

# Rules and Regulations

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## FEDERAL TRADE COMMISSION

### 16 CFR Part 252

#### Guides for Labeling, Advertising, and Sale of Wigs and Other Hairpieces

AGENCY: Federal Trade Commission.

ACTION: Rescission of the Guides for Labeling, Advertising, and Sale of Wigs and Other Hairpieces.

**SUMMARY:** The Federal Trade Commission (the "Commission"), as part of its periodic review of all its guides and rules, announces that it has concluded a review of its Guides for Labeling, Advertising, and Sale of Wigs and Other Hairpieces ("Guides" or "Wig Guides"). The Commission has decided to rescind the Guides.

**EFFECTIVE DATE:** August 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ann Stahl Guler, Investigator, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Blvd., Suite 13209, Los Angeles, CA 90024, (310) 235-7890.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Wig Guides were issued by the Commission in 1970.<sup>1</sup> The Guides concerned representations and disclosures in the advertising and labeling of hairpieces for women and men, including wigs, falls, chignons, and toupees. On April 15, 1994, the Commission published a Notice in the *Federal Register* soliciting comment on the Guides.<sup>2</sup> Specifically, the Commission solicited comments on the costs and benefits of the Guides and their regulatory and economic effect. The comment period closed June 14,

1994. The Commission received two comments in response to the Notice. They are discussed in Part II below.

##### II. Comments Received

The Commission received comments from one organization, the American Hair Loss Council (AHLIC), and one individual, Johanna Ehmann, RN. Ms. Ehmann's comment did not refer to the Guides, but provided copies of a booklet entitled *Hair Loss and Cancer Therapy* to aid the Commission in its review of the Guides.

The AHLIC supported retention of the Guides. It also proposed expanding the Guides to encompass "Hair Addition System," such as hair implants.

##### III. Conclusion

The Commission has concluded its regulatory review of the Guides for Labeling, Advertising, and Sale of Wigs and Other Hairpieces by rescinding the Guides. The Commission based its decision on the fact that existing statutes adequately address the consumer protection issues that originally gave rise to the Guides.

Section 252.3 of the Guides stated that the foreign origin of all imported industry products must be disclosed on labels and in advertising. The Tariff Act requires that all wigs and other hairpieces, whether made from human, animal, or synthetic hair, be labeled as to country of origin.<sup>3</sup>

Section 252.4 of the Guides, providing that highly flammable wigs and related products should not be sold in the United States, has been superseded by statutory changes. Two years after the Wig Guides were issued, Congress transferred enforcement of the Flammable Fabrics Act to the newly-created Consumer Product Safety Commission.<sup>4</sup>

Section 252.2 stated that labels and advertising should disclose whether hair is composed of human or artificial hair (or a combination of both); Section 252.6 said that used industry products should be labeled as such. The remaining sections of the Guides delineated specific misrepresentations as to styling characteristics,<sup>5</sup> as well as general misrepresentations;<sup>6</sup> limited

designations of hair such as "natural" and "genuine" to human hair;<sup>7</sup> and provided definitions of "handmade,"<sup>8</sup> "custom-made" and similar terms,<sup>9</sup> "custom-colored" and related terms,<sup>10</sup> and "virgin" hair.<sup>11</sup>

The United States now imports nearly all wigs sold domestically, except for those produced by a few custom wig makers. The Commission is not aware of any unique consumer protection issues currently associated with the advertising or labeling of wigs and other hairpieces. The comments submitted to the Commission demonstrated no continuing need by the wig industry for special Commission guidance. If, in the future, practices in the sale of wigs are determined to be materially misleading and to cause consumer harm, the Commission can address such practices under Section 5 of the Federal Trade Commission Act.<sup>12</sup>

#### List of Subjects in 16 CFR Part 252

Advertising, Cosmetics, Labeling, Trade practices, Wigs and Hairpieces.

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

#### PART 252—[REMOVED]

The Commission, under authority of sections 5(a)(1) and 6(g) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1) and 46(g), amends chapter I of title 16 of the Code of Federal Regulations by removing Part 252.

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<sup>1</sup> Industry guides are administrative interpretations of laws administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. 16 CFR 1.5.

<sup>2</sup> 59 FR 18005.

<sup>3</sup> 19 U.S.C. § 1304; Tariffs 6703, 6704, *Harmonized Tariff Schedule of the United States* (1995).

<sup>4</sup> 15 U.S.C. § 2079(b).

<sup>5</sup> 16 CFR § 252.10.

<sup>6</sup> 16 CFR § 252.1.

<sup>7</sup> 16 CFR § 252.5.

<sup>8</sup> 16 CFR § 252.7.

<sup>9</sup> 16 CFR § 252.8.

<sup>10</sup> 16 CFR § 252.9.

<sup>11</sup> 16 CFR § 252.11.

<sup>12</sup> Section 5 of the FTC Act, 15 U.S.C. § 45(a)(1), prohibits unfair or deceptive acts or practices in or affecting commerce.