

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

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AGL ND E5 Hettinger, ND [New]
Hettinger Municipal Airport, ND
(Lat. 46°00'56"N, long. 102°39'20"W).

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Hettinger Municipal Airport and within 1.9 miles each side of the 136 bearing from the Hettinger Municipal Airport from the 6.4-mile radius to 8.9 miles southeast of the airport, and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 462000N/Long. 1025800W, to Lat. 462000N/Long. 1024400W, to Lat. 454500N/Long. 1020900W, to Lat. 454500N/Long. 1025800W to point of beginning excluding that airspace previously described as Victor 491.

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Issued in Des Plaines, Illinois on October 31, 1995.

Maureen Woods,
Acting Manager, Air Traffic Division.
[FR Doc. 95-28344 Filed 11-15-95; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 171

[Airspace Docket No. 95-AGL-8]

Proposed Revision of Class E Airspace; Rice Lake, WI

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking (NPRM) which proposed to revise Class E airspace to accommodate a Nondirectional Radio Beacon (NDB) for runway 19 approach at Rice Lake Municipal Airport, Rice Lake, WI. The NPRM is being withdrawn as a result of wrong geographical coordinates and airport name change.

DATES: This withdrawal is effective November 16, 1995.

FOR FURTHER INFORMATION CONTACT: Eleanor J. Williams, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294-7568.

SUPPLEMENTARY INFORMATION:

The Proposed Rule

On August 4, 1995, a Notice of Proposed Rulemaking was published in the Federal Register to revise Class E airspace to accommodate a Nondirectional Radio Beacon (NDB) for runway 19 approach at Rice Lake Municipal Airport, Rice Lake, WI (60 FR 39893).

Subsequent to publication in the Federal Register it was discovered that the geographical coordinates and airport name were in error.

Conclusion

In consideration of the erroneous information, action to revise the Class E airspace serving Rice Lake Municipal Airport, Rice Lake, WI, has been withdrawn.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Withdrawal of Proposed Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 95-AGL-8, as published in the Federal Register on August 4, 1995, (60 FR 39893), is hereby withdrawn.

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

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Issued in Des Plaines, IL, on November 2, 1995.

Maureen Woods,
Acting Manager, Air Traffic Division.
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FEDERAL TRADE COMMISSION

16 CFR Part 423

Request for Comments Concerning Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods

AGENCY: Federal Trade Commission.
ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments on a proposed conditional exemption to its Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods ("the Care Labeling Rule" or "the Rule"). The proposed conditional exemption would permit the use of certain care symbols in lieu of words on the permanently attached care label, as long as hangtags with explanatory language are used for the first 12 month period of symbol use. All interested persons are hereby given notice of the opportunity to submit written data, views and arguments concerning this proposal.

DATES: Written comments will be accepted until January 31, 1996.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade

Commission, Room H-159, Sixth and Pennsylvania Ave., NW., Washington, DC 20580. Comments about this conditional exemption to the Care Labeling Rule should be identified as "Conditional exemption for symbols, 16 CFR Part 423—Comment."

FOR FURTHER INFORMATION CONTACT: Constance M. Vecellio, Attorney, Federal Trade Commission, Washington, DC 20580, (202) 326-2966.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 15, 1994, the Commission published a Federal Register notice ("FRN") requesting comment on various aspects of the Care Labeling Rule, including whether the Rule should be modified to permit the use of symbols in lieu of words. The Commission has now tentatively determined to permit the use of certain symbols, under certain conditions, and now seeks additional comment on the specifics of the proposal. The Commission will summarize other results of the regulatory review it conducted in a separate notice.

II. Background

The Rule was promulgated by the Commission on December 16, 1971, 36 FR 23883 (1971), and amended on May 20, 1983, 48 FR 22733 (1983). The Rule makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching care labels stating "what regular care is needed for the ordinary use of the product." (16 CFR 423.6(a) and (b)) The Rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions. (16 CFR 423.6(c))

The "Terminology" section of the Rule, 16 CFR 423.2(b), currently requires that care instructions be stated in "appropriate terms," although it also states that "any appropriate symbols may be used on care labels or care instructions, *in addition to the required appropriate terms* so long as the terms fulfill the requirements of this regulation." (Emphasis added). Although the Rule does not specifically state that the instructions must be in English, they usually are in English. The FRN stated that the North American Free Trade Agreement ("NAFTA") "has created industry interest in being permitted to use symbols in lieu of words to provide care instructions, and the Commission seeks comment on the costs and benefits of such a change."

The FRN included the following questions on this issue:

(7) Should the Commission amend the Rule to allow care symbols to be used in lieu of language in care instructions? If so, is there an existing set of care symbols that would provide all or most of the information required by the current Rule? What are the advantages and disadvantages of the existing systems of care symbols?

(a) In particular, what are the advantages and disadvantages of the system of care symbols developed by the International Association for Textile Care Labeling ("Ginetex") and adopted by the International Standards Organization as International Standard 3758?

(b) What are the advantages and disadvantages of the system of care symbols developed by the American Society for Testing and Materials ("ASTM") and designated as ASTM D5489 Guide to Care Symbols for Care Instructions on Consumer Textile Products?

III. Analysis of Comments

Eighty-one comments were received.¹ Sixty-five of the comments discussed the use of symbols in lieu of written language to communicate care instructions; 60 of those favored the use of symbols.² Five comments opposed

¹ The commenters included cleaners; consumers; public interest-related groups; fiber, textile, or apparel manufacturers or sellers (or conglomerates); federal government entities; fiber, textile, or apparel manufacturers or retailers trade associations; two label manufacturers; one cleaning products manufacturer; one association representing the leather apparel industry; one Committee formed by industry members from the countries signatory to NAFTA; one appliance technician; one appliance manufacturers trade association; two standards-setting organizations; and two representatives from foreign nations. Each comment was assigned a number. The first time a comment is cited it is cited by the full name of the commenter and the assigned number; subsequently, it is cited by the number and a shortened form of the name. The comments are available for inspection in the Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Ave., NW., Washington, DC, from 8:30 a.m. to 5:00 p.m., Monday through Friday, except federal holidays.

² These comments are: Benjamin Axleroad (1), Baby Togs, Inc. (2), Judith S. Barton (7), C.M. Offray & Son, Inc. (9), The Schwab Company (10), Fieldcrest Cannon (11), Ardis W. Koester (12), University of Kentucky College of Agriculture (15), ASTM Committee D-13 on Textiles (16), Pittsfield Weaving Co. (17), European Union (GATT Secretariat) (18), Todd Uniform, Inc. (19), Acqua Clean System (20), Woolrich, Inc. (21), The Massachusetts Toxics Use Reduction Institute (23), Carter's (24), Braham Norwick (25), Oshkosh B'Gosh, Inc. (27), Ecofranchising, Inc. (28), Consumers Union (31), Clorox Company (32), The Warren Featherbone Company (33), Industry Canada (37), Business Habits, Inc. (38), Clothing Manufacturers Association of the United States of America (40), National Association of Hosiery Manufacturers (41), Paxar Corporation (42), Jo Ann Pullen (44), The Warren Featherbone Company (46),

allowing symbols in lieu of written instructions.³ Most comments stated that they favored symbols because symbols would make international trade easier.

Canada and Mexico currently allow the use of symbols to convey garment care instructions. Many comments focused on trade with Mexico and Canada, stating or implying that symbols that harmonize with those used in Mexico and Canada would further the goals of NAFTA.⁴ Some of these comments stated or implied that, in addition to harmony with Canada and Mexico, whatever system is adopted should be in harmony with the symbol system used in Europe.⁵ Other comments placed more importance on harmony with the European system than with NAFTA.⁶

Some comments said there would be some initial cost to changing to a symbol system, but they either stated or implied that the long-run cost savings would exceed these initial "change-over" costs. Some comments explained in more detail why the current Rule impedes trade within North America. One comment stated that the requirement that care instructions be written makes for very long labels because it "forces manufacturers and retailers wanting to sell products freely

United States Apparel Industry Council (47), Dan River, Inc. (48), American Fiber Manufacturers Association, Inc. (49), The Leslie Fay Companies, Inc. (50), Springs Industries, Inc. (51), Salant Corporation (52), Association of Home Appliance Manufacturers (53), Milliken (54), Ruff Hewn (55), American Textile Manufacturers Institute (56), United States Association of Importers of Textiles and Apparel (57), Authentic Fitness Corporation (60), Warnaco (61), Salant Corporation (63), Fruit of the Loom (64), Drycleaners Environmental Legislative Fund (65), Angelica Corporation (66), Department of the Air Force (67), American Apparel Manufacturers Association (68), Trilateral Labeling Committee (69), J.C. Penney (70), Liz Claiborne, Inc. (71), Wemco, Inc. (72), Horace Small Apparel Company (74), Perry Manufacturing Company (75), Russell Corporation (76), Oxford Industries, Inc. (77), The GAP, Inc. (78), Haggar Apparel Company (79), Capital Mercury Shirt Corp. (80), Bidermann Industries (81).

³ Evelyn Borrow (4), Margaret Tilden (13), Capital Mercury Shirt Corp. (26), Ann Geerhart (29), and VF Corporation (36).

⁴ Togs (2) p.1; Offray (9) p.1; Fieldcrest (11) p.2; Koester (12) p.2; Pittsfield (17) pp. 2-3; Mass. Toxics Reduction (23) p.2; Carter's (24) p.1; Featherbone (33) p.2; Industry Canada (37) p.3; Paxar (42) p.1; Featherbone (46) p.1; USAIC (47) p.2; Dan River (48) p.1; AFMA (49) p.1; Salant (52) p.1; AHAM (53) p.2; Milliken (54) p.2; Ruff Hewn (55) p.2; ATMI (56) p.1; USA-ITA (57) p.3; Authentic Fitness (60) pp. 1-2; Warnaco (61) pp. 1-2; Salant (63) pp. 1-2; Fruit (64) p.2; Angelica (66) p.6; AAMA (68) p.1; Trilateral Committee (69) pp. 1-2; Wemco (72) p.1; Horace Small (74) p.1; Russell (76) p.2; Oxford (77) p.1; Haggar (79) p.1; Bidermann (81) p.1.

⁵ E.g., Fieldcrest (11) p.2; Pittsfield (17) p.3.

⁶ European Union (18) pp. 2-3; Leslie Fay (50) p.1; Gap (78) p.4. The Ginetex/ISO system is used in Europe.

within the NAFTA territory to display care instructions in English, French and Spanish."⁷ Many other comments stated that the use of symbols would cause production costs to decline because the size of labels would be reduced and smaller labels are less expensive.⁸

Several comments noted that the use of symbols would help U.S. consumers who cannot speak English (or whose primary language is not English) and consumers who cannot read (or cannot read well).⁹ Some comments noted that smaller labels may improve consumer comfort.¹⁰ Other comments stated that smaller labels would also make garments more attractive.¹¹ Several comments stated that savings from smaller labels could be passed on to consumers as reductions in the cost of apparel.¹²

Many comments that favored the use of symbols emphasized that the symbols should not be mandatory, but a voluntary option, and that the use of written care instructions should continue to be allowed, either as a supplement to symbols or alone.¹³ Several comments noted that all possible care instructions cannot be conveyed by symbols; certain special handling instructions such as "remove promptly"; "double rinse for best results"; "wash inside out"; "wash with like garments"; or "wash before wearing" will probably have to be communicated in words.¹⁴ But one comment noted that "symbols alone could easily accommodate 75-80% of the merchandise sold."¹⁵

In sum, most of the comments state that the use of symbols would benefit both manufacturers, by lowering production costs and increasing exports, and consumers, by communicating care instructions clearly and by potentially

⁷ Fruit (64) p.2.

⁸ Fieldcrest (11) p.2; Pittsfield (17) p.1; Mass. Toxics Reduction (23) p.2; Carter's (24) p.1; Norwick (25) p.1; Capital Shirt (26) p.1; Featherbone (33) p.2; VF Corp. (36) p.4; Industry Canada (37) p.2; Paxar (42) p.1; Pullen (44) p.4; USAIC (47) p.2; ATMI (56) p.3; USA-ITA (57) p.2; Salant (63) p.1; Fruit (64) p.2; Air Force (67) p.2; AAMA (68) p.2; Haggar (79) p.1.

⁹ Togs (2) p.1; Koester (12) p.2; Pittsfield (17) p.2; Norwick (25) p.1; Pullen (44) p.2.

¹⁰ A few comments mention that some labels are scratchy and irritate the skin. Axleroad (1) p.1; Borrow (4) p.1; Martin (8) p.1; Pittsfield (17) p.1; Featherbone (33) p.1; Salant (63) p.1; Capital Shirt (80) p.1.

¹¹ AAMA (68) p.2.

¹² Paxar (42) p.1, Fruit (64) p.2, Haggar (79) p.1.

¹³ Oshkosh (27) p.1; USAIC (47) p.2; Springs (51) p.1; ATMI (56) p.2; Salant (63) pp. 1-2; Fruit (64) p.2; Air Force (67) p.2; AAMA (68) p.3; Trilateral Committee (69) p.2; Penny (70) p.2.

¹⁴ Fieldcrest (11) p.3; Pittsfield (17) p.1; European Union (18) p.2; Woolrich (21) p.1, VF Corp. (36) p.4.

¹⁵ Penney (70) p.2.

decreasing garment prices. Moreover, one comment stated that it "considers that the obligation of using mandatory language instructions would have the effect of creating unnecessary obstacles to international trade."¹⁶ Another comment stated that the mandatory language requirement could function as a non-tariff barrier to trade which would "significantly impede the free flow of goods within the NAFTA territory in direct contravention of the NAFTA."¹⁷

The record contains persuasive evidence indicating that allowing care information to be conveyed by symbols would lower production costs and would also have benefits for consumers. Moreover, the record indicates that care symbols are used in many other countries, and presumably the symbols communicate the information they contain to the consumers in those countries. Nevertheless, many comments noted the need for consumer education and expressed confidence that U.S. consumers could adapt to care symbols with appropriate education.¹⁸ Some comments indicated that symbols should be used with words until the U.S. population understands the symbols.¹⁹ Pittsfield, on the other hand, argued that consumer education based on dual disclosure—the use of symbols with accompanying written instructions on the label—will not work, as shown by the U.S. experience with the metric system.²⁰

Section 18(g)(2) of the FTC Act, 15 U.S.C. 57a(d)(2)(B), provides that "[i]f * * * the Commission finds that the application of a rule prescribed under subsection (a)(1)(B) to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or part of such rule." The record indicates that care information can be conveyed by means of symbols, but it also indicates that American consumers need to be educated—or to be provided with "decoding" charts or hangtags—in order to learn to use a particular symbol system. Consequently

the Commission proposes to grant a conditional exemption from the "Terminology" section of the Care Labeling Rule. However, for the reasons discussed above, the Commission proposes that the conditional exemption state that care labels that use symbols instead of language to convey information must be accompanied by hangtags explaining the meaning of the symbols. If the symbols on the label are accompanied by explanatory hangtags, then an exemption from the requirement that words be used on the label is appropriate because words on the label are not necessary to "prevent the unfair or deceptive act or practice to which the rule relates."

IV. Symbol Systems That Were Considered

The Commission examined two existing symbol systems—the Ginetex system and the ASTM system—to identify which conveys all or most of the information the Rule requires to be conveyed and meets other important criteria. As explained below, the ASTM system best meets the needs of consumers and industry at the present time.

A. ISO/Ginetex System

Because the Ginetex system has been adopted by the International Standards Organization ("ISO") as International Standard 3758,²¹ the Commission gave careful consideration to this system.²² However, the ISO/Ginetex system does not provide symbols for some of the basic information the Rule requires to be conveyed. For example, if chlorine bleach would harm a product but non-chlorine bleach would not, section 423.6(b)(1)(iv) of the Rule requires that the label contain a warning such as "only non-chlorine bleach when needed." However, the ISO/Ginetex system contains no symbol for non-chlorine bleach.²³ Further, the system's

symbols for reduced spin and reduced mechanical action, required under section 423.6(b)(1)(v) ["Warnings"] of the Rule, are linked to temperature.²⁴ (ISO standard 3759 Table 1). This linkage is inconsistent with the technology of American washers.²⁵ Its temperature ranges for tumble drying (normal and low—ISO standard 3759 Table 5) are also inconsistent with American technology.²⁶ It has no symbols for natural drying, or the use of steam in ironing, which are care practices addressed by the Rule.²⁷

For dry cleaning, the ISO/Ginetex system provides only a symbol (constituting an underlining of the circle) that means "strict limitations on the addition of water and/or mechanical action and/or temperature during cleaning and/or drying." (ISO standard 3759 Table 4). However, section 423.6(b)(2)(ii)(A) provides that, if a dry cleaning instruction is included on the label, it must also warn against any part of the dry cleaning process which consumers or dry cleaners could reasonably be expected to use that would harm the product or others being cleaned with it.²⁸ The ISO/Ginetex system does not have a method for providing warnings about which specific parts of the dry cleaning process should be avoided. Accordingly, the dry cleaning symbol in the ISO/Ginetex system does not satisfy the Rule's requirements for dry cleaning instructions.

Thus, the ISO/Ginetex system cannot convey all the information that the Commission has found to be necessary to prevent the unfair and deceptive

Consumer Union (31) stated, at p.2, that "we need a symbol pertinent to non-chlorine bleach as the industry plans to move away from chlorine bleach." The Trilateral Committee (69), at p.2, and ATMI (56), at p.2, both recommend that any care symbol system adopted by the U.S. include chlorine and non-chlorine bleach instructions.

²⁴ The system also indicates temperatures for washing in precise degrees Centigrade, but few washing machines in the United States have internal heating devices as European machines do.

²⁵ Pittsfield (17), at p.2, noted "technical inconsistencies such as the interconnection of temperature and cycle conditions"; Pullen (44), at p.5, noted the lack of a complete selection of symbols for all washing cycles and temperatures.

²⁶ ATMI (56) p.4; Penney (70), noting at p.2, that the Ginetex symbols are "technically incomplete for the American consumer's laundering practices."

²⁷ Section 423.6(b)(1)(ii) states that the label must state whether the product should be dried by machine or by some other method. Section 423.6(b)(1)(v) states that there must be a warning against any part of the prescribed procedure which consumers can reasonably be expected to use that would harm the product. However, without a symbol for steam ironing, it is impossible to warn against steam ironing.

²⁸ The Appendix to the Rule provides specific examples such as "short cycle," "low moisture," "do not tumble," and "no steam."

¹⁶ European Union (18) p.1.

¹⁷ Fruit (64) p.2. See also AHAM (53) p.2.

¹⁸ Schwab (10) p.1; Fieldcrest (11) pp. 2-3; ASTM (16) p.8; Pittsfield (17) p.1; Woolrich (21) p.1; Carter's (24) p.2; Consumers Union (31) p.1; Clorox (32) p.4; Business Habits (38) p.4; Pullen (44) p.4; AHAM (53) p.2; Fruit (64) p.3; AAMA (68) p.3. Some comments stated that symbols should not replace words until a consumer education program has become effective. Consumers Union (31) p.1; VF Corp. (36) p.4; Gap (78) p.3. However, consumers do not need to memorize the symbols if they have "decoding" charts they can place in their laundry rooms and if such "decoding" charts, or hangtags, are available in retail stores.

¹⁹ Consumers Union (31) p.1; Gap (78) p.3.

²⁰ Comment 17, p.2.

²¹ Ginetex (Groupement International d'Etiquetage pour l'Entretien des Textiles, or International Association for Textile Care Labeling) is an organization composed of national member bodies, with a goal, among other things, of drawing up "guidelines and compulsory directives for the use of the uniform GINETEX symbols and to control their application." The Ginetex system was adopted as an international standard by the International Organization for Standardization (ISO) in 1991 as ISO Standard 3758.

²² The Trade Agreements Act of 1979 states that any federal agency must, in developing standards, "take into consideration international standards and shall, if appropriate, base the standards on international standards." Trade Agreements Act of 1979, title IV, section 402, 93 Stat. 242 (1979) (codified as amended at 19 U.S.C. 2532(2)(A) (Supp. 1995)).

²³ Several comments noted this deficiency. Pittsfield (17) p.2; Clorox (32) p.4; V.F. Corp. (36) p.4; Pullen (44) p.5; ATMI (56) p.4; GAP (78) p.4.

practices that the Rule was designed to prevent.²⁹ Moreover, the ISO/Ginetex system is inconsistent with American technology in several ways. The Trade Agreements Act explicitly identifies several reasons why basing a standard on an international standard may not be appropriate, including the prevention of deceptive practices and fundamental technological problems. 19 U.S.C. 2532(2)(B)(i) (1980). Accordingly, the Commission has concluded the use of ISO standard 3758 is not appropriate for the United States at this time.³⁰

Another problem that weighed against the ISO/Ginetex system is the fact that Ginetex asserts trademark rights relating to the symbols. Annex A to ISO 3758 states that the symbols used in that standard are registered with the World Intellectual Property Organization (WIPO) and owned by Ginetex. Part A.2.1 of Annex A of ISO Standard 3758 constitutes an agreement between ISO and Ginetex that "GINETEX's ownership rights related to the marks are preserved under the terms of this agreement, as well as the structure, rights and obligations of its national committees." The Trilateral Committee (a committee formed by industry members from the countries signatory to NAFTA), those comments that explicitly supported its conclusions, and numerous other comments stated that they could only support a symbol

system that was free of proprietary claims.³¹ The Commission agrees with these comments.³²

B. The System

ASTM is a scientific and technical organization that publishes voluntary consensus standards. Its Committee D-13 on Textiles contains a Subcommittee D13.62 on Care Labeling, which developed the voluntary consensus standard D5489 referenced in the FRN. A copy of Standard D5489 is attached to ASTM's comment. A copy of an explanatory or "decoding" chart can be found at the end of this notice.

The ASTM system provides symbols relating to the basic information required by the Rule. It includes machine and hand washing, with hand washing indicated by a hand in the washtub. It indicates permanent press cycle by underlining the washtub, and gentle cycle by underlining it twice. It includes chlorine and non-chlorine bleach instructions (the latter indicated by a shaded triangle), and tumble drying and natural drying instructions. It indicates dryer cycles by underlining, with single underlining for permanent press and double underlining for gentle cycle. The iron symbolizes ironing and pressing, and includes an indication as to whether steam can be used (an instruction that may be particularly important for commercial laundries). Temperature—for water, dryers, or ironing—is indicated by a series of dots, with one dot indicating cold, two indicating warm, three indicating hot, four indicating very hot. Five and six dots may be used for even higher temperatures. (Alternatively, temperature may be stated in degrees Celsius.)

²⁹ Section 423.5 describes the unfair or deceptive acts or practices the Rule was designed to prevent. Section 423.5(a)(2) states that it is an unfair or deceptive act or practice for a manufacturer or importer to fail to disclose instructions which prescribe a regular care procedure necessary for the ordinary use and enjoyment of the product. Section 423.5(a)(2) states that it is an unfair or deceptive act or practice to fail to warn a purchaser when any part of the prescribed regular care procedure, which a consumer or professional cleaner could reasonably be expected to use, would harm the product or others being cleaned with it.

³⁰ The European Union (GATT Secretariat), noting that the Ginetex system was adopted as international standard ISO 3758 in 1991, stated that Article 2.2 of the Agreement on Technical Barriers to Trade requires U.S. authorities to use international standards as a basis for technical regulations. Comment 18, pp.1-2. However, while Article 2.2 of the Agreement on Technical Barriers to Trade provides that "technical regulations shall not be more trade restrictive than necessary to fulfill a legitimate objective, taking account of the risks non-fulfillment would create," it recognizes prevention of deceptive practices as a legitimate objective. It also states that, in assessing such risks, "relevant elements of consideration are, *inter alia*: available scientific and technical information, related processing technology or intended end-uses of products." Thus, the differences in U.S. and European technology provide a valid reason for the U.S. to adopt a system that is slightly different than the European system. Nevertheless, the Commission agrees with those comments that indicate that the creation of a system of care symbols appropriate for use worldwide is desirable. However, ISO Standard 3758, as it now exists, simply does not fulfill the legitimate objectives of the United States.

³¹ Carter's (24) p.3; Oshkosh (27) p.1; AHAM (53) p.2; Milliken (54) p.2; ATMI (56) p.2; Authentic Fitness (60) p.2; Warnaco (61) p.2; Fruit (64) p.4; Drycleaners Fund (65) p.3; AAMA (68) p.4; Penney (70) p.1; Trilateral Committee (79) p.2; GAP (78) p.4. In addition, ATMI (56) objected, at p.4, to the fact that Ginetex requires that a national body in the country using the system register with Ginetex and monitor use of the system within the country. (See section A.1. of Annex A to ISO Standard 3758, which states, "Ginetex has delegated to its national committees, i.e., its members, the task of promoting the implementation of textile care labelling symbols, of granting the right to reproduce and use the symbols, and of monitoring their use.")

³² Before the ISO subcommittee voted to make the Ginetex system an international standard, several countries (including the U.S.) objected to the use of a proprietary system as an international standard, but they were outvoted. Subsequent to the adoption of ISO 3758, the USA delegation to the ISO textile committee submitted to ISO a document entitled "USA Comments and Questions Related to ISO 3758" in which they stated, "The USA opposes any standard that requires royalty fees from any organization. Therefore, USA opposes 'ISO 3758-1991- Care labelling code using symbols' and recommends it be withdrawn as an ISO Standard." Attachment to ASTM comment (16).

For dry cleaning, it indicates short cycle, no steam finishing, reduce moisture, and low heat, respectively, by means of a line drawn under, above, to the left, or to the right of the circle. Finally, the ASTM system (in Standard section 5.10) allows for optional symbols that may be used for additional procedures or warnings (e.g., do not wring).

More comments favored the ASTM system than the Ginetex system for a variety of reasons, including the fact that it is more comprehensive.³³ One comment noted that it is easier to add new symbols in the ASTM system.³⁴

The Commission notes that ASTM has obtained a copyright for the entire Standard D5489, including an explanatory chart.³⁵ Several comments expressed concern over possible copyright licensing fees for the use of the chart.³⁶ However, ASTM recently submitted to the Commission a document entitled "Conditions for Republishing the ASTM D 5489 Care Symbol Chart" which states that ASTM will grant other organizations a royalty free license for the republication of the complete chart, or portions thereof, provided that the charts include a line crediting ASTM and providing that the copies are not sold separately from the products to which the copies are affixed.³⁷ This document may alleviate

³³ Togs (2) p.1; Fieldcrest (11) pp. 3-4; Koester (12) pp. 1-2; U. of Kentucky (15) p.2; ASTM (16) p.1; Pittsfield (17) p.2; Carter's (24) p.3; Norwick (25) p.3; Oshkosh (27) p.1; Clorox (32) pp. 3-4; Pullen (44) pp. 4-7; Salant (52) p.1; Milliken (54) pp. 1-2; ATMI (56) pp. 4-5; Air Force (67) p.2; J.C. Penney (70) p.2.

³⁴ VF Corp. (36), although not supporting the use of symbols without words, did note, at pp.4-5, that under Ginetex, "current symbols cannot be modified and additional symbols cannot be added" and that an advantage of the ASTM system is that there "is a procedure to modify or add other symbols." According to the forward to the Annual Book of ASTM Standards, Section 7 Textiles, an ASTM standard "is subject to revision at any time by the responsible technical committee and must be reviewed every five years and if not revised, either reapproved or withdrawn."

³⁵ Letter of June 7, 1994, from Bode Buckley, Manager, Technical Committee Operations, ASTM, to Kay Villa, ATMI, attached to ATMI comment (56). The letter states that a fee will be established for the use of the chart. A copy of the chart was attached to the ASTM comment (16).

³⁶ Milliken (54), noting, at p.2, that "there is some concern that ASTM (the organization) has not completely followed the wishes of its volunteer members in making the symbol chart. . . freely available without copyright licensing considerations"; ATMI (56), asking, at p.5, that the FTC "obtain official information from the ASTM about this fee structure and assure that there would be no fee for use of the symbol chart prior to any adoption of the standard by the FTC"; AAMA (68), stating, at p.4, that "the most important reason for not accepting the ASTM system is the copyright issue."

³⁷ Moreover, it states that if the chart or symbols are modified, then they may not be represented as

concerns about ASTM's copyright and remove any impediments to the dissemination of explanatory materials about the system. However, the Commission seeks comment on this issue.

V. Use of the ASTM System in Canada and Mexico

Although the Commission's first criterion in considering a symbol system was whether it could fulfill the requirements of the Rule, an equally important criterion was whether the system could be harmonized with the symbol systems used in Canada and Mexico. NAFTA specifically requires the U.S. to attempt to harmonize its textile labeling requirements with those of Canada and Mexico. Article 906 of NAFTA states that "the Parties shall, to the greatest extent practicable, make compatible their respective standards-related measures, so as to facilitate trade in a good or service between the Parties." Article 913 requires the creation of a Committee on Standards-Related Measures, which shall include a Subcommittee on Labelling of Textile and Apparel Goods, in accordance with Annex 913.5.a-4. Annex 913.5.a-4 states that the Subcommittee on Labelling of Textile and Apparel Goods shall develop and pursue a work program on the harmonization of labelling requirements to facilitate trade in textile and apparel goods between the Parties through the adoption of uniform labelling provisions. The work program should include the following matters: (a) pictograms and symbols to replace, where possible, required written information, as well as other methods to reduce the need for labels on textile and apparel goods in multiple languages; (b) care instructions for textile and apparel goods;

* * * * *

The Canadian and Mexican systems use the same five basic symbols that are used in the Ginetex and ASTM systems: a washtub to indicate washing (with a hand in the washtub to indicate hand washing), a triangle to indicate bleaching, a square to indicate drying (and a circle within a square to indicate machine drying), an iron to indicate ironing, and a circle to indicate dry cleaning. An "X" cancelling out the symbol warns against using the designated cleaning technique, e.g., "do not dry clean."

One commenter suggested that the Commission adopt the Canadian system, which uses the five generic symbols and three colors (red, green, and yellow).³⁸

being the ASTM standard. By implication, however, modified charts could be distributed under some other title (e.g., Care Symbols Used in the U.S.) This document has been placed on the public record for examination by interested parties.

³⁸ Todd Uniform (19), p.1.

However, several comments noted that the use of color makes labels much more expensive.³⁹ In addition, neither the Canadian nor the Mexican system provides a method of communicating all the information required by the current Care Labeling Rule. For example, if chlorine bleach would harm a product but non-chlorine bleach would not, section 423.(b)(1)(iv) of the Rule requires that the label contain a warning such as "only non-chlorine bleach when needed." However, these systems do not address the use of non-chlorine bleach.⁴⁰ Moreover, with respect to dry cleaning, they do not have a method for providing warnings about parts of the dry cleaning process that might damage the garment.⁴¹

With respect to machine washing, the Mexican system does not convey any refinements, such as "gentle cycle," and the Canadian system does so by means of color (a yellow washtub means "gentle setting.") Neither system offers a means of referring to "permanent press cycle" in washing, or various cycles in dryers. Both offer symbols for natural drying (dry flat, hang to dry, and, in Canada, drip dry.) Both systems require that temperature for washing be indicated in Celsius in the washtub. For tumble drying, Mexico has no indication of temperature, and Canada uses a yellow symbol to mean "low temperature." In both systems, temperatures for ironing can be indicated by a system of three dots, one for low, two for medium, and three for high.

The Commission has concluded that the ASTM system basically is compatible with the Canadian and Mexican systems. Although there are differences among the systems, they do not pose insurmountable problems.⁴² The ASTM system includes some

³⁹ Woolrich (21) p.1; Carter's (24) p.1. Fruit (64), at p.4, stated that it could not endorse a system which required the use of color, but, with that proviso, it endorsed the Canadian system.

⁴⁰ Several comments noted this deficiency. Pittsfield (17) p.2; Clorox (32) p.4; V.F. Corp. (36) p.4; Pullen (44) p.5; ATMI (56) p.4; GAP (78) p.4. Consumer Union (31) stated, at p.2, that "we need a symbol pertinent to non-chlorine bleach as the industry plans to move away from chlorine bleach." The Trilateral Committee (69), at p.2, and ATMI (56), at p.2, both recommend that any care symbol system adopted by the U.S. include chlorine and non-chlorine bleach instructions.

⁴¹ For dry cleaning, section 423.(b)(2)(ii) of the Rule states that there must be a warning about any part of the normal dry cleaning process that would harm the product, and the Appendix provides examples such as "short cycle," "low moisture," "do not tumble," and "no steam." Canada uses a yellow circle to indicate "dry clean with caution," but that warning is too vague to satisfy the requirements of the Rule.

⁴² The Canadian system is not mandatory; thus, the use of symbols without colors should be acceptable.

refinements that are not a part of those systems (e.g., underlining to indicate gentle or permanent press cycles in washers and dryers). The Commission has tentatively decided that consumer education would be more effective if the system was introduced as a whole, including the use of underlining.⁴³ Nevertheless, the Commission seeks comment on whether the ASTM system, with its use of underlining to reflect cycle variations, should be permitted or whether only the basic symbols, without refinements, should be allowed.

With respect to temperature indications, the ASTM system differs slightly from the Canadian and Mexican systems. Nevertheless, the dot system for temperature, which can be combined with the Celsius temperature as required for the washtub symbol in Mexico and Canada, seems the best compromise for temperature indications.⁴⁴

The "do not bleach" symbol (a triangle with an "X" through it) represents the only instance in which a symbol in the ASTM system has a different meaning in Canada or Mexico. In Mexico, this symbol means "do not use chlorine bleach"; in the ASTM system, it means "do not [use any] bleach," chlorine or non-chlorine. To avoid this conflict, the Commission has tentatively decided to accept the ASTM system with one exception and addition - i.e., the elimination of the triangle with an "X" through it and the substitution of a shaded triangle with an "X" through it for the "do not bleach" symbol. However, the Commission has been informed that members of the ASTM subcommittee that developed that care symbol system are considering making this modification to the system. If this change is made by ASTM prior to the final issuance by the Commission of a conditional exemption for the use of symbols, the Commission will simply reference the modified version of the ASTM system, without exceptions or additions.⁴⁵

⁴³ Some comments expressed the concern that the ASTM system may be too complicated. USA-ITA (57) p.3; Fruit (64) p.4.

⁴⁴ The ASTM standard is not entirely clear as to whether temperature can be indicated by the use of dots and the Celsius temperature. The Commission solicits comment on this issue.

⁴⁵ The ASTM subcommittee recently voted on two additions to the symbols for machine drying: a circle in the square with no dots to indicate any heat; a blacked-in circle to indicate air dry only (no heat). These changes must still be submitted to the entire membership of ASTM. In addition, the subcommittee has discussed modifying the dry cleaning symbol so that lines indicating refinements to dry cleaning are placed next to the circle at an acute angle; if all four refinements were used, the symbol would consist of a circle surrounded by four lines in a diamond formation rather than a square. This avoids conflict with the symbol for machine

VI. Consumer Education

Many comments noted the need for education, although most expressed confidence that U.S. consumers could adapt to care symbols with appropriate education.⁴⁶ Some comments indicated that symbols should be used with words until the U.S. population understands the symbols.⁴⁷ Pittsfield, on the other hand, argued that consumer education based on dual disclosure—the use of symbols with accompanying written instructions on the label—will not work, as shown by the U.S. experience with the metric system.⁴⁸

The Commission agrees that the use of symbols with explanatory written instructions on the permanently attached label would probably not be an effective way to teach the symbol system. However, other comments suggested strategies that would allow consumers to use the symbols while learning them, such as hangtags on garments or charts placed on washing machines, product packaging, or on the back of detergent boxes.⁴⁹ ASTM, cognizant of this issue, formed a Task Group on Care Symbol Education that includes the Soap and Detergent Association, the Association of Home Appliance Manufacturers and numerous other trade associations and representatives from the USDA Extension Service.⁵⁰ The members of this task group are interested in educating consumers about the symbols. In addition, numerous commenters stated they would participate in a

drying (which is a circle in a square). These changes provide useful additional symbols, and, if these changes are adopted by ASTM, the Commission proposes adopting the ASTM system with these changes. However, if adopted, the conditional exemption will reference a specific version of the ASTM system.

⁴⁶ Schwab (10) p.1; Fieldcrest (11) pp. 2–3; ASTM (16) p.8; Pittsfield (17) p.1; Woolrich (21) p.1; Carter's (24) p.2; Consumers Union (31) p.1; Clorox (32) p.4; Business Habits (38) p.4; Pullen (44) p.4; AHAM (53) p.2; Fruit (64) p.3; AAMA (68) p.3. Some comments stated that symbols should not replace words until a consumer education program has become effective. Consumers Union (31) p.1; VF Corp. (36) p.4; Gap (78) p.3.

⁴⁷ Consumers Union (31) p.1; Gap (78) p.3.

⁴⁸ Comment 17, p.2.

⁴⁹ Fieldcrest (11) p.3; Pittsfield (17) p.2; Carter's (24) p.2; Fruit (64) p.3; AAMA (68) p.3.

⁵⁰ Attachment to Subcomm. D13.62 Minutes, attached to ASTM comment (16).

program of consumer education. The Commission seeks comment on the amount of time that would be needed to develop and disseminate consumer education and what forms consumer education might take. The Commission itself would be pleased to work with industry members on such campaigns if the Commission ultimately adopts the proposed conditional exemption.

The Commission believes, however, that although educational campaigns will be necessary and helpful, for at least for an initial 12 month period, manufacturers and importers who choose to use symbols without words should be required to attach explanatory hangtags to each such garment. This will ensure that consumers continue to have access to information about garment care when they make their purchases. Consumers who wish to do so could keep one or more of these hangtags in their laundry rooms. The Commission seeks comment on this proposed requirement of the exemption.

VII. Request for Comment

A. Terms of the Proposed Conditional Exemption

The Commission proposes a conditional exemption to the Rule to allow the use of certain care symbols without language. The proposed conditional exemption from the Care Labeling Rule simply expands the terminology that those covered by the Rule can use to convey the required information. Specifically, the proposed conditional exemption would (1) permit the use of the ASTM system of symbols with an exception and addition (i.e., the substitution of a different "do not bleach" symbol) and (2) require that, for a 12 month period, care labels with information conveyed only in symbols be accompanied by hangtags explaining the meaning of the symbols.

B. Questions on Proposed Conditional Exemption

The Commission specifically solicits written public comments on the following questions, as well as any other issues relevant to granting or denying the conditional exemption described above:

1. Will the underlining of the washtub or the machine drying symbol be confusing to Canadian and Mexican consumers? Will the underlining be confusing to American consumers? If so, should the Commission "except" this part of the ASTM system from the conditional exemption?⁵¹ Will "excepting" the underlining of symbols reduce the benefit of symbols or impose costs on manufacturers?

2. Should the Commission specify the minimum size of the symbols or are existing requirements of legibility sufficient?⁵²

3. Should explanatory hangtags providing care information in language be required for more than one year? Less than one year? How long would it take for hangtags to be prepared and affixed to garments?

4. What types of consumer education should be planned and to what extent are industry members willing to participate in such campaigns? How long would it take to develop and undertake such campaigns?

5. If the Commission were to grant a conditional exemption, when should it become effective?

6. Does ASTM's copyright pose a barrier to the use of the ASTM system?

List of Subjects in 16 CFR Part 423

Care labeling of textile wearing apparel and certain piece goods; Trade practices.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,
Secretary.

BILLING CODE 6750–01–P

⁵¹ Mexico does not indicate cycles at all, and Canada does so by the use of color.

⁵² Pittsfield, a woven label manufacturer, stated that "after surveying the label-producing industry, we would also recommend that care symbols on a label be a minimum of 5 mm in height to ensure legibility." Comment 17, p.3. Paxar, which described itself as the "world's largest manufacturer of various forms of identification for the textile and apparel industry," stated that woven label manufacturers may find it difficult to weave symbols clearly, but no problems should exist with printed labels. Comment 42, p.1. The Rule currently defines a "care label" as a permanent label or tag that "will remain legible during the useful life of the product." 16 CFR 423.1(a).

Commercial & Home Laundering and Drycleaning Symbols

THE FOLLOWING CHART illustrates the symbols to use for laundering and drycleaning instructions. As a minimum, laundering instructions shall include, in order, four symbols: washing, bleaching, drying, and ironing; and drycleaning instructions shall include one symbol. Additional symbols may be used to reduce language-dependent instructions.

GUIDE TO CARE SYMBOLS									
 Washing	 Hand Wash	 Machine Wash Normal Cycle	 Machine Wash Durable Press Cycle	 Machine Wash Delicate/Gentle Cycle	 Do Not Wash (Used Only With Do Not Dry)				
	Water Temperature in Celsius or in Dots	* = 95 C (200 F)	* = 70 C (160 F)	* = 60 C (140 F) (very hot)	* = 50 C (120 F) (hot)	* = 40 C (105 F) (warm)	* = 30 C (85 F) (cold)	 Do Not Wring (Placed After the Instructions)	
 Bleaching	 Any Bleach When Needed	 Only Non-Chlorine Bleach When Needed			 Do Not Bleach				
	 Drying	Tumble Drying			 Tumble Dry Normal Cycle	 Tumble Dry Durable Press Cycle	 Tumble Dry Gentle/Delicate Cycle	 Do Not Tumble Dry (Warning Placed After the Instructions)	
Tumble Dry Temperature * =			 Hot	 Medium	 Low	 No Heat			
Natural Drying			 Line Dry	 Drip Dry	 Dry Flat	 In The Shade (Added to Line Dry, Drip Dry, or Dry Flat)	 Do Not Dry (Used Only with Do Not Wash)		
 Ironing	 Steam	 No Steam	Iron Temperature * =			 Hot Iron (200 C)(390 F)	 Warm Iron (150 C)(300 F)	 Cool Iron (110 C)(230 F)	 Do Not Iron
	 Drycleaning	 Normal Cycle	 Short Cycle	 Low Moisture	 Reduce Heat	 No Steam Finishing	Solvent * = A = Any Solvent P = Any Solvent Except Trichloroethylene F = Petroleum Solvent Only L = Leather Dryclean		 Do Not Dryclean

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