

FTC 16 CFR Part 423
Public Comment
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First, it is my opinion that any and all GINETEX comments should be disallowed for consideration by FTC in its rule making process on 16 CFR Part 423 as GINETEX has copyright protection for the five basic care symbols in ISO 3758 and therefore, their interest in promoting ISO 3758 over ASTM D5489 is biased. GINETEX's perspective is likely in their own business interests and not the interest of brands and retailers that are importers of the majority of apparel, accessories, and home products into the U.S. and exporters to other countries.

The following comments are based on my active participation in U.S. and ISO textile standards activity for many years: 43 with AATCC, 17 with ASTM International, and as an ANSI delegate to ISO TC 38 on Textiles from 1989 -2011. I still participate in all three standards organizations, specifically, AATCC laundering & colorfastness test methods committees, ASTM D13.62 Care Labeling Sub-committee, and ISO TC38 SC 2 under which ISO 3758 is housed.

Hugh efforts by U.S. experts were expended from 1990 to 2005 to get care symbols from the U.S., EU and Asian countries harmonized into an international standard that would help brands and retailers comply with regional regulations for care labeling and prevent barriers to global trade. ISO 3758:2005 accomplished that goal. However, since 2005 EU and Asian countries pushed to include natural drying care symbols different than those in 16 CFR Part 423 and ASTM 5489:2005 and 2007. In the most recent publication of ISO 3758:2012, the natural drying symbols like those in 16 CFR Part 413 and ASTM D5489 2005 and 2007 were replaced with the new natural drying symbols over U.S. objections that ISO 3758 would then not be globally harmonized. The FTC/ASTM natural drying symbols were put into an annex (information-only section) of ISO 3758. If FTC approves the use of either the ASTM or ISO care symbols, those brands importing/exporting into U.S., Canada, EU or Asian countries will need to use both sets of symbols with words as the new natural drying symbols will not be familiar to North American consumers. It is not known whether the new natural drying symbols will be understood by consumers in the EU and Asian countries. For importers and exporters of textile goods, the burden (cost) of educating consumers about the new natural drying symbols, if used on a label, will be on brands and retailers if only ISO care symbols are chosen for use on a label. Further, it should be noted that the new natural drying symbols do not have standard test procedures to confirm their use on a label.

Other commenters have suggested that FTC not use the year of publication of ISO and ASTM care symbol standards in the regulation to prevent Part 423 from the potential of being outdated. The FTC's response has been that by not using dates of publication, the FTC would then allow ASTM or ISO to have the rule-making authority for what care symbols can be used. While I understand the need for federal regulations to have substance, the use or misuse of care symbols is not a life-threatening matter but one of compliance. Therefore, I would challenge the rule-makers and their attorneys to find suitable wording that would allow Part 423 to not be tied to a

specific standard's publication date as a matter of keeping things simple. It would be a great advance if practicality and simplicity could outweigh legalism in this instance.