



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Enforcement

May 28, 2009

John M. Manos  
Vice President  
General Counsel  
Lord & Taylor, LLC  
424 5th Ave.  
New York, NY 10018-2703

Dear Mr. Manos:

As you know, the staff of the Federal Trade Commission conducted an investigation of Lord & Taylor, LLC, relating to possible violations of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, the Fur Products Labeling Act, 15 U.S.C. § 69 *et seq.* ("Fur Act"), and the Rules and Regulations Under the Fur Products Labeling Act, 16 C.F.R. Part 301 ("Fur Rules"). The investigation focused on whether Lord & Taylor sold coats that were labeled as containing 100% polyester trim, when some of the trim was made of real fur.

The staff of the Enforcement Division has completed its investigation and has determined that no further action is warranted at this time. Many of the coats with the "100% polyester trim" label also had a hang-tag identifying the fur as real and naming the animal that produced the fur. In addition, the company that labeled the coats and supplied them to Lord & Taylor stated that it will use garment labels that distinguish between trim made of real fur and trim made of other materials.

In light of the above, the staff has decided to close the investigation. For the future, we would like to clarify that if Lord & Taylor wishes to rely on a guaranty from a supplier affirming that fur products are not misbranded, falsely advertised, or falsely invoiced, the guaranty must comply with the specific requirements of the Fur Act and Fur Rules. *See* 15 U.S.C. § 69h and 16 C.F.R. §§ 301.47 and 301.48. Such a guaranty, however, would not immunize Lord & Taylor from liability if it is independently responsible for a deceptive representation.

The decision to close this matter is not to be construed as a determination that a violation has not occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take further action as the public interest may require.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Kohm".

James A. Kohm  
Associate Director