

Wisconsin's bedding labeling law

Wisconsin is one of about 30 states with some type of bedding labeling law. Section 100.2095, Wis. Stats., was enacted into law in 1998 to require proper labeling of bedding-related products in order to distinguish between remanufactured bedding made of secondhand material and bedding products manufactured of new material.

No License Required

A uniform bedding registry system exists among 20 states which register or license manufacturers and distributors of bedding and upholstered products. Included in this group are 15 states, which comprise the Association of Bedding and Furniture Law Officials (ABFLO), an organization dedicated to promoting bedding law uniformity.

This "National Single Registry System" allows a manufacturer to license through one state and sell through other states without having to undergo duplicative licensing procedures. These states license bedding manufacturers and distributors

and ensure compliance with uniform registry tabs or labels through inspections and materials testing.

Wisconsin is not a participant in this National Single Registry System since it does not require licensing or registration of bedding manufacturers and distributors. However, bedding manufacturers and distributors who register their products and comply with requirements under this uniform registration system will also be in compliance with Wisconsin law.

Summary of Wisconsin's Bedding Labeling Law

The kinds of products subject to Wisconsin's bedding labeling requirements include mattresses, upholstered springs, comforters, pads, cushions or pillows intended for sleeping or reclining.

Two types of bedding labels are specified under Wisconsin law – one for bedding manufactured of new material, and another label for secondhand bedding material. Each label must also include a

description of the material used in the product, together with the name and address of the manufacturer and distributor or retailer. Other highlights include:

- No manufacturer, distributor or retailer may offer to sell or consign any article of bedding that is unlabeled or improperly labeled according to state law.
- No manufacturer, distributor or retailer may consign or offer to sell any bedding article that contains material previously used in any hospital or by any person having an infectious or contagious disease.
- No manufacturer, distributor or retailer may misrepresent bedding made of secondhand material as bedding manufactured of new material.
- Violations are subject to civil or criminal penalties, as well as private remedies. Persons suffering pecuniary loss because of a violation may recover double damages plus court costs and attorney fees.

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Obtaining Further Information

The International Sleep Products Association (ISPA) is an organization whose purpose is to promote bedding labeling law uniformity and disseminate bedding labeling information. The Association publishes a booklet, entitled "Manual of Labeling Laws and Regulations", which includes details on the various individual state bedding labeling laws and federal regulations.

The organization can be reached as follows:

International Sleep Products Assn
501 Wythe Street
Alexandria, VA 22314-1917
(703) 683-8371

For more information, or to file a complaint, contact the Bureau of Consumer Protection at:

(800) 422-7128

Bureau of Consumer Protection
2811 Agriculture Drive
PO Box 8911
Madison WI 53708-8911
(608) 224-4976

FAX: (608) 224-4939

TTY: (608) 224-5058

**E-MAIL:
DATCPHotline@Wisconsin.gov**

**WEBSITE:
www.datcp.state.wi.us**

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100.2095 MARKETING; TRADE PRACTICES

Wisconsin Statutes

100.2095 Labeling of bedding. (1) In this section, "bedding" means any mattress, upholstered spring, comforter, pad, cushion or pillow designed and manufactured for the purpose of sleeping or reclining.

(2) (a) All bedding shall be labeled to include a description of the material that is used in the manufacture of the bedding and the name and address of the manufacturer of the bedding and the person selling, offering for sale or consigning for sale the bedding. If any of the material used in the bedding has not previously been used in any other bedding, the phrase "manufactured of new material" shall appear on the label. If any of the material used in the bedding has previously been used in other bedding, the phrase "manufactured of secondhand material" shall appear on the label.

(b) For the purpose of labeling bedding under par. (a), the label shall be not less than 3 inches by 4.5 inches in size and shall be sewed to the bedding and the print appearing on the label shall be not less than one—eighth of an inch in height.

(3) No person in the business of manufacturing, distributing or selling bedding may manufacture, distribute, sell, offer for sale, consign for sale or possess with intent to distribute, sell, offer for sale or consign for sale any article of bedding unless the bedding is labeled as provided in sub. (2).

(4) No person in the business of selling bedding may sell, offer for sale, consign for sale or possess with intent to sell, offer for sale or consign for sale any article of bedding if the article of bedding contains any material that has been used in any hospital or has been used by or about any person having an infectious or contagious disease.

(5) No person in the business of distributing or selling bedding, with intent to distribute, sell, offer for sale or consign for sale any article of bedding, may represent that any article of bedding, which contains material that has been previously used in other bedding, is manufactured of material that has not been previously used in other bedding.

(6) (a) Any person suffering pecuniary loss because of a violation of sub. (3), (4) or (5) may commence an action for the pecuniary loss and if the person prevails, the person shall recover twice the amount of the pecuniary loss or \$200 for each violation, whichever is greater, together with costs, including reasonable attorney fees.

(b) The department may commence an action in the name of the state to restrain by temporary or permanent injunction a violation of sub. (3), (4) or (5). Before entry of final judgment, the court may make any necessary orders to restore to any person any pecuniary loss suffered by the person because of the violation.

(c) The department or any district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of sub. (3), (4) or (5).

(d) A person who violates sub. (3), (4) or (5) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both. Each day of violation constitutes a separate offense.

History: 1997 a. 260; 1999 a. 32 s. 169; 2001 a. 109.