigations for the purposes of this chapter through officers and employees of the Commission or through any health officer or employee of any State, territory, or political subdivision thereof, duly commissioned by the Commission as an officer of the Commission.

(b) Inspection; notice; samples

For purposes of enforcement of this chapter, officers or employees duly designated by the Commission, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which hazardous substances are manufactured, processed, packed, or held for introduction into interstate commerce or are held after such introduction, or to enter any vehicle being used to transport or hold such hazardous substances in interstate commerce; (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials, and labeling therein; and (3) to obtain samples of such materials or packages thereof, or of such labeling. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

(c) Receipt for sample; results of analysis

If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

(Pub. L. 86-613, § 11, July 12, 1960, 74 Stat. 378; Pub. L. 110-314, title II, § 204(b)(4)(B), (C), Aug. 14, 2008, 122 Stat. 3041, 3042.)

Editorial Notes

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-314, § 204(b)(4)(B), (C), substituted “Commission is authorized” for “Secretary is authorized”, “employees of the Commission” for “employees of the Department”, “commissioned by the