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**VIA ELECTRONIC SUBMISSION**

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

FUR RULES REVIEW, MATTER No. P074201

May 16, 2011

**Re: Comments Regarding Fur Products Regulations**

Dear Sir or Madam:

These comments are submitted on behalf of McNeese Customs and Commerce, srl (“McNeese”) of Vicenza, Italy in response to a notice published by the Federal Trade Commission (“FTC”) in the March 14, 2011 Federal Register regarding the regulations implementing the Fur Products Labeling Act (“FPLA”). These comments are directed to point 19 in the notice of proposed rulemaking. Point 19 relates to foreign standards with respect to the labeling of fur products. McNeese specifically requests that the FTC confirm that fur products labeled in accordance with US and European requirements is acceptable under the FPLA. In connection therewith, McNeese recommends that the language of 16 CFR §301.29 be amended to allow for dual jurisdiction labeling. McNeese’s comments also are directed to the mechanics of fur labeling. In specific, McNeese submits that the regulations should be amended regarding the labeling of non-wool garments composed, in part, of fur. Finally, McNeese submits that the labeling regulations regarding fur products sold in boxed pairs should be amended such that a single label is acceptable to the FTC.

McNeese is a company organized under the laws of Italy. McNeese advises European manufacturers of luxury footwear, handbags and garments regarding the labeling requirements applicable to such merchandise that is sold in the European and US market. McNeese’s clients produce luxury goods that may be composed, in whole or in part, of fur. At the time of manufacture, McNeese’s clients cannot state with certainty whether a particular product will be sold in the US or European market.

## 1. European Fur Labeling Requirements

The FPLA was enacted to prevent the false or deceptive labeling, advertising and invoicing of fur products. 15 U.S.C. §69a. Italy has its own rules regarding the labeling of fur products. Like the FPLA, these rules are intended to provide the consumer with accurate information regarding the fur product the consumer contemplates purchasing. The Italian fur labeling standard has been approved by the Italian National Standards Institute (“UNI”) and is known as Standard 11007. It requires that fur products bear a label that clearly identifies both the scientific Latin name and common name of the animal from which the fur was harvested. Care instructions are also required. This information must be set forth in Italian and one other EU language. Traditionally, the second language is English.

The European members of the International Fur Trade Federation have proposed more uniform labeling requirements through-out the EU members based on UNI Standard 11007. Attached as Exhibit 1 is information from the International Fur Trade Federation’s website concerning UNI Standard 11007. This standard has been adopted in England and Germany.

France has its own standards regarding the prohibition of fraudulent statements regarding the labeling and marketing of fur products. Décret n°2004-923 du 1 septembre 2004 modifiant le décret n° 91-1163 du 12 novembre 1991 portant application au commerce des produits en fourrure et des produits similaires de la loi du 1er août 1905 sur les fraudes et falsifications en matière de produits ou de services.

On May 11, 2011, the European Parliament voted to require that the information required by Italy’s UNI Standard 11007, and France’s decree prohibiting fraudulent and false statements regarding fur products, be implemented through-out the European Union.<sup>1</sup> Exhibit 2. Once this standard is implemented, US manufacturers of fur products will be required to follow UNI Standard 11007 for goods sold through-out the European Union.

The information set forth above indicates that fur products are subjected to specific labeling requirements in the United States, in many European countries, and shortly in all countries within the European Union. As such, manufacturers of products composed in whole or in part of fur must label their products to comply with the requirements of more than one jurisdiction.

As indicated above, McNeese’s clients are uncertain at the time of production whether a specific fur product will be sold in the United States or the European Union. Accordingly, the products are labeled to comply with **both** the Fur Products Labeling Act and UNI Standard 11007. The label clearly states “Fur Products Labeling Act” above the section that sets forth the information required under the FPLA, and a reference to UNI Standard 11007 for the information required under Italian law. This method of labeling ensures that consumers in both the US and the European Union are properly informed about the fur products they contemplate purchasing.

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<sup>1</sup> [www.euroactive.com](http://www.euroactive.com).

Many consumer products are labeled in accordance with the requirements of more than one jurisdiction. Textiles products are routinely labeled to comply with both the US Textile Product Fiber Identification Act and the Canadian Textile Labeling Act. Fiber content is routinely set forth in both English and French, and RN numbers and CA numbers appear on the same label. In a similar vein, a variety of consumer products are labeled in English, French and Spanish in order to comply with pertinent consumer regulations in the United States, Canada and Mexico. This method of labeling encourages the free movement of goods.

The FTC should allow that fur products be labeled to comply with the requirements of more than one jurisdiction. The allowance of dual jurisdictional labeling will also benefit US manufacturers to produce a product that is labeled in compliance with both US and European law. Provided that all of the information required under the Fur Products Labeling Act is properly set forth on a label, the presence of information required under UNI Standard 11007 should also be permitted. McNeese asks that the FTC confirm that multi-jurisdictional labels are permitted under, and consistent with, the Fur Products Labeling Act.

The existing FPLA regulations, in particular, 16 CFR §301.29, should be amended to allow for multi-jurisdictional information to appear on fur products and on the FPLA label. This information will not detract from the disclosure of pertinent information to the US consumer. As indicated above, multi-jurisdictional disclosure of information is routinely allowed in connection with textile fiber products and consumer products. Fur products should be accorded similar treatment. Labeling laws should not be a barrier to trade.

## **2. Revision of 16 CFR §301.32 To Conform With Fashion Trends**

Historically, wool garments, in particular wool overcoats, featured fur trim. Existing 16 CFR §301.32 allows that labels sewn into such garments set forth the FPLA information on the same label that is required by the Wool Products Labeling Act (15 USC §68 *et. seq.*). Today, manufacturers of fashion garments use fur trim and linings on garments composed of other textile fibers, such as cotton and man-made fibers. However, the existing fur products labeling regulations do not recognize this single label possibility. This regulation should be amended to allow for all fiber content information to be disclosed on labels that set forth the required FPLA information. The consumer is better served by disclosing all required information on a single label that is securely affixed to the garment, and this method of labeling should be accepted by the FTC.

## **3. Revision of 16 CFR §301.31 To Conform With Method of Sale**

McNeese's clients produce footwear that may be composed in whole or in part of fur products. The existing FPLA regulations require that each shoe/boot be separately labeled because they are not permanently attached at the point of sale. 16 CFR §301.31. This is a redundant and unnecessary requirement, and is inconsistent with the manner in which footwear is sold. McNeese requests that this regulation be amended to reflect commercial reality.

Footwear is sold to consumers in boxes, and only properly labeled samples are available for review prior to the consumer trying on a particular shoe/boot. Sales clerks bring the consumer his or her requested size from storage for purposes of insuring proper fit and comfort. Both the left and right shoe/boot is presented to the consumer at the point of sale.

McNeese submits that labeling only one shoe/boot with the required FPLA information satisfies the purpose of the statute, which is to inform the consumer of the type of fur, method of treatment (if any), and country of harvest. The requirement that both shoes/boots be labeled is inconsistent with the manner in which footwear is sold. The consumer will always be presented with both the left and right shoe/boot prior to purchase, and thus will see the label containing the required information.

McNeese's clients propose to place a hangtag on one shoe/boot that sets forth the FPLA required information on one side of the hangtag, and the information required under Italian UNI 11007 on the other side of the hangtag. This will enable consumers in the United States and the European Union to be apprised of the required information in his or her respective country of sale. This method labeling is consistent with the manner in which footwear is marketed, sold and purchased. Labeling of both products that are always sold together in a box and reviewed by the consumer prior to sale is unnecessary. McNeese submits that 16 CFR §301.31 be amended to provide that the sale of fur products sold in boxed pairs satisfies the "firmly attached" requirement of this regulation such that a single label can be used.

Should the FTC have any questions regarding these comments, please contact the undersigned at 212 662-2486.

Very truly yours,

s/Margaret Polito s/

Margaret R. Polito