

November 15, 2012

Via Electronic Mail

Office of the Secretary
Federal Trade Commission
Room H-113 (Annex O)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Fur Rules Review, Matter No. P074201

Dear Mr. Clark:

These comments are submitted on behalf of the Footwear Distributors and Retailers of America ("FDRA") in response to the Notice of Proposed Rulemaking, 77 Federal Register 57043, September 17, 2012 (the "Notice") relating to proposed changes in the Fur Act Regulations, 16 C.F.R. Part 301.

FDRA is a trade association of some 70 retailers, importers, distributors and producers of footwear. FDRA members account for some 75 percent of United States retail sales and imports of footwear.

Prior to the elimination of the Commission's authority to exempt products with a relatively small quantity or value from labeling requirements, footwear was not subject to labeling requirements because the fur used on most footwear satisfied the *de minimis* exception.

Label. FDRA's principal concern with respect to the current fur rules relates to the very specific labeling requirements, e.g., label and print size. The Commission proposes to

replace these requirements with the general requirement that the information be clearly legible, conspicuous and readily accessible to the consumer. FDRA supports this proposed change and urges that it be adopted.

The Commission proposes changes in §301.27 to require only that the label be of such durability that it remain attached to the product until delivered to the ultimate consumer. FDRA supports this proposed change and appreciates the Commission's confirmation that a sewn-in label is not required. 77 Federal Register 57050, fn 122.

Origin. FDRA again urges that the requirement for a separate origin declaration as to fur be eliminated. In the majority of cases, the fur will originate in the same country as the footwear. In this circumstance, it is simply redundant to require a separate statement of origin for the fur. This is particularly the case when, as here, in a majority of cases the fur is mere trim, not a major component of the footwear.

The Commission indicates that FDRA did not explain why a separate statement as to fur origin was redundant. The majority of footwear sold in this country is imported and, therefore, subject to a statutory country of origin disclosure obligation. 19 U.S.C. §1304. Thus, the majority of footwear sold in this country is marked as to origin and when the fur component originates in the same country; a second origin statement is redundant.

Accordingly, FDRA suggests that §301.12(a) be amended by adding a new subsection (3) to read as follows

(3) Provided, however, that a separate statement of fur origin shall not be required when the fur product is labeled as to country of origin and the fur incorporated in the fur product originates in the same country.

FDRA also suggests that §301.12(e)(2) be amended to read:

When a separate statement of fur origin is required, the name of the country of origin of the fur shall be preceded by the term *fur origin*; [].

RN Number. FDRA also requests that the Commission clarify whether the Fur Rules require that the label recite an RN Number. The Fur Rules and the Fur Act may be read to require an RN Number on all products covered by the Act. However, an FDRA member's recent request for an RN Number was denied on the grounds that the product line – footwear – was not subject to the Textile, Wool or Fur Act. FDRA will appreciate a clear statement on the RN Number requirement.

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The purpose of FDRA's suggestions is to make it easier to provide appropriate information on a single label. As a practical matter, there is not a great deal of room on footwear to provide voluminous information. Use of a hang-tag alleviates part of this problem. Any elimination of what is unnecessary or redundant information will make it easier to provide hang-tags that provide useful information to consumers at point of sale.

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FDRA appreciates the opportunity to comment on this important matter and urges that its suggestions be adopted.

Respectfully submitted,

McGUIREWOODS LLP

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John B. Pellegrini

cc: FDRA