

In response to the FTC's request for comments on the proposed revision of guidelines re: use of the stamp Pt, Plat, or Platinum I would begin with the FTC's guidelines (boldface added):

### § 23.1 Deception (general).

It is **unfair or deceptive to misrepresent** the type, kind, grade, quality, quantity, **metallic content**, size, weight, cut, color, character, treatment, **substance, durability, servicibility**, origin, price, **value**, preparation, production, manufacture, distribution, or **any other material aspect of an industry product**.

Note 1 to § 23.1: If, in the sale or offering for sale of an industry product, **any representation is made as to the grade assigned the product**, the identity of the grading system used should be disclosed.

**Note 2 to § 23.1: To prevent deception**, any qualifications or disclosures, such as those described in the guides, should be **sufficiently clear and prominent**. Clarity of language, relative type size and proximity to the claim being qualified, and an absence of contrary claims that could undercut effectiveness, will maximize the likelihood that the qualifications and disclosures are appropriately clear and prominent.

Platinum has always been a premium alternative to gold product. Not only has the platinum price historically been higher than gold, but it's heft in weight (generally expressed within the trade in dwt or pennyweight, a subdivision of ounces) for identical cast impressions of the same mold and it's traditional purity (>850 ppt) relative to 14k gold (585ppt) or 18k gold (750ppt) is well established. To depend on salespeople at the retail level to accurately and faithfully disclose and explain to the public at the time of purchase is totally unrealistic. First, they are ill prepared to understand the specifications themselves. They would also not be likely to explain even if they did unless they were specifically asked. That is simply the reality of the marketplace.

To change historical expectations and industry norm, especially in light of the fact that the tradition is a consequence of compliance to established FTC guidelines, is not warranted simply because some manufacturers choose to introduce a less expensive alternative into the marketplace. I am not opposed to alternative composite metals but I do object to the inevitable deceptive misrepresentations that will inevitably result if the Pt, Plat, or Platinum stamp is allowed to be used in ANY form when discussing a composite. Neither Brass (copper and zinc) nor Bronze (copper and tin) appears on the periodic table of elements. They are various combinations of more than 1 element on the table. One of the premier metallurgists in our industry, Steven Kretchmer, developed a "magnetized" platinum that was only 770 ppt platinum and therefore created a new name for his product-Polarium. I would consider that the answer if manufacturers choose to introduce new alternative composite metals into the marketplace. It is not for the industry or the FTC to participate in the naming, marketing, or launch of a new alternative. I see no reason why established custom is altered so as to make a new product marketable. Especially because of the consequential confusion that will result.

It is unrealistic to expect a full and fair disclosure on a tiny jewelry tag which of necessity must include other details in addition to the metal, including but not limited to stock #, style#, price, diamond total weight and color and quality description. This tag will immediately be separated from the piece and on subsequent examination, short of an assay, will not be discernible even to the well trained professional. How can you possibly consider this fact will not result in misrepresentations, deception and confusion to the detriment of the consumer. The savviest of consumers in search of finer merchandise has reason to rely on the purity of platinum product, largely BECAUSE of the existing FTC guidelines which require AT LEAST 850 ppt Platinum and AT LEAST 95% ppt Platinum group metals. In fact, today's product is higher content. In years passed, all Platinum product was either 90%Platinum 10% Iridium or 95% Platinum 5% Ruthenium. The 5% spread down to minimum 850 was to allow for the solder often used to put pieces together. With today's laser spot-welding technology, no foreign metals are introduced into the manufacturing process.

As a far less prudent, yet preferable to the ill advised alterations to longstanding FTC guidelines proposed, there could be a descriptive stamp inside the shank of rings or on other types of jewelry, that expresses ppt of each alloy in the metal. It may amount to the "Gettysberg address on the head of a pin" and include symbols the consuming public is not familiar with but it is still far better than simply changing the existing meaning of all types of platinum stamped markings. If nothing else, if the consumer looks for the stamp it might inform them to ask what the stamp means and serve to better alert them to the facts. But I do believe that it is beyond the average consumer's understanding. It would at least alert the industry professional who does look for the stamp. But if the FTC were to require, as they currently suggest, that the full words and ppt or %age content be enumerated, it is totally impractical and as a consequence will NOT be adhered to. The shank of a ring is probably not big enough to carry the specific enumeration proposed but it is a certainty that there is no place on an earring to write all the FTC requires. The only potential remedy to that would be on a tag/accompanying certificate of description which, by it's very definition, become detached from the item immediately. Neither the repair jeweler, next potential buyer/heirloom recipient would have any real prospect of knowing the composite material's actual content. It seems the FTC is content to craft what seems logical as a potential solution but is not influenced by the reality of the interaction at the retail counter. It seems fine to require disclosure but it will not happen fully and fairly most of the time. The consumer is not alert to the new alternative because the remedy you are suggesting does not call attention to the idea that something has in fact changed. Even the salesperson lacks the personal understanding or the appropriate education and instruction as to the 3 types of disclosure you expect them to voluntarily disclose. You can ask for supporting evidence but no one can or will take the time and risk to vilify or slander others. It is simply a reality that most take the path of least resistance. In this case it amounts to not saying anything unless specifically asked. Even if a direct question should prompt the FTC Guidelines 3 disclosures, anecdotal evidence is that the front line salesperson will not be adequately armed with the accurate answer. If the FTC will not accept the reality that their guidelines are neither practical to implement in stamping the product or fall short in the area of well informed and appropriate sales presentation, the consumer will doubtless be victim of inadequate disclosure.

There is better reason to believe, as the FTC puts it, that "the record shows" (and I would like to incorporate, by reference, to the FTC's Sec B: Analysis of Comments (beginning on page 17): "The record supports the following conclusions: (1) a substantial number of consumers believe products marked or described as "platinum" are pure and possess certain desirable qualities; (2)...consumers would not expect platinum/base metal alloy jewelry to be marked or described "platinum"; (3)...consumers do not fully understand numeric jewelry markings and chemical symbols and may find them confusing; (4) testing data in the record suggests that some platinum/base metal alloys do not possess all the qualities of the higher purity platinum jewelry that consumers expect; and (5) the consumer perception and product testing data support revising the Guides to address the marketing of platinum/base alloys...

If, as the FTC says "the record supports" these 5 conclusions, then why has it been necessary to review the long established and now internationally and universally accepted principal of purity standards? If the impetus is a new product alternative, why has the FTC sided with the newly introduced alternative in such a way as to contribute to confusing and deceiving the consuming public? Does a new product launch need to be introduced by altering long standing, established industry standards? Is the FTC's influence of inclusion under the Pt, Plat, or Platinum stamp adding information for the consumer's benefit? I think to the contrary. Why not call the consumer's attention to this new innovation by calling it by a different name which reflects the fact that it is different than what has been customary.

New products need their own marketing plans and names. It is clearly confusing and potentially deceptive to alter the guidelines by including base metal alloys and confusing to call 50% + alloys something that historically was required to be and currently has been promoted as "pure". Even gold products exceed 50% precious metals. In fact, the reality of this newly conceived product is

to create the impression of being in a class with finer and purer platinum product without the reality. It's goal in aspiring to the use of the Pt, Plat, or Platinum stamp is subliminally to confuse and deceive. If not, they will have no issue like Bronze, Brass, and Polarium of calling the new alternative by its own name.

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