



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
600 PENNSYLVANIA AVENUE, NW  
WASHINGTON, D.C. 20580

Division of Enforcement  
Bureau of Consumer Protection

October 26, 2000

Stephen M. Zelman, Esq.  
888 Seventh Avenue  
New York, NY 10106

Re: Fownes Brothers & Co., Inc., Matter No. 0023096

Dear Mr. Zelman:

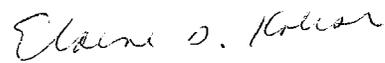
The Division of Enforcement staff has conducted an investigation of Fownes Brothers & Co., Inc., with respect to the fiber content labels of certain cashmere-lined gloves. We have now closed that investigation. This action is not to be construed as a determination that a violation may not have occurred, 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 such further action as the public interest may require.

Based on the information submitted to us by Fownes, we understand that until the end of 1998, the glove linings were knit by several subcontractors in the Far East, and that Fownes experienced quality control problems with some of these linings. In addition, we understand that until recently, tests were conducted on the fiber before it was made into glove linings, but the finished linings were not tested for fiber content. In deciding to close this investigation, we have taken into account Fownes' assurances that new quality control procedures have been put into place: (1) the knitting of the cashmere linings is now being done by one subcontractor that is carefully monitored by an overseas subsidiary; and (2) testing of finished linings will be performed on a routine basis. I want to emphasize that we place great importance on regular testing, by qualified and independent testing labs, to ensure accurate fiber content labeling.

As you know, the Wool Products Labeling Act, 15 U.S.C. § 68 *et seq.*, does not provide any tolerance for the fiber content labeling of wool products. The Textile Fiber Products Identification Act, 15 U.S.C. § 70 *et seq.*, provides for a 3% tolerance to allow for small, unintended inconsistencies in the manufacturing process. No tolerance would be afforded with respect to a 100% fiber content claim; obviously, any additional fiber would be added intentionally and would not occur as the result of variations in the manufacturing process. Our experts in fiber content analysis tell us that although some wool fibers have been bred to be ultra fine – with the same diameter as some of the larger cashmere fibers – the difference between wool and cashmere can be readily discerned by a qualified expert using an electron microscope, based on differences in the structure, appearance, and height of the scales on the fiber.

Please be advised that under separate cover, I will be sending to you a Synopsis of Federal Trade Commission Decisions Concerning Textile Fiber Products and a Synopsis of Federal Trade Commission Decisions Concerning Wool Products. Pursuant to Section 5(m)(1)(B) of the FTC Act, 15 U.S.C. 45(m)(1)(B), civil penalties, up to \$12,000 per violation, may be imposed upon a business that engages in practices found to be unfair or deceptive in a prior litigated decision, when such business has received notice of the prior determination.

Sincerely yours,

A handwritten signature in cursive script that reads "Elaine D. Kolish".

Elaine D. Kolish  
Associate Director  
Division of Enforcement