

HQ 953035  
(APRIL 14, 1993)

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It is your position that the sole overlaps the upper by 1/4 inch around 41% of the perimeter of both styles. You assert that even though the "toe bumper," heel bumper and antipronation device do not have a 1/4 inch overlap at their beginning, and end, but only toward their centers; these segments should be measured from beginning to end as having a 1/4 inch overlap. One reason for this method of measurement is that you can not say where the lasting allowance of the upper ends on a sole with no upper. Also, it is not easy to determine at what point it goes above or below 1/4 inch. Therefore, you assume that it ends at the lowest point on the top surface of that sole.

It is our position that the overlap on a separate sole should be measured as accurately as possible to determine the percentage of 1/4 inch overlap around the perimeter of a shoe. With respect to the measurement of the separate sole, we would not include that portion of the overlap which actually measures less than 1/4 inch toward the 40% encirclement necessary for consideration as a foxing-like band. While our method of measuring overlap on a separate sole may not be completely accurate, we believe that it presents fewer problems than your suggested method of measurement.

