

March 25, 2012

Rachel Miller

To: Mr. Donald S. Clark
Federal Trade Commission
Office of the Secretary
Room H-113 (Annex Q)
600 Pennsylvania Avenue NW
Washington, D.C. 20580

Re: Wool Rules, 16 CFR part 300, Project No. P124201

Dear Mr. Clark:

My name is Rachel Miller and I am commenting as an interested consumer regarding the practice of multilingual labeling within the wool and textile industry. I am grateful for the opportunity to comment and voice my opinion regarding this issue that I see to be an important step for textile manufacturers and consumers in the future. Section 300.10(b) of the Wool Products Labeling Act of 1939 (“Wool Act”) requires that “non-required information...shall not minimize, detract from, or conflict with required information and shall not be false, deceptive, or misleading.”¹ Thus, this provision causes conflict when determining whether labeling in multiple languages confuses consumers or in fact increases consumer competence. This letter seeks to provide general comments regarding the practice of multilingual labeling. This includes the benefits and pitfalls of this practice in relation to both consumers and manufacturers alike. The aim of my comment is to suggest and encourage a general transition by the Commission in incentivizing multilingual labeling practices.

1. General Comments on the Wool Act in Regards to Multilingual Labeling Practices

The Wool Act has been used as a tool in providing and increasing consumer competence in regards to wool products. Multilingual labels, which are voluntary according to the Wool Act, cannot conflict with required information.² This required information includes percentages of wool and other fibers that are more than 5% of the product, the maximum percentage of wool product, the manufacturer name or identification number, and the name of the country where the

¹ Wool Products Labeling Act of 1939, 15 U.S.C. §§ 68-68j (1939).

² Id.

product was manufactured or processed.³ This information takes up a considerably large amount of the label, which begs the question: Is there room for repetition of this information in another language?

Multilingual labeling practices would not only be beneficial to consumers but also to manufacturers. The Commission should embrace the voluntary practice of multilingual labeling and make necessary amendments to the Wool Act in accordance with its administration of this regulation.⁴ It would be remiss of the Commission to not review its stance on this practice in light of the systematic review of its regulations that has occurred since 1992.⁵ The Wool Act is an essential regulation in regards to the textile industry. The increasing globalized world and impact of international trade should be an integral concern of the Commission when reviewing and amending portions of the Wool Act. The issue of multilingual labeling is at this time one of the most important issues to address not just in regards to the Wool Act, but in regards to all textile manufacturing.

In explaining my approach to this problem I will address two primary concerns of the Commission. These concerns are: 1) Whether multilingual labels would benefit consumers and 2) Whether multilingual labels benefit manufacturers. Since, the use of multilingual labels is voluntary I will use indications from other international trading partners, such as the European Union, to emphasize the practicality and importance of the practice for the American marketplace. It is my contention that the Commission should seriously consider the utility of multilingual labeling practices and begin the integration and eventual requirement of this practice in regards to and through amendment to the Wool Act.

2. Multilingual Labeling and Effects on Consumers

Because the Wool Act provides that labels in multiple languages are voluntary, there is a notion that this practice could confuse consumers and lead to deceptive practices in the marketplace. This would be in direct opposition to the purpose and spirit of the Wool Act. However, there is already evidence within the Wool Act that consumers desire information in languages other than English. For instance, the English language requirement of the Wool Act is inapplicable when advertised in foreign publications.⁶ Although the Commission is primarily concerned with American consumers, there is not only potential but provisions in the Wool Act that are concerned with international consumers. This indicates that giving consumers access to information in their native language, or a language to which they are familiar, is just as important as providing the information in English.

Looking to the practices of other markets and consumers, the European Union has proven that multilingual labels do not detract from nor deter consumers from purchasing

³ 15 U.S.C. 68b(a).

⁴ 15 U.S.C. 68d(a).

⁵ Federal Trade Commission: Notice Announcing Ten-year Regulatory Review Schedule and Request for Public Comment on the Federal Trade Commission's Regulatory Review Program, 76 FR 41150 (Jul. 13, 2011).

⁶ Bureau of Consumer Protection, Threading Your Way Through the Labeling Requirements Under the Textile and Wool Acts, <http://www.nationaltextile.org/library/ftc/thread.pdf>.

products.⁷ The European Union Directorate General (“DG”) for Internal Policies in their Study of Labelling of Textile Practices, notes that consumer organizations would prefer mandatory multilingual labeling.⁸ Alternatively to requiring labels in multiple languages, the DG discusses a possible transition to a system that is in place currently for cosmetic labeling, which is utilized by the European Union, Japan, United States and Canada.⁹ This system requires that ingredients in cosmetics are listed with their designated International Nomenclature for Cosmetic Ingredients name, which provides consumers with a list of ingredients in their own language.¹⁰ However, it has been noted by the DG that this would be even more burdensome for consumers than the prospect of multilingual labeling,¹¹ and in my opinion I think that consumers would prefer to have information at their fingertips and on the label itself.

Although there have not been many complaints filed by consumers within the European Union, it is notable that many consumer organizations will not accept labels in one language, as is the current practice in the United States.¹² In comparison to other industries, the desire for specific information on textile labels regarding health and sustainability is important to consumers.¹³ These types of information, essential to consumer competence and purchasing patterns, should be included in multilingual labels along with the required information of the Wool Act. Clearly, the European Union is not completely analogous to the U.S. market because of the vast multitude of languages that are spoken within the trade zone. However, it is naïve to not investigate the practices of other markets that are so accessible and include such a broad range of consumers.

In addition to the European Union standards and studies on consumer preferences, practices regarding other American industries should be taken into account when determining the effects of multilingual labels on consumers. I previously mentioned the standards of the cosmetics industry for which the Food and Drug Administration allows for the use of labels in more than one language. Following other agency practices only increases integration of the U.S. market and the potential for consumer knowledge. It is not my contention that the Commission disregards the use of English labels. However, due to the prevalence of Spanish speaking consumers within the U.S. market, the addition and transition into multilingual labels could be a benefit to consumers that desire important information in a language they are more comfortable understanding.

3. Multilingual Labeling and Effects on Manufacturers

Concerns in regard to manufacturers and producers of textiles considered under the Wool Act are potential costs and effects on small businesses. Clearly, the ability to integrate multilingual labels into the marketplace rests mostly with the manufacturers of textiles and

⁷ Directorate General for Internal Policies, Study on Labelling of Textile Products, p. 7, (2010).

⁸ Id.

⁹ Id. at 27.

¹⁰ Id.

¹¹ Id.

¹² Id. at 43.

¹³ Directorate General for Health and Consumer Protection, Labelling: Competitiveness, Consumer Information and Better Regulation for the EU, p. 11, (2006).

producers of wool products. In addressing these concerns I will be discussing both cost and also the feasibility of this endeavor for both large and small manufacturers.

First, in regards to cost, there are two considerations. These are translation and actual label production costs. Again, looking to the European Union and research done in regards to industry practices, it is evident that the cost for manufacturers is not as great as one might think. The European Committee for Standardization found that translation costs would be rather insignificant.¹⁴ Re-labeling however, could be a more significant number depending on changes, this was estimated at “1.5-3 Euros per label per garment.”¹⁵ While these numbers still suggest that companies, both large and small, will have to adjust and compensate for new practices this does not take into account the practices of American companies that participate in other markets with requirements that demand labels in more than just English.

Additionally, international retailers would be benefitted by creating a uniform label rather than having different labels for different markets. Another idea that could be gradually transitioned by the Commission through amendments to the Wool Act would be the use of multilingual labels in regards to textile performance and safety concerns. For instance the European Committee for Standardization believes that information should be required in regards to information such as ability to be water repellent, flame proof, etc.¹⁶ This seems like a reasonable and plausible way for the Commission to begin integrating multilingual labeling practice. This initiative also takes into account the concerns for consumers that label crowding would dilute the information on a label. However, if labels were only utilizing multiple languages for information such as safety hazards, and not all the fibrous content information, this concern would be allayed.

Second, in regards to the feasibility of re-labeling or the creation of new labels, it is imperative to understand how a transition to multilingual labeling will impact small and large businesses alike. While there is a cost and undeniably infrastructural changes that must occur to comply with any changes in multilingual labeling practice it is important to note that many companies must comply with labeling requirements in other countries where their goods are sold. As mentioned in my general comments, the Wool Act already provides a loophole for marketing in languages other than English, as required generally by the Wool Act. Furthermore, it is not my opinion that all information should be translated into Spanish or other languages but only that a gradual transition is commenced by the Commission incentivizing multilingual labels.

Small businesses while burdened also will receive benefits from this practice. For producers that predominantly or completely have their consumer base in the United States, and other small businesses, this is a chance to expand and empower a broader consumer base. Small businesses, especially those within a niche market like eco-friendly textiles should take this transition as an opportunity to reach a broader market and a market that could be interested in specific nuances in the garment or safety precautions. Initially there will be some cost and time

¹⁴ Supra note 7, at 28.

¹⁵ Id.

¹⁶ Id.

required to implement any new procedures or labeling practices. However, it is essential to keep the United States up to date in this ever increasing globalized world. Small and large businesses alike should embrace changes that allow for greater competition and possible expansion.

4. Conclusion

The Commission should take this comment and this opportunity to implement and gradually transition into a practice of multilingual labeling in regards to the Wool Act. Requiring or incentivizing multilingual labeling practices will increase consumer knowledge and expand business. Consumers are aware of labels and the important information that allows them to delineate between the quality and features of garments. Encouraging manufacturers to include multilingual labels in regards to these special features will not create confusion, mainly because English would still be the primary language on the label, but actually increase competence.

The Commission should integrate these practices because businesses desire success and expansion. This practice, albeit initially requiring extra cost and organization, will produce these results. Many large companies and businesses that are involved with international trade already comply with the standards of other countries that require labeling in more than English. Small companies that are not involved with international trade still provide products for a large number of Americans who would benefit from multilingual labeling practices.

The Commission, in its Federal Register notice of this proposed regulation, stated that “[t]he Federal Trade Commission (“FTC” or “Commission”) systematically reviews all its rules and guides to ensure that they continue to achieve their intended purpose without unduly burdening commerce.”¹⁷ The increased use of multilingual labels and support by the Commission will not unduly burden commerce in any way. There are concerns about confusion and costs. However, this transition is just a natural progression of globalization and the continuance of American business’ presence in the international marketplace.

Sincerely,

Rachel Miller

¹⁷ Federal Trade Commission, Rules and Regulation Under the Wool Products Labeling Act of 1939, 77 FR 4498 (2012).