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May 16, 2011

By Electronic Filing

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex J)
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Re: Fur Rules Review Matter No. P074201

Dear Sir or Madam:

Enclosed are the comments of Fur Information Council of America's ("FICA") in response to the Federal Trade Commission's request for comments on the topic of the Fur Rules Review Matter No. P074201.

We appreciate the work the Commission is doing and its attention to this matter.

Sincerely,

/ s /

Laurence J. Lasoff
Christie L. Grymes

Counsel
Fur Information Council of America

Comments of the Fur Information Council of America in Response to the Federal Trade Commission Request for Comments on Fur Rules Review Matter No. P074201

The Fur Information Council of America ("FICA") is pleased to provide these comments for the record in response to the Federal Trade Commission's ("FTC" or "Commission") request for public comment on the Fur Rules Review Matter No. P074201.[1]

FICA was founded in 1987 and is the largest fur industry trade association representing fur retailers and manufacturers across the U.S. FICA members collectively account for over 80% of U.S. retail fur sales. FICA's 35 member board of directors includes the CEOs of the nation's largest fur retailers, manufacturers, and auction houses, as well as wildlife management and agricultural experts. FICA provides the public with information on the fur industry, wildlife conservation, and responsible animal care to which the fur industry is committed.

As background, FICA testified before Congress in support of the removal of the small value exemption in the Fur Products Labeling Act in recognition of the growing use of fur trim in apparel products and the challenges of informing the public regarding the use of fur trim in such garments.[2] In light of these developments, FICA believes there is value in reviewing the Fur Rules to ensure that these rules reflect the changes in the fur product marketplace while continuing to ensure that consumers have sufficient information as is necessary to make informed purchasing decisions.

I. INTRODUCTION

FICA welcomes the opportunity to assist the FTC in updating the Fur Products Name Guide, as required by the Truth in Fur Labeling Act. It also welcomes the more general review of the Fur Act regulations ("Fur Rules"), including the solicitation of comments on how the Fur Rules could be improved.

The Fur Act and its implementing regulations created a series of informational requirements designed to assist consumers in making purchasing decisions. The Fur Rules reflect the importance attached to that objective by requiring manufacturers and retailers to place detailed labels on products which disclose information that is fundamental to the purchase of a fur garment. To be effective, however, the Fur Rules must reflect changes in the marketplace, including changes in the types of fur that are being produced; changes in the way the fur is utilized; and changes in the way the product is marketed.

Over the past 60 years, since the Fur Act was enacted, the market for fur products has evolved. The market is no longer dominated by the traditional full length mink coat, and the use of fur in garments and accessories has grown substantially. Moreover, the industry has globalized with

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[1] Federal Trade Commission, Fur Products Labeling Act; Advanced Notice of Proposed Rulemaking; Request for Comment, 76 Fed. Reg. 13550 (Mar. 14, 2011).

[2] Hearings on H.R. 2480, The Truth in Fur Labeling Act (May13, 2010), Testimony of Keith Kaplan. http://democrats.energycommerce.house.gov/Press_111/20100513/ctcp/Kaplan.Testimony.05.13.2010.pdf.

most production shifting to the Far East. This regulatory review, accordingly, should reflect the market changes and principles that characterize the current marketplace. These include the following:

1. Most of the retail establishments involved in the sale of fur products are small, privately-owned enterprises. As such, the regulatory burdens associated with ensuring compliance with the detailed requirements of the Fur Rules are costly. Virtually all of FICA's members fit into this category. The fact that the manufacturing base of the industry has moved offshore, places an enormous burden on these smaller enterprises to obtain and verify the information necessary under the Fur Rules and to meet the Fur Rules' technical requirements.

2. Many of the products and much of the nomenclature that is utilized in the sale and marketing of fur products has changed. Indeed, some of the products contained in the Fur Products Name Guide are not sold in the marketplace for a variety of reasons, and others which are sold, are not currently included. There are also a number of technical errors in the Fur Products Name Guide that should be corrected and updated to more accurately reflect changes within the scientific community.

3. A major change in the market for fur products – one which was repeatedly acknowledged in connection with the enactment of the Truth in Fur Labeling Act – is the dramatic increase and popularity in the use of fur trim in connection with the sale of wearing apparel, much of which is sold outside of the traditional fur salons. These garments may have a fur collar or a small strip of fur attached to the garment. In reviewing the Fur Rules, and in recognition of the fact that the small value exception no longer exists, the Commission should consider whether a label that provides information relative to the sale of a $15,000 mink coat should be the same size and contain the same information as the label attached to a $50 woman's blouse that may have a small strip of a low value fur attached to the collar. Does the purchaser of the blouse want to know what country that rabbit was harvested in; the proper common name of the species as reflected in the Fur Product Name Guide; and whether the strip is bleached, dyed or artificially colored? Does the statute provide any flexibility for addressing this distinction?

4. Finally, and most importantly, the Commission's regulatory process cannot serve as a vehicle that advances the agenda of those who are ideologically opposed to the use of fur. Requiring, for example, use of the term "dog" in connection with the labeling of legitimate fur products would eventually destroy the market for that product. The Commission's role is to inform the consumer and guard against confusion and deception in the marketplace. The Commission, however, should not allow this regulatory process to be shaped by those who have often relied upon confusion and incorrect information in advancing their cause and who would utilize the Fur Act as a vehicle to advance an anti-fur agenda.

II. SUMMARY OF COMMENTS

FICA proposes amending the Fur Products Name Guide (or alternatively make special provision in the regulations) to permit the use of the term "Finnraccoon" for products of the *Nyctereutes procyonoidos* species originating in Finland. Products of the same species originating in Asian countries should continue to use the common name, "Asiatic Raccoon." The "Finnraccoon" is

raised and marketed under extremely different conditions from the "Asiatic Raccoon." The reference to "Asiatic" in a product that has been uniquely raised in Finland, and distinctly marketed in the U.S. and the rest of the world, has already caused consumer confusion as to country of origin and treatment of the animals.

Even if the Commission decides not to permit utilization of the common name, Finnraccoon, FICA asks the FTC to decline replacing "Asiatic Raccoon" with the colloquial term, "Raccoon Dog," as has been previously advocated by various animal rights groups who oppose the use of all fur products. The use of that term has had a devastating impact on the sale of garments containing the *Nyctereutes procyonoidos* species by causing consumers to believe mistakenly that the product is related to domestic dog. The Fur Products Labeling Act and its implementing regulations must not be utilized to create this type of consumer confusion; nor should the nomenclature in the Fur Product Name Guide create an adverse impact in the marketplace for a particular product.

These comments also provide suggestions on how the Fur Product Name Guide should be updated to reflect the realities of the current marketplace, as well as to correct current erroneous references.

Finally, these comments address a number of technical issues related to the Fur Rules and provide suggestions on how these rules might be modified in the future to reflect more accurately market conditions, including the increased use of fur trim in wearing apparel and certain accessories.

III. SPECIFIC COMMENTS

A. FICA Requests that the FTC Permit the Use of the Common Name, "Finnraccoon" in connection with the species *Nyctereutes procyonoidos*, which is produced primarily in Finland

FICA requests that the FTC, either through modification of the Fur Products Name Guide or the addition of a new section of the regulations, permit use of the term Finnraccoon for products of the species, *Nyctereutes procyonoidos*, produced in Finland.

The Fur Products Name Guide identifies the species, *Nyctereutes procyonoidos*, by the common name, "Asiatic Raccoon." The *Nyctereutes procyonoidos* species is an animal characterized as having dense fur, rather short legs for its size, and black markings around the eyes. This species is native to Japan, but was introduced into Europe in the late 1930s, where it began to be raised on fur farms. In Finland, fur farming of this species first began in the 1940s and the country has since become the largest producer in the world of fur skins for use as trim in a wide range of upscale garments. Over 100 farms in Finland produce more than 150,000 of these skins. Finnraccoon has become a major staple of the growing market for garments containing fur trim.

Finland farms the *Nyctereutes procyonoidos* species in accordance with the strictest national and European Union regulations and standards for animal welfare.[3] In addition, since 2005, the Finnish Fur Breeders' Association has maintained a rigorous certification program covering seven key areas, including: (1) well-being and health of the animals; (2) breeding conditions; (3) feed maintenance; (4) breeding; (5) environmental management; (6) farm hygiene; and (7) training and preparing for abnormal conditions.[4]

Currently, most of the high-end fur garments sold in the U.S. and containing this species are produced in Finland and are exclusively marketed globally under the designation Finnraccoon. Despite this fact, the common name that is required to be used to identify all fur from this species in the U.S. is "Asiatic Raccoon."[5] This term has caused confusion because the name implies that the fur originates in Asia. The fact that the labels show Finland as the country of origin further increases the confusion. In interpreting the Fur Rules, the Commission has allowed retailers to identify fur from the *Nyctereutes procyonoidos* species originating in Finland as "Finnish Asiatic Raccoon." *See* Section 301.12(e)(3) (allowing the country of origin to appear in adjective form in connection with the name of the animal). Nevertheless, this term could be equally confusing because consumers are likely to view it as referring to a species with multiple geographic descriptors.

Furthermore, because Asian countries do not maintain the high standard of animal welfare European countries do, there is a negative connotation associated with the fur that originates there. Indeed, Finnish Fur Sales, which is responsible for the sales of this product, has promoted its products on the basis of its superior animal husbandry standards.[6] Commencing in 2010, one hundred percent of the Finnraccoon sold in the U.S. originated in farms that were certified in accordance with the Finnish Fur Breeders program.

In the interest of protecting consumers and maintaining a fair marketplace, we urge the Commission to permit – either through an addition to the Fur Products Name Guide or through a modification of the regulations – the use of the common name, "Finnraccoon," in addition to the longstanding common name "Asiatic Raccoon" for comparable products originating in Asia.[7]

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[3] *See* Animal Welfare Act (16/EEO/1999) of the Finnish Ministry of Agriculture and Forestry Council; Directive 98/58/EC on the protection of animals kept for farming purposes established rules for the protection of animals of all species kept for the production of food, wool, skin or fur or for other farming purposes, including fish, reptiles or amphibians; Council Directive 93/119 on Protection of animals at the time of slaughter or killing.

[4] *See* Certification: A Prerequisite for Finnish Fur Farms' Competitiveness. http://www.ffs.fi/wps/wcm/connect/22468b804be52c7e82f0ce9c0e101692/Certification190x200_en.pdf?MOD=AJPERES&CACHEID=22468b804be52c7e82f0ce9c0e101692

[5] *See* 16 CFR § 301.0.

[6] Finnish Fur Sales, Finnraccoon. *See* Attachment 1.

[7] FICA also believes that requiring the use of the term Asiatic Raccoon to describe the Finnraccoon is inconsistent with Section 301.7 of the Fur Rules, which states in relevant part that the fur of an animal should not be described by a name that in an adjective form or otherwise would connote a false geographic origin of the animal. The name "Asiatic Raccoon" connotes a false geographic origin.

The Commission may implement this change in two ways. First, it could add the common name "Finnraccoon" or "Raccoon, Finnish" to the Fur Products Name Guide as a second name to describe the *Nyctereutes procyonoidos* species. There is precedent in the Guide for having two common names to describe products of the same species. For example, the species *Mustela sibirica* may be labeled using either the common name "Kolinsky" or the term "Weasel, Chinese."

Alternatively, the Commission could make special provision for this product in a separate regulation. The Commission has permitted in separate regulations the use of certain terms in connection with various skins of lamb that have different hair type, or which have been treated through different chemical processes.[8]

B. FICA Urges the Commission Not to Replace "Asiatic Raccoon" With "Raccoon Dog" in the Fur Products Name Guide

Regardless of whether the Commission decides to permit use of the common name, "Finnraccoon," FICA asks the FTC to decline replacing "Asiatic Raccoon" with the colloquial term, "Raccoon Dog." FICA anticipates that this position will be advanced in comments from groups opposed to the use of fur generally. Many of those groups have already promoted this terminology in the media and in their online communications. In fact, no one in the fur industry would ever utilize this terminology in connection with the marketing of this product to consumers. The term is deceptive and likely to create immense consumer confusion since it implies that the Asiatic Raccoon or Finnraccoon is related to the domestic dog.

Although the Asiatic Raccoon or Finnraccoon is part of the family Canidae, like many other animals (*e.g.*, fox, wolves, coyotes), it is completely different from a domestic dog and should not be confused with it or referred to as a dog. Its behavioral and anatomical characteristics are so unique that it qualifies the species for its own genus listing (*Nyctereutes*). Importantly, the domestic dog and the Asiatic/Finnraccoon are separate species, a fact that has been affirmed by the Smithsonian Institution and other scientific experts.[9] The Asiatic/Finnraccoon split from the "true dog" evolutionary line between seven and ten million years ago.[10] The Asiatic/Finnraccoon exhibits vastly different behaviors than the dog. For example, it hibernates, climbs trees, and it participates in social grooming.[11] Unlike the dog, the Asiatic Raccoon/Finnraccoon cannot bark, and it does not wag its tail.[12] Wildlife biologist and expert in

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8 *See* 16 CFR § 301.8 and 301.9.

9 *See* Letter from Cristián Samper, Acting Secretary, Smithsonian Institution, to The Honorable K. Michael Conaway, United States House of Representatives, June 27, 2008; Asiatic Raccoon Fact Sheet, R. Byrne, D.J. Case & Assoc., 2008; MTT Agrifood Research Finland, Statement on Asiatic Raccoon/Finn Raccoon May 24, 2007.. *See* Attachment 2.

10 Asiatic Raccoon Fact Sheet, R. Byrne, D.J. Case & Assoc., 2008. *See* Attachment 2.

11 *Id.* at 8.

12 *Id.*

the field of wildlife conservation, Robert Byrne, explained that "it is a failure of our language that has labeled *Nyctereutes procyonoidos* as the "Asiatic Raccoon" or "raccoon dog." It is neither a raccoon nor a dog, but rather a unique species within a unique genus and should not be confused with any other species."[13]

While clear to the scientific community that the Asiatic/Finnraccoon is a distinct species from the dog, media has adopted the pejorative term, "raccoon dog." This has resulted in increased confusion about the animal in the marketplace.[14] Use of the term, in fact, has been largely promoted by organizations opposed to the use of any fur products, including the Humane Society of the United States ("HSUS"). These efforts have greatly diminished sales of the fur. Indeed, because of the consumer confusion caused by the media campaigns – specifically, the perception that Asiatic/Finnraccoon fur is actually dog fur – many companies have stopped selling garments containing this product, regardless of the country of origin of the fur. [15]

In addition to the fact that the term "raccoon dog" would be false and misleading, we believe that it is prohibited under the Fur Rules, 16 CFR § 301.7, which states in relevant part: "If the fur of an animal is described in any manner by its breed, species, strain or coloring, irrespective of former usage, such descriptive matter shall not contain the name of another animal either in the adjective form or otherwise . . " (emphasis added). The term raccoon dog violates this principle, as it identifies two animals – a raccoon and a dog.

Were the Commission to require the use of the term "raccoon dog," there would no longer be a market for Asiatic/Finnraccoon fur, and garments with this type of fur would be eliminated. Consumers would be disgusted by the thought of wearing dog fur, which is already prohibited as

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[13] *Id.*

[14] *See* http://www.upi.com/Top_News/World-News/2011/04/15/Poll-indicates-9-out-of-10-wont-wear-fur/UPI-79431302910158/ ("The RSPCA, Britain's biggest animal charity, said it was 'disappointed' so many designers opted for fox, mink and raccoon dog furs at this year's fashion shows in London, New York and Milan. The raccoon dog is not a raccoon and is a separate species."); http://www.usatoday.com/money/industries/retail/2007-02-23-dog-fur_x.htm?POE=MONISVA ("The others had fur from raccoon dogs – a canine species native to Asia . . ."); http://hslf.typepad.com/political_animal/2009/05/fur_labeling.html ("including from dogs and raccoon dogs – a member of the canine family...."); http://consumerist.com/2008/06/attention-hungry-insomniacs-burger-king-will-now-stay-open-until-2-am.html ("Does this mean BK is going to start serving raccoon dog meat now?"); http://www.msnbc.msn.com/id/16329355/ ("Sean John jackets were made with dog fur"); http://www.stylelist.com/2009/03/17/jcpenney-says-no-to-fur/; http://www.all-creatures.org/anex/raccdog.html; http://www.facebook.com/pages/Raccoon-Dog/107992972561635 (Raccoon dog even has its own Facebook page); http://www.encyclopedia.com/topic/Raccoon_dog.aspx; http://scienceblogs.com/zooillogix/2008/03/raccoon_dog.php (Raccoon Dog is referenced in video games: "Mario's 'Tanooki Suit (tanuki in Japanese)' and 'Raccoon Suit' in Mario Brothers 3 were often misunderstood by ignorant American 9 year olds like my brother to be a bear suit and raccoon suit respectively! Not true! It was Mario taking on the less than intimidating defensive tactics of the Raccoon Dog!").

[15] Attachment 3. *See also* Fur? Faux Fur? Or Fido's Fur? Group Says Retailers Selling Dog Pelt, http://www.foxnews.com/story/0,2933,253999,00.html; Is Your Fur Fake, or is it Fido?, http://www.msnbc.msn.com/id/17298301/ns/business-us_business/t/your-fur-fake-or-it-fido; Dog Fur Coats Sold by Dillards, Caches, Eluxury and DrJays, http://consumerist.com/2008/03/dog-fur-coats-sold-by-dillards-cach-eluxury-and-drjays.html.

a matter of law. Further, no legitimate fur retailer would ever knowingly sell a product comprised of dog fur, nor would it ever use the term "raccoon dog" to market a product. Accordingly, the term has no relevancy in the retail marketplace. As a policy matter, we do not believe the FTC should support such a result. Indeed, the legislative history of the Fur Products Labeling Act makes it quite clear that its purpose is to inform consumers who elect to purchase fur products; it is not intended to adversely affect the trade in those products.

C. FICA Requests that the FTC Update and Correct the Fur Products Names Guide

FICA has reviewed the Fur Products Name Guide and has consulted with furbearer biologists in an effort to update the Guide and correct various factual and typographical errors that have existed for decades. All of the following proposed corrections were reviewed by technical experts with scientific backgrounds in the field of furbearer biology.

1. Factual Errors

Name	Order	Family	Genus-species
Alpaca	Artiodactyla		
Calf	Artiodactyla		
Cat, Lynx			Lynx rufus
Cat, Margay			Leopardus wiedii
Cat, Spotted			Felis spp.
Chipmunk			add Tamias sp., Neotamias sp.
Desman	Soricomorpha		
Fox			Vulpes vulpes, Vulpes macrotis
Fox, Blue			Vulpes lagopus
Fox, Gray			Urocyon cinereoargenteus
			Drop littoralis, CA. endangered Species. Only in Channel islands
Fox, White			Vulpes lagopus
Goat	Artiodactyla		Capra hircus
Jaguar			Panthera onca
Jaguarondi			Herpailurus yagouaroundi
Kangaroo	Diprotodontia		
Kid	Artiodactyla		Capra hircus
Koala	Diprotodontia		
Lamb	Artiodactyla		
Leopard			Panthera pardus
Llama		Camelidae	
Marmot		Sciuridae	
Mole	Soricomorpha		
Muskrat		Cricetidae	
Nutria		Myocastoridae	

Ocelot			Leopardus pardalis
Opossum	Didelphimorphia	Didelphidae	
Opossum, Australian	Diprotodontia		
Opossum, Ring-tail	do	Pseudocheiridae	
Opossum, South American	Didelphimorphia	Didelphidae	
Opossum, Water	do		
Otter			Lontra canadensis, Lontra annectens, Pteronura brasiliensis, and Lutra lutra
Panda		Ailuridae	
Pony	Perissodactyla		
Rabbit	Lagomorpha		
Raccoon, Mexican		Procyonidae	Nasua narica, Nasua nasua
Reindeer	Artiodactyla		
Seal, Fur	Carnivora		
Seal, Hair	do		
Seal, Roc	do		
Sheep	Artiodactyla		
Skunk		Mephitidae	
Suslik			
Squirrel			Sciurus vulgaris
Vicuna	Artiodactyla		
Viscacha			Lagidium
Wallaby	Diprotodontia		
Weasel			Mustela frenata, Mustela erminia Mustela nivalis
Weasel, Manchurian			[Mustela rixosa = M.nivalis rixosa]
Wolverine			Gulo gulo
Wombat	Diprotodontia		

2. Removal of Prohibited Products

The Fur Products Name Guide lists a number of products that are prohibited from sale by reason of statutory prohibitions, as well as a result of various wildlife management policies. The Commission should revisit the continued inclusion of such products within the Fur Products Name Guide. For example, FICA would support removal of the dog and domestic cat categories from the list since the importation and sale of these products is prohibited under the Dog and Cat Protection Act of 2000. The continued presence of these banned species on the list is confusing given their illegal status and the fact that there is nothing in the regulations that mentions that status.

D. FICA Requests that the FTC Clarify the Scope of "Fur Product" Under the Fur Act

FICA asks the Commission to clarify which items are "wearing apparel" and covered by the Fur Products Labeling Act and Fur Rules. Section 2(d) of the Fur Products Labeling Act defines "fur product" as "any article of wearing apparel made in whole or in part of fur or used fur . . . ." The Fur Rules define the term "wearing apparel" that is used in the statutory definition of a "fur product" in relevant part to include: "(1) [a]ny articles of clothing or covering for any part of the body . . .."[16] With the increased use of fur trim on small products, such as handbags and shoes, coupled with the elimination of the small value exemption, industry would benefit from guidance on what products are covered under the definition of "wearing apparel," or what products might be exempt from this definition.

FICA requests that the Commission look to the Textile Fiber Products Identification Act in implementing rules for guidance on this point. The Textile Rules similarly define "wearing apparel" as "any costume or article of clothing or covering for any part of the body worn or intended to be worn by individuals."[17] As under the Textile Fiber Products Identification Act, "wearing apparel" under the Fur Products Labeling Act and Fur Rules should not include small items, such as shoes and handbags, where for example the fur is intended only to serve as ornamentation. Certainly, the purpose for the elimination of the small value exemption is served by now requiring fur trim on coats and other clear "wearing apparel" to be identified. Items, however, that are so small as to be difficult to label and with such an insignificant amount of fur should not be covered.[18]

E. FICA Requests that the FTC Permit Flexibility with Respect to the Technical Requirements of the Fur Rules

In recent years, fur retailers have had to deal with state labeling requirements that are redundant with or actually in conflict with the Fur Rules. New York State, in particular, requires every fur product to contain the words "real fur" conspicuously on a label. 16 CFR 301.29 of the Fur Rules, on the other hand, states that all of the information required by the rules should appear on one side of the label and "no other information shall appear on such side except the lot or style designation and size." Thus, a retailer finds himself in a situation where he must elect between the New York State requirement or the Fur Rules. If the retailer adds the phrase "real fur" to the front of the label, he will be in violation of section 301.29 through the addition of this additional information. If, on the other hand, he adds the phrase to the back of the label, he is likely in violation of the conspicuousness requirement of the New York State statute. In considering

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[16] 16 CFR 301.1(b).

[17] 16 CFR 303.1(j).

[18] *See Textile Labeling Legislation: Hearings Before the Committee on Interstate and Foreign Commerce*, 85th Cong. 14 (1958) (statement of Senator Stennis) ("Our bill does not propose the extreme requirement for labeling small ornamentation on textile products or linings, inner linings, paddings, trimmings, facings, hats, shoes, handbags, and so forth."); *Labeling of Textile Fiber Products: Hearing Before the Subcommittee of the Committee on Interstate and Foreign Commerce*, 84th Cong. 35 (1956) (statement of Representative Young) ("Shoes are exempted, because the textile item is small in shoes. It is not an important item. We think the bill is reasonable in that respect, in that it does not require everything that has any textile product in it whatsoever to be covered.").

future regulatory changes, the Commission should consider whether it can accommodate this concern that has plagued retailers in the largest fur market in the United States.

F. Other Issues to be Addressed in Future Rulemaking

The Fur Products Labeling Act was enacted in 1951. The Fur Rules were promulgated shortly thereafter. The market has changed dramatically since that time and, in many respects, the Fur Products Labeling Act and the Fur Rules are not reflective of current conditions.

The Federal Register notice inquired generally of retailers what modifications of the rules might benefit the retailers from a cost of compliance perspective, particularly the small businesses that comprise the fur retail sector generally and the overwhelming majority of FICA's membership. In raising some of these issues, FICA recognizes that some might require statutory modifications. Nevertheless, the Commission should investigate ways to enhance the flexibility of retailers to deal with these issues. Among those that have been periodically raised by our retailers are the following:

1. Since most fur products are sourced from offshore locations, there is no opportunity for the retailer to take advantage of the guaranty protections in sections 301.47-301.48 of the Fur Rules because of the requirement that the guarantor must reside in the United States. Does the statute allow any relief in these circumstances wherein the retailer might be able to rely to some extent on a guaranty provided by an offshore vendor or some alternative warranty?

2. There is no process (not even an informal one) by which retailers can get interpretations from the Commission regarding technical issues that might arise in connection with the Fur Rules. With the increasing overlap of the various textile statutes, such a process, even an informal one, would be welcome by the entire textile and apparel sector.

3. As alluded to earlier, FICA believes there is little need for the comprehensive informational requirements (*e.g.*, country of origin, whether the product is dyed, and common name) for a "non-fur" garment that might have a small strip of fur accessorizing the garment. A consumer might want to know whether the trim on a blouse is real or faux fur, but few consumers would want to know whether the trim was bleached, dyed or tip dyed, and in which country the fur bear from which the strip was made was harvested or farmed. This is now a greater problem given the removal of the small value exception. The Commission should consider whether it has any flexibility to alleviate these requirements and remain consistent with the statute.

4. Similarly, the increase in the use of fur trim has resulted in the placing on the market of a number of smaller items (e.g. gloves) for which a 1 ¾ inches by 2 ¾ inches label makes no sense, particularly given the fact that the other FTC consumer protection statutes allow for flexibility in the size of the labels. The label size is not a statutory requirement, and the Commission should revisit this aspect of its regulations so as to provide some degree of proportionality between label size and the product, particularly if the product contains a small amount of fur trim.

5. Finally, the Commission must consider and address any inconsistencies that exist between the regulations implementing the various consumer protection statutes affecting textiles. The fact that fur trim is now being used increasingly with other wool and textile products underscores the necessity for such a review, so that retailers are capable of complying with multiple sets of regulations when selling these hybrid products.

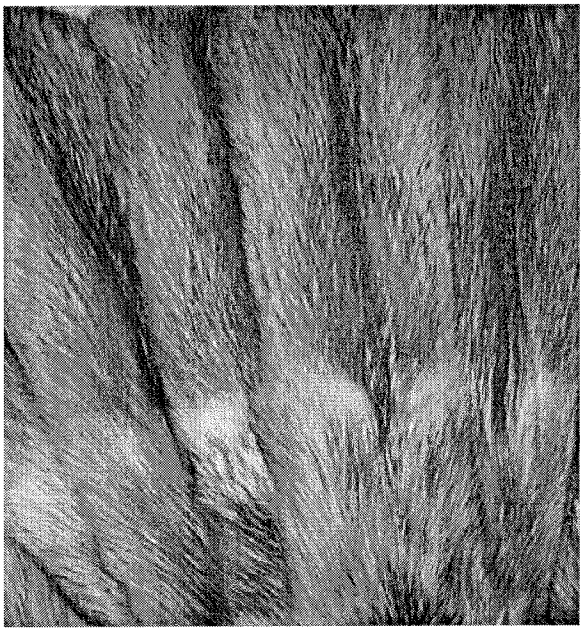
* * *

FICA appreciates this opportunity to share its views and stands ready to participate in continued work of the FTC staff.

ATTACHMENT 1

Finnraccoon

Responsibly produced luxury



What is Finnraccoon?

Finnraccoon *(Nyctereutes procyonoides)* has dense fur, rather short legs for its size, and black markings around the eyes. This species is native to Japan, where it is referred to as tanuki. It was introduced into Europe in the late 1930s, when it began to be raised on fur farms. In Finland the farming was started in the 1940s.

Distantly related to wolves, foxes and arctic foxes

The term Finnraccoon was introduced in the 1970s to replace the popular but misleading term *raccoon dog*. In the scientific classification, Finnraccoon is part of the family Canidae, along with foxes, wolves, arctic foxes and nearly 30 other species, but it has no relationship whatsoever to a domestic dog (Canis familiaris). It is a completely different species with a different number of chromosomes, and it cannot interbreed with a dog.

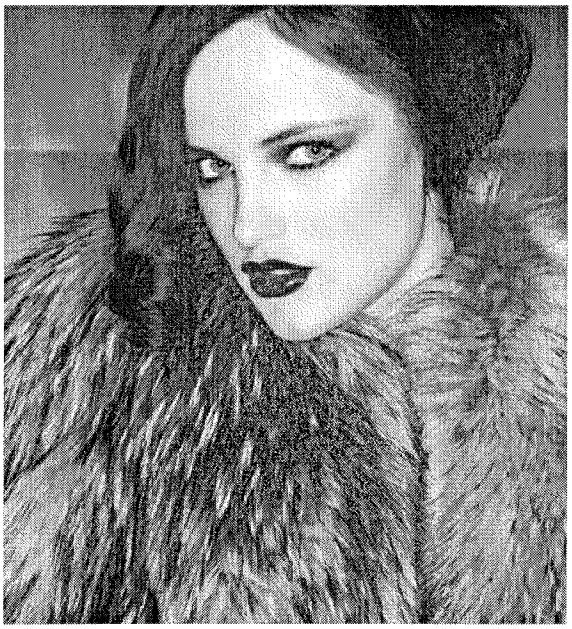
Finnraccoon is also not to be confused with a North American Raccoon *(Procyon lotor)*, although there is a slight resemblance between them.

Finnraccoon *(Nyctereutes procyonoides)* is not listed under CITES (the Convention on International Trade in Endangered Species of Flora and Fauna).

EU legislation regulates Finnraccoon farming

The fur animal welfare legislation, based on Council of Europe recommendations and adhered to in the EU, contains detailed regulations on farming Finnraccoon under fur farm conditions.

Finland is the largest producer of Finnraccoon in the world. Finnraccoon is



farmed on more than 200 farms and the Finnish skin production is around 100,000 skins.

The welfare and behaviour of Finnraccoon has been studied since the 1990s. The most recent four-year research project on enriched cages for Finnraccoon conducted by MTT (Agrifood Research Finland) was completed in the autumn of 2008.

Vanguard of certification

Since 2005, the Finnish Fur Breeders' Association has had its own unique certification program covering all fur types. Certification criteria go above the existing EU animal welfare legislation.

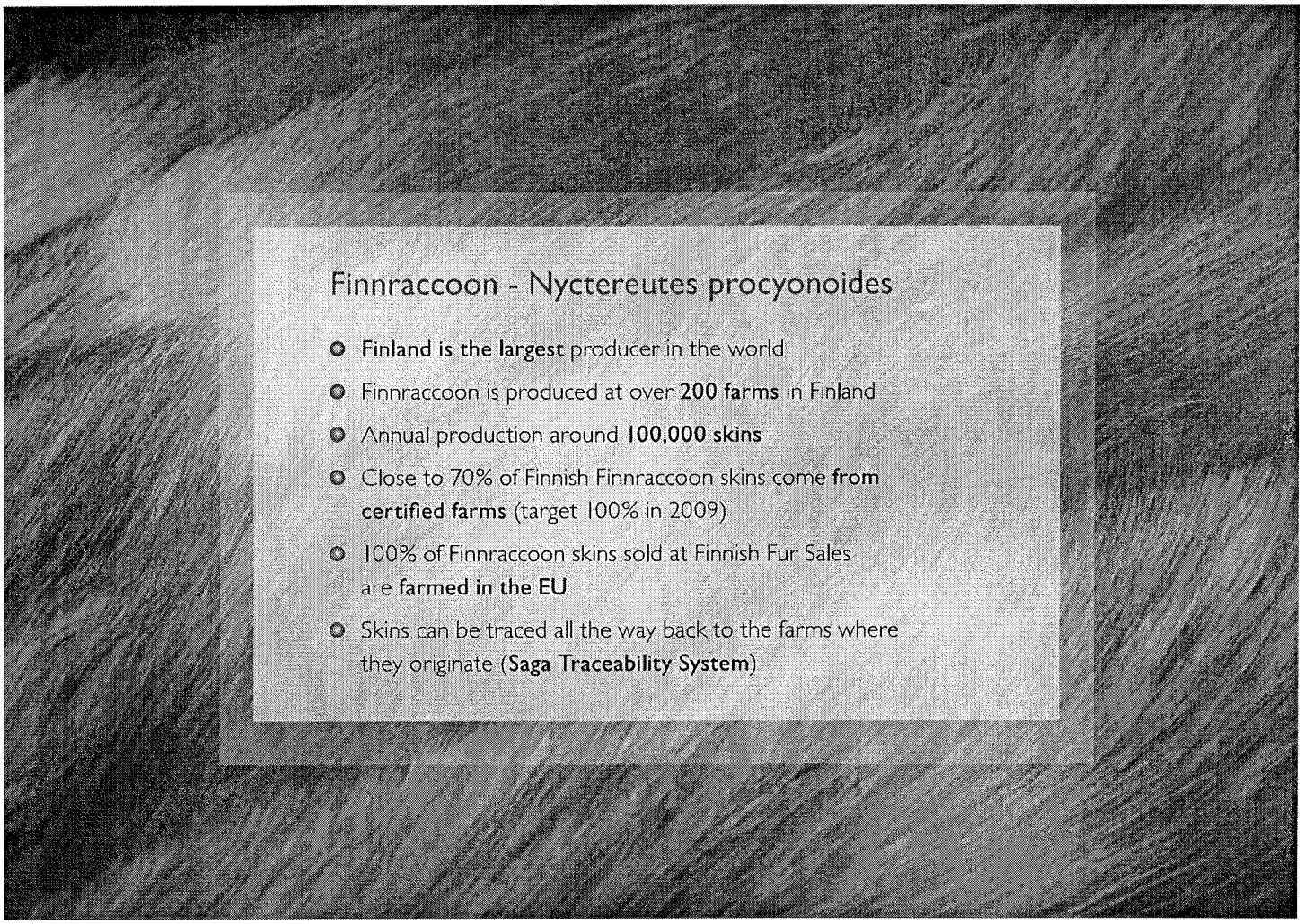
Nowadays, around 70 per cent of the Finnish Finnraccoon production has either been certified or the farms are currently in the certification process. The goal of the Finnish fur industry,* is for the entire Finnraccoon production to be certified by 2010. As a result, only skins from certified farms would be included in the company's SAGA® selections.

SAGA® guarantees traceability

The SAGA® trademark, exclusively used by the auction house Finnish Fur Sales, includes skin traceability all the way back to the farm of origin (SAGA Traceability System). All the skins in the SAGA® selection also belong to the international Origin Assured (OA™) programme. OA™ skins are produced in countries enforcing fur animal welfare legislation, and sold, in addition to Finnish Fur Sales, at three other international auction houses.

Garments and trimmings made of Finnraccoon find their way to fashion boutiques and department stores in the US, Europe and Russia.

*The Finnish Fur Breeders' Association and Finnish Fur Sales–an auction house engaged in the sale of fur skins on the global market.



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FINLANDS PÄLSDJURSUPPFÖDARES FÖRBUND RF

Finnish Fur Breeders' Association
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Origin Assured OA™
www.originassured.com

International Fur Trade Federation
www.iftf.com

ATTACHMENT 2

Smithsonian Institution

Cristián Samper
Acting Secretary

June 27, 2008

The Honorable K. Michael Conaway
511 Cannon House Office Building
United States House of Representatives
Washington, DC 20515

Dear Mr. Conaway:

Thank you for your letter dated May 14, 2008, concerning the relationship between two species: *Canis familiaris* and *Nyctereutes procyonoides.*

The domestic dog, *Canis familiaris,* is a member of the family Canidae, or dog-like carnivores. In addition to the domestic dog, the Canidae includes 35 other species commonly referred to as foxes, coyotes, dholes, jackals, wild dogs, wolves and the Raccoon dog, *Nyctereutes procyonoides.*

A recent study using modern molecular analytical methods explored the question of the relationships among dog-like carnivores (Barbelden et al. 2005, Molecular Phylogenetics and Evolution). That analysis found that the domestic dog, *Canis familiaris,* and Raccoon dog, *Nyctereutes procyonoides,* are both members of the Canidae; however, they are not closely related and definitely are not the same genus or species.

The study by Barbelden et al. concluded that the domestic dog, *Canis familiaris,* is most closely related to wolf-like canids. These include other members of the genus *Canis* (Gray wolf, Coyote, Side-striped jackal, Golden jackal, Black-backed jackal), along with the species of the genera *Cuon* (Dhole), *Lyacon* (African Wild dog). Those eight species in those three genera are, in turn, closely related to the South American canids (Maned wolf and Bush dog) and the five species of South American Foxes.

The exact relationships of the Raccoon dog, *Nyctereutes procyonoides,* are not resolved. Barbelden et al. proposed that the closest relatives of the Raccoon dog were the Arctic fox, Bat-eared fox, Corsac fox, Fennec fox, Gray fox, Kit fox, and Red fox. Other authors suggested that the Raccoon dog is closely related to the South American canids (Maned Wolf and Bush dog) or various species of foxes. None of those studies had the domestic dog, *Canis familiaris,* and the Raccoon dog, *Nyctereutes procyonoides,* as most closely related to each other.

If you require further information, please contact me, or your staff can contact Peter Pagano in the Office of Government Relations at 202-633-5125.

Sincerely,

v

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C A S E
& ASSOCIATES
Communications specialists in wildlife
and natural resource conservation

Asiatic Raccoon Fact Sheet
May 2008

A recent controversy has emerged regarding the taxonomy of the Asiatic Raccoon, *Nyctereutes procyonoides,* (also know as the Finn Raccoon, Raccoon Dog and Tanuki).

The Asiatic Raccoon has been purposely mis-identified by some groups as the same species as the domestic dog (*Canis lupus familiaris*) in order to eliminate its use in the international and domestic fur trade through restrictive legislation or regulation. However, there is no confusion within the scientific community; ***the Asiatic Raccoon and domestic dog are two distinct species.***

Both species belong to the *Canidae* family, along with more than 30 other recognized species[1] [2]. However, Asiatic Raccoons and domestic dogs are only distantly related[3] [4].

The *Canidae* family (also called canids) contains more than 30 species of dogs, wolves, foxes, coyotes, dingoes, jackals, African wild dogs, and two species of primitive canids[5]. The Asiatic Raccoon is one of the primitive species contained in the *Canidae* family. Evidence suggests that *Nyctereutes procyonoides* branched off of the *Canidae* family tree to form its own single-genus, single-species branch approximately seven to ten million years ago[6].

The domestic dog belongs to the "true dog" (*Canini)* branch of the *Canidae* family and is a direct descendent of the Gray Wolf (*Canis lupus lupus).* Some scientists classify the domestic dog as its own distinct species (*Canis familiaris),* while others classify it as a sub-species of the Gray Wolf, and classify it as *Canis lupus familiaris*[7]. Wolves and domestic dogs can readily inter-breed, which lends strong support to the sub-species classification.

Genetic evidence implies that the domestic dog branched from the Gray wolf line approximately 135,000 years ago[8]. However, morphological distinctions between the two species (or sub-species) did not appear until 10,000 to 15,000 years ago. These morphological distinctions came about concurrent with the development of a more sedentary human agricultural society that may have imposed the beginnings of new selective breeding regimes on dogs[9].

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In any case, the evolutionary relationship between these two distinct species, the Asiatic Raccoon (*Nyctereutes procyonoides)* and domestic dog (*Canis lupus familiaris)*, is distant at best[10] [11].

Taxonomic Classification:

Asiatic raccoon: Order: *Carnivora*, Family *Canidae*, Genus: *Nyctereutes*, Species: *Nyctereutes procyonoides.*
Six recognized subspecies[12]: *N. p. procyonoides* (China and northern Indochina), *N. p. albus* (northern Japan), *N. p. koreensis* (Korean peninsula), *N. p. orestes* (south-west China), *N. p. ussuriensis* (southern Russia, eastern China; introduced into western Russia, Baltic region and Europe), *N. p. viverrinus* (southern Japan).

Domestic dog: Order: *Carnivora*, Family *Canidae*, Genus: *Canis*, Species: *Canis lupus*, Subspecies: *Canis lupus familiaris.*
More than 150 recognized breeds.

Common Name(s):

The scientific community has adopted a "binomial nomenclature" system that allows people throughout the world to communicate unambiguously about a specific species. Inherently, common names cause confusion and are often misused or confused. For example, in North America, most people believe the "buffalo" once roamed the Great Plains. However, this is scientifically incorrect. In North America, there are *Bison*; true buffaloes belong to the genus *Bubalus*, which are generally found India, Southeast Asia and Africa – not North America.

The Asiatic Racoon has at least 24 different common names that are used throughout its range depending on the country and language[13]. In English, it is commonly referred to as either the Asiatic Racoon or Racoon Dog. The name Raccoon Dog appears to be used more frequently. However, in the US fur trade, it is required by Federal Trade Commission regulations to be labelled as Asiatic Racoon[14]. This Fact Sheet uses the term Asiatic Racoon whenever possible because of the Federal Trade Commission's regulations. Generally, when other terms are used it is because the original author used them in their text.

Unfortunately, Asiatic Raccoon fur is sometimes mis-labelled. This mis-labelling is most often as "raccoon," especially when it is imported from China or other non-English speaking countries. Whenever mis-labelling occurs, it is generally believed to be a result from confusion caused by the use of common names and language difficulties rather than confusion about the product. The fur industry has a long-standing, on-going educational effort underway to improve the labelling of all fur products[15].

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The "raccoon" portion of the common name "Asiatic Raccoon" is derived from a similar, dark facial-mask that both the Asiatic Raccoon and the North American Raccoon (*Procyon lotor*[16]) possess. However, these two species are not related.

Additional Differences:

There are numerous additional genetic, phenotypic and behavioral differences between Asiatic Raccoons and domestic dogs. These are summarized in the chart below, as well as discussed in greater detail later in this fact sheet. References are provided in the text.

Additional differences between Asiatic Raccoons and Domestic Dogs

Trait	Asiatic Raccoon	Domestic Dog
Chromosomes	Subspecies have different chromosome numbers: one has 54 and the other 38. Both have additional supernumary chromosomes.	Generally have 78 chromosomes.
Teeth	Dentition contains 42 teeth in adults. Mandible is more robust and molars are more flattened to grind vegetative matter; carnassial teeth are weaker.	Dentition contains 42 teeth in adults. Generally, carnassial teeth are robust to slice, tear and masticate flesh.
Reproduction	Generally considered a prolific canid. Average litter size is 5 to 7 pups. Up 19 pups have been reported.	Liter sizes highly variable depending on breed.
Anatomical conformation	Round plump body-type with short legs.	Highly variable depending on breed.
Fur	Generally yellow-brown with dark facial mask. Uniformly thick under fur in winter.	Highly variable depending on breed. Often lacks distinguishable under fur.
Hibernates	Is the only canid that hibernates. May become active during winter thaws.	Remains active all winter. Does not hibernate.
Tree Climbing	Readily climbs trees. Gray fox is the only other canid that can climb trees.	Cannot climb trees.
Barking	Does not bark. Vocalizations are high-pitched whines and mews.	Readily barks during a variety of situations.

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Trait	Asiatic Raccoon	Domestic Dog
Tail wagging	Does not wag tail as submissive gesture or greeting.	Frequently wags tail as greeting, as submissive behavior, or on other occasions.
Diet	True omnivore, in many areas it is highly dependent on berry, grain and fruit crops.	Strongly carnivorous. Process foods may contain a variety of vegetable matter, but generally prefers meat products.
Gait	Described as "not a swift canid" and "clumsy."	Highly variable depending on breed. Often very swift runner.

Chromosomal Differences:

The more common mainland sub-species of Asiatic Raccoon, (*N. p. procyonoides, N. p. korensis, N. p. orestes, N. p. ussuriensis)* have 54 chromosomes (2n = 54 + Bs) while the Japan sub-species (*N. p. viverrinus* and *N. p. albus*) possesses 38 chromosomes (2n = 38 + Bs)[17 18]. This variation is likely due to the genetic isolation of the Japanese populations. The sub-species most common in captive breeding facilities are *N. p. ussuriensis* and *N. p. procyonoides.*

Domestic dogs have high number of diploid chromosomes (2n = 78)[19 20].

Teeth:

Generally, similar dentition is taxonomic trait for all members of the *Canidae* family. All adult canids have 42 teeth. However, the form and specific function of specific teeth can vary among different species. The teeth in Asiatic Raccoons are small in comparison with other canids, the carnassial blades are reduced in size and the molars are relative large[21 22]. These adaptations are likely the result of a more omnivorous diet[23 24] than other canids.

Adult domestic dogs have 42 teeth. However, their form and function are very similar to those of Grey Wolves and largely adapted to efficiently process a meat diet.

Reproduction:

Asiatic Racoons are monesterous, coming into breeding condition only during late winter or early spring[25]. Domestic dogs are diesterous, being able to breed year-round at approximate six-month intervals[26].

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The Asiatic Raccoon has an extremely high reproductive capacity compared to other canids of corresponding size[27]. The average litter size of similarly sized canids is four to six; while the average litter sizes of raccoon dogs studied in Finland were more than 8[28]. Other researchers reported litter sizes of five to seven in the raccoon dog[29]. However, productivity appears to be a function of severity of the winter and abundance of food supplies the preceding fall[30] [31].

Anatomical Conformation:

The Asiatic Raccoon is about the size of a small fox averaging 2.5 to 8.4 kg for all sub-species. Weights can vary considerably between late fall and spring, especially for lactating females. Captive breed animals tend to be larger than wild specimens of the same sub-species. Adults have a total length of approximately 560 mm, of which approximately 25% is their tail. Adults average about 380 mm at the shoulder[32]. In the fall, the animals are generally very fat and have thick fur, giving an expression of a round animal with short and thin legs. The black facial mask, small rounded ears and pointed muzzle are typical for the species. Hair is long on cheeks. The body color varies from yellow to gray or reddish. There are black hairs on the back and shoulders and also dorsally on the tail. Legs, feet and chest are dark. The thick under fur is gray or reddish[33]. The face of the Asiatic Raccoon resembles that of the North American raccoon: a black mask covers the eyes and extends beneath the muzzle, but that is the only physical similarity between these two, non-related species[34].

Generalizing about the physical appearance of the domestic dog is extremely difficult. Selective and non-selective breeding has resulted in more than 150 recognized breeds[35] and countless mixes that vary considerably in size, conformation, coat type and colour[36] [37].

Fur:

In cold climates, the Asiatic Raccoon develops a heavy thick winter coat of thick and soft under fur and long guard hairs[38]. The length of hairs in various parts of the body differs greatly. The hairs are three times as long on the back as on the belly. The average winter coat contains seven different hair length-zones. The length of the guard hairs varies from 95 to 107 mm. The thickness of the under fur averages 33-78 mm. The guard hairs are slightly wavy, oval in section in the granna (distal) section, and round in the main section. The pile hairs have a wavy shaft. The hairs in the skin grow in tufts and groups. The average hair group contains one guard hair, 2-3 pile hairs and 65-68 fur hairs. There are about 7200–8500 hairs per 1 cm^2 in December when the fur is fully grown and thickest. The thickness of guard hair is 116-156 μ[39].

The dimensions, shape, denseness and thickness of the hairs, as well as the quality of the fur can vary widely in domestic dogs because of the variety of breeds and mixes[41]. However, it is possible to make comparisons between the fur of Finn Raccoon and the fur of some individual dog breeds. For example, Rekila (2007) described the skin of the

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collie as being covered with coarse hairs, of which the longest are 35–70 mm long. The fine under-fur is present but a separate layer is not distinguishable. The intermediate fibres are 50–70 μm in diameter and have ellipsoidal cross-sectional outline. The guard hairs are ellipsoid in cross-section with a diameter of 80–140 μm[42].

Behavioural Differences:

Asiatic Raccoons are behaviourally unique among the canids in several ways. Probably the most important is that they are the only canid that stores fat in the fall and hibernates during colder portions of winter[43 44 45]. Hibernation allows them live in areas where the average mean temperature is a little above zero and the duration of snow cover is about 175 days[46]. Hibernation also prevents them from having to compete directly with other meso-carnivores like the red fox[47 48] during the winter when resources are scarce.

The Asiatic Raccoon is only one of two canids that can climb trees. They share this ability with the Gray Fox, *Urocyon cinereoargenteus.* Domestic dogs lack this ability. This ability is likely directly related to their omnivorous food habits, where fruits and berries are extremely important food items[49].

In addition, three other behavioural traits make the Asiatic Raccoon unique among canids. First, they regularly participate in social grooming. This trait is shared with only one other canid: the Bat-eared Fox, *Otocyon megalotis*[50 51]. Second, their vocalizations are limited to high-pitched whines and mewing sounds; they cannot bark[52 53]. And lastly, they do not engage in tail-wagging as a greeting or submissive posture[54].

Domestic dogs *do not* participate in social grooming, frequently engage in barking in response to a variety of stimuli and frequently engage in tail-wagging.

The gait of the Asiatic Raccoon, because of its short legs, is described as "not swift[55]" or "clumsy[56]." Depending on the breed, domestic dogs are generally regarded as agile and swift runners.

Diet:

Asiatic Raccoons are true omnivores and opportunistic feeders, often relying heavily on fruits, nuts, grains, berries, seeds and roots[57 58 59 60]. The importance of plant material in their diets is confirmed by the determination that the abundance of wild berries is a dominant factor in their abundance and productivity in parts of Finland[61]. This food source allows the Asiatic Raccoon to accumulate large fat reserves in the autumn and spend part of the winter dormant[62]. Accumulating this fat reserve also allows females to emerge from hibernation in the spring in good condition, which in turn, supports high reproductive success[63 64].

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Asiatic Raccoon also consume a variety of small mammals, carrion, eggs and occasionally birds[66] [67] [68]. Asiatic Raccoons also are skilled at capturing fish, amphibians, crabs and insects[69] [70].

Status in the Wild:

Wild population of Asiatic Raccoons are stable or increasing in all parts of their range[71]. They are considered as an introduced/invasive species in Belgium[72] and other areas where they have been introduced. Unfortunately, wild population estimations are not readily available. However, the population in portions of Siberia and Russian Far-east were estimated to be 110,000 – 130,000 and 18,000 respectively. The populations in both areas are considered to be stable[73].

The World Conservation Union's (IUCN) most recent Red List of Threatened Species (1996) lists the Asiatic Raccoon (all sub-species) as being "Lower Risk/Least Concern"[74] [75]. They are not listed on any CITES (Convention on International Trade in Endangered Fauna and Flora) Appendices because of their abundance both in the wild and in captive breeding facilities[76]. No special conservation measures have been developed[77].

Trade:

Products made from Asiatic Raccoon are important items in the international fur trade. Pelts are obtained from both wild harvested animals as well as captive-bred, ranch raised animals[78]. They were introduced into western Russia and Europe because of their desirability as a fur bearing animal[79].

Because no CITES permits are required, it is difficult to obtain reliable, verifiable statistics on the volume of trade. This is exacerbated by the complexity of the international fur trade, where a single pelt may be exported and imported many times through several different countries, as it processed and manufactured into different products.

Unofficial industry sources indicate that Finland, Russia and China have well established captive-bred operations for this species. Approximately 100 fur farms are in operation in Finland which produces approximately 160,000 pelts per year[80]. The number of fur farms in China is reportedly higher, but the information is unverified.

Fur farms operating in European Union countries are well regulated, and operate according to rigorous government standards for animal welfare[81]. Animal husbandry standards of care are in place in Russia and required cage sizes are reported to be higher than European standards[82]. The levels of care in China are reportedly highly variable, with larger operations operating at higher levels. The standards on family run, smaller fur farms generally lag behind. However, the Chinese Fur Commission asserts that a regulatory framework now exists to improve animal welfare standards[83] [84].

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Conclusion:

While the Asiatic Racoon is a member of the *Canidae* family, it is one of the more primitive members of the group. Genetically, it separated from the "true dog" evolutionary line between seven and ten million years ago. It is not considered to be part of the "true dog" group of species.

Its evolutionary line is a single Genus with a single species. It is only distantly related to any other species.

Behaviourally, the Asiatic Raccoon has numerous additional traits that separate it from domestic dogs. Chief among these are its ability to hibernate and climb trees. In addition, it frequently participates in social grooming and it cannot bark. It also does not wag its tail.

While it has physical (facial mask and well-furred body) and behavioural traits (climbing trees, hibernation and is skilled at catching fish) similar to the North American Raccoon, it is not related to that species.

In the final analysis, it is a failure of our language that has labelled *Nyctereutes procyonoides* as the "Asiatic Racoon" or "Racoon Dog." It is neither a raccoon nor a dog, but rather, a unique species within a unique genus and should not be confused with any other species.

End Notes:

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[14] 16CFR301.0 (GPO Title 16. Chapter 1. Part 301.0. pp. 222-224)

[15] See: www.iftf.com/iftf_5_3_2.php

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Statement on Asiatic Raccoon / Finn Raccoon

EFBA has asked us to make a scientific statement about differences between the Finn Raccoon (Asiatic Raccoon) and the domestic dog. Here is a list about differences found in scientific literature.

1. DNA differences

Taxonomy:
The Finn raccoon (Asiatic Raccoon *Nyctereutes procyonoides*) and the domestic dog (*Canis lupus familiaris*), which is evolved from the grey wolf (*Canis lupus*), belong to a family *Canidae*. However, the phylogenetic branch of the Finn raccoon is the most distinct on the dendrogram of the family *Canidae* (Stepniak, E. et al 2002). Therefore, the Finn raccoon belongs to a different phylogenetic lineage, the genus *Nyctereutes*, than the domestic dog, which belongs to the genus *Canis*. The North American raccoon (*Procyon lotor*) belongs to the family *Procyonidae*, which is a different phylogenetic lineage than the family *Canidae*.

Finn raccoon: Order: *Carnivora*, Family *Canidae*, Genus: *Nyctereutes*, Species: *Nyctereutes procyonoides*
Domestic dog: Order: *Carnivora*, Family *Canidae*, Genus: *Canis*, Species: *Canis lupus*, Subspecies: *Canis lupus familiaris*
North American Raccoon: Order: *Carnivora*, Family *Procyonidae*, Subfamily: *Procyoninae*, Genus: *Procyon*, Species: *Procyon lotor*.

Chromosomes:
N. p. procyonoides has 2n=54 + Bs, including five pairs of biarmed and 21 pairs of acrocentric autosomes, and 1-3 medium-sized B chromosomes (Ward & Wurster-Hill 1990). Domestic dog, on the contrary, has high diploid number of chromosomes (2*n*=78) and the similar morphology of autosomes, all of which are acrocentrics (Świtoński et. al. 1996).

2. Behavioural differences

Finn Raccoons live and hunt in pairs or in small family groups. They have omnivorous and opportunistic feeding habits. Copulatory behaviour of the Finn Raccoon differs slightly from that of most canids: male and female do not achieve the typical back-to-back canid tie. Finn Raccoons frequently engage in social grooming, which most of the other canids don't do. They don't bark, and there is no tail-wigging of submissives, which is typical for other canid species. The Finn Raccoon is the only canid species that hibernates (Ward & Wurster-Hill 1990). They are primarily nocturnal, but there is also regular diurnal and crepuscular activity. Finn raccoon relies on its sense of smell while hunting and foraging because it has relatively poor vision for a member of the family *Canidae* (Ward & Wurster-Hill 1990). They usually breed from February to April, peaking in March (Kauhala 1992).

Feral dogs live in packs (Daniels & Bekoff 1989). The evolution of the dog as a pack-hunting predator with competitive feeding behaviour is seen today as a preference of many domestic dogs for large infrequent meals (Bradshaw 2006). The reproductive physiology of the domestic dog is distinct from other common species, as the dog generally is non-seasonal and monoestrous, ovulating only once or twice a year at a 5–12-month interval (Concannon et al. 1989).

3. Anatomical differences

The Finn Raccoon has a small head with a short and sharply pointed muzzle, and short, rounded ears. Legs are short, and pelvis and femur proportions favour slow leg movements, so the Finn Raccoon is a slow mover compared to other canids. Overall the body is stocky and relatively elongated. Other canids, such as the grey wolf, have lighter skeletons and cursorial body form. The furry tail is short, less than 33% of the body length (Ward & Wurster-Hill 1990). Height ranges from 38.1–50.8 cm. Length from head to rump is 50–68 cm with a tail length of 13–25 cm. Body weight ranges from 4–6 kg in the summer to 6–10 kg in the winter before hibernation. (Sheldon 1992). The Finn Raccoon kept for fur production is somewhat larger than its wild conspecifics: body weight ranges from 6–8 kg in the summer to over 10 kg in the winter.

The face of the Finn Raccoon resembles that of the North American raccoon: a black mask covers the eyes and extendes beneath the muzzle, but that is the only similarity between these two species. The colour of the Finn Raccoon is very distinct from other canid species. A black marking runs across both shoulders and down the back, forming the shape of a cross. Body color is dusky brown to yellow-brown dorsally but varies greatly. Long guard hairs, found throughout the dorsal side, are tipped black. On the belly, the fur is lighter brown or tan. Limbs and chest are blackish-brown. The Finn Raccoon have thick, bushy tails that are black dorsally and light-yellow ventrally with a black tip (Sheldon 1992, Ward & Wurster-Hill 1990). There are a few colour mutants of the farmed Finn Raccoon, such as Motley and White (Nes et al 1988).

It is difficult to generalize about the physical appearance of the domestic dog, as the breeding of several hundred dog breeds has resulted in a considerable variation in size, coat type and color, as well as overall morphology. In general individual domestic dog breeds show uniformity with respect to behavior and morphology, although there is a large genetic diversity in the domestic dog (Vilà et. al. 1997). The domestic dog is morphologically distinct from many of the canid species (Wayne 1986).

4. Fur

The fur of the Finn Raccoon is thick: in cold climates, a heavy thick winter coat of thick and soft under fur and long guard hairs developes (Ward & Wurster-Hill 1990). The length of hairs in various parts of the body differs greatly. The hairs are three times as long on the back as on the belly, and pile and fur hair include seven different length zones. Length of the guard hairs varies from 95 to 107 mm. The thickness of the under fur is 33-78 mm in average. The guard hairs are slightly wavy, oval in section in the granna section, and round in the main section. The pile hairs have a wavy shaft. The hairs in the skin grow in tufts and groups. The average hair group contains one guard hair, 2-3 pile hairs and 65-68 fur hairs. There are about 7200–8500 hairs per 1 cm^2 in December when the fur is fully grown and thickest. The thickness of guard hair is 116-156 µ. (Sokolov 1982).

There are so many breeds of dogs that it is difficult to generalize the characteristics of the fur of domestic dog in general. The dimensions and shape of the hairs and the denseness and thickness as well as the quality of the fur can vary widely. The length of the guard hairs is up to 100 mm, dependent on breed (Teerink 1991). However, it is possible to make comparisons between the fur of Finn Raccoon and the fur of some individual dog breeds. We take as an example the fur of the collie. The skin of the collie is covered with coarse hairs, of which longest are 35–70 mm long. The fine under-fur fibers are present but a separate layer is not distinguishable. The intermediate fibres are 50–70 µm in diameter and have ellipsoidal cross-sectional outline. The guard hairs are ellipsoid in cross-section with a diameter of 80–140 µm (Blažej et. al. 1989). Canine hairs lie in contiguous groups, each with principal guard hair and several associated under hairs. (Lovell & Getty 1957).

5. Conclusions

It is clear that the Finn Raccoon (Asiatic Raccoon) and the domestic dog are different species; they have different chromosomal number and they don't interbreed. The Finn Raccoon belongs to separate genus than the domestic dog, and as the phylogenetic lineage of the Finn Raccoon is distinct compared to the one of the domestic dog, there is behavioural and anatomical differences between the species. The colour of the wild type Finn Raccoon doesn't resemble the colour of any domestic dog breed, and the conformation with heavy body and short legs and tail is very specific to the Finn Raccoon. There are also some behavioural traits differing between the species: the Finn Raccoon is the only canid species that hibernates, and it is more omnivorous species than the domestic dog, for instance. Therefore these two species should not be mistaken with each other.

The domestic dog is so variable in size, anatomy, colour and fur thickness that it is difficult to point any specific anatomical character that would be possessed only by the Finn Raccoon, except the colour of the wild type Finn Raccoon. However, there is no dog breed of the same size that would resemble to the Finn Raccoon in all the phenotypic traits.

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ATT.

I AM HAVING A PROBLEM WITH FINNRACCOONS. NUMEROUS STORES ARE NOT WILLING TOO USE THE ITEM AS IT HAS BEEN COMPARED TO DOG + THAT THE SCIENTIFIC NAME IS THE SAME AS CHINESE RACCOON. I PURCHASED SOME IN THE LAST SALE FOR STOCK + SOME FOR A CUSTOMER. THE CUSTOMER NOW RECEIVED A CANCELLATION. WOULD IT BE POSSIBLE TOO PUT SOME LOTS BACK IN SALE (JUNE) + MAYBE FFS CAN WAVE A SELLING CHARGE.

PLEASE ADVISE
+ THANKS