

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Jon Leibowitz, Chairman**
 Pamela Jones Harbour
 William E. Kovacic
 J. Thomas Rosch

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)	
<i>In the Matter of</i>)	DOCKET NO. _____
)	
)	
SAMI DESIGNS, LLC, also doing)	
business as JONÄNO, a limited liability)	
company, and)	
)	
BONNIE SIEFERS,)	
individually and as owner of the)	
limited liability company)	
)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Sami Designs, LLC, also doing business as Jonäno (“Jonäno”), a limited liability company, and Bonnie Siefers, individually and as owner of the limited liability company (“Respondents”), have violated the provisions of the Federal Trade Commission Act, 15 U.S.C. § 41, *et seq.*, the Textile Fiber Products Identification Act, 15 U.S.C. § 70, *et seq.*, and the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Sami Designs, LLC, also d/b/a Jonäno (“Jonäno”), is a Pennsylvania limited liability company. Its principal office or place of business is 2582 Wexford Run Road, Wexford, Pennsylvania 15090.
2. Respondent Bonnie Siefers is an owner of Jonäno. Individually or in concert with others, she formulates, directs, or controls the policies, acts, or practices of the limited liability company, including the acts or practices alleged in this complaint. Her principal office or place of business is the same as that of Jonäno.
3. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

4. Respondents manufacture, advertise, market, promote, offer to sell, sell, and distribute textile fiber products, including a line of “ecoKashmere” products, throughout the United States, using both Jonäno’s own website, www.jonano.com, and other retailers.
5. Respondents price the textile fiber products that they manufacture, market, promote, distribute, and sell at a premium compared to other, similar products in the marketplace.
6. In advertisements to induce consumers to purchase their textile fiber products, Respondents make or have made various claims, on their website and elsewhere, concerning the fiber content and anti-microbial characteristics of their textile fiber products, as well as the environmentally friendly manufacturing processes used to make their products, including, but not limited to, the following:

A. **Jonäno Website (www.jonano.com)**

1. **Get Natural**

Nurture yourself in soft sustainable style with our bamboo ecoKashmere, eColorgrown organic cotton and crisp hemp linen.

* * * *

Comfort with Benefit™ - Organic Cotton, Natural Fibers and Bamboo Apparel

* * * *

EcoKashmere: Soft, Knit Bamboo Fiber

(Homepage, Exhibit A at 1-2).

2. **BAMBOO CLOTHING**

Bamboo is a natural, renewable resource that can be made into easy-care fabrics. Made from the cellulose extracted from the bamboo plant, this elegant eco-fiber is manufactured using a non-toxic process which spins buttery-soft machine washable fabrics.

* * * *

Jonäno natural bamboo clothing provides a high level of comfort, plus natural antimicrobial protection designed to inhibit the growth of the bacteria and fungi that cause odor. The natural antimicrobial qualities of bamboo clothing help to protect you from perspiration, staining, and helps keep your clothes looking great longer. Best of all, bamboo clothing keeps its natural antimicrobial benefits even after repeated washing.

(“Natural Fibers” page, Exhibit A at 4).

3. **Eco-fashion**

ECO-CHIC

The term eco-chic is exclusive to fashionable and stylish clothing created using environmentally-friendly processes. Embracing the idea of making a positive impact on the future of the planet, Jonäno selects high quality organic and natural fabrics that utilize the earth’s resources in an Eco-friendly sustainable manner. Natural and **organic clothing** is created using as few chemicals and harmful impact on the environment as possible, promoting ecological responsibility.

(“Luxurious Eco-Fashion” page, Exhibit A at 5).

4. **EcoKashmere®**

Known for its buttery soft cashmere feel without the cashmere cost, the ecoKashmere® Collection by Jonäno offers transitional basics in our signature soft bamboo blends.

DETOX YOUR WARDROBE

The natural antibacterial properties of bamboo fabric come from an inherent quality of bamboo commonly called ‘bamboo kun.’ Bamboo cultivation does not require the use of pesticides, making it a natural choice for organic farming techniques. It is rarely attacked by pests or infected by pathogen. The same natural substance that protects bamboo growing in the field functions in ecoKashmere, killing germs that cause odor.

* * * *

Healthier for you and the environment, pesticide-free and chemical-free, ecoKashmere® bamboo clothes are the new earth’s cashmere.

(“EcoKashmere® Line” page, Exhibit A at 6).

5. **About Jonäno**

Reduced Footprint

When this much care has been taken to create a fiber that is truly natural, organic and sustainable, the manufacturing process must also be environmentally responsible. Jonäno® creates (sic) ecoKashmere® in Asia

in accordance with ISO 1400 environmental standards. It is made from organically grown bamboo and harvested close to vertically integrated manufacturers to lessen the transportation costs between fabrication facilities.

The bamboo is spun, and then dyed using closed systems mild alkali bath processes which has been determined to be safest for the environment.

* * * *

It is absolutely essential that the chemicals used in the production of textiles must not have any negative effects on human health and the environment. For this reason, authorized laboratories and professional certification groups test our textile products; physical and chemical analyses are used to verify that textile products are safe to be used for the consumer and the environment. Our manufacturing systems have been certified that they have met the OKO-TEK STANDARD 100.

(“About Jonäno” page, Exhibit A at 7-9).

6. **Women**

Bamboo Pique Long Sleeved Vee Polo Red

Composition: 95% Bamboo 5% Lycra Pique

(“Product” page, Exhibit A at 10-11).

7. **February 25, 2006 Press Release:**

Why You Should Buy Organic Clothing

* * * *

1. . . . Jonäno manufactures only authentic spun bamboo of the highest quality and strength.

* * * *

- Natural and organic fiber fabrics are processed with as few chemicals and harmful impact on the environment as possible. By purchasing natural and organic fiber clothing you are supporting environmental causes. By purchasing sustainable clothing that reduces environmental impact, clothing that supports and nourishes the earth and the lives of all people involved in the

process of growing, manufacturing and distributing the clothing, you also support the principals (sic) of Fair Trade working conditions, earth and animal welfare.

(“News and Events” page, Exhibit A at 12-13).

8. **March 8, 2006 Press Release:**

Skin Care And Hypoallergenic Solutions For Diabetics

Skin care problems are common in diabetics. Jonäno offers hypoallergenic, naturally antimicrobial baselayer protection against bacteria and fungus that cause odor.

* * * *

Keeping your diabetes under control is the most important factor in preventing skin complications . . . Proper skin care will also reduce your risk of skin problems:

* * * *

- Choose newly available hypoallergenic and naturally antimicrobial clothing options . . . Jonäno offers naturally antimicrobial, hypoallergenic clothing for Men, Women and babies.

(“News and Events” page, Exhibit A at 14-15).

9. **October 25, 2008 Press Release**

Eco-minded Shoppers are Discovering Renewable Bamboo

Designed for parents who seek only the best when it comes to their precious little ones, soft, ringspun bamboo ecoKashmere is both luxurious and healthy not only for your little ones, but also for the environment.

* * * *

Safer for the environment and baby, look for organics that are not only chemical-free, but also produced without any harsh chemical bleaches or dyes. Organically grown ensures that the fabric and crop remain pure and free from harmful chemicals and dyes. As a result, organics are not only

gentle on baby's sensitive skin, but also safer for the people who make the clothes, for the farmers who grow the crops, and for the environment.

("News and Events" page, Exhibit A at 16-17).

B. Product Hangtag

1. Discover the difference of ecoKashmere™

Made from the fastest growing woody plant on earth, bamboo requires no pesticides, making this exotic fiber 100% eco-friendly. Renowned for its antibacterial properties and breathability, bamboo provides *comfort with benefit.*™ Wear your values in luxurious style created using sustainable business practices and fair labor standards that honor Mother Earth.

(Exhibit B at 1).

2. **Organic Bamboo**

Nurture yourself as you Wear your Values™ in luxurious ecoKashmere® bamboo clothing – a sustainable choice that honors Mother Earth.

Bamboo is a natural, renewable resource that can be made into easy-care textiles. This luxurious eco fabric is derived using a low impact process, which spins machine washable buttery cashmere-like fabrics.

- Bamboo offers a high level of comfort, plus natural antimicrobial protection;
- Bamboo inhibits the growth of the bacteria and fungi that cause odor and perspiration staining;
- Best of all, bamboo clothing retains its natural antimicrobial benefits even after repeated washing.

(Exhibit B at 2).

C. Product Labels

1. 95% Bamboo 5% Spandex

(Exhibit C at 1).

7. The textile fiber products manufactured, marketed, promoted, distributed, and sold by Respondents consist of rayon and not actual bamboo fibers woven into fabric.
8. Rayon is the generic name for a type of regenerated, or manufactured, fiber made from cellulose. Rayon is manufactured by taking purified cellulose from a plant source, also called a cellulose precursor, and converting it to a viscous solution by dissolving it in one or more chemicals, such as sodium hydroxide. The chemical solution is then forced through spinnerets and into an acidic bath where it solidifies into fibers.
9. The process used to manufacture rayon from cellulose involves hazardous chemicals. *See* 40 C.F.R. Part 63 (“National Emissions Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing”).
10. “[H]azardous air pollutants (HAP) emitted from cellulose products manufacturing operations” include carbon disulfide, carbonyl sulfide, ethylene oxide, methanol, methyl chloride, propylene oxide, and toluene. 40 C.F.R. § 63.5480.
11. Many plant sources may be used as cellulose precursors for rayon fabric, including cotton linters (short cotton fibers), wood pulp, and bamboo. Regardless of the source of the cellulose used, however, the manufacturing process involves the use of hazardous chemicals and the resulting fiber is rayon and not cotton, wood, or bamboo fiber.
12. Respondents do not state that their textile fiber products are rayon, nor, assuming that bamboo is the source of the cellulose used in their textile fiber products, do Respondents state that their textile fiber products are rayon made from bamboo. Moreover, on the pages of their website stating the claims set forth in Paragraph 6, Respondents do not provide any description of the chemical process used to manufacture their textile fiber products.
13. At the end of 2008, Respondents modified their website to add a webpage entitled “The Naked Truth” within the category of “Wear Your Values” under the tab for “About Jonäno.” On this webpage, Respondents acknowledge that “Bamboo fabric uses a chemical process to turn its Cellulosic fibers into fabric. And yes, it’s also true that the process is similar to Tencel®, viscose and rayon production and is, in fact, considered a sub-category of both Viscose and Rayon.” (“The Naked Truth” page, Exhibit D at 1).
14. The statements made in Paragraph 13 are not clear and conspicuous, nor are they in close proximity to the representations set forth in Paragraph 6, above.
15. Respondents advertise or have advertised their textile fiber products for sale on the www.jonano.com website without including in the description of the product a clear and conspicuous statement that the product was either made in U.S.A., imported, or both.

VIOLATIONS OF SECTION 5 OF THE FTC ACT

FALSE OR MISLEADING REPRESENTATIONS

16. Through the means described in Paragraph 6, Respondents represent or have represented, expressly or by implication, that:
 - a. Their textile fiber products are bamboo fiber;
 - b. Their textile fiber products are manufactured using an environmentally friendly process; and
 - c. Their textile fiber products retain anti-microbial properties of the bamboo plant.
17. In truth and in fact:
 - a. Respondents' textile fiber products are not bamboo fiber, but instead are rayon, a regenerated cellulose fiber;
 - b. Respondents' textile fiber products are not manufactured using an environmentally friendly process but rather a process that involves the use of toxic chemicals and results in the emission of hazardous air pollutants; and
 - c. Respondents' textile fiber products do not retain anti-microbial properties of the bamboo plant.
18. Therefore, the representations set forth in Paragraph 16 were, and are, false or misleading, and the making of such representations constitutes a deceptive act or practice, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

UNSUBSTANTIATED REPRESENTATIONS

19. Through the means described in Paragraph 6, Respondents represent or have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 16, at the time the representations were made.
20. In truth and in fact, Respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 16, at the time the representations were made.
21. Therefore, the representation set forth in Paragraph 19 was, and is, false or misleading, and the making of such representation constitutes a deceptive act or practice, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT
and RULES AND REGULATIONS

22. The Textile Fiber Products Identification Act, 15 U.S.C. § 70, *et seq.* (“Textile Act”), governs, *inter alia*, the labeling and advertising of textile fiber products introduced, manufactured for introduction, delivered for introduction, sold, advertised, or offered for sale in commerce. *See* 15 U.S.C. § 70a.
23. Under the Textile Act, a textile fiber product is “misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.” 15 U.S.C. § 70b(a).
24. Pursuant to the Textile Act, 15 U.S.C. § 70e(c), the Federal Trade Commission has promulgated Rules and Regulations for its administration and enforcement (“Textile Rules and Regulations”). *See* 16 C.F.R. Part 303. The Textile Rules and Regulations state:
 - A. All textile fiber products must carry permanent, affixed labels stating the recognized generic names of the constituent fibers, as well as indicating, among other things, the “percentages by weight of the constituent fibers present in the textile fiber product, excluding permissive ornamentation, in amounts of 5 percent or more,” as well as the “name of the country where such product was processed or manufactured.” 16 C.F.R. § 303.16(a)(1), (a)(3); *see also* 16 C.F.R. §§ 303.6, 303.15 and 303.33;
 - B. In advertising textile fiber products in promotional materials disseminated to ultimate consumers in print or by electronic means, other than by broadcast, where the consumer is solicited to purchase such textile products without examining the actual product purchased, the description of the product must contain a clear and conspicuous statement that the product was either made in U.S.A., imported, or both. 16 C.F.R. § 303.34;
 - C. In advertising and labeling textile fiber products, no generic name for a manufactured fiber may be used until such generic name has been “established or otherwise recognized by the Commission,” 16 C.F.R. § 303.8, and such generic names must be used when identifying the fiber content in the information required in such labels and advertisements, 16 C.F.R. § 303.6;
 - D. The only generic terms for fibers manufactured from regenerated cellulose that have been established or otherwise recognized by the FTC are rayon, viscose, modal, cupro, and lyocell. *See* 16 C.F.R. § 303.7(d);
 - E. “Words, coined words, symbols or depictions, (a) which constitute or imply the name or designation of a fiber which is not present in the product, (b) which are phonetically similar to the name or designation of such a fiber, or (c) which are

only a slight variation of spelling from the name or designation of such a fiber shall not be used in such a manner as to represent or imply that such fiber is present in the product.” 16 C.F.R. § 303.18. Any term used in advertising, including internet advertising, that constitutes or connotes the name or presence of a textile fiber is deemed to be an implication of fiber content. 16 C.F.R. § 303.40; and

- F. Any information or representations included in advertising or labeling of a textile fiber product that is not required under the Textile Act or the Textile Rules and Regulations “shall in no way be false, deceptive, or misleading as to fiber content and shall not include any names, terms, or representations prohibited by the [Textile] Act and regulations. Such non-required information or representations shall not be set forth or so used as to interfere with, minimize, or detract from the required information.” 16 C.F.R. § 303.42(b); 16 C.F.R. § 303.41(d); *see also* 16 C.F.R. § 303.17.
25. A violation either of the Textile Act or of the Textile Rules and Regulations constitutes an unfair and deceptive act or practice in violation of the Federal Trade Commission Act. *See* 15 U.S.C. §§ 70a and 70e.

**VIOLATIONS OF THE TEXTILE ACT AND
THE TEXTILE RULES AND REGULATIONS**

26. As set forth in Paragraph 6, Respondents have:
- a. labeled their textile fiber products as consisting of bamboo; and
 - b. advertised the fiber content of their textile fiber products using the terms “bamboo” and “bamboo fiber.”
27. In truth and in fact, Respondents’ textile fiber products are not bamboo fiber but are rayon, a regenerated cellulose fiber.
28. As set forth in Paragraph 15, Respondents have advertised and sold their textile fiber products on the www.jonano.com website without including in the description of each product a clear and conspicuous statement that the product was either made in U.S.A., imported, or both.
29. Through the means described in Paragraphs 6 and 15, Respondents have manufactured for introduction, introduced, advertised, offered for sale, or sold textile fiber products that are misbranded or falsely or deceptively advertised, as prohibited by Sections 70a and 70b of the Textile Act, 15 U.S.C. § 70, *et seq.*, and in violation of Sections 303.6, 303.8, 303.16, 303.17, 303.18, 303.34, 303.40, 303.41, and 303.42 of the Textile Rules and Regulations, 16 C.F.R. Part 303.

30. Respondents' violations of the Textile Act and of the Textile Rules and Regulations constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission, this _____ day of _____, 2009, has issued this complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary