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November 16, 2012

Secretary Donald S. Clark
Federal Trade Commission
Office of the Secretary
Room H-113 (Annex B)
600 Pennsylvania Avenue NW
Washington, DC 20580.

RE: Notice of Proposed Rulemaking – Care Labeling Rule, 16 CFR Part 423, Project No. R511915 (77 FR 183, p. 58338 – 58352; September 20, 2012)

Dear Secretary Clark,

On behalf of the American Apparel & Footwear Association (AAFA), I am submitting the following comments in response to the notice of proposed rulemaking by the Federal Trade Commission (FTC) to amend its trade regulation rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods as Amended.

AAFA is the national trade association representing apparel, footwear, and other sewn products companies, and their suppliers, which compete in the global market. Our membership consists of 380 American companies which represent one of the largest consumer segments in the United States. The apparel and footwear industry overall represents \$360 billion in annual domestic sales and sustains more than four million American jobs.

Thank you for this opportunity to submit comments. AAFA's mission is to promote and enhance our members' competitiveness, productivity and profitability in the global market by minimizing regulatory, legal, commercial, political, and trade restraints. Although we do acknowledge the many benefits provided by the use of labels, mainly related to communication between brands and consumers, the regulations surrounding labeling requirements in the United States and worldwide have served as trade restraints for a variety of reasons and complying with the regulations continues to be a daunting task for AAFA members.

We were pleased to see the FTC's proposed changes to the current rule as it carries the potential to lessen this burden, and want to thank the FTC for addressing AAFA's specific point of view within the Federal Register Notice on September 20. The comments below address the positive impact of the proposed revisions as well as additional changes which should be considered.

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First, as AAFA discussed in previous comments submitted in response to the advanced notice of proposed rulemaking (76 FR 134, July 13, 2011), please allow me to outline the benefits AAFA members garner from the Care Labeling Rule in general. The use of care labels on apparel sold in the United States is beneficial to consumers, manufacturers, and business in general as it allows for the necessary flow of information along the commodity chain. Using care labels garners the instant benefit of instructing, not only professional cleaners but all those who will care for an item, on the best way to maintain the appearance and performance of the item over time. In addition, care labels have numerous added benefits such as helping the environment. For example, care labels which instruct users to wash in cold water and line dry when possible save energy; cleaning a garment properly may maintain the quality for a longer period of time and reduce waste; and, in some cases, a care label may instruct users to donate or recycle an item after it is no longer needed.

Care Labels may also help consumers decide which products to purchase based on the care method required. Some individuals prefer the convenience of dry cleaning, others the economy of machine washing. At the same time, care labels assure that consumers know how to safely clean their clothes so they retain their appearance and performance over time, maintaining not only the quality of the garment, but the reputation of the brand as well.

In regards to the FTC's proposal to amend the Care Labeling Rule in four ways, AAFA has the following comments:

A) Professional Wetcleaning

Although AAFA does not pose to be an expert in the field of professional cleaning services, we agree the time has come to amend the Care Labeling Rule to allow for updated processes such as wetcleaning. As professional cleaning companies attempt to evolve alongside a consumer base increasingly concerned with efficiency and possible environmental outcomes of processes, new processes have been created. It is the obligation of U.S. Government Agencies to allow for this growth when it is beneficial to all parties involved. The inclusion of professional wetcleaning as an option for care labels does just this and is a welcome move from the FTC.

Although the FTC was previously concerned with the absence of a suitable definition and test methods for the process of professional wetcleaning, the International Organization for Standardization (ISO), in 2003, developed standards ISO 3175-4:2003, "Textiles – Professional care, drycleaning and wetcleaning of fabrics and garments – Part 4: Procedure for testing performance when cleaning and finishing using simulated wetcleaning." This standard addresses both concerns previously raised by the FTC.

As mentioned above, the U.S. apparel and footwear industry directly employs four million American jobs, or just over 3 percent of the entire U.S. workforce. These important jobs include industry executives, textile mill workers, logistics specialists, compliance managers, sourcing managers, wholesalers, retail floor associates, technical designers, and marketing professionals. This number does not include the indirect jobs such as the 235,000 professional garment cleaning jobs required to maintain and protect the industry's quality product, but we believe these jobs are just as important and could be directly affected by these regulations. AAFA continues to work on efforts to protect these jobs and our industry and appreciates the strides made by the FTC to do the same.

B. Use of Care Symbols

Using symbols rather than text allows for important information to be easily understandable in any language, and helps satisfy consumer demands asking the apparel industry to decrease the size of care labels. AAFA members source products in over 70 countries and distribute them around the globe. These products are rarely destined for distribution in only one country and, instead, must meet the minimum legal requirements for global trade, such as country of origin marking, size markings and sometimes material content. For this reason, it is of the utmost importance that the information placed on care labels be accessible for consumers in any market. When care label requirements are limited specifically by region, it serves as a barrier for trade and costs both manufacturers and consumers money. A harmonization of the use of symbols rather than text would eliminate the problems which arise from the need for various languages on labels.

However, as raised in our previous comments, permitting the use of American Society for Testing and Materials (ASTM) symbols only in the United States creates similar barriers for global products. While AAFA supports ASTM in its efforts to make symbols easily understandable in US markets, AAFA encouraged the FTC to recognize other systems of symbols as well, provided they meet the requirements of the underlying care labeling rules. Differences among various symbol systems, such as those created by ASTM and ISO continue to be confusing for manufacturers, professional cleaners, and consumers, and limit the opportunity for trade growth within the industry.

In Lieu of a harmonized standard, AAFA asked the FTC to provide the option for manufacturers to be allowed to use either ASTM or ISO symbols in the United States to alleviate some of the burden and cost to businesses and increase the accessibility of global trade. It is great to see this recommendation was accepted and incorporated into the proposed revisions to the Care Labeling Rule. However, the text of the proposed revisions indicated U.S. companies will be allowed to use standards ASTM D5489-07 or ISO 3758:2005(E) to ensure the symbols will be consistent with the latest industry standards. As ISO updated their standard 3758 for care symbols earlier this year, the 2005 standard is now out of date and the use of this standard would not be consistent with the latest industry standards, but continue to put U.S. companies at a disadvantage in the global marketplace.

AAFA proposes the FTC amend the proposed change to allow for the use of symbols in accordance with the most recent ASTM or ISO standards for the industry in lieu of outlining a particular standard. By doing this, the Care Labeling Rule will always be up-to-date with the latest industry standard without the need for continued revision as it is likely the industry will continue to evolve its standards as time progresses. In the very least, we ask you to replace the ISO standard currently stated in the text of the proposed revisions with “ISO 3758:2012, Textiles – Care labeling code using symbols,” so that the Rule is at least current when the new revisions are implemented.

Additionally, in this section, the FTC proposed requiring manufacturers using ISO symbols to disclose they are using ISO symbols. We ask that the FTC please clarify how this disclosure is suggested to be done. Although the end goal is to avoid deceiving or even confusing consumers, this extra requirement could potentially lead to more confusion for consumers.

C) Clarification of Reasonable Basis Requirements

As noted above, when a garment is properly cared for, it extends the life and quality of the garment and allows for consumers themselves to be the best possible advertisement of a manufacturer's work. For this reason, manufacturers are usually very diligent in assuring they have a reasonable basis and evidence for supporting the care instructions they list on their labels. AAFA appreciates the FTC's willingness to clarify the requirements for what consists of reasonable basis to the extent that no additional regulations or requirements are placed on the manufacturer or importer.

D) Revised Definition of Dryclean

In a similar context to our notes on professional wetcleaning and the clarification of reasonable basis above, we applaud the FTC for making adjustments to keep up-to-date with a constantly evolving industry and urge continued adjustments that do not place additional burdens on manufacturers or importers. We welcome the FTC's attempt to modernize the definition of wetcleaning and allow for the inclusion of additional solvents.

Overall, AAFA hopes to establish rules for care labeling and for all apparel and footwear related marketing claims that provide valuable information to consumers while allowing for flexibility and growth within the industry. I hope that we may be able to continue to work with the U.S. Government and specifically the FTC on these shared goals.

Thank you for your time and consideration in this matter. Please do not hesitate to contact AAFA if we can be of any help to you. Please feel free to contact me or Marie D'Avignon of my staff at [703-797-9038](tel:703-797-9038) or by e-mail at mdavignon@wewear.org if you have any questions or would like additional information.

Sincerely,



Kevin M. Burke
President & CEO
American Apparel & Footwear Association