



September 28, 2012

Mr. Donald Clark
Secretary
Federal Trade Commission
Room H-135 (Annex E)
600 Pennsylvania Avenue, N.W.
Washington D.C. 20580

RE: Jewelry Guides, 16 CFR Part 23, Project No. G711001

Dear Secretary Clark:

These comments are submitted by the National Retail Federation (“NRF”) in response to the request for public comment on the Federal Trade Commission’s (“FTC” or “Commission”) Guides for the Jewelry, Precious Metals, and Pewter Industries (“Guides”). In particular, these comments will address how guidance from the Commission could ensure consumers are not misled about the composition of rubies if the Guides are amended to address lead-glass-filled composite stones.

As the world’s largest retail trade association and the voice of retail worldwide, NRF’s global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the United States and more than 45 countries abroad. In the U.S., NRF represents an industry that includes more than 3.6 million establishments and which directly and indirectly accounts for 42 million jobs – one in four U.S. jobs. The total U.S. GDP impact of retail is \$2.5 trillion annually, and retail is a daily barometer of the health of the nation’s economy. Many NRF members sell jewelry including rubies in their establishments.

While the Guides generally have only required disclosure in advertising of the fact that gemstones, including rubies, have been treated, without specific reference to how they have been treated, we understand that questions have been raised regarding the new treatment of rubies. Our understanding is that many, if not most, rubies available in the marketplace have been treated with lead glass to enhance their appearance, and that concerns have been raised as to the adequacy of existing disclosures.

NRF would support the use of short, simple, and uniform terminology to identify these stones for consumers, with the understanding that all retailers and suppliers would use these terms, so that they would become commonly understood by consumers. This course of action would reflect the important balance the Commission has historically struck of providing consumers with meaningful notice balanced against the incremental cost of additional words in print, broadcast, and online advertising.

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Terminology NRF would support to identify these stones include “enhanced rubies,” “reinforced rubies,” or “treated rubies.” Retailers and suppliers using uniform terminology could distinguish these stones from natural rubies (referred to a “rubies”) and lab-created rubies (“lab-created” or “synthetic” rubies). A more detailed description of the treatment may be provided online or in-store on item tags and informational brochures where the cost per word is not as prohibitive.

Respectfully submitted,

~~Mallory~~ Duncan
Senior Vice President, General Counsel