



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

OCT 15 2004

400 Seventh St., S.W.
Washington, D.C. 20590

Ms. Donna Edminster
Regulatory Consultant
Rhodia, Inc.
CN 7500
Cranbury, NJ 08512

Ref. No.: 04-0224

Dear Ms. Edminster:

This is in response to your September 28, 2004 letter requesting clarification regarding the prohibited labeling requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the logo displayed on the submitted product label would be in violation of the prohibited labeling requirements specified in § 172.401(b).

In accordance with § 172.401(b), a package containing hazardous materials may not bear any marking or label that by its color, design, or shape could be confused with or conflict with a label prescribed by the HMR. It is this office's opinion that the size, design and shape of the logo you submitted would not conflict or be confused with the labels prescribed by the HMR. Therefore, the submitted logo is not prohibited under the provisions of § 172.401(b).

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Hattie Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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172.401(b)

