



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Enforcement
Bureau of Consumer Protection

January 29, 2001

Larry Ordet, Esq.
Sandler, Travis & Rosenberg, P.A.
Attorneys at Law
The Waterford
5200 Blue Lagoon Drive
Miami, Florida 33126-2022

Dear Mr. Ordet:

This is in reply to your letter requesting confirmation regarding the proper marking of certain pillow and mattress covers that are imported and distributed by your client. We understand that the mattress covers are the separate, detachable, and washable variety, and not part of the actual mattress. You state that the covers are assembled in El Salvador from fabric formed and cut in the United States. Your letter reviews applicable laws administered by the U.S. Customs Service and the Federal Trade Commission regarding country-of-origin disclosure for textile fiber products. Commission staff in the Division of Enforcement discussed the matter with staff of the Customs Service and confirmed that Customs does not require foreign origin disclosure under the specific scenario that you describe.

As you know, the Federal Trade Commission administers the Rules and Regulations Under the Textile Fiber Products Identification Act. Rule 33(a)(4), 16 C.F.R. § 303.33(a)(4), states, in part, that

(4) Each textile fiber product partially manufactured in a foreign country and partially manufactured in the United States shall contain on a label the following information:
(i) The manufacturing process in the foreign country and in the USA; for example:

The regulations then set forth several examples. Various truthful disclosures not contained in the list of examples may be nonetheless appropriate, depending on the circumstances. With respect to the specific scenario set forth in your letter, Commission staff does not object to the disclosure that you propose, namely: "Product of US, Further Processed In El Salvador." As an alternative, the label might state "Fabric made in USA. Sewn abroad."

In accordance with Section 1.3(c) of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.3(c), this is a staff opinion only and has not been reviewed or approved by the

Commission or by any individual Commissioner, and is given without prejudice to the right of the Commission later to rescind the advice and, where appropriate, to commence an enforcement action.

In accordance with Section 1.4 of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.4, your request for advice, along with this response, will be placed on the public record.

I hope this information has been helpful.

Sincerely,

A handwritten signature in black ink that reads "Steve Ecklund". The signature is written in a cursive style with a large, looped initial "S".

Steve Ecklund
Federal Trade Investigator

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Mr. Stephen Ecklund, Senior Investigator
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Bureau of Consumer Protection
Federal Trade Commission
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FL

JAN 12 2001

FTC LABELING OF PILLOW AND MATTRESS COVERS ASSEMBLED IN EL SALVADOR FROM FABRIC FORMED AND CUT IN THE U.S.

Dear Mr. Ecklund:

On behalf of our client, American Textile Co., we hereby request a letter confirming the proper marking of certain pillow and mattress covers the Company imports into the United States. The covers in question are assembled in El Salvador from fabric formed and cut in the U.S.

Under Customs' rules of origin (19 CFR 102.21(e)), the country of origin for products of heading 6302 (bed linen) is the country "in which the fabric comprising the good was formed by a fabric-making process." Thus, the Company's covers are considered products of the U.S.

Prior to Customs' Federal Register notice of July 11, 2000 (65 FR 42634), although the fabric was formed in the U.S., the Company's products were considered

SANDLER, TRAVIS & ROSENBERG, P. A.

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products of El Salvador because 19 CFR 12.130(c)(1) precluded a finding of U.S. origin where the product was advanced in value abroad. However, by this notice, Customs removed Section 12.130(c)(1) from the origin determination. Because the covers are considered products of the U.S., they are not subject to origin marking under Customs' regulations.

Pursuant to FTC's recent Federal Register notice dated December 1, 2000 (65 FR 75154, 75155), "[p]roducts partially manufactured in a foreign country and partially manufactured in the U.S. should be labeled to show the manufacturing process in both the foreign country and the U.S." An example provided in the notice relating to a product manufactured abroad using U.S. fabric indicates that the label can read "Made in [Foreign Country]/fabric made in USA" or "Made in [Foreign Country] of US fabric." However, this marking would be inappropriate in this instance where the origin of the product for Customs' purposes is not the country of assembly, but the country where the fabric formation process occurred. Similarly, none of the remaining examples listed in the notice apply to the situation at hand.

We submit that the following marking (or a marking that is substantially similar) is appropriate under FTC regulations:

"Product of US, Further Processed In El Salvador"

Please confirm that the above marking(s) can be used on covers processed by American Textile Company in the manner described above.

If you have any further questions, please do not hesitate to contact the undersigned.

Sincerely yours,

SANDLER, TRAVIS & ROSENBERG, P.A.

By: _____

Larry Ordet

cc: John Angelini, American Textile Company

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