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Proposed Rule

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Truth in Fur Labeling Act - FTC

The TFLA serves an important function in protecting consumer choice from clothing manufacturers that are more than willing to include fur in clothing without customer knowledge. Many people in today's society place a high value on ethical issues associated with the rights of animals, and especially those being specifically for their furs. These individuals who are opposed to mistreatment of animals have a right to be aware of the type of material being used in the clothing they purchase. Not only is this protection of consumer choice paramount to our modern society, but it is also important to have this level of transparency in the market for clothing items.

Furthermore, the TFLA's removal of the exemption for items containing small amounts of fur gets rid of the discrepancy between purported animal laws of a foreign jurisdiction and those that are regulated under United States law. For example, the animal and garment laws of China may not be on par with the requirements in the United States. While China may still conceivably meet the US specifications and industry standards for the garments they import, the treatment of the animals while in China may be worse than they would conceivably be in the United States. Without the labeling requirement, a consumer does not have the choice to completely avoid those items of clothing that potentially contain these scraps of cats and dogs from China. In buying the unlabeled clothing that was previously exempt from the requirements of the Fur Act, consumers were inadvertently supporting fur harvesting processes in foreign jurisdictions.

It would appear that these additional labeling requirements proposed by the TFLA do not increase costs to consumers. Raising animals for fur is a much more expensive endeavor than producing "faux" fur; thus, logically it would make sense that costs should go down for these garment producers utilizing the scraps of fur in the lower-priced clothing items. It would not be possible to think that the additional burden imposed by labeling overshadows the cost of raising the animals necessary for the fur. While the TFLA is not an outright ban on placing fur in items of clothing, it is beneficial to point out that the costs associated with producing and placing a label on clothing could not possibly be more than discontinuing the use of fur for producers. There would be no reason for producers to pass on the costs of labeling to consumers in this instance.

The trapper exception appears to be based in sound reasoning relating the business of trapping and hunting. The only problem may be in the enforcement of this exception and the mechanisms that need to be put in place to ensure that this exception is properly applied to the appropriate situations. Exactly which enforcement bodies will be in charge of making sure that this provision of the TFLA is correctly applied to the hunters and trappers? Will it be a state of federal agency/body? Should there be

some additional permitting requirement imposed on the hunters and trappers so that they are aware of their obligations under the TFLA? Without these enforcement considerations it would appear that the new provisions of the Fur Act may not be properly followed.

Another enforcement consideration deals with the removal of the previous de minimis exemption. This provision was recently taken out of the Fur Act, yet it is unclear if the parties that will be affected by this are aware of the new federal requirements. Notification of these new labeling requirements is imperative for the TFLA's effective implementation. Without this, consumers are back at the position they occupied before the TFLA was passed. Thus, transparency and effective enforcement are two considerations that are pivotal to protecting American consumers.