

Federal Aviation Administration, DOT

Pt. 5

§ 3.5 Statements about products, parts, appliances and materials.

(a) *Definitions.* The following terms will have the stated meanings when used in this section:

Airworthy means the aircraft conforms to its type design and is in a condition for safe operation.

Product means an aircraft, aircraft engine, or aircraft propeller.

Record means any writing, drawing, map, recording, tape, film, photograph or other documentary material by which information is preserved or conveyed in any format, including, but not limited to, paper, microfilm, identification plates, stamped marks, bar codes or electronic format, and can either be separate from, attached to or inscribed on any product, part, appliance or material.

(b) *Prohibition against fraudulent and intentionally false statements.* When conveying information related to an advertisement or sales transaction, no person may make or cause to be made:

(1) Any fraudulent or intentionally false statement in any record about the airworthiness of a type-certificated product, or the acceptability of any product, part, appliance, or material for installation on a type-certificated product.

(2) Any fraudulent or intentionally false reproduction or alteration of any record about the airworthiness of any type-certificated product, or the acceptability of any product, part, appliance, or material for installation on a type-certificated product.

(c) *Prohibition against intentionally misleading statements.* (1) When conveying information related to an advertisement or sales transaction, no person may make, or cause to be made, a material representation that a type-certificated product is airworthy, or that a product, part, appliance, or material is acceptable for installation on a type-certificated product in any record if that representation is likely to mislead a consumer acting reasonably under the circumstances.

(2) When conveying information related to an advertisement or sales transaction, no person may make, or cause to be made, through the omission of material information, a representation that a type-certificated product is

airworthy, or that a product, part, appliance, or material is acceptable for installation on a type-certificated product in any record if that representation is likely to mislead a consumer acting reasonably under the circumstances.

(d) The provisions of § 3.5(b) and § 3.5(c) shall not apply if a person can show that the product is airworthy or that the product, part, appliance or material is acceptable for installation on a type-certificated product.

PART 5—SAFETY MANAGEMENT SYSTEMS

Subpart A—General

Sec.

5.1 Applicability.

5.3 General requirements.

5.5 Definitions.

Subpart B—Safety Policy

5.21 Safety policy.

5.23 Safety accountability and authority.

5.25 Designation and responsibilities of required safety management personnel.

5.27 Coordination of emergency response planning.

Subpart C—Safety Risk Management

5.51 Applicability.

5.53 System analysis and hazard identification.

5.55 Safety risk assessment and control.

Subpart D—Safety Assurance

5.71 Safety performance monitoring and measurement.

5.73 Safety performance assessment.

5.75 Continuous improvement.

Subpart E—Safety Promotion

5.91 Competencies and training.

5.93 Safety communication.

Subpart F—SMS Documentation and Recordkeeping

5.95 SMS documentation.

5.97 SMS records.

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