I am a 2L at CUNY School of Law in New York and I am submitting a comment in support of portions of 77 Fed. Reg. 57043. My interest in this topic stems primarily from my life-style as a vegetarian and secondarily from my current coursework as a law student. The comments made in the last rulemaking, to which this proposed rule is a response, made as to labeling flexibility are the topics that interest me most. It is of particular concern to me that what I buy contain no animal products. With the exception of things bought at trade and craft fairs, which often lack such marks of manufacturing plants and other large industry, I can always rely on the tags of clothing to reveal to me what I am buying. The idea that certain small items not have these tags and I could thus accidentally partake in an industry to which I am morally opposed, is something I would seek to prevent.

To my best knowledge, the labeling currently required by the Fur Rules to be administered to "any articles of clothing or covering for any part of the body" containing animal fur must include the following information: 1) The animal's name as provided in the Name Guide; 2) the presence of any used, bleached, dyed, or otherwise artificially colored fur; 3) that the garment is composed of, among other things, paws, tails, bellies, sides, flanks, or waste fur, if that is the case; 4) the name or Registered Identification Number of the manufacturer or other party responsible for the garment; and 5) the product's country of origin. 15 U.S.C. 69b(2) (2011).

The two issues being raised under this category by comments made on 76 Fed. Reg. 13550 are: 1) FICA proposes that small articles or clothing be eliminated from the rules' labeling requirements, and 2) Deckers Outdoor Corporation (who submitted comment but did not attend the hearing) proposed expanding the labeling requirements to

include faux fur.

FICA's proposal to eliminate labeling requirements as applied to small articles of clothing cited the Textile Products Identification Act, 15 U.S.C.A. § 70j (1978). FICA claims that the enactment of their suggestion would align with the Textile Act's exclusion of handbags and shoes from their rules. The reasoning behind that argument is that such items are so small that they contain an insignificant amount of fur and would be of such a size that attaching labels to the items would be difficult if not impossible. FICA's argument isn't quite analogous, as the Textile Act does not exclude these items for their size, as it also excludes luggage, mattresses and furniture. *Id.* Therefore, there is no analogous logic with which to strengthen their argument for the elimination of small products labeling. Also, as mentioned in the present rulemaking by the FTC, the regulations proposed under the Fur Act already only pertain to those items that are "clothing or covering any part of the body," and thus purses do not qualify. 15 U.S.C. 69b(2).

Additionally, the purposes that the Fur Act serves of informing purchasers of what it is they are buying are not served if one instill this de minimis exception to some fur products. Roughly 14% of products trimmed with animal fur go unlabeled because they fall below the $150 threshold. H.R. Rep. No. 111-571, at 2 (2010). The original purpose of the Act was to protect "consumers… against deception… resulting from the misbranding, false or deceptive advertising, or false invoicing of fur products and furs." *F.T.C. v. Mandel Bros., Inc.*, 359 U.S. 385, 388 (1959). Instituting an exception to small items would forgo the purpose of protecting consumers from false branding of fur products if it were to allow some 14% (potentially a much larger number with current

numbers) to go unlabeled altogether. Would the Food and Drug Administration consider a de minimis exemption for peanuts? Would one exist for alcohol? For many Americans, myself included, buying animal products is of equal importance.

Further, as mentioned above, the TFLA (passed by Congress and signed by the President) eliminates the $150.00 minimum exemption, for the same reasons that this "shoe" exemption should not exist, and instituted instead a different type of exemption applying to small-time salesmen and trappers. It is worth mention that many consumers are not particularly interested in what percentage of their purchase consists of animal fur or skin but simply that it does; consider all vegans and vegetarians who often aim to live in accordance with their dietary habits and wish to avoid all animal products. Were the FTC to pass this de minimis exemption, they would have no feasible way of identifying material they wanted or did not want to purchase with any certainty.

This proposal by FICA goes against the general purposes of the Fur Act and the regulations that stem from it and specifically would not be allowed under the TFLA's recent amendments to it, and should thus not be implemented.

The second comment to consider is Deckers Outdoor Corporation's suggestion that all clothing, as previously defined to include that with real animal fur, to also include faux fur. This would be an impossible change to implement, regardless of its logic (or lack thereof) as The Fur Act itself, from which these agency regulations spawn, only covers "fur products" which are defined as "animal skin… with hair, fleece, or fur fibers attached thereto." 15 U.S.C. 69(b); *Id* at § 69(d).

Additionally, even if not impossible under the governing act, the requested

amendment would create two large problems: The first is the incalculably enormous cost to the clothing industries around the country selling/manufacturing/advertising for faux fur items to institute this policy change. Whereas companies in the business of real fur have been dealing with these regulations since 1951 and are only now just griping about the size and content of the labels, the idea that, for example, a mom and pop accessory store for pre-teen girls (as well as every manufacturer which sells to them) would have to remove its potentially "fur-like" inventory and somehow attach labels would be an enormous burden. The purpose in the Fur Act is to inform consumers who have physical, moral, monetary, and religious aversions to purchasing this animal product before they accidently do so. There is no such concern with regard to purchasing a product intended to appear as an animal and can be made of any unlimited number of differing materials. The second problem is the trouble that would necessarily arise with companies themselves trying to distinguish what constitutes faux fur. Certainly many patterns today seem to somewhat resemble an animal print and often do not intend to. Would all black shiny pants be considered faux-leather? Would purple cheetah print constitute "faux" cheetah print, or, since it's purple, would one assume that consumers knew it was not real fur? Deckers' reason for this suggestion is purportedly to "ensure that the consumer knows whether [he or she] is purchasing real or fake fur prior to making the purchase," so this would arguably toss out any faux-fur material that is obviously not real fur. Then comes the question is what is "obvious" and obvious to whom? The claimed purpose of Deckers is even furthered mooted by the Fur Act, as it applies to fur products, which are thus labeled as such, making this distinction to be made by consumers nonexistent.

Within these Regulations Under the Fur Products Labeling Act (77 Fed. Reg.

57043), the FTC has dismissed both FICA's and Decker's proposed changes and I agree completely. Instead, the new FTC rulemaking proposes changes to more substantive topics. My comment speaks to particular issues within the proposed rulemaking, and on those topics, I agree with its passage. Thank you for your consideration of my comments.