



JOHN L. WITTENBORN
DIRECT LINE: (202) 342-8514
EMAIL: jwittenborn@kelleydrye.com

July 23, 2007

Via Electronic Filing

United States Federal Trade Commission
Office of the Secretary
Room H-135 (Annex L)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: Guides for Select Leather and Imitation Leather Products, Matter No.
P078008

Dear Sir or Madam:

On behalf of the Leather Industries of America (“LIA”), I am pleased to provide these comments in response to the Federal Trade Commission’s request for comment on its Guides for Select Leather and Imitation Leather Products. We appreciate the Commission’s attention to this matter.

Sincerely,

John L. Wittenborn
President
Leather Industries of America

Enclosures

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)	
Guides for Select Leather and Imitation Leather Products; Request for Comments)	Commission File No. P078008
)	
)	
)	

**COMMENTS OF LEATHER INDUSTRIES OF AMERICA ON
THE COMMISSION’S GUIDES FOR SELECT LEATHER AND IMITATION
LEATHER PRODUCTS**

Leather Industries of America (“LIA”) is pleased to file these comments pursuant to the Federal Trade Commission’s (“FTC” or “Commission”) request for public comments regarding its Guides for Select Leather and Imitation Leather Products (the “Guides”)¹ as part of the Commission’s systematic review of all current regulations and guides.² LIA, formerly the Tanners’ Council of America, was formed in 1917 and is one of the oldest trade associations in the United States. LIA currently represents 45 companies engaged in tanning and/or marketing of leather, as well as 22 companies that supply the industry. Collectively, leather tanneries in the United States (SIC Code 3111) employ approximately 4,000 employees. LIA tannery members process a variety of hides and skins into leather for use in automobile and furniture upholstery, footwear, garments, luggage, bags and other fashion accessories.

¹ 16 C.F.R. pt. 24.

² See *Request for public comments*, 72 Fed. Reg. 28,906 (May 23, 2007).

I. Executive Summary

As noted in its request for comments, the FTC's Guides "address misrepresentations regarding the composition and characteristics of specific leather and imitation leather products."³

The FTC enacted the Guides to provide the basis for voluntary compliance by members of industry.⁴ Specifically, the Guides apply to the

manufacture, sale, distribution, marketing, or advertising of all kinds or types of leather or simulated-leather trunks, suitcases, traveling bags, sample cases, instrument cases, brief cases, ring binders, billfolds, wallets, key cases, coin purses, card cases, French purses, dressing cases, stud boxes, tie cases, jewel boxes, travel kits, gadget bags, camera bags, ladies' handbags, shoulder bags, purses, pocketbooks, footwear, belts (when not sold as part of a garment) and similar articles (hereinafter, "industry products").⁵

The Guides also address the application of Section 5 of the FTC Act, 15 U.S.C. § 45, in this regard. Thus, the Guides provide a framework for communicating truthful and non-misleading messages to consumers concerning these industry products.

Presently, there is an inadequate understanding of certain key leather marketing terms, which has resulted in many vendors incorrectly marketing their leather products. This misleads both retailers and consumers into believing that their leather is of a higher grade than warranted. The inclusion of these additional terms in the Guides would reduce existing confusion and some deliberate deception, which are causing significant disagreements within the leather and leather product manufacturing industries, adversely affecting all parties through the supply chain. The Leather Research Laboratory of the LIA conducts scores of evaluations of leather products each year to determine whether product marketing claims are accurate. The demand for this testing

³ *Id.*

⁴ 16 C.F.R. § 24.0(b).

⁵ *Id.*

service demonstrates the confusing nature of the terms, and the willingness of some producers to take advantage of them. As set forth in greater detail below, LIA encourages the FTC to incorporate the following additions to the Guides to help reduce deceptive practices in this industry and alleviate consumer confusion.

Proposed Increase in Scope:

- Section 24.0(a) of the Guides should include automotive and furniture upholstery products.

Proposed Definitions or Further Additions to Section 24.2, "Deception as to Composition"

- "Top Grain" or "Full Grain" Leather - "Leather bearing the original grain surface as exposed by removal of the epidermis and with none of the surface removed by buffing, snuffing or splitting."
- "Corrected Grain" Leather - "Leather from which the grain layer has been partially removed by buffing to a depth governed by the condition of the raw material and upon which a new surface has been built by various finishes."
- "Semi-Aniline" Leather - "Leather which has been aniline dyed or stained, incorporating a small quantity of pigment, not so much as to conceal the natural characteristics of the hide."
- "Leather" - "Hide or skin with its original fibrous structure more or less intact tanned to be imputrescible. The hair and wool may or may not have been removed. It is also made from a hide or skin that has been split into layers or segmented either before or after tanning. If the leather has a surface coating, the mean thickness of this surface layer, however applied, has to be 0.15 mm or less. If the tanned hide or skin is disintegrated mechanically and/or chemically into fibrous particles, small pieces or powders and then, with or without the combination of a binding agent, is made into sheets or forms, such sheets or forms are not leather."
- "Coated Leather" - "A product where the surface coating applied to the leather substrate does not exceed one-third of the total thickness of the product, but is in excess of 0.15mm."

- “Laminated Leather” – “(a) A composite of two or more layers of leather, or (b) a layer of leather and one or more layers of another sheet or film of plastics or other material.” The term should be applied to products that are excluded from the definition of “Leather” and “Coated Leather”. The components should be identified according to the proportion they form of the total thickness, e.g. polyurethane/leather laminate, if the leather component accounts for less than 50 percent of the thickness.
- “Split Leather” – “Leather with no grain layer.”
- “Leatherette” – “A material constructed of paper cloth or synthetic material and finished to simulate the grain, color, and texture of leather.”
- “Bonded Leather” - “Made by forming leather fragments and fibers into a single homogenous sheet with the aid of adhesives, resins, or similar bonding agents.”
- “Chamois” – “Made from under split of sheepskin or lambskin, split before tanning, and tanned with fish oil after removal of the grain layer.”

Proposed Disclosures:

- Section 24.2(e), “*Misrepresentation that product is wholly of a particular composition,*” should include “Coated Leather” and “Laminated Leather” in its list of examples of products that are made principally of leather, but have certain non-leather parts that appear to be leather and which require disclosure to that effect.
- Section 24.2(a), “*Imitation or simulated leather,*” should include “Leatherette (not leather)” in its list of examples of industry products made from non-leather material.

II. Commission’s Request for Comments

As part of its request for public comments, the Commission asked several questions to help evaluate the Guides, including:

1. “Is there a continuing need for the Leather Guides as currently promulgated.”
2. “What benefits have the Leather Guides provided to purchasers of the products affected by the Guides”?
3. Do the Guides provide benefits to businesses that follow them? If so, what benefits?”

4. “What changes, if any, should be made to the Leather Guides to increase their benefits to purchasers? . . . How would these changes benefit purchasers?”⁶

The following information responds to these requests.

III. The FTC Should Retain the Guides and Expand Them in Key Respects

The current Guides inhibit advertisers from making deceptive claims and generally promote honest business practice. The Guides are logical and consistent with straightforward principles that have been adopted by various regulatory and voluntary means throughout the world. LIA is frequently asked to help its members apply the existing Guides to specific consumer products for the dual purposes of (a) determining the most accurate and appropriate label for retail products, and (b) identifying or confirming examples of suspected deceptive practices by companies believed to be seeking unfair competitive advantage through marketing claims that do not comply with the Guides. LIA’s frequent and extensive involvement in this arena confirms the fundamental importance of the Guides as a reference point for U.S. businesses and consumers.

The Guides currently outline for members of industry standards for deceptive advertising practices for the aforementioned industry products in Sections 24.1, “Deception (general) and 24.2, “Deception as to composition.” Specifically, these sections of the Guides provide:

1. “It is unfair or deceptive to misrepresent, directly or by implication, the kind, grade, quality, quantity, material content, thickness, finish, serviceability, durability, price, origin, size, weight, ease of cleaning, construction, manufacture, processing, distribution, or any other material aspect of an industry product.”⁷

⁶ *Request for Public Comments*, 72 Fed. Reg. at 28,907.

⁷ 16 C.F.R. § 24.1.

2. “It is unfair or deceptive to misrepresent, directly or by implication, the composition of any industry product or part thereof.”⁸
3. “It is unfair or deceptive to use the unqualified term ‘leather’ or other unqualified terms suggestive of leather to describe industry products unless the industry product so described is composed in all substantial parts of leather.”⁹
4. “A misrepresentation should not be made, directly or by implication, that an industry product is made wholly of a particular composition. A representation as to the composition of a particular part of a product should clearly indicate the part to which the representation applies.”¹⁰

These provisions are helpful to industry as they encourage companies to communicate information about the leather content (or lack thereof) of the product that consumers may not be able to determine or evaluate on their own with a mere visual inspection of the product prior to purchase. However, while helpful, these Guides cannot be fully utilized without clearly defined terms that enable industry to understand when it runs afoul of these deception standards.

LIA’s experiences have demonstrated that the current Guides are incomplete — they require expansion to make them more comprehensive and consistent with global industry practice. To that end, we recommend that the Commission modify the Guides to expand the existing scope of the Guides provided in Section 24.0 to include automotive and furniture upholstery products, include a small number of critically important and widely-recognized definitions, and broaden the range of required disclosures.¹¹ The absence of this information

⁸ *Id.* § 24.2.

⁹ *Id.*

¹⁰ *Id.* § 24.2(e).

¹¹ To the extent that the FTC opts not to create a new section of the Guides devoted to “definitions,” the proposed new definitions could also be incorporated in Section 24.2, “Deception as to composition” as a supplement to the existing terms discussed therein.

facilitates an escalating trend of deceptive practice within the U.S., which is curbed more effectively in European countries.

A. The Scope of the Guides Should Include Automotive and Furniture Upholstery Products

As discussed above, Section 24.0(a) outlines the scope of the Guides, which does not currently include automotive or furniture upholstery products. The FTC adopted the Guides in 1996 and consolidated portions of the Guides for the Luggage and Related Products Industry, the Guides for Shoe Content Labeling and Advertising, and the Guides for Ladies' Handbag Industry. The Guides also included provisions from the Commission's Trade Regulation Rule Concerning Misbranding and Deception as to Leather Content of Waist Belts.¹² The language of Section 24.0 reflects these additions. LIA believes the Guides should also cover automotive and furniture upholstery products, two critical types of products relevant to the leather industry. Automotive and furniture upholstery leather represent a significant portion of the leather industry, and the clear majority of finished leather produced in the United States. The inclusion of automobile and furniture upholstery leather in the Guides would reduce potential deception and confusion with respect to these products as well.

B. Define the Term "Top Grain"

The term "Top Grain" appears in five sections of the Guides at least seven times, without appropriate explanation to provide guidance to industry.¹³ As the trade association for leather products, LIA is frequently called upon to elaborate on the meaning of "Top Grain." LIA through its Leather Research Laboratory has functioned as an arbitrator in several cases

¹² *Request for Public Comments*, 72 Fed. Reg. at 28,907.

¹³ See 16 C.F.R. §§ 24.2(b)(1)-(2), 24.2(c)(1), 24.2(e)(1), 24.2(e)(3).

involving leather products marketed as “Top Grain” or “Full Grain” leather, although they had been processed to remove and disguise blemishes and scars that prevent processing into this highest grade of leather. This is a consistent problem in the leather goods industry.

The definition of “Top Grain” is identical to the definition of “Full Grain” leather promulgated by the International Council of Tanners (“ICT”) since the 1930s and adopted by the International Union of Leather Technologists and Chemists Societies (“IULTCS”). The International Organization for Standardization (“ISO”) is considering adoption as well. Accordingly, LIA recommends that the Commission add a definition of “Top Grain” or “Full Grain” leather as “Leather bearing the original grain surface as exposed by removal of the epidermis and with none of the surface removed by buffing, snuffing or splitting.”¹⁴

Any term of significance used in the Guides should be defined. By adding the international definition of “Full Grain” leather to the Guides, the FTC will correct this inconsistency.

C. The Guides Should Define “Corrected Grain Leather

The need to define “Top Grain” or “Full Grain” leather automatically triggers a need to introduce and accurately define the term “Corrected Grain” leather. The ITC and IULTCS define “Corrected Grain” leather as “Leather from which the grain layer has been partially removed by buffing to a depth governed by the condition of the raw material and upon which a new surface has been built by various finishes.”¹⁵

¹⁴ See INTERNATIONAL COUNCIL OF TANNERS’ INTERNATIONAL GLOSSARY OF LEATHER TERMS 27 (2d ed. 1975) (definition 103) (Attached as Exhibit 1).

¹⁵ See *Id.* (definition 61) (Attached as Exhibit 2). ISO is considering adopting this definition as well.

During their lives, cattle are subjected to a wide variety of skin lesions caused by various ectoparasites (biting flies, ticks, lice, etc), disease, and manure contamination. The result is damage to the grain surface of the leather that must be disguised by buffing away the scars, covering the abraded surface with a heavily pigmented paint (“finish”), and then embossing or printing an artificial grain pattern onto the surface. This “Corrected Grain” leather comprises the majority of leather produced globally, and commands a lower price than “Top Grain” or “Full Grain” leather.

To minimize the potential for consumer deception, LIA requests that the FTC incorporate a definition for “Corrected Grain” leather into the Guides.

D. The Guides Should Define “Semi-Aniline” Leather

The ITC and IULTCS define “Semi-Aniline” as “leather which has been aniline dyed or stained, incorporating a small quantity of pigment, not so much as to conceal the natural characteristics of the hide.”¹⁶

An inadequate understanding of the terms “Correct Grain” leather and “Semi-Aniline” leather has resulted in many vendors incorrectly marketing their “Corrected Grain” leather as “Semi-Aniline,” which misleads both retailers and consumers into believing that the leather is of a higher grade than warranted. LIA regularly examines leather described as “Semi-Aniline,” but which actually is fully pigmented “Corrected Grain” leather, cleverly finished using a combination of differently colored coats in such a way that it bears the appearance of “Semi-

¹⁶ See *Id.* (definition 220) (Attached as Exhibit 3). ISO is considering adopting this definition as well.

Aniline” leather.¹⁷ The misleading use of the term “Corrected Grain” leather for products that are actually “Semi-Aniline” leather harms both industry and consumers. Thus, LIA recommends the addition of a definition of “Semi-Aniline” leather to provide guidance to industry.

E. The Guides Should Define Leather That Has Been “Coated” or “Laminated,” and “Leatherette,” and Incorporate Corresponding Disclosures

Section 24.2 of the Guides outlines parameters for “Deception as to composition” in the representation of various types of leather. LIA believes the FTC should incorporate specific definitions for the terms “Coated” or “Laminated” leather as well as “Leatherette” and to add disclosure requirements that address these terms within the Guides as well.

A finish comprising a pigmented polyurethane, acrylic resin, or other polymer-based paint protects the grain surface of most types of leather. Different types of leather have different finish thicknesses, depending on the desired aesthetics of the leather and the anticipated rigors of its intended use. Naturally, as the finish thickness increases, the balance of product characteristics shifts away from those of “natural” leather and more towards “plastic,” with the finish becoming thicker at the expense of leather substance, and presenting a thicker physical barrier between the leather and the touch of its user. Often, the purpose of a very thick finish is to obscure the presence of an inherently low grade type of leather, such as “Split Leather” (leather with no grain layer) or leather with excessive grain damage. However, a carefully

¹⁷ An analogous situation is the treatment of a wooden household deck with a stain labeled “semi-transparent” on the container. Such stains contain just enough pigment to provide protection against fading, but not enough to completely obscure the surface, allowing the natural beauty of the grain pattern to show through, while disguising minor defects and blemishes.

formulated and embossed polymer may prevent the consumer from determining the true nature and quality of the underlying leather, resulting in deception.

A piece that starts as natural leather may be coated and processed to such an extent that it moves into another (less exclusive) category. Extensive measurements covering a wide range of leather types using microscopy at the Leather Research Laboratory¹⁸ have shown that leather finishes are usually in the range of 0.005 to 0.1mm thick. Finish thicknesses at the lower end of this range retain and promote the natural feel and appearance of leather made from inherently high quality, unblemished hides, but offer less physical protection. Finishes in the 0.050 to 0.1mm range can offer an excellent compromise between aesthetics and the extremely high degree of toughness and durability demanded from automotive upholstery and other products that must be hard-wearing. As finish thickness increases above 0.1mm, the leather takes on more character of the pigmented polymer that it has been coated with, and less leather character.

Some regulations and standards, such as British Standard BS 2780, limit the term “leather” (without qualification) to leather that has a finish of 0.15mm or less.¹⁹ Although a “bright line” that defines the difference between “leather” and lower quality products is inherently arbitrary, LIA agrees that this specific limit is reasonable in that it is 50 percent greater (0.15 mm vs. 0.10 mm) than the maximum finish thickness that LIA has encountered in

¹⁸ LIA maintains a state-of-the-art Leather Research Laboratory at the University of Cincinnati. The laboratory was established over 80 years ago and specializes in leather tanning education and research and leather testing and defect analysis. The laboratory receives frequent requests to analyze articles or product samples that are marketed as “Leather,” “Top Grain” leather, or with other similar claims. Among other things, these analyses assure consumers that they are purchasing genuine leather goods. See LIA Home Page, <http://www.leatherusa.org>.

¹⁹ BRITISH STANDARD’S GLOSSARY OF LEATHER TERMS 2780:1983, (definition 159) (Attached as Exhibit 4).

leather products that look and behave in the manner expected of real leather. This threshold is commonly understood and accepted by most leather producers.

A similar concern is raised with products marketed as “Leatherette.” This term is misleading and potentially deceptive to consumers a “Leatherette” product is not made from leather material at all. Rather, “Leatherette” is typically defined as a “a fabric made to look like leather”²⁰ and “a material constructed of paper or cloth and finished to simulate the grain, color, and texture of leather.”²¹ However, because the term includes the word “leather” within it, consumers may incorrectly believe that a “Leatherette” product is comprised to some degree of leather.

LIA suggests that the FTC adopt the following internationally recognized definitions that serve to protect the term “leather” as part of the Guides:

- “Leather” – “Hide or skin with its original fibrous structure more or less intact, tanned to be imputrescible. The hair or wool may or may not have been removed. It is also made from a hide or skin that has been split into layers or segmented either before or after tanning. If the leather has a surface coating, the mean thickness of this surface layer, however applied, has to be 0.15 mm or less. If the tanned hide or skin is disintegrated mechanically and/or chemically into fibrous particles, small pieces or powders and then, with or without the combination of a binding agent, is made into sheets or forms, such sheets or forms are not leather.”²² “
- “Coated Leather” - defined as “A product where the surface coating applied to the leather substrate does not exceed one-third of the total thickness of the product, but is in excess of 0.15mm.”²³

²⁰ See <http://www.thefreedictionary.com/leatherette>.

²¹ See <http://dictionary.reference.com/browse/leatherette>.

²² BRITISH STANDARD’S GLOSSARY OF LEATHER TERMS, 2780:1983 (definition 159) (Attached as Exhibit 5).

²³ *Id.* (definition 56) (Attached as Exhibit 6).

- “Laminated Leather” - defined (a) a composite of two or more layers of leather, or (b) a layer of leather and one or more layers of another sheet or film of plastics or some other material.” The term should be applied to products that are excluded from the definition of “Leather” and “Coated Leather.” The components should be identified according to the proportion they form of the total thickness, e.g. polyurethane/leather laminate, if the leather component accounts for less than 50 percent of the thickness.²⁴
- “Split Leather” – defined as “leather with no grain layer”
- “Leatherette” – defined as “a material constructed of paper cloth or synthetic material and finished to simulate the grain, color, and texture of leather”

In addition, LIA encourages the FTC to supplement Section 24.2 of the Guides by incorporating the following disclosures for products marketed with the foregoing labels:

- Section 24.2(e), *“Misrepresentation that product is wholly of a particular composition,”* should include “Coated Leather” and “Laminated Leather” in its list of examples of products that are made principally of leather, but have certain non-leather parts that appear to be leather and which require disclosure to that effect.
- Section 24.2(a), *“Imitation or simulated leather,”* should include “Leatherette (not leather)” in its list of examples of industry products made from non-leather material.

F. The Guides Should More Specifically Define The Nature of “Bonded Leather”

The Guides do not currently provide a precise definition for “Bonded Leather.” Instead, Section 24.2(3)(f) merely states that “material in an industry product that contains ground, pulverized, shredded, reconstituted, or bonded leather and thus is not wholly the hide of an animal should not be represented, directly or by implication, as being leather.” Although this

²⁴

Id. (Attached as Exhibit 7).

statement prevents such material as being marketed as “leather,” it only implies a vague definition for the term “Bonded Leather.”²⁵

Some companies erroneously describe products as “Bonded Leather.” LIA investigations have shown that the material involved is not “Bonded Leather” because more than 80 percent of its thickness comprises a synthetic material laminated from layers of coagulated polyurethane, synthetic woven textile, and synthetic non-woven material. Such material is being described as “Bonded Leather” because its underside has a minimal amount of leather fibers adhered to it. That description is incorrect because the leather fibers are not bonded to each other to form an independent, continuous layer, but are merely glued to the underside of an entirely different, synthetic product.

Furthermore, the extremely thin coating of leather fibers on the underside will always be entirely hidden when fabricated into an industry product, offering no utility and no aesthetic value. As the leather fibers do not constitute any structural or otherwise integral part of the product, a manufacturer would likely include the minor amount of leather fibers in the material construction merely to give the appearance of leather when inspected from the underside and deceive consumers and other purchasers, aiding deceptive practice. An example of this problem is provided as Exhibit 8.²⁶

The Commission would remedy this situation by including a definition for “Bonded Leather” in the Guides. For example, the IULTCS formally defines “Reconstituted (Bonded)

²⁵ When the Commission issued the Guides, it included the provision to prevent deception through the misrepresentation that reconstituted leather is “leather.” It did not anticipate that vendors and retailers might try to market certain synthetic-based products as “Bonded Leather”.

²⁶ This photograph depicts a physical analysis conducted by Leather Research Laboratory at University of Cincinnati.

Leather” as “Made by forming leather fragments and fibers into sheet material with the aid of adhesives, resins, etc.” LIA requests that the FTC further refine this definition to explain that the product should be “Made by forming leather fragments and fibers into a single homogenous sheet or roll with the aid of adhesives, resins or similar bonding agents.” This would effectively define the essence of genuine “Bonded Leather,” but clarify that the definition does not apply to an insubstantial coating of fibers on the underside of a non-leather material .

G. The Guides Should Define the Term “Chamois” and Incorporate FTC Advisory Opinion No. 1

1. Background of the Term “Chamois”

The term “Chamois” refers to oil-tanned leather made from split sheepskin fleshers, which display the same special characteristics as chamois antelope leather.²⁷ Chamois Standard CS 99-1970 provides precise parameters for the material that can be considered “chamois” as to its physical and chemical characteristics. Standard CS 99-1970 states that “Chamois” is “made from undersplit of sheepskin or lambskin, split before tanning.”²⁸ It defines the physical characteristics of “Chamois” as having the median thickness of any skin, breaking strength, water absorption, water removed by wringing, and time of wetting that complies with the following standards:

- Median thickness minimum – 1/64 inch
- Breaking Strength Minimum – 30 pounds

²⁷ In the chamois manufacturing process, a sheepskin is first split to separate the outer skin layer from the inside (“flesher”) layer. The flesher layer is then tanned using a special oil, namely, fish oil.

²⁸ SPONGE & CHAMOIS INSTITUTE, CHAMOIS STANDARD, CS 99-1970 § 3 (Attached as Exhibit 9).

- Water Absorption Minimum – 375 grams per 100 grams of conditioned leather
- Water Removed by Wringing Minimum – 200 grams per 100 grams of conditioned leather
- Time of Wetting Maximum – 30 seconds²⁹

The chemical characteristics of “Chamois” must also consist of the following standards on a moisture free basis:

- Total Ash – maximum 12 percent
- Iron and Aluminum as $Fe_2O_3 + Al_2O_3$ maximum 1.5 percent
- Chromium as Cr_2O_3 – maximum 0.0 percent
- Free Formaldehyde Acidity (pH) – maximum 0.05 percent³⁰

These physical and chemical characteristics are tested in accordance with precise test methods set forth in Chamois Standard CS 99-1970.³¹ To achieve these standards, chamois leather must be tanned using marine or similar oils. LIA recommends that the requirement for fish oil tanning from FTC Advisory Opinion No. 1 be included within the definition of “Chamois” leather.

Chamois is most often used to dry and shine polished surfaces, glass, and car bodywork. It provides unique properties of water absorption, shine, and ease of drying. This occurs because the fish oil tannage forms soaps within the open fiber structure of the sheepskin. Chamois is the least abrasive drying material for any automobile surface. It is hardwearing and retains its performance even after frequent use.

²⁹ *Id.* § 4 (Attached as Exhibit 9).

³⁰ *Id.* § 5 (Attached as Exhibit 9).

³¹ *Id.* § 7 (Attached as Exhibit 9).

2. Long-Time Consumer Association of “Chamois” With the Genuine Product

For many decades, the term “chamois” has been limited to describe the unique split sheepskin product described above. As in other situations where a particular product is especially valued in the marketplace for its unique properties and qualities, sellers have from time to time marketed inferior products by using the “chamois” label on them. However, a combination of diligent and consistent private and FTC enforcement has minimized such misrepresentations.

Enforcement against such misrepresentations goes back to at least 1935, if not earlier.³² By 1964, after the enforcement history had provided multiple examples of deceptive use of the word “chamois,” the FTC issued an advisory opinion, “FTC Advisory Opinion No. 1,” warning producers of imitation chamois products not to mislabel their goods. Since 1964, FTC Advisory Opinion No. 1 has informed producers and consumers alike that “chamois” products are limited to those made “(a) from the skin of the Alpine antelope, commonly known and referred to as Chamois, or (b) from the sheepskin fleshers which have been oil-tanned after removal of the grain layer.”³³ Although Alpine antelope is no longer used in practical circumstances, the rest of this definition remains true today.

³² See *In re Scientific Shamey Co.*, 21 F.T.C. 268 (1935); *In re Joseph H. Seld, trading as Seld Leather Co.*, 24 F.T.C. 1237 (1937); *In Re Harry Neivert, trading as Pigro Chamois Co.*, 25 F.T.C. 929 (1937); *In re Canadian Chamois & Leather Corp.*, 28 F.T.C. 1457 (1939); *In re Atlantic Sponge & Chamois Corporation*, 52 F.T.C. 500 (1955); *In re Glove City Chamois Co.*, 53 F.T.C. 112 (1956).

³³ FTC Advisory Opinion No. 1, 66 F.T.C. 1593 (1964) (Attached as Exhibit 10).

3. Misuse of “Chamois” and Modern Enforcement Actions

The FTC definition of “chamois” protects consumers by ensuring that they are not misled to purchase inferior products that lack the special and unique properties of the split sheepskin product. Although most producers and sellers do respect this need, some producers have misrepresented their products, passing off inferior synthetic or goatskin products as if they were genuine chamois. Members of the law-abiding chamois industry, and the industry trade association, The Sponge & Chamois Institute, Inc., have continued to take action, successfully, against such misrepresentations.

Several court cases against parties that have misrepresented non-chamois products as “chamois” have been resolved with decrees prohibiting such practices.³⁴ Additionally, several actions in the National Advertising Division of the U.S. Council of Better Business Bureaus have been resolved with users of the word “chamois” or its equivalent for non-genuine chamois products voluntarily discontinuing such use.³⁵

Between 1965 and 1989, the key proscriptive portion of FTC Advisory Opinion No. 1 was published in the Code of Federal Regulations (“CFR”).³⁶ In 1989, this section was removed

³⁴ See, e.g., *S. M. Arnold, Inc. v. Union Carbide Corp.*, No. 78-1143-C (1) (E.D. Mo. Stipulated Judgment Sept. 3, 1980); *Schroeder & Tremayne, Inc. v. Max Rittenbaum, Inc.*, No. 88-0698-C-A (E.D. Mo. Consent Judgment Dec. 16, 1988); *Sponge & Chamois Inst., Inc. v. Bloch/New England, Inc.*, No. 98 CV 1426 (E.D.N.Y. Final Order June 29, 1999); *Sponge & Chamois Inst. v. Nation/Ruskin, Inc.* No. 00-348 GPM (S.D. Ill. Consent Judgment Oct. 6, 2000).

³⁵ *E.I. DuPont Nemours & Co.* (NAD Feb. 20, 1998); *Plaid Enterprises, Inc.* (NAD July 26, 2000).

³⁶ See Former 16 CFR § 15.1, originally published at 30 Fed. Reg. 14,201 (Attached as Exhibit 11).

from the published CFR volumes for space reasons, although the FTC made clear at the time that the action did not mean that the section was revoked or rescinded.³⁷

In recent years, some manufacturers and distributors have increasingly mislabeled their products as “chamois” when these products do not meet the definition set forth in FTC Advisory Opinion No. 1 or other industry standards. For example, some importers of Chinese products have used goatskin instead of sheepskin and dyed their products so that they more closely resemble the distinctive beige or yellow color of a genuine chamois. As a result, some consumers have been deceived into purchasing fake chamois products that not only lack the desirable qualities of genuine chamois, but actually damage their automobiles.

4. Need for Continued Protection; Consumer Harm From Mischaracterization of Fake Chamois Products

The products most often falsely labeled as “chamois” – synthetic products, and products made from goatskin or other non-sheepskin flesher leather – do not substitute for genuine chamois. While some of the fake products have water-absorbency properties similar to genuine chamois, all of them have significant harmful side properties as well.

a. Dyed products may discolor rather than clean.

Genuine chamois is a natural product that contains no dye. Its coloration is due entirely to the natural leather and the effect of the fish-oil tanning. Genuine chamois does not give off dye or any other impurities. Rather, because of the open fiber nature of the sheepskin and the soft and highly absorbent nature of the fish-oil-tanned fibers, a chamois will absorb and hold dirt and dust particles and prevent them from scraping or effecting the surface that is being cleaned. Dyed products are functionally quite different. Once a dyed product becomes wet, the moisture

³⁷ See 54 Fed. Reg. 26,187 (1989).

releases the dye, allowing that dye to leach out from the product. In normal use in cleaning and drying an automobile, this means that the dye will leach out onto the surface of the automobile, or the hands of the consumer.

b. Products made of synthetics or tough goatskin rather than open-weave sheepskin may scratch surfaces rather than absorb dirt.

Sheepskin and goatskin have significantly different characteristics. Sheepskin is soft and features an open weave pattern, one particularly well suited to the chamois functionality of absorbing dirt and grime without causing scratching on a surface being cleaned. Goatskin, by contrast, is tough and tightly woven. Accordingly, even if goatskin were tanned in the manner of a chamois, one would not expect it to have similar properties, particularly with respect to absorbency, smoothness, and ability to absorb dirt and grime particles without scratching the surface. Because of its natural toughness and tightly woven structure, goatskin will not perform in the same manner as a chamois, even with respect to an inner split that is tanned in the manner of a chamois. Similarly, synthetic products designed for high water absorbency properties have surface areas much different from naturally occurring sheepskin fleshers, making them far more likely than genuine chamois to scratch and damage smooth surfaces.

c. Improper Formaldehyde Content

Recent analysis of Chinese goatskin products labeled as “chamois” indicates a very high formaldehyde content in the products. Genuine chamois standards prohibit use of formaldehyde in the tanning process. It is likely that the Chinese products were tanned with formaldehyde and thus do not comply with U.S. standards, which specify a tannage of marine or fish oil. Many companies have imposed threshold values for formaldehyde content in leather -- e.g., Nike 75 ppm; Adidas 150 ppm; Puma 300 ppm and the EU Ecolabel for footwear, 150 ppm. The

Netherlands maintains a statutory limit of 120 ppm and Japan has a statutory limit of 75 ppm. Independent laboratory analysis obtained by one LIA member company of “chamois” samples of Chinese origin found formaldehyde content ranging from 570 ppm to 942 ppm. Consumers accustomed to genuine chamois products will not expect such high-formaldehyde content in products labeled as “chamois.”

For these reasons, the misleading use of the term “chamois” can deceive consumers and cause damage to their automobiles and other personal property. Adopting the definition of “Chamois” found in Chamois Standard CS 99-1970 and restating the FTC’s position from Advisory Opinion No. 1 will help prevent consumer deception by providing specific guidance to industry as to the mischaracterization of chamois products. As the FTC stated in FTC Advisory Opinion No. 1, a purchaser is “entitled to believe that the particular product sold under that name is in fact a chamois as it is understood in the industry.”³⁸

IV. Conclusion

LIA believes that the Guides provide a necessary and important framework for members of industry that market various types of leather goods. The FTC should preserve these Guides to help limit deceptive practices that will harm members of industry and consumers. The incorporation of the aforementioned additions would further serve this purpose and alleviate any confusion about unidentified or undefined terms in the Guides.

* * *

³⁸ FTC Advisory Opinion No. 1, 66 F.T.C. 1593 (1964).

I appreciate the opportunity to comment on these important Guides. If you have any questions, please feel free to contact me at 202.342.8514 or jwittenborn@kelleydrye.com.

~~Respectfully~~ submitted by:

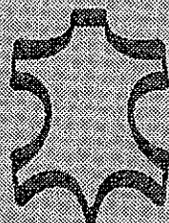
John L. Wittenborn
President of the Leather Industries of America

EXHIBIT

1

INTERNATIONAL GLOSSARY
OF
LEATHER TERMS

(2nd Edition)



INTERNATIONAL COUNCIL OF TANNERS

82 Borough High Street
London SE1

1975

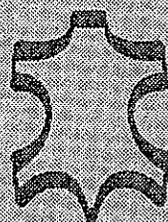
97. **Forel (Forril)**—I. Pergamentino; S. Pergamino de serraje ovino
A grade of parchment made from sheep flesh and having special properties of surface, colour and so forth, rendering it suitable for bookbinding and fancy purposes. See Grain forel, Parchment, Vellum.
98. **Formaldehyde tanned**—F. Tannage au formaldéhyde; G. Formaldehyd gegerbt; I. Conciato alla formaldeide; S. Curtido al formol
Leather tanned with formaldehyde (formalin). See Aldehyde leather, Chamois, Combination oil, Doeskin.
99. **Frized leather**—F. Cuir affleuré; G. Abgestossener Narben; I. Cuolo sfiorato; S. Piel o cuero desflorado a cuchillo
Leather from which the grain layer of the hide or skin has been removed in the untanned state by scraping either with a special knife or with a machine.
100. **Front**—F. Devant; G. Vorderfell; I. Avancorpo; S. Delantero
a. The fore part of a raw cattle or horse hide. When applied to a cattle hide it consists of the shoulders and fore shanks. When applied to a horse hide it consists of approximately two-thirds of the hide fore part. (See Figs. G and B).
In *Spain* and *U.K.* the term is only used in respect of horse hides.
b. Leather made from (a).
101. **Full**—F. Cuir plein épaisseur; G. Vollleder; I. Pieno spessore; S. Entero
Indicates leather made from the unsplit, or full thickness, of hide or skin, e.g. full sheep. See Basil, Roan, Skiver, Split hide.
In *U.K.* sometimes used to indicate a leather tanned solely with one agent, e.g. full chrome in contrast to semi-chrome and full oil in contrast to combination oil.
102. **Full chrome (tanned)**—F. Tannage pur chrome; G. Vollchromgerbung; I. Conciato tutto cromo; S. Puro cromo curtido
See Full.
103. **Full grain**—F. Pleine fleur; G. Vollnarbiges Leder; I. Pieno fiore; S. Piena flor
Leather bearing the original grain surface as exposed by removal of the epidermis and with none of the surface removed by buffing, snuffing or splitting. See Corrected grain leather.
104. **Full oil**—G. Samischgerbung; I. Conciato interamente all'olio; S. Puro aceite
See Full.

EXHIBIT

2

INTERNATIONAL GLOSSARY
OF
LEATHER TERMS

(2nd Edition)



INTERNATIONAL COUNCIL OF TANNERS

82 Borough High Street
London SE1

1975

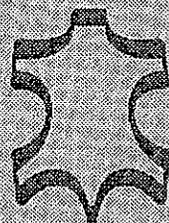
56. **Combination tanned**—F. Tannage combiné; G. Kombinationsgerbung; I. Concia combinata o concia mista; S. Curtido combinado, Curtido mixto
Leather tanned by two or more tanning agents, e.g. chrome, followed by vegetable (Chrome retan), vegetable, followed by chrome (Semi-chrome), formaldehyde, followed by oil (Combination oil).
57. **Combing leather**—F. Cuir pour manchon de peignage; G. Laufleder für Kammstühle oder für Ringspinnmaschinen; I. Cuolo per manicotti; S. Cuero para manguitos de peinaje
Butt leather, chrome tanned or combination tanned, curried, as free as possible from permanent stretch, tanned and curried to obtain maximum strength, flexibility and resilience. Combing leather is made into endless belts and used on machines designed to comb textile fibres.
58. **Condenser rubbing leather**—F. Cuir pour manchon frotteur; G. Nischelhosenleder; I. Cuolo per sacchi di carderia; S. Cuero para manguitos rotafrotadores
Back or butt leather, vegetable or chrome tanned, subsequently dressed to give medium flexibility and resilience with freedom from stretch or shrinkage, for use on carding machines in the woollen industry. Not to be confused with Condenser tape leather q.v.
59. **Condenser tape leather**—F. Cuir à lanière pour diviseur; G. Flortellriemenleder; I. Cuolo per lacciuoli divisorii; S. Cuero para cintas de condensadores
Very flexible, thoroughly stretched, curried, vegetable tanned butt leather for use in conjunction with condenser rubbing leather aprons.
60. **Cordovan**—F. Cordovan; G. Korduanleder (Cordovan); I. Cordovano; S. Cordobán
a. Originally a fine grain, coloured Spanish goatskin leather.
b. Leather made from the shell of a horse butt, viz. from a kidney-shaped, very compact layer occurring in the butt of equine animals only, and isolated by removing the skin layer above and below it. It is vegetable tanned and curried. (See Fig. B)
In *Holland* leather sold as "cordovan leather" is not necessarily made from horse hide.
61. **Corrected grain leather**—F. Cuir à fleur corrigée; G. Korrigierter Narben; I. Pelliame a fiore corretto; S. Flor corregida
Leather from which the grain layer has been partially removed by buffing to a depth governed by the condition of the raw material and upon which a new surface has been built by various finishes. See Buffed leather.

EXHIBIT

3

INTERNATIONAL GLOSSARY
OF
LEATHER TERMS

(2nd Edition)



INTERNATIONAL COUNCIL OF TANNERS

82 Borough High Street
London SE1

1975

217. **Russet linings**—F. Peau à doublure naturelle; G. Fahlfutterleder; I. Fodure naturali; S. Forre color natural
Russet-coloured vegetable tanned lining leather.

218. **Russet upper leather**—F. Cuir en huile; G. Fahlberleder (Fahlleder); I. Pelle da tomaia al naturale; S. Curtido para emperne color natural
Stout, curried, undyed and unpigmented vegetable tanned bovine upper leather finished on the grain or flesh side.

219. **Russia leather**—F. Cuir de Russie; G. Juchtenleder; I. Bulgero, Cuolo di Russia; S. Piel de Rusia
Smooth finished, dyed side or calf leather scented with birch tar oil, vegetable tanned and made in imitation of the old-fashioned genuine Russia calf. This was a calf leather tanned with the bark of willow, poplar and larch, curried on the flesh side with a mixture containing birch tar oil which gave it a characteristic odour. Now also chrome or combination tanned and given water-repellent properties.

Schleifbox—G

See Corrected grain leather.

Schnittvache—(G)—F. Cuir de tannage moyen; S. Plantilla de curtición vegetal mixta

Bottom leather produced by a combination of drum and pit tannage (mixed tannage) of average duration from "Zahmvache". Chiefly used by the repair trade but also for the first new soling attached to heavy footwear.

220. **Semi-aniline finished**—F. Finissage semi-aniline; G. Semianilinleder; I. Bifinito semi-anilina; S. Acabado semi-anilina

Leather which has been aniline dyed or stained, incorporating a small quantity of pigment, not so much as to conceal the natural characteristics of the hide.

221. **Semi-chrome box calf**—F. Veau semi-chrome; G. Semichrom Boxcalf; I. Vitello Box al semicromo; S. "Box calf" semicromo

Semi-chrome calf leather, black or coloured, smooth or boarded.

In the U.K. the leather is traditionally black.

EXHIBIT

4

Licensed Copy: Nicholas Cory Leather Research Laboratory 16/07/2007 21:59

Glossary of Leather terms

UDC 001.4:675

No.	Term	Definition
154	kip	<p>a) Light raw hide from a grass-fed, immature bovine animal of European or American origin.</p> <p>b) Pre-tanned hide from a small mature bovine animal (other than buffalo) of Asian or possibly African origin, vegetable tanned.</p> <p>NOTE When tanned in the Indian sub-continent, it is known as "East India tanned kip" or briefly as "El kip".</p> <p>c) Finished leather made from a) or b), or from African hides tanned by any means.</p> <p>d) <i>In the chamois trade.</i> A pack of 30 chamois leathers, usually cut to shape.</p>
155	lambskin	<p>a) The untanned outer covering of a young ovine animal before removal of the wool or hair.</p> <p>b) Leather made from the skin of a young wool sheep and still bearing the original wool.</p> <p>NOTE 1 See also 14 and 305.</p> <p>NOTE 2 Use of the term "lambskin" to mean a combination of a pile fabric with leather (grain or suede) made from the skin of a lamb is incorrect.</p>
156	laminated leather	<p>a) A composite of two or more layers of leather.</p> <p>b) A composite of a layer of leather and one or more layers of another sheet or film of plastics or other material.</p> <p>NOTE The term is applied to products that are excluded from the definitions of leather (see 159) and coated leather (see 56). The components should be identified according to the proportion they form of the total thickness, e.g. leather/polyurethane laminate if the leather component exceeds 50 %.</p>
157	larrigan leather	<i>North America.</i> Oil-tanned hide leather, used largely for moccasins (see 186).
158	latigo leather	<i>North America.</i> Cattle-hide leather tanned with a combination of alum and gambler, used for cinches, ties, saddle strings and other saddlery work and for army accoutrements.
159	leather	<p>Hide or skin with its original fibrous structure more or less intact, tanned to be imputrescible. The hair or wool may or may not have been removed. It is also made from a hide or skin that has been split into layers or segmented either before or after tanning.</p> <p>NOTE 1 If the leather has a surface coating, the mean thickness of this surface layer, however applied, has to be 0.15 mm or less. See 56, 156, 189, 190 and 191.</p> <p>NOTE 2 If the tanned hide or skin is disintegrated mechanically and/or chemically into fibrous particles, small pieces or powders and then, with or without the combination of a binding agent, is made into sheets or forms, such sheets or forms are not leather.</p>
160	levant	<p>Leather with a characteristic drawn-grain pattern, produced originally by an astringent tannage, but nowadays by hand or machine boarding on vegetable or semi-chrome goatskin and sheepskin or vegetable-tanned sealskin.</p> <p>NOTE When the pattern is produced by embossing, it is known as "levant grain".</p>
161	levelled bend	Sole leather bend that has been split or shaved to give an even substance over the area of the finished bend. It is more flexible than a manufacturing bend (see 167).
162	lifting leather	Leather used for the slices (lifts) from which heels are built.
163	limed rawhide	A translucent or opaque material made from cattle hide by drying the limed hide, after removal of the hair and flesh, without applying any tanning process.
164	lining	See 98.
165	lining leather	Leather used for the linings of shoes, handbags, etc.

EXHIBIT

5

Licensed Copy: Nicholas Cory Leather Research Laboratory 16/07/2007 21:59

Glossary of Leather terms

UDC 001.4:675

No.	Term	Definition
154	kip	<p>a) Light raw hide from a grass-fed, immature bovine animal of European or American origin.</p> <p>b) Pre-tanned hide from a small mature bovine animal (other than buffalo) of Asian or possibly African origin, vegetable tanned.</p> <p>NOTE When tanned in the Indian sub-continent, it is known as "East India tanned kip" or briefly as "El kip".</p> <p>c) Finished leather made from a) or b), or from African hides tanned by any means.</p> <p>d) <i>In the chamois trade.</i> A pack of 30 chamois leathers, usually cut to shape.</p>
155	lambskin	<p>a) The untanned outer covering of a young ovine animal before removal of the wool or hair.</p> <p>b) Leather made from the skin of a young wool sheep and still bearing the original wool.</p> <p>NOTE 1 See also 14 and 305.</p> <p>NOTE 2 Use of the term "lambskin" to mean a combination of a pile fabric with leather (grain or suede) made from the skin of a lamb is incorrect.</p>
156	laminated leather	<p>a) A composite of two or more layers of leather.</p> <p>b) A composite of a layer of leather and one or more layers of another sheet or film of plastics or other material.</p> <p>NOTE The term is applied to products that are excluded from the definitions of leather (see 159) and coated leather (see 56). The components should be identified according to the proportion they form of the total thickness, e.g. leather/polyurethane laminate if the leather component exceeds 50 %.</p>
157	larrigan leather	<i>North America.</i> Oil-tanned hide leather, used largely for moccasins (see 186).
158	latigo leather	<i>North America.</i> Cattle-hide leather tanned with a combination of alum and gambler, used for cinches, ties, saddle strings and other saddlery work and for army accoutrements.
159	leather	<p>Hide or skin with its original fibrous structure more or less intact, tanned to be imputrescible. The hair or wool may or may not have been removed. It is also made from a hide or skin that has been split into layers or segmented either before or after tanning.</p> <p>NOTE 1 If the leather has a surface coating, the mean thickness of this surface layer, however applied, has to be 0.15 mm or less. See 56, 156, 189, 190 and 191.</p> <p>NOTE 2 If the tanned hide or skin is disintegrated mechanically and/or chemically into fibrous particles, small pieces or powders and then, with or without the combination of a binding agent, is made into sheets or forms, such sheets or forms are not leather.</p>
160	levant	<p>Leather with a characteristic drawn-grain pattern, produced originally by an astringent tannage, but nowadays by hand or machine boarding on vegetable or semi-chrome goatskin and sheepskin or vegetable-tanned sealskin.</p> <p>NOTE When the pattern is produced by embossing, it is known as "levant grain".</p>
161	levelled bend	Sole leather bend that has been split or shaved to give an even substance over the area of the finished bend. It is more flexible than a manufacturing bend (see 167).
162	lifting leather	Leather used for the slices (lifts) from which heels are built.
163	limed rawhide	A translucent or opaque material made from cattle hide by drying the limed hide, after removal of the hair and flesh, without applying any tanning process.
164	lining	See 98.
165	lining leather	Leather used for the linings of shoes, handbags, etc.

EXHIBIT

6

Licensed Copy: Nicholas Cory Leather Research Laboratory 16/07/2007 21:59

Glossary of Leather terms

UDC 001.4:675

No.	Term	Definition
50	cheek	a) The portion of a cattle hide covering one side of the head. NOTE See Figure 2.
51	chevrette	b) Leather made from a). a) Leather made from the skin of a young goat that is being, or has recently been, weaned, or from the skin of an immature goat. b) <i>In the gloving trade</i> . Lightweight goatskin or heavy kid leather. c) <i>Traditionally</i> . Hatband leathers made from skivers (see 137). NOTE This usage arose because a former method of finishing was considered to impart a "goat finish" to the leather.
52	chrome re-tan	Leather that has been first chrome tanned throughout its thickness and subsequently further treated or tanned with vegetable and/or synthetic tanning agents and/or resin filling materials and/or mineral salts (see 59), these agents penetrating notably, but not necessarily completely, into the interior.
53	chrome tanned	Leather tanned either solely with chromium salts or with chromium salts together with quite small amounts of some other tanning agent used merely to assist the chrome tanning process, and not in sufficient amount to alter the essential chrome-tanned character of the leather.
54	cloak hide	Flexible leather, embossed with a grain pattern, made from vegetable-tanned split cattle hide of suitable thickness and curried to contain sufficient grease to render it suitable for saddlery and military equipment.
55	coach hide	Matt-finished, dyed, full-grain, boarded, vegetable-tanned leather made from cattle hide. The highest grades are simply aniline dyed; others may bear a small quantity of pigment but not so much as to conceal the natural characteristics of the hide. NOTE In spite of the use of the word "coach" this leather is normally used for leather goods, such as handbags and travel goods.
56	coated leather	A product where the surface coating applied to the leather substrate does not exceed one-third of the total thickness of the product, but is in excess of 0.15 mm. NOTE If the surface appearance is shiny, the term "patent coated leather" is permissible (see 189).
57	collar back	Harness leather (see 136), in the form of a back of good selection, having a thickness of 4 mm to 5 mm and usually vegetable tanned and curried.
58	combination oil	A tannage in which the skin is tanned with formaldehyde or other suitable aldehyde and also treated by the oil process. NOTE See 49.
59	combination tanned	Leather tanned by two or more tanning agents, e.g. chrome followed by vegetable (chrome re-tan), vegetable followed by chrome (semi-chrome) or formaldehyde followed by oil (combination).
60	combing leather	Strong, resilient, curried butt leather, free from permanent stretch, made into endless belts and used on machines for combing wool. It is chrome tanned (green) or combination tanned (brown).
61	condenser rubbing leather	Back or butt leather, vegetable or chrome tanned, subsequently dressed to give medium flexibility and resilience with freedom from stretch or shrinkage, for use on carding machines in the woollen industry. NOTE This is not to be confused with the term "condenser tape leather" (see 62).

EXHIBIT

7

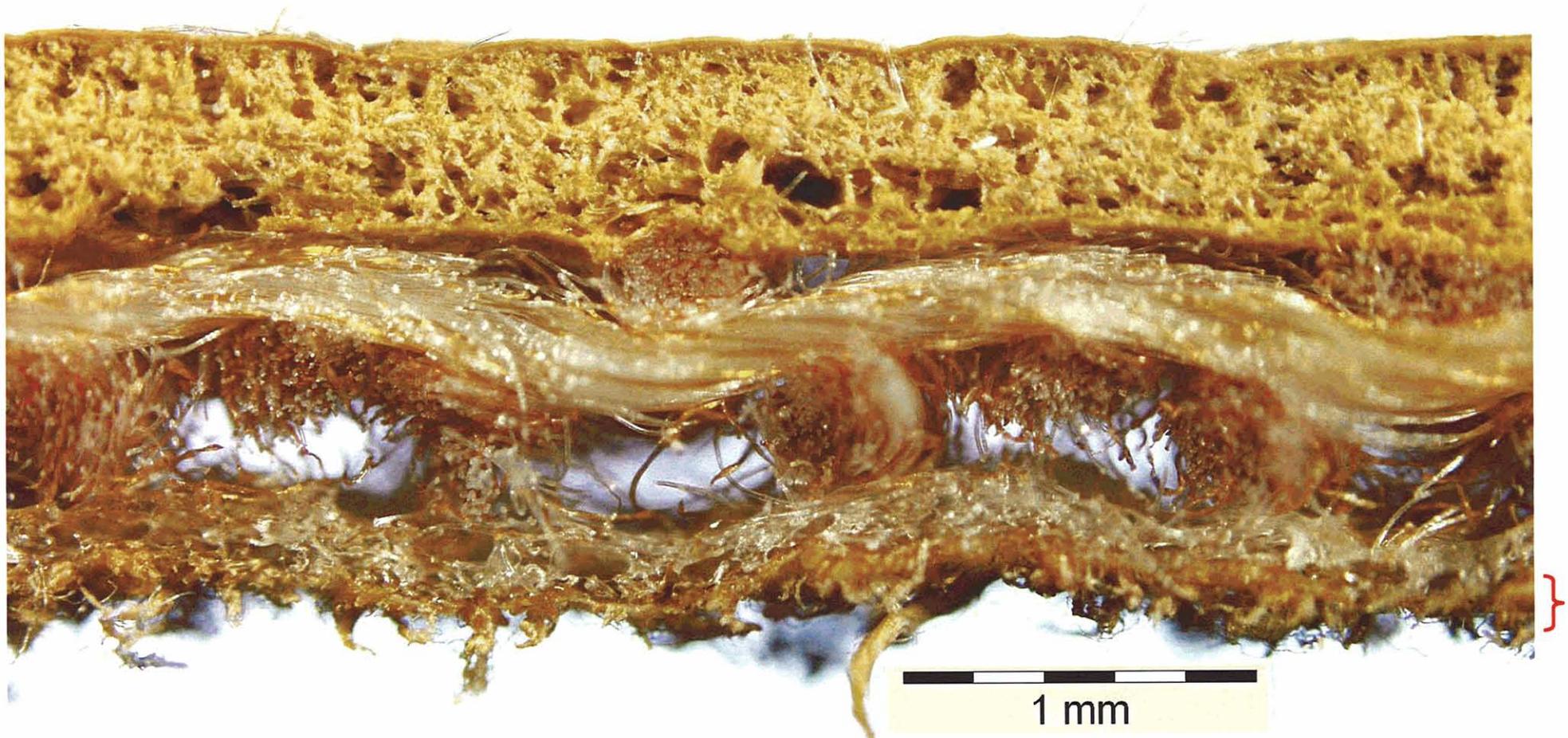
Glossary of
Leather terms

UDC 001.4:675

No.	Term	Definition
154	kip	<p>a) Light raw hide from a grass-fed, immature bovine animal of European or American origin.</p> <p>b) Pre-tanned hide from a small mature bovine animal (other than buffalo) of Asian or possibly African origin, vegetable tanned.</p> <p>NOTE When tanned in the Indian sub-continent, it is known as "East India tanned kip" or briefly as "El kip".</p> <p>c) Finished leather made from a) or b), or from African hides tanned by any means.</p> <p>d) <i>In the chamois trade.</i> A pack of 30 chamois leathers, usually cut to shape.</p>
155	lambskin	<p>a) The untanned outer covering of a young ovine animal before removal of the wool or hair.</p> <p>b) Leather made from the skin of a young wool sheep and still bearing the original wool.</p> <p>NOTE 1 See also 14 and 305.</p> <p>NOTE 2 Use of the term "lambskin" to mean a combination of a pile fabric with leather (grain or suede) made from the skin of a lamb is incorrect.</p>
156	laminated leather	<p>a) A composite of two or more layers of leather.</p> <p>b) A composite of a layer of leather and one or more layers of another sheet or film of plastics or other material.</p> <p>NOTE The term is applied to products that are excluded from the definitions of leather (see 159) and coated leather (see 56). The components should be identified according to the proportion they form of the total thickness, e.g. leather/polyurethane laminate if the leather component exceeds 50 %.</p>
157	larrigan leather	<i>North America.</i> Oil-tanned hide leather, used largely for moccasins (see 186).
158	latigo leather	<i>North America.</i> Cattle-hide leather tanned with a combination of alum and gambler, used for cinches, ties, saddle strings and other saddlery work and for army accoutrements.
159	leather	<p>Hide or skin with its original fibrous structure more or less intact, tanned to be imputrescible. The hair or wool may or may not have been removed. It is also made from a hide or skin that has been split into layers or segmented either before or after tanning.</p> <p>NOTE 1 If the leather has a surface coating, the mean thickness of this surface layer, however applied, has to be 0.15 mm or less. See 56, 156, 189, 190 and 191.</p> <p>NOTE 2 If the tanned hide or skin is disintegrated mechanically and/or chemically into fibrous particles, small pieces or powders and then, with or without the combination of a binding agent, is made into sheets or forms, such sheets or forms are not leather.</p>
160	levant	<p>Leather with a characteristic drawn-grain pattern, produced originally by an astringent tannage, but nowadays by hand or machine boarding on vegetable or semi-chrome goatskin and sheepskin or vegetable-tanned sealskin.</p> <p>NOTE When the pattern is produced by embossing, it is known as "levant grain".</p>
161	levelled bend	Sole leather bend that has been split or shaved to give an even substance over the area of the finished bend. It is more flexible than a manufacturing bend (see 167).
162	lifting leather	Leather used for the slices (lifts) from which heels are built.
163	limed rawhide	A translucent or opaque material made from cattle hide by drying the limed hide, after removal of the hair and flesh, without applying any tanning process.
164	lining	See 98.
165	lining leather	Leather used for the linings of shoes, handbags, etc.

EXHIBIT

8

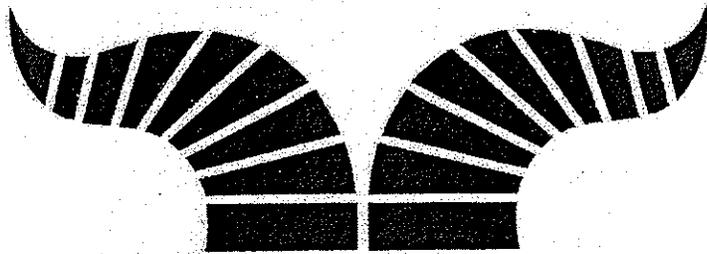


**Figure 1: CROSS-SECTION THROUGH
LAMINATED SYNTHETIC WITH LEATHER FIBER BACKING
INCORRECTLY MARKETED AS “BONDED LEATHER”**
(Leather fiber backing is marked with red brace)

EXHIBIT

9

CS 99-1970



CHAMOIS STANDARD CS 99-1970

Published by

Sponge and Chamois Institute

411 Fifth Avenue
New York, New York 10016

FOREWORD

This foreword is not a part of Chamois Standard CS 89.

The Sponge and Chamois Institute has uncovered increasing evidence of lack of public awareness of the distinctive properties and qualities of chamois. This condition appears to result in part from lack of a widely published industry definition of the term. "Chamois" originally referred to the skin of a certain variety of antelope, but over the years came also to refer to products of split sheepskin. Advisory Opinion Digest No. 1 of the Federal Trade Commission further treats this subject.

It has long been recognized that the tanning agents employed in processing chamois significantly affect the characteristics of the product, fish oil being the usual tanning agent. Federal Specification KK-C-300 of the United States General Services Administration establishes a number of requirements to be met by chamois products purchased by the Government. This industry standard, unlike the Federal specification, is not intended to establish any minimum or differential grades or qualities for chamois, but simply to define the term as generally understood in the trade. The definition adopted is based on origin, processing, physical characteristics and chemical characteristics, since these factors account for the distinctive properties of chamois.

The Standard adopted is the product of several years of effort, including research into government publications and consultations among tanners, both foreign and domestic, and distributors, and represents general understanding and industry practice. It is recognized that revisions may be needed from time to time. Suggestions for any such revision believed necessary may be addressed to the Sponge and Chamois Institute.

A further reason for publication of this Standard is that the Sponge and Chamois Institute plans to sponsor a publicity program to increase public awareness of the properties of chamois. Institution of such a program make necessary that the term be clearly defined. The program will be financed in part from license revenues for the use of a registered certification mark of the Sponge and Chamois Institute for chamois conforming to the definition contained in this Standard. Use of such mark may be made only in accordance with licenses available to all persons introducing chamois into commerce in the United States. Application forms for such licenses may be obtained from the Sponge and Chamois Institute at the address below.

Sponge and Chamois Institute

1. Scope:

This Standard covers the characteristics for genuine chamois made from sheepskin or lambskin fleshers; fish-oil tanned.

2. Purpose:

- 2.1 This Standard is not intended to establish grades or quality differentiations of genuine chamois. It is specifically intended to define the general characteristics and performance characteristics of the genuine chamois skin as a basis of identification only, without regard to size or configuration. It is for whole skins or any cut patterns derived therefrom, and not for pieced skins.
- 2.2 The General Characteristics in Section 3, Physical Characteristics in Section 4, and Chemical Characteristics in Section 5 are such as may be met by any correctly oil tanned chamois.
- 2.3 It is specifically intended that compliance with this Standard shall not be claimed, referenced, or, in fact, be recognized, for any products meeting only parts of the combined Characteristics in Sections 3, 4 and 5. Reference of compliance to parts or Sections of this Standard shall only be made, when the statement of partial compliance is accompanied by a specific enumeration of the numbered Sections of the Standard for which compliance is not, or cannot be claimed.

3. General Characteristics:

- 3.1 **MATERIAL.** Chamois shall be made from undersplit of sheepskin, or lambskin, split before tanning.
- 3.2 **TANNAGE.** Chamois covered by this Standard shall be full fish oil-tanned so as to produce a soft absorbent material. No combination processes of tanning, utilizing cod or other oils in mixture with significant amounts of other tanning agents, as described in Table II, Chemical Characteristics, shall be permitted.
- 3.3 **FINISH.** Chamois shall be suede finished on one or both sides.
- 3.4 **COLOR.** Chamois shall be the natural color obtained from oil tannage. It shall not be subjected to any form of chemical bleaching or dyeing.

3.5 DIMENSIONS.

3.5.1 Chamois in this Standard may be whole skins, pattern cut skins, pocket-shaped or any configuration obtained from the original skin after tanning.

3.5.2 Either extreme dimensions of overall length and width or square area are recognized as an accepted industry practice of determining size.

4. Physical Characteristics:

The median thickness of any skin, breaking strength, water absorption, water removed by wringing and time of wetting, shall meet the values specified in Table I and shall be according to tests specified in paragraph 7.

TABLE I. PHYSICAL CHARACTERISTICS

Median Thickness Minimum	Breaking Strength Minimum	Water Absorption Minimum	Water Removed by Wringing Minimum	Time of Wetting Maximum
1/64 inch	30 pounds	375 grams per 100 grams of conditioned leather	200 grams per 100 grams of conditioned leather	30 seconds

4.1 REPAIRED SKINS. Skins which have been repaired by sewing will be considered as in compliance with this Standard if the chamois used otherwise meets all requirements of this Standard.

5. Chemical Characteristics:

The chemical characteristics of chamois leather shall be as shown in Table II when tested as specified in paragraph 7.

TABLE II CHEMICAL CHARACTERISTICS

Characteristic		Maximum	Minimum
*Moisture free basis			
*TOTAL ASH	%	12.0	—
*IRON AND ALUMINUM AS Fe ₂ O ₃ + Al ₂ O ₃	%	1.5	—
*CHROMIUM AS Cr ₂ O ₃	%	0.0	—
*FREE FORMALDEHYDE	%	0.05	—
ACIDITY (pH)			6.5

6. Marking:

6.1 Each skin shall carry the identifying mark, name or trademark of the distributor, or other person entering the skin into commerce for purposes of retail sale.

6.2 Compliance with this Standard does not give any right to use the registered trademark of the Sponge and Chamois Institute for Genuine Chamois except where specific license for such use is in effect.

7. Test Procedures:

The following procedures shall be used to establish conformance with the provisions of this Standard. Questions relating to procedures and test methods shall be verified and arbitrated through the official published methods of the American Leather Chemists Association, c/o University of Cincinnati, Cincinnati, Ohio.

Characteristic	Paragraph No.	Test Method
Finish	3.3	Visual inspection
Physical Characteristics per Table I	4.0	(See appendix A)
Chemical Characteristics per Table II	5.0	(See appendix B)
Marking	6.0	Visual inspection

8. Reference Documents:

The latest issues of the following:

- 1) Federal Specifications: KK-L-311, Leather, Methods of Sampling and Testing; KK-C-300, Chamois, Leather, Sheepskin, Oil-Tanned
- 2) Published methods of the American Leather Chemists Association
- 3) License Agreement for the Chamois Mark of the Sponge and Chamois Institute

APPENDIX

I. Test Methods

(a) Physical Characteristics (see Section 7.0)

- 1) Median thickness. Thickness shall be determined by the average of five measurements taken an equal distance along the length dimension, in accordance with applicable portions of Method 1011 of Federal Specification KK-L-311a (January 19, 1953).
- 2) Breaking strength. Shall be determined in accordance with Method 2031.1 of Federal Specification KK-L-311a, Amendment 4, Part 3 (November 6, 1962).
- 3) Water absorption. Water removed by wringing shall be determined in accordance with paragraph 4.3.1 of Federal Specification KK-C-300c (June 13, 1969).
- 4) Time of wetting. Shall be determined in accordance with paragraph 4.3.3 of Federal Specification KK-C-300c (June 13, 1969).

(b) Chemical Characteristics (see Section 7.0)

- 1) Total ash. Shall be determined in accordance with Method 6421 of Federal Specification KK-L-311a (January 19, 1953).
- 2) Iron and Aluminum. Shall be determined in accordance with Method 6531 of Federal Specification KK-L-311a (January 19, 1953).
- 3) Chromic oxide. Shall be determined in accordance with Method 6521 of Federal Specification KK-L-311a (January 19, 1953) and footnote 4 of Table 2, paragraph 4.3 of Federal Specification KK-C-300c (June 13, 1969).
- 4) Free formaldehyde. Shall be in accordance with paragraph 4.3.4 of Federal Specification KK-C-300c (June 13, 1969).
- 5) Acidity (pH). Shall be determined in accordance with Test Method 6621 of Federal Specification KK-L-311a (January 19, 1953).

II. Testing Lot

For compliance determination purposes, testing shall require submission of no less than six skins selected at random.

EXHIBIT

10

FEDERAL TRADE COMMISSION DECISIONS



FINDINGS, OPINIONS, AND ORDERS

JULY 1, 1964, TO DECEMBER, 31, 1964

PUBLISHED BY THE COMMISSION

VOLUME 66



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1969

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price \$7 (Buckram)

ADVISORY OPINION DIGESTS*

No. 1. Use of the word "chamois."

The Commission was requested to express an opinion concerning the legality of describing unsplit sheepskin as "Chamois-like Sheepskin" or "Chamois-type Sheepskin" on the basis, it is claimed, that the product looks and feels like chamois leather, and possesses the same qualities as the genuine product.

This problem has been before the Commission in different forms on several occasions. In each instance the Commission has taken the position that it will prohibit the branding or labeling of leather products as "Chamois," "Chamois Type" or "Chamois Like" unless such products are made (a) from the skin of the Alpine antelope, commonly known and referred to as Chamois, or (b) from sheepskin fleshers which have been oil-tanned after removal of the grain layer.

The word "chamois" has its origin in the common name of a small goat-like Alpine antelope whose skin was made into a soft, pliable leather used in the manufacture of gloves, and for polishing such articles as glass, jewelry, fine metals and wood. It possessed the additional feature of absorbing water readily and returning, when dry, to its original state of softness and pliability. The animal became virtually extinct for commercial purposes about 1890 and since that time the word acquired a secondary meaning after being widely used commercially to designate certain leathers produced from split sheepskin fleshers.

The necessity for splitting sheepskin is to remove the impervious grain layer so as to make the underside more receptive to tanning. Since the two layers do not react at the same rate, should an amount of the grain layer remain the skin will not stretch uniformly and will eventually rip and crumble. In any event, irrespective of the relative merits of the many processes which may be employed to produce the leather, the fact remains that the grain layer must be separated from the sheepskin flesher in order that an acceptable chamois will result. This requirement the requesting party's product does not fulfill.

*In conformity with policy of the Commission, advisory opinions are confidential and are not available to the public, only digests of advisory opinions are of public record. Digests of advisory opinions are currently published in the Federal Register.

The claim that the subject product is equal in all respects to genuine chamois is not true, since the grain layer has not been removed. The genuine product has become firmly established in industry and elsewhere as herein defined, and such product is what the public is entitled to get when it purchases chamois even though the choice may be dictated by caprice or fashion, or perhaps by ignorance. The fact that the product is equal or will serve substantially the same purpose is wholly immaterial. *F.T.C. v. Algoma Lumber Co.*, 291 U.S. 67, 78. To the same effect see *Benton Announcements, Inc. v. F.T.C.*, 130 F.2d 254.

The question posed herein is whether the word chamois might be a permissible designation for the subject product if qualifying terms as "like" or "type" were added. Use of the word in any manner is a representation that the product is that which has traditionally been sold as chamois and so accepted by the public after years of buying experience. Although the ordinary purchaser may not know how chamois is made, he is entitled to believe that the particular product sold under that name is in fact a chamois as it is understood in the industry, and such implication cannot be offset by qualifying words. After reading both, an ordinary consumer would still not know the truth about the product without resort to specialized information. In other words, the capacity and tendency to deceive through any other application of the word chamois would continue to exist.

The requesting party was advised that the definition of chamois has become firmly established in law, in industry, and in the public's mind to mean nothing less than those leather products made from the skin of the Alpine antelope or from the fleshers of sheepskin which have been oil-tanned after removal of the grain layer and that any other use of the word, whether or not modified by qualifying language, to describe leather made by other or incomplete processes would serve only to dilute its accepted meaning and would not be in the general public interest. Consequently, to label the subject product in the manner contemplated would be a deceptive practice and subject the requesting party to a charge of violation of Section 5, Federal Trade Commission Act. (File No. 643 7018, released Aug. 7, 1964.)

No. 2. Toy catalog advertising payments.

The Commission was asked to express an opinion with respect to the legality of payments by toy manufacturers for advertising in toy catalogs published by a firm which, assertedly, (1) is strictly a publisher and has no connection whatever with any toy manufacturer or toy jobber, and (2) affirmatively offered the catalogs for sale to all jobbers.

Previous Commission actions in this area have been concerned with

EXHIBIT

11

in connection with the offering for sale, sale, or distribution of any merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others, push cards or any other device designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, lottery scheme, chance, or gaming device.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, lottery scheme, chance, or gaming device.

It is further ordered, That the initial decision of the hearing examiner, as modified, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: July 8, 1965.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12118; Filed, Nov. 10, 1965;
8:46 a.m.]

**PART 15—ADMINISTRATIVE
OPINIONS AND RULINGS**

Use of the Word "Chamois"

§ 15.1 Use of the word "chamois."

Any use of the word "chamois" in conjunction with a product not made from (a) the skin of the Alpine antelope or (b) sheepskin fleshers which have been oil-tanned after removal of the grain layer is unlawful and a deceptive act or practice in commerce.

(38 Stat. 717, as amended; 15 U.S.C. 41-53)

The Commission was requested to express an opinion concerning the legality of describing unsplit sheepskin as "Chamois-like Sheepskin" or "Chamois-type Sheepskin" on the basis, it is claimed, that the product looks and feels

like chamois leather, and possesses the same qualities as the genuine product.

This problem has been before the Commission in different forms on several occasions. In each instance the Commission has taken the position that it will prohibit the branding or labeling of leather products as "Chamois," "Chamois Type" or "Chamois Like" unless such products are made, (a) from the skin of the Alpine antelope, commonly known and referred to as Chamois, or (b) from sheepskin fleshers which have been oil-tanned after removal of the grain layer.

The word "chamois" has its origin in the common name of a small goatlike Alpine antelope whose skin was made into a soft, pliable leather used in the manufacture of gloves, and for polishing such articles as glass, jewelry, fine metals and wood. It possessed the additional feature of absorbing water readily and returning, when dry, to its original state of softness and pliability. The animal became virtually extinct for commercial purposes about 1890 and since that time the word acquired a secondary meaning after being widely used commercially to designate certain leathers produced from split sheepskin fleshers.

The necessity for splitting sheepskin is to remove the impervious grain layer so as to make the underside more receptive to tanning. Since the two layers do not react at the same rate, should an amount of the grain layer remain the skin will not stretch uniformly and will eventually rip and crumble. In any event, irrespective of the relative merits of the many processes which may be employed to produce the leather, the fact remains that the grain layer must be separated from the sheepskin fletcher in order that an acceptable chamois will result. This requirement the requesting party's product does not fulfill.

The claim that the subject product is equal in all respects to genuine chamois is not true, since the grain layer has not been removed. The genuine product has become firmly established in industry and elsewhere as herein defined, and such product is what the public is entitled to get when it purchases chamois even though the choice may be dictated by caprice or fashion, or perhaps by ig-

norance. The fact that the product is equal or will serve substantially the same purpose is wholly immaterial. *F.T.C. vs. Algoma Lumber Co.*, 291 U.S. 67, 78. To the same effect see *Benton Announcements, Inc., vs. F.T.C.*, 130 F.2d 254.

The question posed herein is whether the word chamois might be a permissible designation for the subject product if qualifying terms as "like" or "type" were added. Use of the word in any manner is a representation that the product is that which has traditionally been sold as chamois and so accepted by the public after years of buying experience. Although the ordinary purchaser may not know how chamois is made, he is entitled to believe that the particular product sold under that name is in fact a chamois as it is understood in the industry, and such implication cannot be offset by qualifying words. After reading both, an ordinary consumer would still not know the truth about the product without resort to specialized information. In other words, the capacity and tendency to deceive through any other application of the word chamois would continue to exist.

The requesting party was advised that the definition of chamois has become firmly established in law, in industry, and in the public's mind to mean nothing less than those leather products made from the skin of the Alpine antelope or from the fleshers of sheepskin which have been oil-tanned after removal of the grain layer and that any other use of the word, whether or not modified by qualifying language, to describe leather made by other or incomplete processes would serve only to dilute its accepted meaning and would not be in the general public interest. Consequently, to label the subject product in the manner contemplated would be a deceptive practice and subject the requesting party to a charge of violation of section 5, Federal Trade Commission Act.

By direction of the Commission.

Dated: November 8, 1965.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12133; Filed, Nov. 10, 1965;
8:47 a.m.]

§ 15.1

- Sec.
- 15.449 Term "Diamonflare" disapproved for advertising a product which is not a natural diamond.
 - 15.450 Tripartite promotional plan using recipe coupons approved.
 - 15.451 Marking of foreign origin on electrical relay devices.
 - 15.452 Intermediary's tripartite promotional assistance plan qualifiedly approved.
 - 15.453 Commission declines to issue an advisory opinion on promotional game.
 - 15.454 Offer of a "free" balloon disapproved.
 - 15.455 Commission declines to issue advisory opinion on reciprocal advertising plan.
 - 15.456 Disclosure of foreign origin of products in newspaper advertising.
 - 15.457 Legality of proposed standard certification program.
 - 15.458 Commission declines to issue an advisory opinion re manufacturer's dealer purchase stimulation plan.
 - 15.459 Request for advisory opinion re merger declined.
 - 15.460 Intermediary's tripartite promotional assistance plan approved.
 - 15.461 Advisory opinion on debt collection agency withheld.
 - 15.462 Promotional assistance plan using shopping carts disapproved.
 - 15.463 Advisory opinion declined on mail order business to sell acne remedy.
 - 15.464 Sale of promotional assistance device approved.
 - 15.465 Advertising of a book on investing approved.
 - 15.466 Legality of proposed product quality certification program.
 - 15.467 Legality of distribution to automotive parts manufacturers of information on interchangeability of parts manufactured by different companies.
 - 15.468 Use of the words "Golden Finish," "Gold Brushed," and "Golden Manner," in advertising of certain gold plated costume jewelry.
 - 15.469 Intermediary's tripartite promotional assistance plan disapproved.
 - 15.470 Tripartite promotional assistance plan approved.
 - 15.471 Designation of gold content on ball point pens.
 - 15.472 Commission declines to issue advisory opinion re proposed merger.
 - 15.473 Applicability of flammability standard to bath mats.
 - 15.474 Legality of proposed subscription renewal voucher offer.
 - 15.475 Maintenance of a pool of information by trade association proper.
 - 15.476 Representations of gold content on jewelry.
 - 15.477 Credit reporting plan disapproved.

Title 16—Commercial Practices

- Sec.
- 15.478 By-laws of organization for marketing research approved.
 - 15.479 Cumulative annual rebate plan disapproved.
 - 15.480 Commission declines to issue advisory opinion.
 - 15.481 Proposed acquisition.
 - 15.482 Wholly-owned subsidiary may not collect consumer indebtedness without identifying the parent company as owner.
 - 15.483 "Backhaul" allowances advisory opinion affirmed.
 - 15.484 Foreign ownership or control of a corporation in a Webb-Pomerene Association.
 - 15.485 Location of debt collection agency office.
 - 15.486 Averaging individual profit and loss statements in reports to association members.
 - 15.487 Collecting and reporting statistical information from members of an association.
 - 15.488 Association by-laws regarding membership may not be arbitrary or discriminatory.
 - 15.489 Refund must be offered to subscribers to discontinued magazine.
 - 15.490 Drop shipments proper when warehouse distributor does not stock item.
 - 15.491 Association may prepare dealer's catalog provided no price information is included.

AUTHORITY: 38 Stat. 717, as amended, 49 Stat. 1526; 15 U.S.C. 41-58; 15 U.S.C. 13, unless otherwise noted.

§ 15.1 Use of the word "chamois."

Any use of the word "chamois" in conjunction with a product not made from: (a) The skin of the Alpine antelope or (b) sheepskin fleshers which have been oil-tanned after removal of the grain layer is unlawful and a deceptive act or practice in commerce.

[30 FR 14201, Nov. 11, 1965]

§ 15.2 Toy catalog advertising payments.

No objection will be raised to payments by a toy manufacturer for advertising in a toy catalog published by a firm not owned or controlled by or in any way affiliated with any toy jobber customer of the manufacturer if the catalogs are available, in a practical business sense, to all of the manufacturer's jobber customers.

[30 FR 14317, Nov. 16, 1965]