

Textiles and the Federal Trade Commission

Presentation by Robert Frisby
July 23, 2014

Division of Enforcement
Bureau of Consumer Protection*

*The views expressed in this presentation are my own and not necessarily those of the Federal Trade Commission or of any Commissioner.

Laws and Rules Concerning Textile Labeling

- Textile Fiber Products Identification Act, 15 U.S.C. § 70, and related regulations 16 CFR Part 303
- Wool Products Labeling Act, 15 U.S.C. § 68, and related regulations, 16 CFR Part 300
- Rule on Care Labeling of Textile Wearing Apparel & Certain Piece Goods, 16 CFR Part 423
- Fur Products Labeling Act, 15 U.S.C. § 69, and related regulations, 16 CFR Part 301

What do you have to label?

Most textile and wool products must be labeled. Please review the Rules or “Threading Your Way” for details, but generally, you must label:

- Clothing
- Yarns and fabrics
- Bedding, towels, washcloths
- Floor coverings: rugs, carpets, and mats
- Products containing any amount of wool (except upholstery)

When do you have to label?

In general, you only need to label textile products that are ready for sale to consumers. If the items are unfinished, you may ship them with an invoice that contains the information that would be on the label.

Textile and Wool Acts and Rules

- Three Basic Labeling Requirements:
 - Fiber Content – generic fiber name.
 - Name of Manufacturer, Importer, or Seller, or RN Issued by the FTC
 - Country of Origin
- Labels must be durable enough to remain attached to the product until sold and delivered to ultimate consumer

Textile Fiber Content Labeling

- Must List Generic Fiber Names & Percentages (if 5% or more) in Order of Predominance by Weight
 - Fibers less than 5% should be designated as “other fiber(s)” unless functionally significant in small amount
 - “Generic Fiber Names” for manufactured fibers must be approved by the FTC. The FTC has approved several fiber names plus the names in ISO 2076: 2010(E).
 - List of Approved Names can be found in “Threading Your Way”
 - Wool fibers must be identified even if less than 5% and wool product labels need not list fibers in order of predominance

Labeling Basics

- If the product has a neck (like a shirt or jacket), then a label with the country of origin must be in the inside center of the neck. Other information can appear elsewhere, as long as it is easily accessible for consumers.
- All information required on the label must be in English. You can have information in other languages as well.

Fiber Content Labeling

- Labels must list generic fiber names & percentages in by weight. For example:

65% rayon
35% polyester

Fiber Content Labeling

- Fibers that make up less than 5% of the product should be designated as “other fiber(s)” unless they are wool fibers or change the product functionally, like making it more elastic. For example:


96% Wool
4% Nylon

Fiber Content Labeling

- Natural fibers should be labeled with their common name. For example, “cotton.”
 - **NOTE:** if natural products are processed into synthetic fibers, you must use the synthetic name. For example, if you process bamboo material into rayon, the label must say “rayon,” not “bamboo.”
- “Generic Fiber Names” for synthetic fibers must be approved by FTC. The FTC has approved the names in ISO 2076: 2010(E).
- List of other approved names are in our regulations at 16 CFR 303.7. These include: acrylic, rayon, spandex.

Fiber Content Labeling

- Special Wool Fibers
 - The Wool Act lists certain wool fibers as “specialty” fibers. You can identify these fibers by name on the label:
 - Alpaca
 - Mohair
 - Cashmere
 - Camel
 - Llama
 - Vicuna



55% Alpaca
45% Camel Hair

Cashmere

- Not all fibers from the cashmere goat can be identified as cashmere
- Criteria for this determination based on average fiber diameter --- See 16 CFR 300.19 for details
- Fibers from the cashmere goat should be identified as wool if they do not meet the definition of cashmere

Very Fine Wools

- Labels may identify the wool in wool products using “Super” and “S” numbers
- Criteria for determining “Super” and “S” numbers based on average fiber diameter --- See 16 CFR 300.20a for details

“Non-Required” Information

- You can have other information, like fiber trademarks, on labels.
 - For example, you can label something as “Lycra Spandex.”
- But you **cannot** have wording on the label that is misleading or that contradicts other information. For example, you should **not** have a label that reads: “100% Natural Viscose.”

Manufacturer/Importer Name or RN Number

- A Label Must Name the Manufacturer, Importer, or Other Seller or List the Company's RN
- RN Database Now on the FTC's Website: <http://www.ftc.gov>. Companies can apply for RN/update RN information online

Country of Origin Labeling

- A Label Must State the Name of the Country Where the Product was Processed or Manufactured
 - “Made in USA” - only if made in U.S. of materials also made in the U.S.
 - Imports - name of country where processed or manufactured: “Made in China”/country of origin determined under laws enforced by Customs
 - If manufactured/processed in foreign country but finished in U.S.: “Made in China, finished in USA”

Textile Advertising

- If you use a fiber trademark or imply the presence of a fiber in your advertising, including in your ads on the internet, you must disclose the fiber content at least once in your ad.
- Note that you don't have to include the percentages.

Textile and Wool mail order advertising

- Mail order advertising of a textile or wool product must disclose that the product was either made in the U.S.A., imported, or both.

Hang-tags

- Hang-tags may disclose fiber names and trademarks and non-deceptive performance information, without disclosing the product's full fiber content
- Unless the hang-tag discloses the product's full fiber content or the product is entirely made of that fiber, the hang-tag must disclose that it does not disclose the product's full fiber content or that consumers should see the label for the product's full fiber content.

Textile and Wool Recordkeeping

- Manufacturers must maintain records of the information that product labels must disclose under the Act and Rules
- Records must be maintained for at least three years

Guaranties

- A guaranty is a written promise that the textile, wool or fur products covered by the guaranty are properly labeled and not falsely or deceptively described in advertising or on invoices
- Reliance on the properly executed guaranty of a seller is a legal defense. A business that, in good faith, relies on such a guaranty will not be found in violation of the law if the textile, wool or fur products subsequently are determined to be mislabeled
- Only businesses in the U.S. can provide guaranties

Enforcement Policy Statement issued January 2013

Provides protections for retailers that:

- (1) can't legally get a guaranty under the relevant Act;
- (2) don't embellish or misrepresent claims made by the manufacturer; and
- (3) don't market the products as private-label goods.

Unless the retailer knew or should have known the marketing or sale of an item would violate the Textile, Wool, or Fur Act or Rules

Textile Rules Amendments Effective May 5, 2014

Highlights

- incorporate the updated ISO standard 2076:2010(E) listing manufactured fiber names
- allow certain hang-tags that do not disclose the product's full fiber content information
- update the guaranty provisions by, among other things, replacing the requirement that suppliers provide a guaranty signed under penalty of perjury with a certification, and revising accordingly the form used to file continuing guaranties with the Commission under the Textile, Fur, and Wool Acts
- Clarify provisions on e-commerce and country of origin disclosures

Wool Rules Amendments Effective July 7, 2014

Highlights

- allow certain hang-tags that do not disclose the product's full fiber content information
- incorporate amendments to the Wool Act in 2006 regarding the definition of cashmere and very fine wools
- Clarify provisions on e-commerce and country of origin disclosures

Care Labeling Rule

- Label Must State A Regular Care Procedure or Disclose If Garment Cannot Be Cleaned By Any Method Without Causing Harm
- Approved ASTM care symbols can be used in lieu of written terms
- Label must be permanent so that it will remain during the useful life of the product

Care Labeling Rule Proposed Amendments

- NPRM published September 2012 (77 FR 58338)
 - <http://www.ftc.gov/os/2012/09/120911carelabelingfrn.pdf>
- Highlights of Commission proposal
 - Allow professional wetcleaning instruction if garment can be wetcleaned (alternative to drycleaning and home washing)
 - Allow use of ISO and latest ASTM care symbols in lieu of written terms
 - Clarify reasonable basis requirements for care instructions
 - Update definition of “Dryclean”
- Roundtable held March 28, 2014 to discuss proposal
- Roundtable discussion and comments under consideration

Fur Labeling Rules

Fur product labels must disclose

- The animal name, according to the Fur Products Name Guide
- The name or RN of the manufacturer, importer or other seller, marketer or distributor of the fur
- The country of origin for imported fur products (including the country of origin for imported furs made into fur products in the U.S.)

Fur Labeling Rules

- Additional disclosures required:
 - If the fur is pointed, dyed, bleached, or artificially colored (if these treatments don't apply, the fur should be labeled "natural").
 - If the fur product is composed in whole or substantial part (more than 10 percent of surface area) of pieces, such as paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scraps, or waste fur.
 - If the fur is used or damaged.

Fur Labeling Rules

- Mechanics of Labeling
 - Labels must meet specific requirements regarding size, lettering, and the sequence of disclosures
 - Durability. The label must be durable enough to remain on the fur until it is delivered to the consumer
 - See 16 CFR 301.27, 301.29 and 301.30

Fur Labeling Rules

- Invoices, Advertising, and Recordkeeping
 - The required information also must appear on invoices and in advertising for fur products
 - Manufacturers and dealers must keep records showing the required information for at least three years

Fur Labeling Rules --- Exemption

The Truth in Fur Labeling Act creates a new exemption for furs sold by trappers and hunters in certain face-to-face transactions from home or at temporary locations like craft fairs, provided the sales are not the person's primary source of income.

Fur Rules Amendments Effective November 19, 2014

- Update the Fur Products Name Guide
- Provide businesses with more flexibility in labeling, including label content and format
- Incorporate provisions of the Truth in Fur Labeling Act of 2010 (TFLA)
- Conform guaranty provisions to those governing textile products

Enforcement

- Textile, Wool, and Fur Acts
 - Willfull violations can result in criminal penalties
 - FTC can seek injunctions, cease and desist orders, and redress for consumers
- Care Labeling Rule
 - FTC can seek civil penalties of up to \$16,000 per violation, as well as injunctions and redress for consumers

For More Information

Visit: <http://www.ftc.gov/os/statutes/textilejump.shtm>

Textile and Wool Products: <http://business.ftc.gov/documents/bus21-threading-your-way-through-labeling-requirements-under-textile-and-wool-acts>

Care Labeling Rule: <http://business.ftc.gov/documents/bus50-clothes-captioning-complying-care-labeling-rule>

Fur Products: <http://www.business.ftc.gov/documents/alt006-fur-mation-alert-how-comply-fur-products-labeling-act>

Contact information

Robert Frisby

Attorney

Division of Enforcement

Bureau of Consumer Protection

Federal Trade Commission

Phone: 202-326-2098

Fax: 202-326-3197

rfrisby@ftc.gov