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April 1, 2008

BY COURIER

Mr. Donald S. Clark
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Ave., N.W.
Room 135-H
Washington, D.C. 20580

Re: Matter No. G711001: Opposition to request for extension of comment period.

Dear Mr. Clark:

On February 26, 2008, the Commission requested public comments on a proposed amendment to the Platinum Guide. The Commission indicated that comments should be received on or before May 27, 2008.¹

It has come to our attention that Platinum Guild International (“PGI”) and the Jewelers Vigilance Committee (“JVC”) have requested that the Commission extend the comment period an additional 90 days.² They claim that this additional time is needed in order to fully address the issues raised by the Commission’s proposed amendment.

On behalf of our client, Karat Platinum LLC (“Karat Platinum”), we encourage the Commission to reject PGI and JVC’s request.

The topic addressed by the proposed amendment – the marketing of platinum jewelry products containing less than 85% platinum, and no additional platinum group metals (“platinum/base products”) – is not new. As we informed the Commission in 2005, JVC and PGI tried to block the introduction of this product in the United States by making categorically false statements that platinum/base products are illegal.³ In

¹ The Commission’s February 26, 2008 request for comment on the proposed amendment to the platinum section of the Guides for the Jewelry, Precious Metals, and Pewter Industries requests written comments on, or before, May 27, 2008. 73 Fed. Reg. 10190.

² PGI and JVC have requested that the comment period be extended to August 25, 2008.

³ We described some of these efforts, including an article published by JVC entitled “It’s a Family Affair” and an article published by Huw H. Daniel, President of PGI-USA entitled “Platinum

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order to remedy the market barrier caused by these false statements, we requested at that time that the FTC staff issue a letter making clear to the industry that the Platinum Guide does not prohibit the truthful and accurate marketing of platinum/base products.

Despite the fact that the FTC staff issued such a letter, and the fact that the Commission itself has described the letter as “provid[ing] general” guidance on how to market platinum/base products, JVC has continued to make false statements concerning the legality of platinum/base products.⁴ For instance, a “Jewelry Buyer’s Checklist” currently published by the Jeweler’s Vigilance Committee (“JVC”) states that “items containing less than 85% platinum” must also have a total platinum group metal content that “equal[s] 950 (95%).”⁵

Because of the continuing implication that companies are prohibited from marketing platinum/base products, we believe that an amendment to the Platinum Guide is needed, and any delay in considering the Commission’s proposed amendment will be detrimental to competition.

Furthermore, no additional time is needed in order to fully and completely respond to the Commission’s request for comment. Many of the topics for which the Commission has requested comment overlap substantially with the topics for which the Commission requested comment in July of 2005.⁶ In addition, PGI and JVC have grossly exaggerated the complexity and burden of the Commission’s new requests.⁷

Industry members, such as PGI and JVC, have had over three years to fully investigate issues relating to platinum/base products.⁸ Additional time is simply not needed. The delay caused by additional

Purity, to Love and Protect” in our October 21, 2005 comment to the Commission. Comment 517683-00065 (Bryan Cave LLP on behalf of Karat Platinum LLC) *available at* <http://www.ftc.gov/os/comments/jewelryplatinum/517683-00065.htm> (last viewed April 1, 2008).

⁴ Request for Public Comments Concerning Guides for the Jewelry, Precious Metals, and Pewter Industries, 70 Fed. Reg. 38836 (July 6, 2005).

⁵ <http://www.jvclegal.org/Consumers/index.php?categoryid=9> (last viewed April 1, 2008).

⁶ For example:

- Request number 2 of the 2005 federal register notice is similar to requests 11, 12 of the 2008 federal register notice;
- Request number 7 of the former notice is similar to request number 19 of the current notice;
- Request number 5 of the former notice is similar to request number 15 of the current notice, and
- Request number 4 of the former notice is similar to request number 6 of the current notice.

⁷ For instance, PGI complains that the Commission’s requests include “over 20 subparts.” A quick look at the Commission’s first request for comment shows that this is a gross exaggeration: subpart “a” of the first request for comment asks the question “why,” and subpart “b” asks the question “why not.”

⁸ Indeed, during the last comment period PGI submitted over 170 pages of arguments and data, and JVC submitted over 93 pages of arguments and data relating to this topic. Comment Platinum Guild International (Daniel, Huw) (10/12/2005) #517683-00069 *available at* <http://www.ftc.gov/os/comments/jewelryplatinum/517683-00069.pdf>

Mr. Donald S. Clark
April 1, 2008
Page 3

Bryan Cave LLP

time will perpetuate market confusion and disruptions by providing a longer period of time for the continued dissemination of false and misleading information to consumers.

Sincerely,



Jodie Z. Bernstein

cc: Ms. Robin R. Spector, Attorney, Division of Enforcement
James Kohm, Associate Director, Division of Enforcement