

**MATTRESSES:** Use of old material in the manufacture and sale of mattresses.

9-3  
August 30th, 1934



Jacob Kaiser Manufacturing Co.,  
3rd & Elm Streets  
St. Louis, Missouri.

Attention: Mr. Otto A. Schnieder.

Dear Sir:

This is to acknowledge receipt of your letter dated June 20th, 1934, which reads as follows:

"We would like to have your opinion on Senate Bill 747 passed by the 65th General Assembly as to whether or not a manufacturer can purchase old cotton materials, place same in new tickings and offer these mattresses for sale to furniture dealers.

Awaiting your reply, we are."

At the outset, may I state that there has been no 65th General Assembly of the State of Missouri. The last General Assembly of this State being termed the 57th General Assembly to which there was a Special Session. I find that no amendment was passed by the Legislature at either the 56th or 57th General Assembly which changes the law as is set forth in Article 12, Chapter 95, Revised Statutes of Missouri 1929, referring to the manufacture and sale of mattresses. You mention Senate Bill 747 which is of no practical value at this time in answering your question.

In order that you may understand the statutory requirements for the manufacture of mattresses, when using previously used materials, I refer you first to sub-section 3, Section 13300 Revised Statutes of Missouri 1929, which reads as follows:

"The word 'new' as used in this article shall mean any material which has not been used in the manufacture of another article or used for any other purpose. The words 'previously used' as used in this article shall mean any material which has been previously used in the manufacture of another article or used for any other purpose."

With these definitions as to phraseology, we find Section 13301 to contain the following provision:

"No person shall use in the making of bedding any material known as 'shoddy' and made in whole or in part from any old or worn clothing, carpets, burlap or other fabric or material from which shoddy is constructed; any material not otherwise prohibited by this article of which prior use has been made; unless any and all of said materials have been thoroughly sterilized, and disinfected by a reasonable process, approved by the Missouri State Board of Health."

Section 13303 contains the following provision:

"No person shall sell, offer for sale, deliver, consign for sale, or have in his possession with intent to sell, deliver or consign for sale any article of bedding which has been used unless the said article of bedding shall first be thoroughly sterilized and disinfected by a process approved by the Missouri State Board of Health."

From the statutory law I have just set forth, it is apparent that old cotton materials cannot be used in the manufacture of mattresses, unless the same have been sterilized and disinfected by a process approved by the Missouri State Board of Health. It will be necessary for you to communicate with the said Board of Health in order to determine just what the approved methods of disinfection and sterilization are.

Section 13311, R.S.Mo. 1929 contains penalty for the violation of this article. Said section reads as follows:

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"Any person or corporation violating the provisions of this article shall be guilty of a misdemeanor."

We also respectfully call your attention to Section 13308, R.S. Mo. 1929 which provides that no person shall make, remake or renovate bedding excepting persons making, remaking or renovating bedding for their own use until a permit has been secured so to do.

It is therefore the opinion of this department that old cotton materials cannot be purchased by a manufacturer, placed in new tickings and offered for sale to the retail trade, unless said old cotton materials have been properly disinfected and sterilized according to the statutory requirements as have been hitherto set forth.

Respectfully submitted,

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JOHN W. HOFFMAN, Jr.,  
Assistant Attorney General

APPROVED:

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ROY MCKITTRICK,  
Attorney General.