

Dear Sirs:

I am writing to comment on the proposed orders toward and complaint against companies marketing goods as made of “bamboo fabric,” as issued on August 7, 2009. I have read the press release on this matter as well as the complaints against these companies (hereafter “the Complaint”) and am familiar with the “eco-textile” marketplace. I believe my remarks may be of value to the Federal Trade Commission (hereafter “the Commission” or “the FTC”) in making a decision as to the finality of the orders now proposed. I wish to point out that there seem to be conflicting reports surrounding the supposed basis of some of the charges made and also to suggest possible immediate steps to bring more clarity and confidence into this growing marketplace.

The Commission charges, and announces in the document “Have You Been Bamboozled by Bamboo Fabrics,” (hereafter “Bamboozled”) that the regenerated cellulose products we generally know as “bamboo fiber” or “bamboo fabric” (hereafter “bamboo fiber” and “bamboo fabric”) are strictly and simply rayon. It’s obvious that there is a material difference between fibers and subsequent fabrics made with whole fibers taken from the bamboo stalk, and fibers and subsequent fabrics made with regenerated cellulose which has been derived from the pulp of a bamboo plant. As is mentioned in the Complaint, this distinction is made on the respondent’s website. I suggest that the labelling of their garments as made from ‘bamboo fabrics,’ is not “bamboozlement” but rather using one word, “bamboo,” where another word or reasonably manageable phrase for “fiber made using a unique, patented, carefully controlled, ISO certified process with bamboo cellulose as the raw material” was unavailable. This was the convention in the marketplace. A solution might be to define a generic term for the patented process by which the major ‘bamboo fiber’ manufacturers make their product, since the manufacturers claim that it varies from the rayon process as we are commonly familiar with it. An investigation into the uniqueness of the process seems to be in order. Short of that, using the brand name of the individual fiber manufacturer in addition to the generic “viscose” (ex: Tanboocel® viscose) is apparently allowable under existing labelling law; I’m surprised it was not suggested to ‘bamboo fabric’ and goods companies that they make use of this existing rule before bringing charges against them and releasing the sensational “Bamboozled” alert. As far as the stipulation that items sold as “viscose from bamboo” or variations thereof must be substantiated as actually made from bamboo as the raw material, your orders aren’t entirely clear as to exactly what qualifies as substantiation. I hope that no more would be expected of a company purchasing goods made of ‘bamboo fabric’ than “organic cotton” i.e., a retailer wouldn’t be expected to physically follow every batch of t-shirts from field to shelves. Some guidance and elaboration in that area seems in order.

“Bamboozled” states that ‘bamboo fabric’ is rayon, which is “made using toxic chemicals in a process that releases pollutants into the air.” The proposed orders require companies making environmental claims substantiate those claims with evidence. There are statements from bamboo fiber manufacturers as to their practices, standards and impact, and Bambrotex even offers tours of the facility. It seems the best way to gain solid ground for charges about discharged pollutants might be for representatives from the

Commission to take them up on that. Short of travelling to China, please consider that most 'bamboo fibers' for fabric that I'm aware of in the marketplace have been made by companies with processes that are certified up to Oeko-Tex Standard 100, and ISO 14001:2004, and while the manufacturers don't claim that their processes are entirely impact-free, with "green" being so subjective it seems reasonable for companies to use these certifications as selling points.

The Commission further charges, and announces: "even if the rayon is manufactured using bamboo as the cellulose source, rayon does not retain any natural antimicrobial properties of the bamboo plant." In "Bamboozled" it is stated that "there's no evidence" to support the claim that what we have been calling "bamboo fabric" has anti-microbial properties. Neither the Complaint nor the Alert cite a source to support this surprising claim. There are several available sources indicating that bacteria or fungus are suppressed by the presence of the 'bamboo fabric.' Fiber manufacturer Bambrotex states that they have SGS testing certificates verifying the anti-microbial properties of their fibers. I personally have a copy of the certificate issued by SGS supporting this claim, and the Commission has seen similar documents provided by respondents. I am also aware that there exist test results showing no or insufficient anti-microbial property. I suggest several transparent and impartial parties should test samples from each of the available brands of regenerated bamboo cellulose for anti-microbial properties. Once results from several sources on all available brands have been competently analysed, then claims can be made accordingly. I agree that it is inappropriate to base unqualified statements, be they advertising claims or legal charges, on insufficient or conflicting evidence.

The Commission charges that claims that bamboo fabric is biodegradable are false because "Approximately ninety-one percent of total municipal solid waste in the United States is disposed of in either landfills, incinerators, or recycling facilities. These disposal methods do not present conditions that would allow for Respondents' textile fiber products to completely break down and return to nature... within a reasonably short period of time." I'm sure you agree that by this definition, very little or nothing at all should be labelled "biodegradable" and perhaps it's time to rethink the FTC's definition of the word to more closely match that of most consumers. Alternatively, perhaps the Commission could suggest whether "compostable" would apply.

In conclusion, I suggest that there are steps that can be taken and information that can be found that will ensure a more honest and fair marketplace for consumers concerned about the environmental impact of their textile choices, and these should be addressed before the proposed orders are made final. While the environmental friendliness of a process or product will always be somewhat subjective, it seems clear that intuitive language, clear protocol and publicly accessible certifications--applicable to the whole end product or all parts of the product and the processes involved in their production--would help retailers to more clearly present the advantages of their products to consumers. Contrary to the Commission's statements, there is apparently some evidence to support the idea that bamboo fabric is anti-microbial. Before finalizing the proposed orders, it seems appropriate that thorough testing of each brand of fiber from regenerated cellulose from

bamboo be undertaken and the results analysed and published. In fact, it may have been more appropriate to do so before making the charges or publishing the alert in the first place. Finally, labelling the fiber in question as simply “bamboo” may be false by the FTC’s definition and is ambiguous given the multiple processes by which to get bamboo plants into a form usable in textiles, but it was not intended to be “deceptive” as is being charged; information as to the regenerated nature of the fibers in bamboo fabric was widely available to consumers and the initial fiber product is sold as simply “bamboo fiber” which affected the language used throughout the whole supply chain from yarn through finished goods. A more precise generic term would be welcome, such as to allow for differentiation between conventional rayon and the patented processes of the fiber manufacturers. I suggest that it is important to consider that the use of the word or variations of the word “bamboo” is appropriate in describing or naming a textile or textile product made with ‘bamboo fibers’ because the raw material from which the cellulose is derived can be an important defining feature of a product in any case. Please consider taking steps to bring clarity and trust into the increasingly environmentally conscious marketplace of textiles by helping businesses find the truth in their supplier’s claims with testing and certification and providing language and standards applicable to the as yet nameless processes used by Hebei Jigao and other suppliers instead of or before finalizing the proposed orders.

Thank You.