IN THE MATTER OF

SAMI DESIGNS, LLC. d/b/a JONÄNO

AND

BONNIE SIEFERS

CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT AND THE
TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Docket No. C-4279; File No. 082 3194
Complaint, December 15, 2009 - Decision, December 15, 2009

This consent order addresses allegations that Sami Designs, LLC, also doing business as Jonäno, LLC., a producer, seller and distributor of textile fiber products throughout the United States, made deceptive advertising claims about its product in violation of Section 5 of the FTC Act. The Complaint alleges that Respondents sold textile fiber products that were misbranded or falsely or deceptively advertised as to its fiber content. The Complaint further alleges that the Respondents did not comply with the Textile Act or the Textile Rules and Regulations. The order prohibits the Respondents from expressing or implying a product is made of a particular content using an environmentally friendly process or is anti-microbial, unless the representation is true, non-misleading, and, at the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Participants

For the Commission: Melinda Claybaugh and Korin Ewing

For the Respondents: Richard A. O'Halloran; Burns, White & Hickton.

COMPLAINT

Complaint

the Commission that this proceeding is in the public interest, alleges:

23. Respondent Sami Designs, LLC, also d/b/a Jonäno (“Jonäno”), is a Pennsylvania limited liability company. Its principal office or place of business is 2582 Wexford Run Road, Wexford, Pennsylvania 15090.

24. Respondent Bonnie Siefers is an owner of Jonäno. Individually or in concert with others, she formulates, directs, or controls the policies, acts, or practices of the limited liability company, including the acts or practices alleged in this complaint. Her principal office or place of business is the same as that of Jonäno.

25. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

26. Respondents manufacture, advertise, market, promote, offer to sell, sell, and distribute textile fiber products, including a line of “ecoKashmere” products, throughout the United States, using both Jonäno’s own website, www.jonano.com, and other retailers.

27. Respondents price the textile fiber products that they manufacture, market, promote, distribute, and sell at a premium compared to other, similar products in the marketplace.

28. In advertisements to induce consumers to purchase their textile fiber products, Respondents make or have made various claims, on their website and elsewhere, concerning the fiber content and anti-microbial characteristics of their textile fiber products, as well as the environmentally friendly manufacturing processes used to make their products, including, but not limited to, the following:
A. **Jonäno Website (www.jonano.com)**

1. **Get Natural**

   Nurture yourself in soft sustainable style with our bamboo ecoKashmere, eColorgrown organic cotton and crisp hemp linen.

   * * * *

   **Comfort with Benefit™ - Organic Cotton, Natural Fibers and Bamboo Apparel**

   * * * *

   **EcoKashmere: Soft, Knit Bamboo Fiber**

   (Homepage, Exhibit A at 1-2).

2. **BAMBOO CLOTHING**

   Bamboo is a natural, renewable resource that can be made into easy-care fabrics. Made from the cellulose extracted from the bamboo plant, this elegant eco-fiber is manufactured using a non-toxic process which spins buttery-soft machine washable fabrics.

   * * * *

   Jonäno natural bamboo clothing provides a high level of comfort, plus natural antimicrobial protection designed to inhibit the growth of the bacteria and fungi that cause odor. The natural antimicrobial qualities of bamboo clothing help to protect you from perspiration, staining, and helps keep your clothes looking great longer. Best of all, bamboo clothing keeps its natural antimicrobial benefits even after repeated washing.

   (“Natural Fibers” page, Exhibit A at 4).
3. **Eco-fashion**

**ECO-CHIC**
The term eco-chic is exclusive to fashionable and stylish clothing created using environmentally friendly processes. Embracing the idea of making a positive impact on the future of the planet, Jonâno selects high quality organic and natural fabrics that utilize the earth’s resources in an Eco-friendly sustainable manner. Natural and organic clothing is created using as few chemicals and harmful impact on the environment as possible, promoting ecological responsibility.

(“Luxurious Eco-Fashion” page, Exhibit A at 5).

4. **EcoKashmere®**

Known for its buttery soft cashmere feel without the cashmere cost, the ecoKashmere® Collection by Jonâno offers transitional basics in our signature soft bamboo blends.

**DETOX YOUR WARDROBE**
The natural antibacterial properties of bamboo fabric come from an inherent quality of bamboo commonly called ‘bamboo kun.’ Bamboo cultivation does not require the use of pesticides, making it a natural choice for organic farming techniques. It is rarely attacked by pests or infected by pathogen. The same natural substance that protects bamboo growing in the field functions in ecoKashmere, killing germs that cause odor.

* * * *

Healthier for you and the environment, pesticide-free and chemical-free, ecoKashmere® bamboo clothes are the new earth’s cashmere.

(“EcoKashmere® Line” page, Exhibit A at 6).
5. **About Jonäno**

**Reduced Footprint**

When this much care has been taken to create a fiber that is truly natural, organic and sustainable, the manufacturing process must also be environmentally responsible. Jonäno® creates (sic) ecoKashmere® in Asia in accordance with ISO 1400 environmental standards. It is made from organically grown bamboo and harvested close to vertically integrated manufacturers to lessen the transportation costs between fabrication facilities.

The bamboo is spun, and then dyed using closed systems mild alkali bath processes which has been determined to be safest for the environment.

* * * *

It is absolutely essential that the chemicals used in the production of textiles must not have any negative effects on human health and the environment. For this reason, authorized laboratories and professional certification groups test our textile products; physical and chemical analyses are used to verify that textile products are safe to be used for the consumer and the environment. Our manufacturing systems have been certified that they have met the OKO-TEK STANDARD 100.

(“About Jonäno” page, Exhibit A at 7-9).

6. **Women**

Bamboo Pique Long Sleeved Vee Polo Red

Composition: 95% Bamboo 5% Lycra Pique

(“Product” page, Exhibit A at 10-11).
Complaint

7. **February 25, 2006 Press Release:**

   **Why You Should Buy Organic Clothing**

   * * * *

   1. . . . Jonäno manufactures only authentic spun bamboo of the highest quality and strength.

   * * * *

   • Natural and organic fiber fabrics are processed with as few chemicals and harmful impact on the environment as possible. By purchasing natural and organic fiber clothing you are supporting environmental causes. By purchasing sustainable clothing that reduces environmental impact, clothing that supports and nourishes the earth and the lives of all people involved in the process of growing, manufacturing and distributing the clothing, you also support the principals (sic) of Fair Trade working conditions, earth and animal welfare.

   (“News and Events” page, Exhibit A at 12-13).

8. **March 8, 2006 Press Release:**

   **Skin Care And Hypoallergenic Solutions For Diabetics**

   Skin care problems are common in diabetics. Jonäno offers hypoallergenic, naturally antimicrobial baselayer protection against bacteria and fungus that cause odor.

   * * * *

   Keeping your diabetes under control is the most important factor in preventing skin complications.
Complaint

. . Proper skin care will also reduce your risk of skin problems:

* * * *

Choose newly available hypoallergenic and naturally antimicrobial clothing options . . . Jonâno offers naturally antimicrobial, hypoallergenic clothing for Men, Women and babies.

(“News and Events” page, Exhibit A at 14-15).


Eco-minded Shoppers are Discovering Renewable Bamboo

Designed for parents who seek only the best when it comes to their precious little ones, soft, ringspun bamboo ecoKashmere is both luxurious and healthy not only for your little ones, but also for the environment.

* * * *

Safer for the environment and baby, look for organics that are not only chemical-free, but also produced without any harsh chemical bleaches or dyes. Organically grown ensures that the fabric and crop remain pure and free from harmful chemicals and dyes. As a result, organics are not only gentle on baby’s sensitive skin, but also safer for the people who make the clothes, for the farmers who grow the crops, and for the environment.

(“News and Events” page, Exhibit A at 16-17).
B. **Product Hangtag**

1. Discover the difference of ecoKashmere™

   Made from the fastest growing woody plant on earth, bamboo requires no pesticides, making this exotic fiber 100% eco-friendly. Renowned for its antibacterial properties and breathability, bamboo provides comfort with benefit™. Wear your values in luxurious style created using sustainable business practices and fair labor standards that honor Mother Earth.

   (Exhibit B at 1).

2. **Organic Bamboo**

   Nurture yourself as you Wear your Values™ in luxurious ecoKashmere® bamboo clothing – a sustainable choice that honors Mother Earth.

   Bamboo is a natural, renewable resource that can be made into easy-care textiles. This luxurious eco fabric is derived using a low impact process, which spins machine washable buttery cashmere-like fabrics.

   - Bamboo offers a high level of comfort, plus natural antimicrobial protection;
   - Bamboo inhibits the growth of the bacteria and fungi that cause odor and perspiration staining;
   - Best of all, bamboo clothing retains its natural antimicrobial benefits even after repeated washing.

   (Exhibit B at 2).
C. **Product Labels**

1. **95% Bamboo 5% Spandex**

   (Exhibit C at 1).

29. The textile fiber products manufactured, marketed, promoted, distributed, and sold by Respondents consist of rayon and not actual bamboo fibers woven into fabric.

30. Rayon is the generic name for a type of regenerated, or manufactured, fiber made from cellulose. Rayon is manufactured by taking purified cellulose from a plant source, also called a cellulose precursor, and converting it to a viscous solution by dissolving it in one or more chemicals, such as sodium hydroxide. The chemical solution is then forced through spinnerets and into an acidic bath where it solidifies into fibers.

31. The process used to manufacture rayon from cellulose involves hazardous chemicals. See 40 C.F.R. Part 63 (“National Emissions Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing”).

32. “[H]azardous air pollutants (HAP) emitted from cellulose products manufacturing operations” include carbon disulfide, carbonyl sulfide, ethylene oxide, methanol, methyl chloride, propylene oxide, and toluene. 40 C.F.R. § 63.5480.

33. Many plant sources may be used as cellulose precursors for rayon fabric, including cotton linters (short cotton fibers), wood pulp, and bamboo. Regardless of the source of the cellulose used, however, the manufacturing process involves the use of hazardous chemicals and the resulting fiber is rayon and not cotton, wood, or bamboo fiber.

34. Respondents do not state that their textile fiber products are rayon, nor, assuming that bamboo is the source of the cellulose used in their textile fiber products, do Respondents state that their textile fiber products are rayon made from bamboo. Moreover, on the pages of their website stating the claims set forth in Paragraph 6, Respondents do not provide any description
of the chemical process used to manufacture their textile fiber products.

35. At the end of 2008, Respondents modified their website to add a webpage entitled “The Naked Truth” within the category of “Wear Your Values” under the tab for “About Jonäno.” On this webpage, Respondents acknowledge that “Bamboo fabric uses a chemical process to turn its Cellulosic fibers into fabric. And yes, it’s also true that the process is similar to Tencel®, viscose and rayon production and is, in fact, considered a sub-category of both Viscose and Rayon.” (“The Naked Truth” page, Exhibit D at 1).

36. The statements made in Paragraph 13 are not clear and conspicuous, nor are they in close proximity to the representations set forth in Paragraph 6, above.

15. Respondents advertise or have advertised their textile fiber products for sale on the www.jonano.com website without including in the description of the product a clear and conspicuous statement that the product was either made in U.S.A., imported, or both.

VIOLATIONS OF SECTION 5 OF THE FTC ACT

FALSE OR MISLEADING REPRESENTATIONS

16. Through the means described in Paragraph 6, Respondents represent or have represented, expressly or by implication, that:

a. Their textile fiber products are bamboo fiber;

b. Their textile fiber products are manufactured using an environmentally friendly process; and

c. Their textile fiber products retain anti-microbial properties of the bamboo plant.
17. In truth and in fact:

   a. Respondents’ textile fiber products are not bamboo fiber, but instead are rayon, a regenerated cellulose fiber;

   b. Respondents’ textile fiber products are not manufactured using an environmentally friendly process but rather a process that involves the use of toxic chemicals and results in the emission of hazardous air pollutants; and

   c. Respondents’ textile fiber products do not retain anti-microbial properties of the bamboo plant.

18. Therefore, the representations set forth in Paragraph 16 were, and are, false or misleading, and the making of such representations constitutes a deceptive act or practice, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

UNSUBSTANTIATED REPRESENTATIONS

19. Through the means described in Paragraph 6, Respondents represent or have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 16, at the time the representations were made.

20. In truth and in fact, Respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 16, at the time the representations were made.

21. Therefore, the representation set forth in Paragraph 19 was, and is, false or misleading, and the making of such representation constitutes a deceptive act or practice, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.
Complaint

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT
and RULES AND REGULATIONS


23. Under the Textile Act, a textile fiber product is “misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.” 15 U.S.C. § 70b(a).


a. All textile fiber products must carry permanent, affixed labels stating the recognized generic names of the constituent fibers, as well as indicating, among other things, the “percentages by weight of the constituent fibers present in the textile fiber product, excluding permissive ornamentation, in amounts of 5 percent or more,” as well as the “name of the country where such product was processed or manufactured.” 16 C.F.R. § 303.16(a)(1), (a)(3); see also 16 C.F.R. §§ 303.6, 303.15 and 303.33;

b. In advertising textile fiber products in promotional materials disseminated to ultimate consumers in print or by electronic means, other than by broadcast, where the consumer is solicited to purchase such textile products without examining the actual product purchased, the description of the product must contain a clear and conspicuous statement that the product was either made in U.S.A., imported, or both. 16 C.F.R. § 303.34;
c. In advertising and labeling textile fiber products, no generic name for a manufactured fiber may be used until such generic name has been “established or otherwise recognized by the Commission,” 16 C.F.R. § 303.8, and such generic names must be used when identifying the fiber content in the information required in such labels and advertisements, 16 C.F.R. § 303.6;

d. The only generic terms for fibers manufactured from regenerated cellulose that have been established or otherwise recognized by the FTC are rayon, viscose, modal, cupro, and lyocell. See 16 C.F.R. § 303.7(d);

e. “Words, coined words, symbols or depictions, (a) which constitute or imply the name or designation of a fiber which is not present in the product, (b) which are phonetically similar to the name or designation of such a fiber, or (c) which are only a slight variation of spelling from the name or designation of such a fiber shall not be used in such a manner as to represent or imply that such fiber is present in the product.” 16 C.F.R. § 303.18. Any term used in advertising, including internet advertising, that constitutes or connotes the name or presence of a textile fiber is deemed to be an implication of fiber content. 16 C.F.R. § 303.40; and

f. Any information or representations included in advertising or labeling of a textile fiber product that is not required under the Textile Act or the Textile Rules and Regulations “shall in no way be false, deceptive, or misleading as to fiber content and shall not include any names, terms, or representations prohibited by the [Textile] Act and regulations. Such non-required information or representations shall not be set forth or so used as to interfere with, minimize, or detract from the required information.” 16 C.F.R. § 303.42(b); 16 C.F.R. § 303.41(d); see also 16 C.F.R. § 303.17.
Complaint


VIOLATIONS OF THE TEXTILE ACT AND THE TEXTILE RULES AND REGULATIONS

26. As set forth in Paragraph 6, Respondents have:

   a. labeled their textile fiber products as consisting of bamboo; and

   b. advertised the fiber content of their textile fiber products using the terms “bamboo” and “bamboo fiber.”

27. In truth and in fact, Respondents’ textile fiber products are not bamboo fiber but are rayon, a regenerated cellulose fiber.

28. As set forth in Paragraph 15, Respondents have advertised and sold their textile fiber products on the www.jonano.com website without including in the description of each product a clear and conspicuous statement that the product was either made in U.S.A., imported, or both.

29. Through the means described in Paragraphs 6 and 15, Respondents have manufactured for introduction, introduced, advertised, offered for sale, or sold textile fiber products that are misbranded or falsely or deceptively advertised, as prohibited by Sections 70a and 70b of the Textile Act, 15 U.S.C. § 70, et seq., and in violation of Sections 303.6, 303.8, 303.16, 303.17, 303.18, 303.34, 303.40, 303.41, and 303.42 of the Textile Rules and Regulations, 16 C.F.R. Part 303.

30. Respondents’ violations of the Textile Act and of the Textile Rules and Regulations constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.
Complaint

THEREFORE, the Federal Trade Commission, this fifteenth day of December, 2009, has issued this complaint against Respondents.

By the Commission.

Exhibit A

Designer Organic Clothing from Jovano for Women and Babies

Get Natural

Nurture yourself in soft sustainable style with our bamboo and-organic cotton and hemp blend. Wear natural, comfortable clothing with style.

Comfort with Benefit™ - Organic Cotton, Natural Fibers and Bamboo Apparel

http://www.jovano.com/
Of all organic, natural fibers, organic cotton is one of the most popular. Organic cotton is grown using methods and materials that have a low impact on the environment.

Conventional cotton farming is one of agriculture's most environmentally destructive activities, taking an enormous toll on the air, water, and soil, as well as people living around pesticide-laden cotton fields. Cotton uses approximately 25 percent of the world's insecticides and more than 10 percent of the pesticides (including herbicides, insecticides, and defoliants). In the U.S. in 2000, 84 million pounds of pesticides were sprayed on the 10.4 million acres of conventional cotton grown in the country, ranking cotton second behind corn in total amount of pesticides sprayed. The Environmental Protection Agency (EPA) noted in 2000 that seven of the top 15 pesticides used on cotton in the United States are "likely," "probable," or "known" human carcinogens.

Organically grown bamboo clothing is luxuriously soft with a texture akin to silken cashmere, and looks fantastic in nature inspired low impact fabric lines. Bamboo fiber's moisture absorbency is twice that of cotton, and has natural antimicrobial properties, commonly known as "bamboo kari." Bamboo clothing wicks moisture and odor away from your body at twice the rate of conventional cotton.

Bamboo does not require the use of pesticides due to its natural fungicidal and antibacterial agents. The same natural substance that protects bamboo growing in the field protects you as you wear bamboo clothing.

Bamboo is known to be the fastest growing plant on earth, making it naturally renewable. It grows to its maximum height in approximately 3 months and matures in 3-5 years. Bamboo's growth characteristics enable it to spread rapidly across large areas, and bamboo cultivation can improve soil quality in degraded and eroded areas.

Hemp is the original choice for organic clothing, with references to its use in organic clothing and textiles for over 12,000 years. Presidents Washington and Jefferson both grew hemp, and hemp was grown by the early American settlers. Ben Franklin owned a mill that made hemp paper. Jefferson drafted the Declaration of Independence on hemp paper.

Hemp denim was the chosen fabric for the first pair of Levi's jeans. More resilient than cotton denim, hemp is just as soft and versatile. And the hemp plant is one of the most amazing eco-friendly plants known on the planet. Industrial grade hemp produces three times more fabric per acre than non-organic cotton, and is a natural for organic farming techniques due to its natural antimicrobial qualities. The hemp plant actually replenishes the soil it is grown in, leaving it richer in essential nutrients than before it was planted. It also grows extremely fast, so it's an excellent crop in terms of productivity for the farmer. But its hemp's durability and texture that makes it a natural choice for the Jisano Eco Scrub line in silken hemp linen.

Hemp natural fibers are longer, stronger, more absorbent and more mildew-resistant than other fibers.

At Jisano™ we are passionate about the organic clothing that we offer you. Jisano™ is meticulous in removing the guesswork out of what is good for your family, saving you both time and headaches. Whether shopping for yourself, your family, or choosing a gift, we want you to know that the natural products you are choosing, are also items we are using in our home. Enjoy your shopping experience.

**ecoKashmere: Soft, Knit Bamboo Fiber**

Complaint

Designer Organic Clothing from Jorano for Women and Babies

Known for its buttery soft feel without the cost.

- Read More
- Buy Now

Sami Baby: Natural clothing for your child

Sami Baby Collections highlight your baby’s playful nature.

- Read More
- Buy Now

Eco Scrubs: For the environment and for you

Functional and fresh Eco Scrubs transition in any environment.

- Read More
- Buy Now

wholesalers

Thank you for your interest in our wholesale department...

- Read More

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Jenino® trademark registered.
ecoKashmere® trademark registered.

Sami Designs® trademark registered.
Comfort with Benefit® trademark registered.
Eco Scrubs™ trademark registered.
eColoergrown™ trademark pending.
Sami Baby™ trademark pending

Sami Designs Inc. specializes in trademark eco-friendly fabrics
and sustainable business practices.

http://www.jorano.com/
Complaint

Wear Your Values: Natural Fibers - Designer Organic Clothing from Junoos

**ORGANIC COTTON + LINEN**

Organic cotton, a sustainable, renewable resource that can be grown in any soil, even waterless, on the same fields where it is harvested, has been the first natural fiber to be commercially harvested from the plant, and is harvested using organic farming practices. Organic cotton is grown without the use of harmful pesticides or herbicides, and is often grown in rotation with other crops to prevent soil depletion and to promote biodiversity. Organic cotton is also certified by independent第三方 organizations, ensuring the quality and sustainability of the product.

**HOME CLOTHING**

Linen is a natural fiber made from the flax plant. Flax, a versatile plant, is used to create a wide range of products, from clothing and linens to paper and insulation. Linen is known for its comfort and durability, and is often used in clothing and home decor due to its breathability and ability to regulate temperature. Linen is also a sustainable and eco-friendly option, as it requires less water and energy to produce compared to other fibers.

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**Exhibit A, page 4**
We Are Conscious Creators. We Create Fashion. We Are for the Fashion. We Are the Fashion. We Are Conscious. We Are Eco-Friendly. We Are Sustainable. We Are Made in the USA. We Are Artisanal. We Are Handmade. We Are Crafted. We Are Unique. We Are Revolutionary. We Are the Future. We Are the Now. We Are the Past. We Are Everything. We Are the World. We Are the Planet. We Are the Universe. We Are the Infinite. We Are the Beginning. We Are the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. We Are the Beginning and the End. 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Complaint
About Jonano

About Jonano,
Check out the Fall 07 Collection VIDEO

What is ecoKashmere?
Jonano's bamboo ecoKashmere line feels like silken cashmere next to the skin, and will wick moisture at twice the rate of conventional cotton.

Care Instructions
All items have been pre-washed.

Machine wash cold or warm, gentle cycle. Line dry or machine dry on low heat. Warm iron. No bleaching or dry cleaning. Sizes & Care Guidelines

Bamboo Fiber Development

http://www.jonano.com/our-community/about-jonano.html
Complaint

Designer Organic Clothing from Jonano for Women and Babies - Customer Service :: Ah... Page 2 of 4

Although bamboo has long been known in Asia for its many unique applications, the idea of using bamboo to spin yarns is a much more recent technology. Interest in bamboo has steadily grown as more and more information becomes available concerning its inherent characteristics. Bamboo grows rapidly and can be harvested every two to three years with little or no environmental impact making it a remarkable, sustainable resource when compared to a tree forest that takes over 60 years to recover from deforestation. Bamboo is also inherently antimicrobial, so it is seldom infected by pathogens or eaten by pests. There is no need to use chemicals or pesticides to grow bamboo. Recent testing has proved that there is little to no growth in bacteria when it is brought into contact with bamboo for a period of 24 hours. It is noteworthy that for centuries, food in Japan was wrapped in bamboo leaves to keep it from spoiling. In addition, bamboo’s molecular configuration gives it the ability to absorb and release moisture very rapidly.

The bamboo is grown on plantations and logged by hand. It is then finely shredded and bamboo cellulose is extracted. Impurities are then removed leaving only the finest quality fibers which are pulped into a cardboard-like sheet. The pulp is dissolved into viscose before being made into a spun or filament fiber using a low impact, closed loop system.

Reduced Footprint

When this much care has been taken to create a fiber that is truly natural, organic and sustainable, the manufacturing process must also be environmentally responsible. Jonano creates ecoKashmirs in Asia in accordance with ISO 14001 environmental standards. It is made from organically grown bamboo and harvested close to vertically integrated manufacturers to lessen the transportation costs between fabrication facilities.

The bamboo is spun, and then dyed using closed systems mild alkali both processes which have been determined to be safest for the environment. Jonano chooses to use chlorine-free paper for mailings, recycled materials for labeling and packaging, and opts for shipping in preference to air transport - all conscious environmental choices.

Environmental Policy

Within the objectives of establishing a third party certification system covering fair and safe working conditions as well as clean manufacturing from fiber to finished good, Jonano manufacturers have has earned the right of being certified by ISO 9000: 1400 Environmental Management. The ISO 14000 environmental management standards exist to help organizations minimize how their operations negatively affect the environment (cause adverse changes to air, water, or land), comply with applicable laws, regulations, and other environmentally oriented requirements, and continually improve on the above. ISO 14000 is similar to ISO 9000 quality management in that both pertain to the process (the comprehensive outcome of how a product is produced) rather than to the product itself. As with ISO 9000, certification is performed by third-party organizations rather than being awarded by ISO directly. The ISO 14001 audit standard applies when auditing and certification for both 9000 and 14000 compliance at once.

The scope of the Environmental Management was established in accordance with environmental laws and regulations, some of the managing principles can be found listed below:

Complaint

- Minimization of wastes at source
- Reuse or treat with an appropriate method all possible wastes
- Reduce the use of natural resources to minimum levels by effective use of energy and raw materials
- Comply with occupational health and safety requirements
- Using latest environmentally friendly technologies in facilities
- Generating employee awareness and responsibility

ÖKO-TEX 100 Certification
It is absolutely essential that the chemicals used in the production of textiles must not have any negative effects on human health and the environment. For this reason, authorized laboratories and professional certification groups test our textile products; physical and chemical analyses are used to verify that textile products are safe to be used for the consumer and the environment. Our manufacturing systems have been certified that they have met the ÖKO-TEX STANDARD 100. This certificate is renewed every year. For detailed information, please visit www.oeko-tex.com and www.testex.com.

ecoKashmere
Known for its buttery soft feel without the cost.

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- Buy Now

Sami Baby
Sami Baby Collections highlight your baby's playful nature.

- View More
- Buy Now

On Sale
20% to 50% off

- Buy Now

Product Search
- All categories -

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Designer Organic Clothing from Jomoro for Women and Babies - Women :: Bamboo Pique... Page 1 of 4

Women

Complaint

Bamboo Pique Long Sleeved Vee Polo Red

Code W35AR RED

Size: Small

Quantity 1

Price: $38.00

- Send to a friend
- Add to Wish List
- View Size chart

True Red Long Sleeved Bamboo Pique Polo

Slip into sumptuously soft bamboo pique and experience eco luxury like you've never felt before. Made from bamboo or (cashmere)™ pique, in a light, buttery feel that is too good for words. Great drape with a bit of stretch and remarkably flattering fit that falls to the hip. Featuring a deep vee polo neckline, long sleeves, and an embroidered tatoo style logo at the neck of the neck. Tapestry print detailing inside neck opening.

Color: True Red
Composition: 95% Bamboo 5% Lyra Pique
Available Colors: Cream Brick, Moroccan Blue, True Red
Care and Wash: Hand or machine wash cool, hang dry or tumble cool. Do not dryclean.

Send Bamboo Pique Long Sleeved Vee Polo Red to a friend

Name of your friend : 
E-mail of your friend* : 
Your name : 
Your e-mail : 
Your message*:

Bamboo Pique Long Sleeved Vee Polo Red

To ensure that a person, not an automated program, is filling this form, please enter the characters you see in this picture. All letters will be shown in their capitalized form.

February 25, 2006 - Why You Should Buy Organic Clothing

February 25, 2006

Why You Should Buy Organic Clothing

Everyone needs clothes. They shelter us from the elements and define our personal style. Jansco offers information on organic clothing and new bamboo fabric alternatives that offer value-added benefits without the environmental cost.

DID YOU KNOW?

- A cotton T-shirt blended with polyester can release approximately one quart of liquid into the air in the 20 years it will dry. Each cotton shirt is likely to eliminate the use of 200 grams of agricultural chemicals. It takes approximately one pound of chemicals to grow three pounds of conventional cotton, while organic cotton is grown chemical free.
- Bamboo is a natural, renewable resource that can be made into very versatile fabrics. Unlike the cellulose-based rayon and hemp, bamboo grows very quickly and does not require fertilizers or pesticides. Jansco manufactures only authentic organic bamboo of the highest quality and strength. It is comfortable, breathable, and kills bacteria and cysts over.
- The bamboo eco-choice™ line of brown bamboo fabric feels like silk, but is made from organic bamboo. It will not wrinkle, shrink, or lose its shape.
- Certified organic cotton is grown without the use of harmful pesticides, fertilizers, or artificial fertilizers. It is also free of chemical growth regulators. Organic cotton uses water and is extremely breathable, unlike synthetics that pull moisture away from the skin.
- Organic cotton is commonly portrayed as natural, yet it is highly cultivated and processed which contaminates groundwater and ultimately drinking water, poisoning the food chain.
- Most people suffering from skin dermatological conditions can comfortably wear garments made from organic fibers such as organic cotton or bamboo. Depending on your level of skin sensitivity, you may need to wear hypoallergenic, dye-free clothing. Bamboo fabric is naturally antimicrobial, and will not harm those with atopic sensitivities. No chemicals have been
Designer Organic Clothing from "Sawyer for Women and Babies - News... http://www.jcmn.com/news-events/february-21-2006-why-you-should...

added to achieve the value added benefit. For shipping, invoice wraps unadorned garments in unlabeled tissue paper to protect them from exposure to conditions that might be off from shipping boxes and shipping envelopes.

- Natural and organic fibers are processed with less chemicals and harmful impact on the environment as possible. By purchasing natural and organic fiber clothing you are supporting environmental causes. By purchasing sustainable clothing that reduces environmental impact, clothing that supports and sustains the health and the lives of all people involved in the process of growing, manufacturing, and distributing the clothing, you also support the principles of Fair Trade working conditions, earth and natural welfare.

- The Fair Trade Federation, FTF, is an association of fair trade wholesalers, retailers and producers whose members are committed to providing fair wages and good employment opportunities to economically disadvantaged artisans and farmers worldwide. FTF also supports and follows the principles of the FTF. By adhering to social and environmental principles, Fair Trade Organizations foster a more equitable and sustainable system of production and trade that benefits people and their communities

Comments

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Your rating: * Excellent!

Your message: *

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8 4 + 4 = 12

Characters: 12
Complaint

March 8, 2006 - Skin Care And Hypoallergenic Solutions For Diabetics

March 8, 2006

Skin Care And Hypoallergenic Solutions For Diabetics

Skin care problems are common in diabetics. Jodan offers hypoallergenic, naturally mineral-based layer protection against bacteria and fungus that cause odor.

Diabetics can affect every part of the body, including the skin, and as many as one third of diagnosed diabetics will develop a skin disorder during their lifetime.

High levels of blood glucose cause dry skin, particularly in the legs and feet. A unique condition known as skin craking causes the skin to become less flexible. This condition is seen in people with diabetes. Jodan offers hypoallergenic, naturally mineral-based layer protection against bacteria and fungus that cause odor. Bacterial Infections:

Severe kinds of bacterial infections occur in people with diabetes causing infected skin tissue that is usually hot, swollen, red
and painful. Most infections are caused by Staphylococcus bacteria, commonly known as Staph. WebMD recommendations for taking care of minor skin infections are:

- Gently wash the area with a mild hypoallergenic soap and warm water;
- Cover the irritated skin with a hypoallergenic or cloth bandage, or gaze pad secured in place with hypoallergenic or paper tape;
- Keep checking the area to make sure the irritation doesn’t get worse;
- Change the bandage at least once a day.

Ask your doctor. Some infections may require treatment with antibiotics in the form of pills and/or creams.

Fungal Infections:

Common fungal infections include athlete’s foot, ringworm (a ring-shaped patch), jock itch and female yeast infection. Most infections are caused by the yeast-like fungus, Candida albicans, which causes itchy rashes in moist warm folds of the skin. This fungus causes bright red, itchy rashes, often surrounded by tiny blisters and scales.

If you think you have a fungal infection, visit your doctor, as you will require a prescription medicine to cure it.

Macromelasis is seen in people with diabetes. This fungal infection starts in the nasal cavities and can spread to the eyes and brain. It can be fatal if left untreated.

Protecting your Skin:

Keeping your diabetes under control is the most important factor in preventing skin complications. Follow your healthcare provider’s advice as it goes to nutrition, exercise and medication. Check your blood glucose levels as instructed and keep your levels within the range recommended by your doctor.

Proper skin care will also reduce your risk of skin problems:

- To prevent dry skin when the temperature drops, use a room humidifier;
- When bathing use warm (not hot) water and a mild, hypoallergenic moisturizing soap;
- Avoid prolonged showers and baths and put skin dry (do not rub);
- Avoid scratching irritated skin; apply mild hypoallergenic moisturizers instead;
- If you are prone to acne, see a dermatologist. He only produces labeled seboregulating or nonacneogenic;
- Take care of small cuts with antibiotic ointment and a hypoallergenic bandage. Change dressing daily;
- Protect your skin from the elements - use SPF of 15+ and protect your extremities. Use moisturizing lip balm;
- Choose newly available hypoallergenic and naturally antimicrobial clothing options.

See a doctor if you have any pain or discomfort that continues for more than two days or an elevated temperature. Go to the doctor immediately if you notice any pus developing on a sore or near it. Janssen offers naturally antimicrobial, hypoallergenic clothing for Men, Women and babies.

Published March 7, 2006
Written by Denise Satter
Owner/Designer www.jennas.com
A Division of Farm Designs, LLC.
Copyright 2006 Farm Designs, LLC. All Rights Reserved
Endowment #4 Contact with permission only; application required
Farmer’s Market trademark, application pending
Headquartered in Pittsburgh, PA, Jennas® is one of the few bath companies on Earth specializing in eco-friendly fabrics and sustainable business practices.
October 25 2008 - Eco-minded Shoppers are Discovering Renewable Bamboo

Business presents Sax Baby, a collection of organic baby clothing to uplift the senses and help preserve this unique planet we call home. Designed for parents who seek only the best when it comes to their precious little ones, the collection is timeless, offering classic infant and baby items in eco-chic fabrics that you will feel good about. A pure, natural environment is vital to children of all ages. Organic fabrics are softer, more luxurious and healthier not only for your little ones, but also for the environment. Embracing the idea of making a positive impact on the future of the planet, Sax Baby selects high quality organic and natural fabrics that utilize the earth’s resources in an eco-friendly manner, while at the same time providing the Comfort with Benefits unique to luxurious...
Complaint

Designer Organic Clothing from Jetano for Women and Babies - News and Events :: Oct. Page 2 of 4

organic and natural fibers.

Organically grown bamboo fabrics are soft, naturally antimicrobial and more breathable on baby’s delicate skin. Soft organic bamboo and cotton offer hypoallergenic alternatives. From the fibers we choose to the recycled tissue for wraping your finished product in for shipping, we are committed to providing you the best personal service, quality products and superior value that we can offer.

The jetano name is derived from the ancient Sami language and translates as “everybody healthy.”

Sami Baby highlights baby’s playful nature. Look for bold stripes in bright color combinations that evoke the native Sami dress. At Jetano, we are passionate about the organic clothing that we offer you. Jetano is meticulous in removing the guess work out of what is good for your family, saving you both time and headaches. Enjoy your shopping experience.

Crafted of the world’s softest bamboo-cashmere, Sami Baby’s exclusive, mix-and-match stripes and prints get a bunch of giggles from baby!

The essential Sami Sleeper keeps baby snug and cozy with easy pull-on styling and an elastic open hem for easy changes in a kid-friendly “Counting Sheep” pattern.

Everyone loves our Panda bear onesie with these colorful bamboo basics. This essential bodysuit has an easy-on lap collar and snaps at the bottom to make diaper changes easy!

This super-cute lay-tee with “Tomte” surge is a fabulous everyday piece for your child – Tomte is Swedish for little elf, and your little one will look perfectly stiched off with the tie top buttons. Produced in an environmentally friendly manner that is easy on the earth, your Sami baby will look sweet and feel great too!

Sister for the environment and baby, look for organic fabrics that are not only chemical-free, but also produced without any harsh bleaches or dyes. Organically grown ensures that the fabric and crop remain pure and free from harmful chemicals and dyes. As a result, organic is not only gentle on baby’s sensitive skin, but also safer for the people who make the clothes, for the farmers who grow the crops, and for the environment.

Created using sustainable business practices and fair labor standards that honor Mother Earth.

The Sami Baby Collection of apparel for newborns to nine months and retail from $9.00 - $12.00 U.S. Wholesale inquiries are welcome at sales@jetano.com

Visit www.samibaby.com for more information.

Press Inquiries:
Bonnie Sievers
Owner/Designer
Cinnabar eco-chic collections, Sami Designs INC
714.533.9753

Complaint

Exhibit B
Organic Bamboo

Nurture yourself as you Wear your Values® in luxurious eco Kashmir® bamboo clothing - a sustainable choice that honors Mother Earth.

Bamboo is a natural, renewable resource that can be made into easy-care textiles. This luxurious eco fabric is derived using a low impact process, which spurs machine washable, durable, cashmere-like fabrics.

- Bamboo offers a high level of comfort, plus natural antimicrobial protection;
- Bamboo inhibits the growth of the bacteria and fungi that cause odor and perspiration staining;
- Best of all, bamboo clothing retains its natural antimicrobial benefits even after repeated washing.

Bamboo is a prolific grass that does not require fertilizers or pesticides. What's more, bamboo is completely biodegradable, replenishing soils with essential nutrients.

Bamboo comes from nature and completely returns to nature in the end.

Wear Your Values®

Jonano™ selects only farm grown bamboo of the highest quality and strength in creating ecoKashmir®.

Jonano™
977ECO.9753
www.jonano.com

Complaint
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Exhibit C
The Naked Truth

Bamboo Fabric - The Naked Truth

Yes, it’s true. Bamboo fabric uses a chemical process to turn its Cellulose fibers into fabric. And yes, it’s also true that the process is similar to Tencel, viscose and rayon production and is, in fact, considered a sub-category of both Viscose and Rayon. The production of rayon has been in existence since the mid 1860’s and since then has undergone many iterations. More recently, new processes have been developed which enable plant-based fibers (such as bamboo) to be utilized in the production of fabric.

Some companies, such as ours, produce bamboo fiber via what’s called an advanced “closed loop” solvent spinning process, which has minimal impact on the environment and an economical use of energy and water. The solvent is continually recycled during the production process. So, production plant emissions into the air from smokestacks and from waste water are significantly lower in comparison to many other man-made fiber operations. The solvent to digest the bamboo pulp can be

http://www.jerino.com/wear-your-values/the-naked-truth.html

Exhibit D, page 1

2/12/2009
Complaint

Designer Organic Clothing from Jonano for Women and Babies - Wear Your Values : Th... Page 2 of 4

toxic, but utilizing the closed-loop process, this solvent is carefully reused and not thrown into local water systems. It's also important to note that products made from bamboo can be recycled, incinerated or digested in sewage. The fiber will usually degrade completely in just eight days in waste treatment plants.

So where does that leave us? Unfortunately, the truth is that 99% of all products we consume...even the eco-friendly ones, have some negative environmental impact. Given this, it often comes down to a choice between the lesser of two evils when it comes to purchasing products. We all know how great bamboo is to grow, but do we all know how bad cotton is to grow?

Cotton uses approximately 25% of the world's insecticides; seven out of ten of these are among the most toxic chemicals on earth. It takes 1/3 of a pound of chemical fertilizers to produce just one pound of cotton (essentially one t-shirt). This exerts an enormous toll on the earth's air, water and soil and impacts the health of people working in this industry and in cotton growing regions. Even organic cotton has drawbacks. But that would take a whole new blog entry.

In comparison, bamboo requires NO fertilizer, pesticides or chemicals to grow, being that it is one of the fastest growing plants on the planet. In addition, it has no harmful residues left on it from the non-sustainable, chemically damaging cultivation that cotton requires. In terms of carbon dioxide, bamboo consumes 45% more carbon than a similar stand of trees. It is for these reasons many consider bamboo to be an environmentally viable alternative to cotton. So does bamboo fabric have some drawbacks? Of course!

But just consider what product does not? The answer to that may just be donning your birthday suit and going “au natural” - and that’s the naked truth.

text

ecoKashmere

Known for its buttery soft feel without the cost.

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Sami Baby

Sami Baby Collections highlight your baby's playful nature.

http://www.jonano.com/wear-your-values/the-naked-truth.html

Exhibit D, page 2
2/13/2009
Complaint

Designer Organic Clothing from Jonano for Women and Babies - Wear Your Values :: Th... Page 3 of 4

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20% to 50% off

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ecokashmere® trademark registered.

Sami Designs® trademark registered.
Comfort with Benefit® trademark registered.
Eco Scrubs™ trademark registered.
eColorgrown™ trademark pending.
Sami Baby™ trademark pending


Site Design by Pool

Web Development by Nezen Creation

Fashion Photos by Jeff Sweneng Photography

http://www.jonano.com/wear-your-values/the-naked-truth.html

Exhibit D, page 3

2/12/2009
The Federal Trade Commission (“Commission”) having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft complaint that the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge the respondents with violations of the Federal Trade Commission Act, 15 U.S.C. § 45 et seq., the Textile Fiber Products Identification Act, 15 U.S.C. § 70, et seq., and the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order (“consent agreement”), an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft complaint, a statement that the signing of said consent agreement is for settlement purposes only and does not constitute an admission by the respondents that the law has been violated as alleged in the complaint, or that any of the facts as alleged in such complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission’s Rules; and

The Commission having thereafter considered the matter and having determined that it has reason to believe that the respondents have violated said Acts and Rules, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such consent agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, and having duly considered the comments received from interested persons pursuant to section 2.34 of its Rules, now in conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Sami Designs, LLC, also doing business as Jonâno (“Jonâno”), is a Pennsylvania limited liability company with its principal office or place of
business at 2582 Wexford Run Road, Wexford, Pennsylvania 15090.

2. Respondent Bonnie Siefers is the owner of Jonäno. Individually or in concert with others, she formulates, directs, or controls the policies, acts, or practices of the limited liability company. Her principal office or place of business is the same as that of Jonäno.

3. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Respondents, and the proceeding is in the public interest.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:


B. “Competent and reliable scientific evidence” shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

C. “Covered product” shall mean any or all of the following: (1) any article of wearing apparel, costume or accessory, drapery, floor covering, furnishing, bedding, or other textile good of a type customarily used in a household, regardless of where used in fact, that is made, in whole or in part, of yarn or fabric; or (2) any fiber, yarn or fabric, whether in the finished or unfinished state, used or intended for use in any such textile good.
D. “Fiber trademark” shall mean a word or words used to identify a particular fiber sold by a person and to distinguish it from fibers of the same generic class sold by others, as defined in 16 C.F.R. § 303.1(r).

E. “Generic name of any manufactured fiber” shall mean any name for a textile fiber established and defined by the Commission pursuant to Section 70e(c) of the Textile Fiber Products Identification Act, as set forth in 16 C.F.R. § 303.7.

F. “Manufactured fiber” shall mean any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber, as defined in 15 U.S.C. § 70(d).

G. “Required information” shall mean such information as is required to be disclosed on labels or invoices and in advertising under the Textile Fiber Products Identification Act, 15 U.S.C. § 70 et seq., and under the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303, as defined in 16 C.F.R. § 303.1(e).

H. Unless otherwise specified, “respondents” shall mean Sami Designs, LLC, also doing business as Jonäno, a limited liability company, its successors and assigns and its officers or members; Bonnie Siefers, individually and as owner of the limited liability company; and each of the above’s agents, representatives, and employees.

I.

IT IS ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, shall not make any representation, in any manner, expressly or by implication:
A. That such covered product

1. is made of bamboo or bamboo fiber, including, but not limited to, through the use of a fiber trademark or other descriptive term or name for a product or product line;

2. is manufactured using an environmentally friendly process; or

3. is anti-microbial or retains the anti-microbial properties of any material from which it is made, unless the representation is true, non-misleading, and, at the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; or

B. About the benefits, performance, or efficacy of such covered product, unless the representation is true, non-misleading, and, at the time it is made, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

II.

Provided, however, that nothing in this order shall prohibit respondents from describing a covered product using the generic name of any manufactured fiber and identifying bamboo as the cellulose source for such fiber, e.g., rayon made from bamboo, so long as such representation is true, non-misleading, complies with the Textile Fiber Products Identification Act, 15 U.S.C. § 70, et seq. (“Textile Act”) and with the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303 (“Textile Rules”), and, at the time such representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.
III.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, shall not fail to comply with any provision of the Textile Fiber Products Identification Act, 15 U.S.C. § 70, et seq. (“Textile Act”), or of the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303 (“Textile Rules”), copies of which are attached hereto as “Appendix A,” or of the Textile Act or Textile Rules as they may hereafter be amended, including but not limited to:

A. Selling, offering for sale, or advertising in commerce any covered product that is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein, 15 U.S.C. §§ 70a, 70b;

B. Selling, offering for sale, or advertising in commerce any covered product that does not have a stamp, tag, label, or other means of identification on or affixed to the inside center of the neck midway between the shoulder seams or, if such product does not contain a neck, in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product, or in the case of hosiery items on the outer side of such product or package, 15 U.S.C. § 70b(j);

C. Failing to use the recognized generic name of any manufactured fiber in the required information in any labels, invoices, or advertising of any covered product, 16 C.F.R. §§ 303.6 and 303.7;

D. Failing to include all required information on labels for any covered product and in any written advertisement disseminated for a covered product that is used to aid, promote, or assist, directly or indirectly, in the sale or
Decision and Order

offering for sale of such covered product, including identifying:

1. the generic names and percentages by weight of the constituent fibers present in the covered product, in amounts of 5 percent or more and in the order of predominance set forth in 16 C.F.R. § 303.16(a)(1);

2. the name or registered identification number issued by the Commission of the manufacturer or of one or more persons marketing or handling the covered product; and

3. the name of the country where such covered product was processed or manufactured, as provided for in § 303.33,

15 U.S.C. § 70b(b); 16 C.F.R. §§ 303.16 and 303.42(a);

E. Failing to ensure that any fiber trademark or generic name used on the label of or in any advertising for any covered product:

1. is not false, deceptive, or misleading as to fiber content; and

2. does not indicate, directly or indirectly, that the covered product is composed wholly or in part of a particular fiber, when such is not the case,

16 C.F.R. §§ 303.17(d) and 303.41(d);

F. Failing to ensure that any non-required information or representations used on the label of or in the advertising for any covered product:

1. do not interfere with, minimize, detract from, or conflict with required information;
2. do not include any names, terms, or representations prohibited by the Textile Act or Rules; and

3. are not false, deceptive, or misleading,

16 C.F.R. §§ 303.16(c) and 303.42(b);

G. Where a covered product is advertised in such manner as to require disclosure of the information required by the Textile Act and Textile Rules, failing to include all parts of the required information in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence, 16 C.F.R. § 303.42(a);

H. Failing to ensure that, where a covered product is advertised in print or by electronic means, other than by broadcast, using materials that solicit consumers to purchase such products by mail, telephone, electronic mail, or some other method without examining the actual product purchased, the description of the product includes a clear and conspicuous statement that the product was either made in U.S.A., imported, or both. 16 C.F.R. §§ 303.1(u) and 303.34;

I. Where a fiber trademark is used in advertising a covered product, failing:

1. to include the generic name of the fiber contained in such covered product in immediate proximity to and in conjunction with such fiber trademark; and

2. to include a full disclosure of the fiber content information required by the Textile Act and Textile Rules in at least one instance in any such advertisement,

16 C.F.R. § 303.41;
Failing to ensure that any words, coined words, symbols or depictions used in the labeling or advertising of a covered product which:

1. constitute or imply the name or designation of a fiber;

2. are phonetically similar to the name or designation of a fiber; or

3. are only a slight variation of spelling from the name or designation of a fiber

are not used in such a manner as to represent or imply that such fiber is present in the covered product, unless such fiber is actually present in that product, 16 C.F.R. § 303.18; and

K. Failing to maintain for at least three years proper records for any covered products manufactured by respondents, including records showing the fiber content, 15 U.S.C. § 70d(b); 16 C.F.R. § 303.39.

IV.

IT IS FURTHER ORDERED that respondent Sami Designs, LLC, also doing business as Jonäno, and its successors and assigns, and respondent Bonnie Siefers shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All advertisements, labeling, packaging and promotional materials containing the representation;

B. All materials that were relied upon in disseminating the representation;

C. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question the
representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations; and

D. All acknowledgments of receipt of this order obtained pursuant to Part V.

V.

IT IS FURTHER ORDERED that respondent Sami Designs, LLC, also doing business as Jonâno, and its successors and assigns, and respondent Bonnie Siefers shall deliver a copy of this order to all current and future principals, members, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

VI.

IT IS FURTHER ORDERED that respondent Sami Designs, LLC, also doing business as Jonâno, and its successors and assigns, and respondent Bonnie Siefers shall notify the Commission at least thirty (30) days prior to any change with regard to Sami Designs, LLC, also doing business as Jonâno, or any business entity that any respondent directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this order, including but not limited to formation of a new business entity; a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the business or corporate name or address. Provided, however, that, with respect to any proposed change about which respondents learn less than thirty (30) days prior to
the date such action is to take place, respondents shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

VII.

IT IS FURTHER ORDERED that respondent Bonnie Siefers, for a period of five (5) years after the date of issuance of this order, shall notify the Commission of the discontinuance of her current business or employment, or of her affiliation with any new business or employment. The notice shall include the respondent’s new business address and telephone number and a description of the nature of the business or employment and her duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

VIII.

IT IS FURTHER ORDERED that respondent Sami Designs, LLC, also doing business as Jonâno, and its successors and assigns, and respondent Bonnie Siefers shall, within sixty (60) days after the date of service of this order, file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form in which they have complied with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, respondents each shall submit additional true and accurate written reports.

IX.

This order will terminate on December 15, 2029, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any
violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any Part in this order that terminates in less than twenty (20) years;

B. This order’s application to any respondent that is not named as a respondent in such complaint; and

C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondents did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.
From the U.S. Code Online via GPO Access [last accessed gpo.gov]
[Law in effect as of January 1, 2006]
[CFR: 15.98(h)]

Appendix A

Title 15 - Commerce and Trade

Chapter 2 - Federal Trade Commission, Promotion of Health Trade and Protection of Competition

Subchapter V - Textile Fiber Products Identification

Sec. 78. Definitions

As used in this subchapter:
(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.
(b) The terms "fiber" or "textile fiber" means a unit of matter which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods including weaving, knitting, braiding, felting, twisting, or felting, and which is the basic structural element of textile products.
(c) The term "natural fiber" means any fiber that exists as such in the natural state.
(d) The term "manufactured fiber" means any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber.
(e) The term "yarn" means a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, weaving, or otherwise fabricating into a fabric.
(f) The term "fabric" means any material woven, knitted, felted, or otherwise produced from, or in combination with, any natural or manufactured fiber, yarn, or substitute therefor.
(g) The term "household textile articles" means articles of wearing apparel, costumes and accessories, draperies, floor coverings, furnishing, bedding, and other textile goods of a type customarily used in a household regardless of where used in fact.
(h) The term "textile fiber product" means:
(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;
(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and
(3) any household textile article made in whole or in part of yarn or fabric;

except that such term does not include a product required to be labeled under the Wool Products Labeling Act of 1939 (15 U.S.C. 69 et seq.).

(i) The term "affixed" means attached to the textile fiber product in any manner.
(k) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.
(l) The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.
(m) The term "ultimate consumer" means a person who obtains a textile fiber product by purchase or exchange with no intent to sell or exchange such textile fiber product in any form.

(Pub. L. 85-697, Sec. 2, Sept. 2, 1959, 72 Stat. 1717.)

References in Text

Decision and Order

Section 15 of Pub. L. 85-897 provided that: "This Act [this subchapter] shall take effect eighteen months after enactment [Sept. 2, 1958], except for the promulgation of rules and regulations by the Commission, which shall be promulgated within nine months after the enactment of this Act. The Commission shall provide for the exemption of any textile fiber product acquired prior to the effective date of this Act."1

Short Title

Section 1 of Pub. L. 85-897 provided: "That this Act [this subchapter] may be cited as the 'Textile Fiber Products Identification Act'."2

Separability

Section 13 of Pub. L. 85-897 provided that: "If any provision of this Act [this subchapter], or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the Act and the application of the remaining provisions to any person shall not be affected thereby."
TITLE 15—COMMERCE AND TRADE
CHAPTER 1—FEDERAL TRADE COMMISSION: PROMOTION OF EFFECTIVE AND HONEST METHODS OF COMPEITITION
SUBCHAPTER IV—TEXTILE FIBER PRODUCTS IDENTIFICATION
Sec. 71.9. Violations of Federal Trade Commission Act

(a) Introduction or manufacture for introduction into commerce, sale, advertising or offering for sale in commerce

The introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product which is misbranded or falsely or deceptively advertised within the meaning of this subchapter or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(b) Sale, offering for sale, advertising, delivery, transportation of products advertised for sale in commerce

The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, and which is misbranded or falsely or deceptively advertised, within the meaning of this subchapter or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(c) Sale, offering for sale, advertising, delivery, transportation of products after shipment in commerce

The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, which is misbranded or falsely or deceptively advertised, within the meaning of this subchapter or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(d) Application of section to common carrier, freight forwarder, etc.

This section shall not apply—
(1) to any common carrier or contract carrier or freight forwarder with respect to a textile fiber product received, shipped, delivered, or handled by it for shipment in the ordinary course of its business;
(2) to any processor or finisher in performing a contract for the account of a person subject to the provisions of this subchapter if the processor or finisher does not change the textile fiber content of the textile fiber product contrary to the terms of such contract;
(3) with respect to the manufacture, delivery for transportation, transportation, sale, or offering for sale of a
textile fiber product for exportation from the United States to any foreign country;

(4) to any publisher or other advertising agency or medium for the dissemination of advertising or promotional material, except the manufacturer, distributor, or seller of the textile fiber product to which the false or deceptive advertisement relates, if such publisher or other advertising agency or medium furnishes to the commission, upon request, the name and post office address of the manufacturer, distributor, seller, or other person residing in the United States, who caused the dissemination of the advertising material; or

(5) to any textile fiber product until such product has been produced by the manufacturer or processor in the form intended for sale or delivery to, or for use by, the ultimate consumer; Provided, That this exception shall apply only if such textile fiber product is covered by an invoice or other paper relating to the marketing or handling of the textile fiber product and such invoice or paper correctly discloses the information with respect to the textile fiber product which would otherwise be required under section 786 of this title to be on the label, or other identification and the name and address of the person issuing the invoice or paper.

(Pub. L. 85-897, Sec. 1, Sept. 2, 1958, 72 Stat. 1718.)

References in Text

The Federal Trade Commission Act, referred to in subsec. (a) to (c), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (Sec. 41 et seq.) of this chapter. For complete classification of this Act to the Code, see section 58 of this title and Tables.
TITLE 15—COMMERCE AND TRADE
CHAPTER 2—FEDERAL TRADE COMMISSION, PROMOTION OF EFFECTIVE TRADE AND PREVENTION OF UNFAIR METHODS OF COMPETITION
SUBCHAPTER V—TEXTILE FIBER PRODUCTS IDENTIFICATION

Sec. 70b. Misbranded and falsely advertised textile fiber products

(a) False or deceptive identification

Except as otherwise provided in this subchapter, a textile fiber product shall be misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.

(b) Stamp, tag, label or other means of identification; contents

Except as otherwise provided in this subchapter, a textile fiber product shall be misbranded if a stamp, tag, label, or other means of identification, or substitute therefore authorized by section 76c of this title, is not on or affixed to the product showing in words and figures plainly legible, the following:

(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product, and nothing in this section shall be construed as prohibiting the use of a nondescriptive trademark in conjunction with a designated generic name: Provided, That exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be, but nothing in this section shall be construed as prohibiting the disclosure of any fiber present in a textile fiber product which has a clearly established and definite functional significance where present in the amount contained in such product.

(2) The percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per centum by weight of the total fiber content: Provided, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be, but nothing in this section shall be construed as prohibiting the disclosure of any fiber present in a textile fiber product which contains more than one kind of fiber, deviation in the fiber content of any fiber in such product, from the amount stated on the stamp, tag, label, or other identification shall not be a misbranding under this section unless such deviation is in excess of reasonable tolerances.

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[https://www.gpo.gov]
[Last update as of January 2, 2016]
[Document affected by Public Law 96-320 Section 1(d)]
[Document affected by Public Law 96-320 Section 2(b)]
[CFR: 15.0075(a)]
Decision and Order

which shall be established by the Commission. And provided further, that any such deviation which exceeds said tolerances shall not be a misleading it the person charged proves that the deviation resulted from unavoidable variations in manufacture and despite due care to make accurate the statements on the tag, stamp, label, or other identification.

(b) The name, or other identification issued and registered by the Commission, of the manufacturer of the product or one or more persons subject to section 9(a) of this title with respect to such product.

(c) If it is an imported textile fiber product such name of the country where processed or manufactured.

(d) If it is a textile fiber product processed or manufactured in the United States, it be so identified.

(e) False or deceptive advertisement

For the purposes of this subchapter, a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product, unless the same information as that required to be shown on the stamp, tag, label, or other identification under subsection (b)(1) and (2) of this section is contained in the heading, body, or other part of such written advertisement, except that the percentages of the fiber present in the textile fiber product need not be stated.

(f) Additional information allowed

In addition to the information required in this section, the stamp, tag, label, or other means of identification, or advertisement may contain other information not violating the provisions of this subchapter.

(g) Labelling of packages

For purposes of this subchapter, in addition to the textile fiber products contained therein, a package of textile fiber products intended for sale to the ultimate consumer shall be labeled unless such package has affixed to it a stamp, tag, label, or other means of identification bearing the information required by subsection (b) of this section, with respect to such contained textile fiber products, or is transparent to the extent it allows (on the clear reading of the stamp, tag, label, or other means of identification on the textile fiber product, or in the case of novelty items, this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to such novelty product contained in a package if (i) such novelty products are intended for sale to the ultimate consumer in such package, (ii) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the novelty products contained therein, the information required by subsection (b) of this section, and (iii) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to such textile fiber product contained therein.

(h) Fabric severed from bolts, pieces or rolls of fabric

This section shall not be construed as requiring designation of the fiber content of any portion of fabric, when sold at retail, which is severed from bolts, pieces, or rolls of fabric labeled in accordance with the provisions of this section at the time of such sale. Provided, that if any portion of fabric severed from a bolt, piece, or roll of fabric is in any manner represented as containing percentages of natural or manufactured fibers, other than that which is set forth on the labeled bolt, piece, or roll, this section shall be applicable thereto.
and the information required shall be separately set forth and segregated as required by this section.

(4) Advertisement of textile product by use of name or symbol of fur-bearing animal

For the purposes of this subchapter, a textile fiber product shall be considered to be falsely or deceivingly advertised if the name or symbol of any fur-bearing animal is used in the advertisement of such product unless such product, or the part thereof in connection with which the name or symbol of a fur-bearing animal is used, is a fur or fur product within the meaning of the Fur Products Labeling Act (15 U.S.C. 60 et seq.). Provided, however, that where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the words "fiber", "hair", or "blend", may be used.

(5) Repeated stuffing

For the purposes of this subchapter, a textile fiber product shall be misbranded if it is used as stuffing in any upholstered product, mattress, or cushion after having been previously used as stuffing in any other upholstered product, mattress, or cushion, unless the upholstered product, mattress, or cushion containing such textile fiber product bears a stamp, tag, or label approved by the Commission indicating in words plainly legible that it contains reused stuffing.

(6) Mail order catalog or promotional material

For the purposes of this subchapter, a textile fiber product shall be considered to be falsely or deceivingly advertised in any mail order catalog or mail order promotional material which is used in the direct sale or direct offering for sale of such textile fiber product, unless such textile fiber product description states in a clear and conspicuous manner that such textile fiber product is processed or manufactured in the United States of America, or imported, or both.

(7) Location of stamp, tag, label, or other identification

For purposes of this subchapter, any textile fiber product shall be misbranded if a stamp, tag, label, or other identification conforming to the requirements of this section is not attached to the inside center of the neck midway between the shoulder seams or, if such product does not contain a neck, in the most conspicuous place on the inner side of such product, unless it is so applied on the outer side of such product or package.

(8) Marking of certain sock products

(1) Notwithstanding any other provision of law, socks provided for in subheading 6115.92.98, 615.93.98, 615.99.18, 6311.29.60, 6113.30.50, or 6113.30.50 of the Harmonized Tariff Schedule of the United States, as in effect on September 1, 2003, shall be marked an "American" indelibly, indelibly, and permanently as the nature of the article or package will permit in such a manner as to indicate to the ultimate consumer that the United States is the place of origin of such product, and shall be made to be so marked in such a manner as to be clearly legible, conspicuous, and readily accessible to the ultimate consumer.

(2) Exceptions - Any package that contains several different types of goods and includes socks classified under subheading 6115.92.98, 615.93.98, 615.99.18, 6311.29.60, 6113.30.50, or 6113.30.50 of the Harmonized Tariff Schedule of the United States, as in effect on September 1, 2003, shall not be subject to the requirements of paragraph (1).
Decision and Order

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Decision and Order

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[last accessed on January 3, 2005]
[CITE: 15USC70a]

TITLE 15--COMMERCE AND TRADE

CHAPTER 2--FEDERAL TRADE COMMISSION: PROMOTION OF REPUTABLE TRADE AND PREVENTION OF UNFAIR METHODS OF COMPETITION

SUBCHAPTER V--TEXTILE FIBER PRODUCTS IDENTIFICATION

sec. 79a. removal of stamp, tag, label, or other identification

(a) Removal or mutilation after shipment in commerce

After shipment of a textile fiber product in commerce it shall be unlawful, except as provided in this subchapter, to remove or mutilate, or cause or participate in the removal or mutilation of, prior to the time any textile fiber product is sold and delivered to the ultimate consumer, any stamp, tag, label, or other identification required by this subchapter to be affixed to such textile fiber product, and any person violating this section shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) Substitution of stamp, tag, etc.

Any person—

(1) introducing, selling, advertising, or offering for sale, in commerce, or importing into the United States, a textile fiber product subject to the provisions of this subchapter, or

(2) introducing, selling, advertising, or offering for sale a textile fiber product whether in its original state or contained in other textile fiber products, which has been shipped, advertised, or offered for sale, in commerce,

may substitute for the stamp, tag, label, or other means of identification required to be affixed to such textile fiber product pursuant to section 79a(b) of this title, a stamp, tag, label, or other means of identification conforming to the requirements of section 79a(b) of this title, and such substituted stamp, tag, label, or other means of identification shall show the name or other identification issued and registered by the Commission of the person making the substitution.

(c) Affixing of stamp, tag, etc. to individual unit of broken package

If any person other than the ultimate consumer breaks a package which bears a stamp, tag, label, or other means of identification conforming to the requirements of section 79a of this title, and if such package contains one or more units of a textile fiber product to which a stamp, tag, label, or other identification conforming to the requirements of section 79a of this title is not affixed, such person shall affix a stamp, tag, label, or other identification bearing the information on the stamp, tag, label, or other means of identification attached to each broken package to each unit of textile fiber product taken from such broken package.

(Pub. L. 85-69, Sec. 5, Sept. 2, 1958, 72 Stat. 1720.)

References in Text

The Federal Trade Commission Act, referred to in subsec. 61, is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (Sec. 43 et seq.) of this chapter. For
complete classification of this Act to the Code, see section 58 of this title and Tables.
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[Law in effect as of January 1, 2006]
[Parts: Section]

**T I T L E 15—C O M M E R C E A N D T R A D E**


**S U B C H A P T E R V—T E X T I L E F I S H P R O D U C T S I D E N T I F I C A T I O N**

Sec. 78d. Records

(a) Maintenance and preservation by manufacturer

Every manufacturer of textile fiber products subject to this subchapter shall maintain proper records showing the fiber content as required by this subchapter of all such products made by him, and shall preserve such records for at least three years.

(b) Maintenance and preservation by person substituting stamp, tag, etc.

Any person substituting a stamp, tag, label, or other identification pursuant to section 78c(b) of this title shall keep such records as will show the information set forth on the stamp, tag, label, or other identification that he received and the name or names of the person or persons from whom such textile fiber product was received, and shall preserve such records for at least three years.

(c) Neglect or refusal to maintain or preserve records

The neglect or refusal to maintain or preserve the records required by this section is unlawful, and any person neglecting or refusing to maintain such records shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce, under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(Pub. L. 85-497, Sec. 6, Sept. 2, 1958, 72 Stat. 1721.)

**References in Text**

The Federal Trade Commission Act, referred to in subsec. (c), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I [Sec. 41 et seq.] of this chapter. For complete classification of this Act to the Code, see section 36 of this title and Tables.
Decision and Order

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[base access gpo.gov]
[Law is effective as of January 3, 2004]
[Citation: 15 U.S.C. 41 et seq.]

TITLE 15—CONSUMER PRODUCTS

CHAPTER 2—FEDERAL TRADE COMMISSION: PROMOTION OF EXPORT TRADE AND PREVENTION OF UNFAIR METHODS OF COMPETITION

SUBCHAPTER V.—TEXTILE FIBER PRODUCTS IDENTIFICATION

Sec. 70a. Enforcement

(a) Enforcement by Federal Trade Commission

Except as otherwise specifically provided herein, this subchapter shall be enforced by the Federal Trade Commission under rules, regulations, and procedures provided for in the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(b) Terms of Federal Trade Commission Act Incorporated into this Subchapter

The Commission is authorized and directed to prevent any person from violating the provisions of this subchapter in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act [15 U.S.C. 41 et seq.] were incorporated into and made a part of this subchapter, and any person violating the provisions of this subchapter shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this subchapter.

(c) Rules and regulations by Federal Trade Commission

The Commission is authorized and directed to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this subchapter as may be necessary and proper for administration and enforcement.

(d) Inspection, analyses, tests, etc.

The Commission is authorized to cause inspections, analyses, tests, and examinations to be made of any goods subject to this subchapter.

(Pub. L. 85-897, Sec. 7, Sept. 1, 1958, 72 Stat. 1921.)

References in Text

The Federal Trade Commission Act, referred to in subsection (a) and (b), is act Sept. 24, 1914, ch. 11, 38 Stat. 717, as amended, which is classified generally to subchapter I (Sec. 41 et seq.) of this chapter. For complete classification of this Act to the Code, see section 39 of this title and Tables.
Decision and Order

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[ https://www.gpo.gov]
[ Text is effective as of January 3, 2006]
[ accessed 1/20/2008]

TITLE 15—COMMERCE AND TRADE
CHAPTER 2—FEDERAL TRADE COMMISSION, PROMOTION OF DEBT-FREE AND
CONSERVATION OF INTEREST METHODS OF COMPETITION
SUBCHAPTER V—TEXTILE FIBER PRODUCTS IDENTIFICATION

Sec. 40f. Injunction proceedings

Whenever the Commission has reason to believe——

(a) that any person is doing, or is about to do, an act which by
section 79a, 79b, 79c, 79d, or 79h(b) of this title is declared to
be unlawful; and

(b) that it would be in the public interest to enjoin the doing
of such act until complaint is issued by the Commission under the
complaint is dismissed by the Commission or set aside by the court
on review or until an order to cease and desist made thereon by the
Commission has become final within the meaning of the Federal Trade
Commission Act,

the Commission may bring suit in the district court of the United States
or in the United States court of any Territory, for the district or
Territory in which such person resides or transacts business, to enjoin
the doing of such act and upon proper showing a temporary injunction or
restraining order shall be granted without bond.

(Pub. L. 85-497, Sec. 8, Sept. 2, 1958, 72 Stat. 1721.)

References in Text

the Federal Trade Commission Act, referred to in subsec. (a) of Sec. 29.b, 15 Stat. 118, as amended, which is classified
generally to subchapter V (Sec. 41 et seq.) of this chapter. For
complete classification of this Act to the Code, see section 59 of this
title and Table of Contents.
Decision and Order

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[main access: gpo.gov]
[Laws in effect as of January 3, 2004]
[OFF: 12SHB79g]

TITLE 15--COMMERCE AND TRADE

CHAPTER 2--FEDERAL TRADE COMMISSION. PROMOTION OF EXPORT TRADE AND PREVENTION OF UNFAIR METHODS OF COMPETITION

SUBCHAPTER V--TEXTILE FIBER PRODUCTS IDENTIFICATION

Sec. 70c. Exclusion of misbranded textile fiber products

All textile fiber products imported into the United States shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of section 70b of this title, and all invoices of such products required pursuant to section 1884 of title 19, shall set forth, in addition to the matter therein specified, the information with respect to said products required under the provisions of section 166b of this title, which information shall be in the invoices prior to their certification, if such certification is required pursuant to section 1884 of title 19. The falsification of, or failure to set forth the required information on such invoices, or the falsification of or perjury of the consignee's declaration provided for in section 1885 of title 19, similar as it relates to such information, in subsection (a), and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act [15 U.S.C. ch. 41 et seq.]; and any person who falsifies, or perjury the consignee's declaration or as it relates to such information, may thereafter be prohibited by the Commission from importing, or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this subchapter. A verified statement from the manufacturer or producer of such products showing their fiber content as required under the provisions of this subchapter may be required under regulation prescribed by the Secretary of the Treasury.

(Pub. L. 85-807, Sec. 9, Sept. 2, 1958, 72 Stat. 1722.)

References in Text

The Federal Trade Commission Act, referred to in text, is act enpl. 24, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (Sec. 43 et seq.) of this chapter. For complete classification of this Act to the Code, see section 56 of this title and Tables.
Title 15—Commerce and Trade
Chapter 2—Federal Trade Commission; Promotion of Interstate Trade and Commerce; Prevention of Unfair Methods of Competition
Subchapter V—Textile Fiber Products Identification

Sec. 70a. Guaranty

(a) Avoidance of Liability; Requirements

No person shall be guilty of an unlawful act under section 70a of this title if he establishes a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile fiber product guaranteed was manufactured or from whom it was received, that said product is not misbranded or falsely invoiced under the provisions of this subchapter. Said guaranty shall be (1) a separate guaranty specifically designating the textile fiber product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (2) a continuing guaranty given by seller to buyer applicable to all textile fiber products sold to or to be sold to buyer by seller in a form as the Commission, by rules and regulations, may prescribe; or (3) a continuing guaranty filed with the Commission applicable to all textile fiber products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) Furnishing False Guaranty

The furnishing of a false guaranty, except where the person furnishing such false guaranty relies on a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice in commerce, within the meaning of the Federal Trade Commission Act [15 U.S.C. 41 et seq.]

(Pub. L. 85-897, Sec. 10, Sept. 2, 1958, 72 Stat. 1722.)

References in Text

The Federal Trade Commission Act, referred to in subsec. (b), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (Title 41 et seq.) of this chapter. For complete classification of this Act to the Code, see section 56 of this title and Title 41.
Decision and Order

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TITLE 15--COMMERCE AND TRADE

CHAPTER 2--FEDERAL TRADE COMMISSION; PROMOTION OF REASONABLE TRADE AND PREVENTION OF UNFAIR METHODS OF CONTESTION

SUBCHAPTER V--TEXTILE FIBER PRODUCTS IDENTIFICATION

Sec. 701. Criminal penalty

(a) Any person who willfully does any act which by section 70a, 70b, 70d, 70e, or 70f(b) of this title is declared to be unlawful shall be guilty of a misdemeanor and upon conviction shall be fined not more than $5,000 or be imprisoned not more than one year, or both, in the discretion of the court. Provided, That nothing in this section shall limit any other provision of this subchapter.

(b) Whenever the Commission has reason to believe that any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General. If, on the basis of the facts certified, the Attorney General concurs in such belief, it shall be his duty to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

(Pub. L. 85-697, Sec. 11, Sept. 2, 1958, 72 Stat. 1723.)
decision and order

from the u.s. code could via gpo access [laws in effect as of january 3, 2005] [section index]

title 15—commerce and trade
chapter 2—federal trade commission, promotion of fair trade and prevention of unfair methods of competition
subsection v—textile fiber products identification

sec. 70j. exemptions

(a) none of the provisions of this subchapter shall be construed to apply to—

(1) upholstery stuffing, except as provided in section 70k(b) of this title;

(2) outer coverings of furniture, mattresses, and box springs;

(3) linings or interlinings incorporated primarily for structural purposes and not for warmth;

(4) filling or padding incorporated primarily for structural purposes and not for warmth;

(5) stiffening, trimmings, fastenings, or interfacings;

(6) backings and padding cushions to be used under floor coverings;

(7) sewing and handcraft threads;

(8) bandages, surgical dressings, and other textile fiber products, the labeling of which is subject to the requirements of the federal food, drug and cosmetic act of 1938, as amended (21 u.s.c. 301 et seq.);

(9) waste materials not intended for use in a textile fiber product;

(10) textile fiber products incorporated in shoes or overshoes or similar outer footwear;

(11) textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, or toys, catamenial devices, adhesive tapes and adhesive sheets, cleaning cloths impregnated with chemicals, or dusters.

the exemption provided for any article by paragraph (1) or (4) of this subsection shall not be applicable if any representation as to fiber content of such article is made in any advertisement, label, or other means of identification covered by section 70h of this title.

(b) the commission may exclude from the provisions of this subchapter other textile fiber products (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

(pub. l. 85-897, sec. 12, sept. 2, 1958, 72 stat. 1724.)

references in text

the federal food, drug and cosmetic act of 1938, referred to in subsec. (b)(1), is set june 25, 1938, ch. 675, 52 stat. 1040, as amended, which is classified generally to chapter 9 (sec. 301 et seq.) of title 21, food and drugs. for complete classification of this act to the code, see section 301 of title 21 and tables.
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[Law in effect as of January 3, 2004]
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TITLE 15—COMMERCIAL AND TRADE

CHAPTER 2—FEDERAL TRADE COMMISSION; PROMOTION OF HONEST TRADE AND
PREVENTION OF UNFAIR METHODS OF COMPETITION

SUBCHAPTER V—TEXTILE FIBER PRODUCTS IDENTIFICATION

Sec. 792. Application of other laws

The provisions of this subchapter shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

§ 301.46 Reference to guaranty by Government prohibited.

No representation nor suggestion that a fur or fur product is guaranteed under the Act by the Government, or any branch thereof, shall be made in the labeling, invoicing or advertising in connection therewith.

§ 301.47 Form of separate guaranty.

The following is a suggested form of separate guaranty under section 10 of the Act which may be used by a guarantor residing in the United States, on and as part of an invoice in which the merchandise covered is listed and specified and which shows the date of such document, the date of shipment of the merchandise and the signature and address of the guarantor:

We guarantee that the fur products or furs specified herein are not misbranded nor falsely or deceptively advertised or invoiced under the provisions of the Fur Products Labeling Act and rules and regulations thereunder.

§ 301.48 Continuing guaranty filed with Federal Trade Commission.

(a)(1) Under section 10 of the Act any person residing in the United States and handling fur or fur products may file a continuing guaranty with the Federal Trade Commission. When filed with the Commission a continuing guaranty shall be fully executed in duplicate. Forms for use in preparing continuing guaranties shall be supplied by the Commission upon request.

(b) Continuing guaranties filed with the Commission shall continue in effect until revoked. The guarantor shall promptly report any change in business status to the Commission.

(c) The prescribed form for a continuing guaranty is found in § 303.38(b) of this chapter. The form is available upon request from the Textile Section, Enforcement Division, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

(b) Any person who has a continuing guaranty on file with the Commission may, during the effective date of the guaranty, give notice of such fact by setting forth on the invoice or other paper covering the marketing or handling of the product guaranteed the following: “Continuing guaranty under the Fur Products Labeling Act filed with the Federal Trade Commission.”

(c) Any person who falsely represents in writing that he has a continuing guaranty on file with the Federal Trade Commission when such is not a fact shall be deemed to have furnished a false guaranty under section 10(b) of the Act.

§ 301.48a Guaranties not received in good faith.

A guaranty shall not be deemed to have been received in good faith within the meaning of section 10(a) of the Act:

(a) Unless the recipient of such guaranty shall have examined the required label, required invoice and advertisement relating to the fur product or fur so guaranteed;

(b) If the recipient of the guaranty has knowledge that the fur or fur product guaranteed is misbranded, falsely invoiced or falsely advertised.

§ 301.49 Deception in general.

No person nor fur products shall be labeled, invoiced, or advertised in any manner which is false, misleading or deceptive in any respect.

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Sec.

303.1 Terms defined.

303.2 General requirements.

303.3 Fibers present in amounts of less than 5 percent.

303.4 English language requirement.
Federal Trade Commission

303.5 Abbreviations, ditto marks, and asterisks prohibited.
303.6 Generic names of fibers to be used.
303.7 Generic names and definitions for manufactured fibers.
303.8 Procedure for establishing generic names for manufactured fibers.
303.9 Use of fur-bearing animal names and symbols prohibited.
303.10 Fiber content of special types of products.
303.11 Floor coverings containing backings, fillings, and paddings.
303.12 Trimmings of household textile articles.
303.13 Sale of remnants and products made of remnants.
303.14 Products containing unknown fibers.
303.15 Required label and method of affixing.
303.16 Arrangement and disclosure of information on labels.
303.17 Use of fiber trademarks and generic names on labels.
303.18 Terms implying fibers not present.
303.19 Name of other identification required to appear on labels.
303.20 Registered identification numbers.
303.21 Marking of samples, swatches, or specimens and products sold therewith.
303.22 Products containing linings, interlinings, fillings, and paddings.
303.23 Textile fiber products containing superimposed or added fibers.
303.24 Felt fabrics and products composed thereof.
303.25 Sectional disclosure of content.
303.26 Ornamentation.
303.27 Use of the term "All" or "100%.",
303.28 Products contained in packages.
303.29 Labelling of pairs or products containing two or more units.
303.30 Textile fiber products in form for consumer.
303.31 Invoice in lieu of label.
303.32 Products containing reused stuffing.
303.33 Country where textile fiber products are processed or manufactured.
303.34 Country of origin in mail order advertising.
303.35 Use of terms "virgin" or "new.",
303.36 Form of separate guaranty.
303.37 Form of continuing guaranty from seller to buyer.
303.38 Continuing guaranty filed with Federal Trade Commission.
303.39 Maintenance of records.
303.40 Use of terms in written advertisements that imply presence of a fiber.
303.41 Use of fiber trademarks and generic names in advertising.
303.42 Arrangement of Information in advertising textile fiber products.
303.43 Fiber content tolerances.
303.44 Products not intended for uses subject to the act.
303.45 Exclusions from the act.

§ 303.1

AUTHORITY: 15 U.S.C. 70 et seq.
SOURCE: 24 FR 4930, June 2, 1959, unless otherwise noted.

§ 303.1 Terms defined.

As used in this part, unless the context otherwise specifically requires:


(b) The terms rule, rules, regulations, and rules and regulations mean the rules and regulations prescribed by the Commission pursuant to section 7(c) of the Act.

(c) The definition of terms contained in section 2 of the Act shall be applicable also to such terms when used in rules promulgated under the Act.

(d) The term United States means the several States, the District of Columbia, and the Territories and possessions of the United States.

(e) The terms required information and information required mean such information as is required to be disclosed on labels or invoices and in advertising under the Act and regulations.

(f) The terms label, labels, labeled, and labeling mean the stamp, tag, label, or other means of identification, or authorized substitute therefor, required to be on or affixed to textile fiber products by the Act and regulations and on which the information required is to appear.

(g) The terms marketing or handling and marketed or handled, when applied to textile fiber products, mean any one or all of the transactions set forth in section 3 of the Act.

(h) The terms invoice and invoice or other paper mean an account, order, memorandum, list, or catalog, which is issued to a purchaser, consignee, bailee, correspondent, agent, or any other person, in writing or in some other form capable of being read and preserved in a tangible form, in connection with the marketing or handling of any textile fiber product transported or delivered to such person.

(i) The term outer coverings of furniture, mattresses, and box springs means those coverings as are permanently incorporated in such articles.
§ 303.2 16 CFR Ch. I (1-1-08 Edition)

(j) The term wearing apparel means any costume or article of clothing or covering for any part of the body worn or intended to be worn by individuals.

(k) The term bedding means sheets, covers, blankets, comforters, pillows, pillowcases, quilts, bedspreads, pads, and all other textile fiber products used or intended to be used on or about a bed or other place for reclining or sleeping but shall not include furniture, mattresses or box springs.

(l) The term headwear means any textile fiber product worn exclusively on or about the head or face by individuals.

(m) The term backings, when applied to floor coverings, means that part of a floor covering to which the pile, face, or outer surface is woven, tufted, hooked, knitted, or otherwise attached, and which provides the structural base of the floor covering. The term backing shall also include fabrics attached to the structural base of the floor covering in such a way as to form a part of such structural base, but shall not include the pile, face, or outer surface of the floor covering or any part thereof.

(n) The term elastic material means a fabric composed of yarn consisting of an elastomer or a covered elastomer.

(o) The term coated fabric means any fabric which is coated, filled, impregnated, or laminated with a continuous-film-forming polymeric composition in such a manner that the weight added to the base fabric is at least 35 percent of the weight of the fabric before coating, filling, impregnation, or lamination.

(p) The term upholstered product means articles of furniture containing stuffing and shall include mattresses and box springs.

(q) The term ornamentation means any fibers or yarns imparting a visibly discernible pattern or design to a yarn or fabric.

(r) The term fiber trademark means a word or words used by a person to identify a particular fiber produced or sold by him and to distinguish it from fibers of the same generic class produced or sold by others. Such term shall not include any trade mark, product mark, house mark, trade name or other name which does not identify a particular fiber.

(s) The term wool means the fiber from the fleece of the sheep or hair of the Angora or Cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuna) which has never been reclaimed from any woven or felted wool product.

(t) The term recycled wool means (1) the resulting fiber when wool has been woven or felted into a wool product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state, or (2) the resulting fiber when wool or reprocessed wool has been spun, woven, knitted, or felted into a wool product which, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state.

(u) The terms mail order catalog and mail order promotional material mean any materials, used in the direct sale or direct offering for sale of textile products, that are disseminated to ultimate consumers in print or by electronic means, other than by broadcast, and that solicit ultimate consumers to purchase such textile products by mail, telephone, electronic mail, or some other method without examining the actual product purchased.


§ 303.3 General requirements.

(a) Each textile fiber product, except those exempted or excluded under section 12 of the Act, shall be labeled or invoiced in conformity with the requirements of the Act and regulations.

(b) Any advertising of textile fiber products subject to the Act shall be in conformity with the requirements of the Act and regulations.


(d) Any person marketing or handling textile fiber products who shall cause or direct a processor or finisher to label, invoice, or otherwise identify any textile fiber product with required information shall be responsible under
the Act and regulations for any failure of
compliance with the Act and regula-
tions by reason of any statement or
omission in such label, invoice, or
other means of identification utilised
in accordance with his direction: Pro-
vided, That nothing herein shall relieve
the processor or finisher of any duty or
liability to which he may be subject
under the Act and regulations.
§303.3 Fibers present in amounts
less than 5 percent.
(a) Except as permitted in sections
4(b)(1) and 4(b)(2) of the Act, as amen-
ed, no fiber present in the amount of
less than 5 percent of the total fiber
weight shall be designated by its ge-
eric name or fiber trademark in dis-
closing the constituent fibers in re-
quired information, but shall be des-
nignated as “other fiber.” When more
than one of such fibers are present in a
product, they shall be designated in the
aggregate as “other fibers.” Provided,
however, that nothing in this section
shall be construed as prohibiting the
disclosure of any fiber present in a tex-
tile fiber product which has a clearly
established and definite functional sig-
nificance when present in the amount
contained in such product, as for exam-
ple:
96 percent Acetate
4 percent Lyocell.
(b) In making such disclosure, all of
the provisions of the Act and regula-
tions in this part setting forth the
manner and form of disclosure of fiber
content information, including the pro-
visions of §§303.17 and 303.41 of this part
relating to the use of generic names and
fiber trademarks, shall be applica-
able.
[63 FR 7518, Feb. 13, 1998]
§303.4 English language require-
ment.
All required information shall be set
out in the English language. If the re-
quired information appears in a lan-
guage other than English, it also shall
appear in the English language. The
provisions of this section shall not
apply to advertisements in foreign lan-
guage newspapers or periodicals, but
such advertising shall in all other res-
pects comply with the Act and regula-
tions.
§303.5 Abbreviations, ditto marks, and
asterisks prohibited.
(a) In disclosing required infor-
mation, words or terms shall not be des-
nignated by ditto marks or appear in
footnotes referred to by asterisks or
other symbols in required information,
and shall not be abbreviated except as
permitted in §303.33(e) of this part.
(b) Where the generic name of a tex-
tile fiber is required to appear in im-
mediate conjunction with a fiber trade-
mark in advertising, labeling, or
invoking, a disclosure of the generic
name by means of a footnote, to which
reference is made by use of an asterisk
or other symbol placed next to the
fiber trademark, shall not be sufficient
in itself to constitute compliance with
the Act and regulations.
[24 FR 4680, June 2, 1959, as amended at 45 FR
75156, Dec. 1, 2000]
§303.6 Specific names of fibers to be
used.
(a) Except where another name is
permitted under the Act and regula-
tions, the respective generic names of
all fibers present in the amount of 5 per
centum or more of the total fiber
weight of the textile fiber product shall
be used when naming fibers in the re-
quired information; as for example:
cotton,” “rayon,” “silk,” “linen,”
“nylon,” etc.
(b) Where a textile fiber product con-
tains the hair or fiber of a fur-bearing
animal present in the amount 5 per
centum or more of the total fiber
weight of the product, the name of the
animal producing such fiber may be
used in setting forth the required infor-
mation, provided the name of such ani-
mal is used in conjunction with the
words “fiber,” “hair,” or “blend;” as
for example:
80 percent Rabbit hair.
20 percent Nylon.
or
80 percent Silk.
20 percent Mink fiber.
(c) The term “fur fiber” may be used
to describe the hair or fur fiber or mix-
tures thereof of any animal or animals
other than the sheep, lamb, Angora
goat, Cashmere goat, camel, alpaca,
llama or vicuna where such hair or fur
fiber or mixture is present in the
§ 303.7 Generic names and definitions for manufactured fibers.

Pursuant to the provisions of section 7(c) of the Act, the Commission hereby establishes the generic names for manufactured fibers, together with their respective definitions, set forth in this section, and the generic names for manufactured fibers, together with their respective definitions, set forth in International Organization for Standardization ISO 20676:1998(E), "Textiles—Man-made fibres—Generic names."

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American National Standards Institute, 11 West 42nd St., 15th floor, New York, NY 10036. Copies may be inspected at the Federal Trade Commission, Room 130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(a) Acrylic. A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of acrylonitrile units

\[-\left(\text{CH}_2\text{CH}^-\right)\,-\left(\text{CN}^-\right)\]
Federal Trade Commission

§ 303.7

of regenerated cellulose in which substituents have replaced not more than 15% of the hydrogens of the hydroxyl groups. Where the fiber is composed of cellulose precipitated from an organic solution in which no substitution of the hydroxyl groups takes place and no chemical intermediates are formed, the term lyocell may be used as a generic description of the fiber.

(e) Acetate. A manufactured fiber in which the fiber-forming substance is cellulose acetate. Where not less than 92 percent of the hydroxyl groups are acetylated, the term triacetate may be used as a generic description of the fiber.

(f) Soran. A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 80 percent by weight of vinylidene chloride units \((-\text{CH}_2\text{-CCl}_2\text{)}\).

(g) Asten. A manufactured fiber in which the fiber-forming substance is composed of any regenerated naturally occurring polypeptides.

(h) Nitril. A manufactured fiber containing at least 85 percent of a long chain polymer of vinylidene dinitrile \((-\text{CH}_2\text{-CN})\), where the vinylidene dinitrile content is no less than every other unit in the polymer chain.

(i) Nylon. A manufactured fiber in which the fiber-forming substance is a long-chain synthetic polyamide in which less than 85 percent of the amide

\[\begin{array}{c}
\text{C} \\
\text{NH} \\
\end{array}
\]

linkages are attached directly to two aromatic rings.

(j) Rubber. A manufactured fiber in which the fiber-forming substance is comprised of natural or synthetic rubber, including the following categories:

(1) A manufactured fiber in which the fiber-forming substance is a hydrocarbon such as natural rubber, polyisoprene, polybutadiene, copolymers of dienes and hydrocarbons, or amorphous (noncrystalline) polylefins.

(2) A manufactured fiber in which the fiber-forming substance is a copolymer of acrylonitrile and a diene (such as butadiene) composed of not more than 50 percent but at least 10 percent by weight of acrylonitrile units

\[\text{(-CH}_2\text{-CH}=-\text{)}\text{CN}\]

The term latex may be used as a generic description for fibers falling within this category.

(k) Spandex. A manufactured fiber in which the fiber-forming substance is a polychloroprene or a copolymer of chloroprene in which at least 35 percent by weight of the fiber-forming substance is composed of chloroprene units

\[\text{(-CH}_2\text{-C=CH}-\text{CH}_2\text{-)}\text{Cl}\]

(l) Vinal. A manufactured fiber in which the fiber-forming substance is a long chain synthetic polymer composed of at least 50 percent by weight of vinyl alcohol units \((-\text{CH}_2\text{-CHOH}-\text{)}\), and in which the total of the vinyl alcohol units and any one or more of the various acetate units is at least 85 percent by weight of the fiber.

(m) Olefin. A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of ethylene, propylene, or other olefin units, except amorphous (noncrystalline) polyolefins qualifying under paragraph (f)(1) of this section [Rule 7]. Where the fiber-forming substance is a cross-linked synthetic polymer, with low but significant crystallinity, composed of at least 95 percent by weight of ethylene and at least one other olefin unit, and the fiber is substantially elastic and heat resistant, the term Elstoll may be used as a generic description of the fiber.

(n) Vicrylon. A manufactured fiber in which the fiber-forming substance is
§ 303.8

any long chain synthetic polymer composed of at least 85 percent by weight of vinyl chloride units (CH2-CHCl).

c. Metallic. A manufactured fiber composed of metal, metal-coated plastic, or a core completely covered by metal.

d. Glass. A manufactured fiber in which the fiber-forming substance is glass.

e. Amide. A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of one or more esters of mono- or dihydric alcohol and acrylonitrile, CH2=CH-COOH.

f. Novoloid. A manufactured fiber containing at least 85 percent by weight of a cross-linked novolac.

g. Aramid. A manufactured fiber in which the fiber-forming substance is a long-chain synthetic polyamide in which at least 85 percent of the amide

\[
\begin{array}{c}
\text{N} \\
\text{O}
\end{array}
\]

linkages are attached directly to two aromatic rings.

h. Sulfor. A manufactured fiber in which the fiber-forming substance is a long chain synthetic polysulfide in which at least 85 percent of the sulfide (-S-) linkages are attached directly to two aromatic rings.

i. PBI. A manufactured fiber in which the fiber-forming substance is a long chain aromatic polymer having recurring imidazole groups as an integral part of the polymer chain.

j. Elastomer. A manufactured fiber in which the fiber-forming substance is a long-chain synthetic polymer composed of at least 50 percent by weight of aliphatic polyether and at least 35 percent by weight of polyester, as defined in 16 CFR 302.7(c).

k. Melamine. A manufactured fiber in which the fiber-forming substance is a synthetic polymer composed of at least 50 percent by weight of a cross-linked melamine polymer.

l. Fluoropolymer. A manufactured fiber containing at least 95 percent of a long-chain polymer synthesized from aliphatic fluorocarbon monomers.

(y) PLA. A manufactured fiber in which the fiber-forming substance is composed of at least 85 percent by weight of lactic acid ester units derived from naturally occurring sugars.


§ 303.8 Procedure for establishing generic names for manufactured fibers.

(a) Prior to the marketing or handling of a manufactured fiber for which no generic name has been established or otherwise recognized by the Commission, the manufacturer or producer thereof shall file a written application with the Commission, requesting the establishment of a generic name for such fiber, stating therein:

(1) The reasons why the applicant's fiber should not be identified by one of the generic names established by the Commission in § 303.7 of this part;

(2) The chemical composition of the fiber, including the fiber-forming substances and respective percentages thereof, together with samples of the fiber;

(3) Suggested names for consideration as generic, together with a proposed definition for the fiber;

(4) Any other information deemed by the applicant to be pertinent to the application, including technical data in the form of test methods;

(5) The earliest date on which the application proposes to market or handle the fiber in commerce for other than developmental or testing purposes.

(b) Upon receipt of the application, the Commission will, within sixty (60) days, either deny the application or assign to the fiber a numerical or alphabetical symbol for temporary use during further consideration of such application.
Federal Trade Commission

(c) After taking the necessary procedure in consideration of the application, the Commission in due course shall establish a generic name or advise the applicant of its refusal to grant the application and designate the proper existing generic name for the fiber.


§ 303.9 Use of fur-bearing animal names and symbols prohibited.

(a) The advertising or the labeling of a textile fiber product shall not contain any names, words, depictions, descriptive matter, or other symbols which connote or signify a fur-bearing animal, unless such product or the part thereof in connection with which the names, words, depictions, descriptive matter, or other symbols are used is a fur product within the meaning of the Fur Products Labeling Act.

(b) Subject to the provisions of paragraph (a) of this section and §303.6 of this part, a textile fiber product shall not be described or referred to in any manner in an advertisement or label with:

1. The name or part of the name of a fur-bearing animal, whether as a single word or a combination word, or any coined word which is phonetically similar to a fur-bearing animal name, or which is only a slight variation in spelling of a fur-bearing animal name or part of the name. As for example, such terms as “Ermine,” “Mink,” “Persian,” “Broadtail,” “Beaver,” “Marmink,” “Sableon,” “Lam,” “Persian,” “Minx,” or similar terms shall not be used.

2. Any word or name symbolic of a fur-bearing animal by reason of conventional usage or by reason of its close relationship with fur-bearing animals. As for example, such terms as “guardhair,” “underfur,” and “mutation,” or similar terms, shall not be used.

(c) Nothing contained herein shall prevent:

1. The nondeceptive use of animal names or symbols in referring to a textile fiber product where the fur of such animal is not commonly or commercially used in fur products, as that term is defined in the Fur Products Labeling Act, as for example “kitten soft,” “Bear Brand,” etc.

2. The non deceptive use of a trademark or trade name containing the name, symbol, or depiction of a fur-bearing animal unless:

(i) The textile fiber product in connection with which such trademark or trade name is used simulates a fur or fur product;

(ii) Such trademark or trade name is used in any advertisement of a textile fiber product together with any depiction which has the appearance of a fur or fur product;

(iii) The use of such trademark or trade name is prohibited by the Fur Products Labeling Act.


§ 303.10 Fiber content of special types of products.

(a) Where a textile product is made wholly of elastic yarn or material, with minor parts of non-elastic material for structural purposes, it shall be identified as to the percentage of the elastomer, together with the percentage of all textile coverings of the elastomer and all other yarns or materials used therein.

Where a textile fiber product is made in part of elastic material and in part of other fabric, the fiber content of such fabric shall be set forth sectionally by percentages as in the case of other fabrics. In such cases the elastic material may be disclosed by describing the material as elastic followed by a listing in order of predominance by weight of the fibers used in such elastic, including the elastomer, where such fibers are present by 5 per centum or more with the designation “other fiber” or “other fibers” appearing last when fibers required to be so designated are present. An example of labeling under this paragraph is:

Front and back non-elastic sections:

50 percent Acetate.

50 percent Cotton.

Elastic: Rayon, cotton, nylon, rubber.

(b) Where drapery or upholstery fabrics are manufactured on hand-operated looms for a particular customer after the sale of such fabric has been consummated, and the amount of the
§ 303.11

Order does not exceed 100 yards (91.44 m) of fabric, the required fiber content disclosure may be made by listing the fibers present in order of predominance by weight with any fiber or fibers required to be designated as "other fibers" or "other fibers" appearing last, as for example:

Rayon
Wool
Acetate
Metallic
Other fibers

c(t) Where a manufactured textile fiber is essentially a physical combination or mixture of two or more chemically distinct constituents or components combined at or prior to the time of extrusion, which components if separately extruded would each fall within different existing definitions of textile fibers as set forth in §303.7 of this part (Rule 7), the fiber content disclosure as to such fiber, shall for all purposes under the regulations in this part (t) disclose such fact in the required fiber content information by appropriate nondeceptive descriptive terminology, such as "biconstituent fiber" or "multiconstituent fiber," (ii) set out the components contained in the fiber by the appropriate generic name specified in §303.7 of this part (Rule 7) in the order of their predominance by weight, and (iii) set out the respective percentages of such components by weight.

(2) If the components of such fibers are of a matrix-fibril configuration, the term matrix-fibril fiber or matrix fiber may be used in setting forth the information required by this paragraph.

(3) Examples of proper fiber content designations under this paragraph are:

100% Biconstituent Fiber
60% Nylon, 35% Polyester
80% Matrix Fiber (60% Nylon, 40% Polyester)
15% Polyester
5% Rayon

(4) All of the provisions as to fiber content disclosures contained in the Act and regulations, including the provisions relative to fiber content tolerances and disclosures of fibers present in amounts of less than 5 percentum of the total fiber weight, shall also be applicable to the designations and disclosures prescribed by this paragraph.


§ 303.11 Floor coverings containing backings, fillings, and paddings.

In disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, the disclosure shall be made in such manner as to indicate that it relates only to the face, pile, or outer surface of the floor covering and not to the backing, filling, or padding. Examples of the form of marking these types of floor coverings as to fiber content are as follows:

100% Cotton Pile
Face—50% Rayon, 50% Cotton
Outer Surface—100% Wool

§ 303.12 Trimmings of household textile articles.

(a) Trimmings incorporated in articles of wearing apparel and other household textile articles may, among other forms of trim, include: (1) Rickrack, tape, belting, binding, braid, labels (either required or non-required), collars, cuffs, wrist bands, leg bands, waist bands, gussets, gores, welts, and findings, including superimposed garters in hosiery, and elastic materials and threads inserted in or added to the basic product or garment in minor proportion for holding, reinforcing or similar structural purposes; (2) decorative trim, whether applied by embroidery, overlay, applique, or attachment; and (3) decorative patterns or designs which are an integral part of the fabric out of which the household textile article is made: Provided, That such decorative trim or decorative pattern or design, as specified in paragraphs (a) (2) and (3) of this section, does not exceed 15 percent of the surface area of the household textile article. If no representation is made as to the fiber content of the decorative trim or decoration, as provided for in paragraphs (a) (2) and (3) of this section, the fiber content designation of the basic fabric shall be followed by the statement "exclusive of decoration."

228

HeinOnline -- CFR 228 2008
§ 303.14 Products containing unknown fibers.

(a) Where a textile fiber product is made from miscellaneous scraps, rags, odd lots, second-hand materials, textile by-products, or waste materials of unknown, and for practical purposes, undeterminable fiber content, the required fiber content disclosure may, when truthfully applicable, in lieu of the fiber content disclosure otherwise required by the Act and regulations, indicate that such product is composed of miscellaneous scraps, rags, odd lots, textile by-products, second-hand materials (in case of second-hand materials, words of like import may be used) or waste materials, as the case may be, of unknown or undeterminable fiber content, as for example:

Made of miscellaneous scraps undetermined fiber content
100% unknown fibers—rags
All undetermined fibers—textile by-products
100% miscellaneous odd lots of undetermined fiber content
Second-hand materials fiber content unknown
Made of unknown fibers—waste materials

(b) Where a textile fiber product is made in part from miscellaneous scraps, rags, odd lots, textile by-products, second-hand materials or waste materials of unknown and, for practical purposes, undeterminable fiber content together with a percentage of known or determinable fibers, the required fiber content disclosure may, when truthfully applicable, in lieu of the fiber content disclosure otherwise required by the Act and regulations, indicate the percentage of miscellaneous scraps, rags, odd lots, second-hand materials (in case of second-hand materials, words of like import may be used), textile by-products, or waste materials of unknown or undeterminable fiber content and the percentage of known fibers, as for example:

45% Rayon
30% Acetate
25% Miscellaneous scraps of undetermined fiber content.
§ 303.15 Required label and method of affixing.
(a) A label is required to be affixed to each textile fiber product and, where required, to its package or container in a secure manner. Such label shall be conspicuous and shall be of such durability as to remain attached to the product and its package throughout any distribution, sale, resale and until sold and delivered to the ultimate consumer.
(b) Each textile fiber product with a neck must have a label disclosing the country of origin affixed to the inside center of the neck midway between the shoulder seams or in close proximity to another label affixed to the inside center of the neck. The fiber content and RN or name of the company may be disclosed on the same label as the country of origin or on another conspicuous and readily accessible label or labels on the inside or outside of the garment. On all other textile products, the required information shall be disclosed on a conspicuous and readily accessible label or labels on the inside or outside of the product. The country of origin disclosure must always appear on the front side of the label. Other required information may appear either on the front side or the reverse side of a label, provided that the information is conspicuous and readily accessible.
(c) In the case of hosiery products, this section shall not be construed as requiring the affixing of a label to each hosiery product contained in a package if, (1) such hosiery products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a label bearing the required information for the hosiery products contained in the package, and (3) the information on the label affixed to the package is equally applicable to each textile fiber product contained therein.
(d) Socks provided for in subheading 6115.90.00, 6115.93.00, 6115.99.10, 6111.30.00, 6111.30.50, or 6111.90.50 of the Harmonized Tariff Schedule of the United States, as in effect on September 1, 2003, shall be marked, as legibly, indelibly, and permanently as the nature of the article or package will permit, to disclose the English name of the country of origin. This disclosure shall appear on the front of the package, adjacent to the size designation of the product, and shall be set forth in such a manner as to be clearly legible, conspicuous, and readily accessible to the ultimate consumer. Provided, however, any package that contains several different types of goods and includes socks classified under subheading 6115.90.00, 6115.93.00, 6115.99.10, 6111.20.00, 6111.30.50, or 6111.90.50 of the Harmonized Tariff Schedule of the United States, as in effect on September 1, 2003, shall not be subject to the requirements of this subsection.

§ 303.16 Arrangement and disclosure of information on labels.
(a) Subject to the provisions of §303.15(b), information required by the Act and regulations in this part may appear on any label or labels attached to the textile fiber product, including the care label required by 16 CFR part 423, provided all the pertinent requirements of the Act and regulations in
Federal Trade Commission

§ 303.19

this part are met and so long as the combination of required information and non-required information is not misleading. The required information shall include the following:

(1) The generic names and percentages by weight of the constituent fibers present in the textile fiber product, excluding permissible ornamentation, in amounts of 5 percent or more and any fibers disclosed in accordance with §303.3(a) shall appear in order of predominance by weight with any percentage of fiber or fibers required to be designated as "other fiber" or "other fibers" appearing last.

(2) The name, provided for in §303.19, or registered identification number issued by the Commission, of the manufacturer or of one or more persons marketing or handling the textile fiber product.

(3) The name of the country where such product was processed or manufactured, as provided for in §303.33.

(b) All parts of the required information shall be set forth in such a manner as to be clearly legible, conspicuous, and readily accessible to the prospective purchaser. All parts of the fiber content information shall appear in type or lettering of equal size and conspicuousness.

(c) Subject to the provisions of §303.17, any non-required information or representations placed on the product shall not minimize, detract from, or conflict with required information and shall not be false, deceptive, or misleading.

(4) Non-deceptive terms which are properly and truthfully descriptive of a fiber may be used in conjunction with the generic name of such fiber; as for example: "100 percent cross-linked rayon," "100 percent solution dyed acetate," "100 percent combed cotton," "100 percent nylon 66," etc.


§ 303.17 Use of fiber trademarks and generic names on labels.

(a) A non-deceptive fiber trademark may be used on a label in conjunction with the generic name of the fiber to which it relates. Where such a trademark is placed on a label in conjunction with the required information, the generic name of the fiber must appear in immediate conjunction therewith, and such trademark and generic name must appear in type or lettering of equal size and conspicuousness.

(b) Where a generic name or a fiber trademark is used on any label, whether required or non-required, a full and complete fiber content disclosure shall be made in accordance with the Act and regulations the first time the generic name or fiber trademark appears on the label.

(c) If a fiber trademark is not used in the required information, but is used elsewhere on the label as non-required information, the generic name of the fiber shall accompany the fiber trademark in legible and conspicuous type or lettering the first time the trademark is used.

(d) No fiber trademark or generic name shall be used in non-required information on a label in such a manner as to be false, deceptive, or misleading as to fiber content, or to indicate directly or indirectly that a textile fiber product is composed wholly or in part of a particular fiber, when such is not the case.

§ 303.18 Terms implying fibers not present.

Words, coined words, symbols or depictions, (a) which constitute or imply the name or designation of a fiber which is not present in the product, (b) which are phonetically similar to the name or designation of such a fiber, or (c) which are only a slight variation of spelling from the name or designation of such a fiber shall not be used in such a manner as to represent or imply that such fiber is present in the product.

[30 FR 13998, Oct. 30, 1965]

§ 303.19 Name or other identification required to appear on labels.

(a) The name required by the Act to be used on labels shall be the name under which the person is doing business. Where a person has a word trademark, used as a house mark, registered in the United States Patent Office, such word trademark may be used on
§ 303.20

labels in lieu of the name otherwise required: Provided, The owner of such word trademark furnishes the Commission a copy of the registration prior to its use. No trademark, trade names, or other names except those provided for above shall be used for required identification purposes.

(b) Registered identification numbers, as provided for in § 303.20 of this part, may be used for identification purposes in lieu of the required name.

§ 303.20 Registered identification numbers.

(a) Registered numbers for use as the required identification in lieu of the name on textile fiber product labels, as provided in section 4(b)(3) of the Act, will be issued by the Commission to qualified persons residing in the United States upon receipt of an application duly executed in the form set out in paragraph (d) of this section.

(b)(1) Registered identification numbers shall be used only by the person or concern to whom they are issued, and such numbers are not transferable or assignable.

(2) Registered identification numbers shall be subject to cancellation whenever any such number was procured or has been used improperly or contrary to the requirements of the Acts administered by the Federal Trade Commission, and regulations promulgated thereunder, or when otherwise deemed necessary in the public interest.

(3) Registered identification numbers shall be subject to cancellation if the Commission fails to receive prompt notification of any change in name, business address, or legal business status of a person or firm to whom a registered identification number has been assigned, by application duly executed in the form set out in paragraph (d) of this section, reflecting the current name, business address, and legal business status of the person or firm.

(c) Registered identification numbers assigned under this section may be used on labels required in labeling products subject to the provisions of the Wool Products Labeling Act and Fur Products Labeling Act, and numbers previously assigned by the Commission under such Acts may be used as and for the required name in labeling under this Act. When so used by the person or firm to whom assigned, the use of the numbers shall be construed as identifying and binding the applicant as fully and in all respects as though assigned under the specific Act for which it is used.

(d) Form to apply for a registered identification number or to update information pertaining to an existing number (the form is available upon request from: Enforcement Division, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580, or on the Internet at http://www.ftc.gov; application may also be made directly on the Internet):
Federal Trade Commission

§ 303.20

APPLICATION FOR A REGISTERED IDENTIFICATION NUMBER ("RP")

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1. PURPOSE OF APPLICATION (Check one applicable, apply only if applicable to this form)
- APPLY FOR A NEW RP
- UPDATE INFORMATION ON AN EXISTING RP FOR A NEW BUSINESS
- ENTER EXISTING RP FOR A NEW BUSINESS

2. LEGAL NAME OF APPLICANT (Proprietorship, please print legal name of the person who is the proprietor)

3. NAME UNDER WHICH APPLICANT DOES BUSINESS (Check if different from legal name)

4. TYPE OF COMPANY (If "Other" is checked, please state the type of company)
- PROPRIETORSHIP
- PARTNERSHIP
- CORPORATION
- LLC
- OTHER

5. ADDRESS OF PRINCIPAL OFFICE OR PLACE OF BUSINESS (Include zip code; Address must be actual location where business is conducted)

6. TYPE OF BUSINESS (Mark all that apply)

7. LIST PRODUCTS (All products for which an RPI is requested must be marketed, sold, or advertised as a product of a firm in the textile, wood or fur

8. CERTIFICATION

9. NAME OF COMPANY OFFICIAL (Type or print legibly)

10. TITLE OF COMPANY OFFICIAL

11. DATE SUBMITTED

INSTRUCTIONS
Regulations under the Textile Fiber Products Identification Act (25 U.S.C. 70, 75-77), the Wood Product Labeling Act (15 U.S.C. 480, 480a), and the Fur Products Labeling Act (15 U.S.C. 480a, 480b) provide that any USA company that is a manufacturer or retailer of any of these products must, in the course of its business, be identified by an RPI on all products or labels required by these regulations.

By completing this form, please observe the following:
(a) All required boxes must be filled in except for optional information.
(b) PLEASE, Type or Print legibly.


233

HeinOnline -- CFR 233 2008
§ 303.21 Marking of samples, swatches, or specimens and products sold therefrom.

(a) Where samples, swatches, or specimens of textile fiber products subject to the Act are used to promote or affect sales of such textile fiber products, the samples, swatches, or specimens, as well as the products themselves, shall be labeled to show their respective fiber contents and other required information. Provided, That such samples, swatches or specimens need not be labeled:

(1) If the samples, swatches, or specimens are less than two square inches (12.9 cm²) in area and the information otherwise required to appear on the label is clearly, conspicuously, and non-deceptively disclosed on accompanying promotional matter in accordance with the Act and regulations.

(2) If the samples, swatches, or specimens are keyed to a catalogue to which reference is necessary in order to complete the sale of the textile fiber products, and which catalogue at the necessary point of reference clearly, conspicuously, and non-deceptively discloses the information otherwise required to appear on the label in accordance with the Act and regulations;

(3) If such samples, swatches, or specimens are not used to effect sales to ultimate consumers and are not in the form intended for sale or delivery to, or for use by, the ultimate consumer, and are accompanied by an invoice or other paper showing the required information.

(b) Where properly labeled samples, swatches, or specimens are used to effect the sale of articles of wearing apparel or other household textile articles which are manufactured specifically for a particular customer after the sale is consummated, the articles of wearing apparel or other household textile articles need not be labeled if they are of the same fiber content as the samples, swatches, or specimens from which the sale was effected and an invoice or other paper accompanies them showing the information otherwise required to appear on the label.

[26 FR 4488, June 2, 1961, as amended at 61 FR 11594, Mar. 21, 1996]

§ 303.22 Products containing linings, interlinings, fillings, and paddings.

In disclosing the required information as to textile fiber products, the fiber content of any linings, interlinings, fillings, or paddings shall be set forth separately and distinctly if such linings, interlinings, fillings, or paddings are incorporated in the product for warmth rather than for structural purposes, or if any express or implied representations are made as to their fiber content. Examples are as follows:

100% Nylon
Interlining: 50% Rayon
Covering: 100% Rayon
Filling: 100% Cotton.

§ 303.23 Textile fiber products containing superimposed or added fibers.

Where a textile fiber product is made wholly of one fiber or a blend of fibers with the exception of an additional fiber in minor proportion superimposed or added in certain separate and distinct areas or sections for reinforcing or other useful purposes, the product may be designated according to the fiber content of the principal fiber or blend of fibers, with an exception naming the superimposed or added fiber, giving the percentage thereof in relation to the total fiber weight of the principal fiber or blend of fibers, and indicating the area or section which contains the superimposed or added fiber. Examples of this type of fiber content disclosure, as applied to products having reinforcing fibers added to a particular area or section, are as follows:

55% Cotton
45% Rayon
Except 5% Nylon added to toe and heel.
All Cotton except 1% Nylon added to neckband.

§ 303.24 Pile fabrics and products composed thereof.

The fiber content of pile fabrics or products composed thereof may be stated on the label in such segregated form as will show the fiber content of the face or pile and of the back or base, with percentages of the respective fibers as they exist in the face or pile and in the back or base: Provided, That

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HeinOnline -- CFR 234 2008
in such disclosure the respective percentages of the face and back be given in such manner as will show the ratio between the face and the back. Examples of the form of marking pile fabric as to fiber content provided for in this section are as follows:

100% Nylon Pile
100% Cotton Back
(Back constitutes 80% of fabric and pile 20%)

Face—60% Rayon, 40% Nylon
Back—75% Cotton, 25% Rayon
(Pace constitutes 60% of fabric and back 40%)

§ 303.25 Sectional disclosure of content.
(a) Permissive. Where a textile fiber product is composed of two or more sections which are of different fiber composition, the required information as to fiber content may be separated in the same label in such manner as to show the fiber composition of each section.

(b) Mandatory. The disclosure as above provided shall be made in all instances where such form of marking is necessary to avoid deception.

§ 303.26 Ornamentation.
(a)(1) Where the textile fiber product contains fiber ornamentation not exceeding five per centum of the total fiber weight of the product and the stated percentages of the fiber content are exclusive of such ornamentation, the label or any invoice used in lieu thereof shall contain a phrase or statement showing such fact; as for example:

60% Cotton
40% Rayon
Exclusive of Ornamentation;
or

All Cotton
Exclusive of Ornamentation.

(2) The fiber content of such ornamentation may be disclosed where the percentage of the ornamentation in relation to the total fiber weight of the principal fiber or blend of fibers is shown; as for example:

70% Nylon
30% Acetate
Exclusive of 4% Metallic Ornamentation;
or

100% Rayon
Exclusive of 3% Silk Ornamentation.

(b) Where the fiber ornamentation exceeds five per centum, it shall be included in the statement of required percentages of fiber content.

(c) Where the ornamentation constitutes a distinct section of the product, sectional disclosure may be made in accordance with § 303.25 of this part.

§ 303.27 Use of the term “All” or “100%.”
Where a textile fiber product or part thereof is comprised wholly of one fiber, other than any fiber ornamentation, decoration, elastic, or trimming as to which fiber content disclosure is not required, either the word "All" or the term "100%" may be used in labeling, together with the correct generic name of the fiber and any qualifying phrase, when required, as for example: "100% Cotton," "All Rayon, Exclusive of Ornamentation," "100% Acetate, Exclusive of Decoration," "All Nylon, Exclusive of Elastic," etc.

§ 303.28 Products contained in packages.
When textile products are marketed and delivered in a package which is intended to remain unbroken and intact until after delivery to the ultimate consumer, each textile product in the package, except hosiery, and the package shall be labeled with the required information. If the package is transparent to the extent it allows for a clear reading of the required information on the textile product, the package is not required to be labeled.

[50 FR 15197, Apr. 17, 1985]

§ 303.29 Labeling of pairs or products containing two or more units.
(a) Where a textile fiber product consists of two or more parts, units, or items of different fiber content, a separate label containing the required information shall be affixed to each of such parts, units or items showing the required information as to such part, unit, or item: Provided, That where such parts, units, or items are marketed or handled as a single product or ensemble and are sold and delivered to the ultimate consumer as a single
§ 303.30

Product or ensemble, the required information may be set out on a single label in such a manner as to separately show the fiber composition of each part, unit, or item.

(b) Where garments, wearing apparel, or other textile fiber products are marketed or handled in pairs or ensembles of the same fiber content, only one unit of the pair or ensemble need be labeled with the required information when sold and delivered to the ultimate consumer.


§ 303.39 Textile fiber products in form for consumer.

A textile fiber product shall be considered to be in the form intended for sale or delivery to, or for use by, the ultimate consumer when the manufacturing or processing of the textile fiber product is substantially complete. The fact that minor or insignificant details of the manufacturing or processing have not been completed shall not excuse the labeling of such products as to the required information. For example, a garment must be labeled even though matters as the finishing of a hem or cuff or the affixing of buttons thereon remain to be completed.

§ 303.31 Invoice in lieu of label.

Where a textile fiber product is not in the form intended for sale, delivery to, or for use by the ultimate consumer, an invoice or other paper may be used in lieu of a label, and such invoice or other paper shall show, in addition to the name and address of the person issuing the invoice or other paper, the fiber content of such product as provided in the Act and regulations as well as any other required information.

§ 303.32 Products containing reused stuffing.

Any upholstered product, mattress, or cushion which contains stuffing which has been previously used as stuffing in any other upholstered product, mattress, or cushion shall have securely attached thereto a substantial tag or label, at least 2 inches (5.08 cm) by 3 inches (7.62 cm) in size, and statements thereon conspicuously stamped or printed in the English language and in plain type not less than 1/16 inch (0.06 mm) high, indicating that the stuffing therein is composed in whole or in part of "reused stuffing," "secondhand stuffing," "previously used stuffing," or "used stuffing."

[61 FR 11544, Mar. 21, 1996]

§ 303.33 Country where textile fiber products are processed or manufactured.

(a) In addition to the other information required by the Act and Regulations:

(1) Each imported textile fiber product shall be labeled with the name of the country where such imported product was processed or manufactured;

(2) Each textile fiber product completely made in the United States of materials that were made in the United States shall be labeled using the term "Made in U.S.A." or some other clear and equivalent term.

(3) Each textile fiber product made in the United States, either in whole or in part of imported materials, shall contain a label disclosing these facts; for example:

- Made in U.S.A. of imported fabric
- Knitted in U.S.A of imported yarn

(4) Each textile fiber product partially manufactured in a foreign country and partially manufactured in the United States shall contain on a label the following information:

(i) The manufacturing process in the foreign country and in the USA; for example:

- "Imported cloth, finished in USA"
- "Sewn in USA of imported components"
- "Made in [foreign country], finished in USA"
- "Sewn in USA of fabric made in China"
- "Comforter Filled, Sewn and Finished in the U.S. With Shell Made in China"
- "Made in [Foreign Country] Fabric made in USA"
§ 303.36 Country of origin in mail order advertising.

When a textile fiber product is advertised in any mail order catalog or mail order promotional material, the description of such product shall contain a clear and conspicuous statement that the product was either made in U.S.A., imported, or both. Other words or phrases with the same meaning may be used. The statement of origin required by this section shall not be inconsistent with the origin labeling of the product being advertised.

[50 FR 15371, Apr. 17, 1985]

§ 303.35 Use of terms "virgin" or "new."

The terms virgin or new as descriptive of a textile fiber product, or any fiber or part thereof, shall not be used when the product or part so described is not composed wholly of new or virgin fiber which has never been reclaimed from any spun, woven, knitted, felted, bonded, or similarly manufactured product.

§ 303.36 Form of separate guaranty.

(a) The following are suggested forms of separate guaranties under section 10 of the Act which may be used by a guarantor residing in the United States or as part of an invoice or other paper relating to the marketing or handling of any textile fiber products listed and designated therein, and showing the date of such invoice or other paper and the signature and address of the guarantor.

237

HeinOnline -- CFR 237 2008
§ 303.37  Form of continuing guaranty from seller to buyer.

Under section 10 of the Act, a seller residing in the United States may give a buyer a continuing guaranty to be applicable to all textile fiber products sold or to be sold. The following is the prescribed form of continuing guaranty from seller to buyer.

We, the undersigned, guaranty that all textile fiber products now being sold or which may hereafter be sold or delivered to are not, and will not be misbranded nor falsely nor deceptively advertised or invoiced under the provisions of the Textile Fiber Products Identification Act and rules and regulations thereunder. This guaranty effective until

Dated, signed, and certified this ___ day of ___, ____, at ______ (City), ___ (State or Territory) (name under which business is conducted.)

Under penalty of perjury, I certify that the information supplied in this form is true and correct.

Signature of Proprietor, Principal Partner, or Corporate Officer

Name (Print or Type) Title

40 FR 12518, Mar. 31, 1975

§ 303.38  Continuing guaranty filed with Federal Trade Commission.

(a)(1) Under section 10 of the act any person residing in the United States and marketing or handling textile fiber products may file a continuing guaranty with the Federal Trade Commission. When filed with the Commission a continuing guaranty shall be fully executed in duplicate. Forms for use in preparing continuing guaranties will be supplied by the Commission upon request.

(b) Prescribed form for a continuing guaranty:
Federal Trade Commission

CONTINUING GUARANTY

1. LEGAL NAME OF GUARANTOR FIRM

2. NAME UNDER WHICH GUARANTOR FIRM DOES BUSINESS, IF DIFFERENT FROM LEGAL NAME

3. TYPE OF COMPANY
   ☐ PROPRIETORSHIP ☐ PARTNERSHIP ☐ CORPORATION

4. ADDRESS OF PRINCIPAL OFFICE OR PLACE OF BUSINESS (Include Zip Code)

5. LAW UNDER WHICH THE CONTINUING GUARANTY IS TO BE FILED (Put an X in the appropriate box)
   ☐ Under the Textile Fiber Products Identification Act (15 U.S.C. §§ 769-776). The company named above, which manufactures, markets, or handles textile fiber products, guarantees that when it ships or delivers any textile fiber product, the product will not be misbranded, falsely or deceptively described, or falsely or deceptively advertised, within the meaning of the Textile Fiber Products Identification Act and the rules and regulations under that Act.
   ☐ Under the Wool Products Labelling Act (15 U.S.C. §§ 68-69). The company named above, which manufactures, markets, or handles wool products, guarantees that when it ships or delivers any wool product, the product will not be misbranded, falsely or deceptively described, or falsely or deceptively advertised, within the meaning of the Wool Products Labelling Act and the rules and regulations under that Act.
   ☐ Under the Fur Products Labelling Act (15 U.S.C. §§ 68-69b). The company named above, which manufactures, markets, or handles fur products, guarantees that when it ships or delivers any fur product, the product will not be misbranded, falsely or deceptively described, or falsely or deceptively advertised, within the meaning of the Fur Products Labelling Act and the rules and regulations under that Act.

6. CERTIFICATION
   Under penalty of perjury, I certify that the information supplied on this form is true and correct.

SIGNATURE OF PROPRIETOR, PRINCIPAL PARTNER, OR CORPORATE OFFICIAL

7. NAME (Please print or type)

8. TITLE

9. CITY AND STATE WHERE SIGNED

10. DATE

INSTRUCTIONS
   The Textile Fiber Products Identification Act, the Wool Products Labelling Act, and the Fur Products Labelling Act provide that any manufacturer or manufacturer of fiber or fur products covered by these Acts may file a continuing guaranty with the Federal Trade Commission. A continuing guaranty on file assures customer that the guarantor's products are in conformance with the Act(s) under which the guaranty has filed. Customer forms may be the continuing guaranties for protection from liability if conditions occur.

In completing this form, please observe the following:
   (1) All appropriate blanks on the form should be filled in. Include your Zip Code in Item 4.
   (2) In Item 6, signature of proprietor, partner, or corporate official of guarantor firm.

FILED _______ 19____
FEDERAL TRADE COMMISSION

(c) Any person who has a continuing guaranty on file with the Commission may, during the effective dates of the guaranty, give notice of such fact by setting forth on the invoice or other paper covering the marketing or handling of the product guaranteed the following:

 HurtOnline – CFR 239 2008
Decision and Order

§303.39
Continuing guaranty under the Textile Fiber Products Identification Act filed with the Federal Trade Commission.

(d) Any person who falsely represents in writing that he has a continuing guaranty on file with the Federal Trade Commission when such is not a fact shall be deemed to have furnished a false guaranty under section 10(b) of the Act.


§303.39 Maintenance of records.

(a) Pursuant to the provisions of section 6 of the Act, every manufacturer of a textile fiber product subject to the Act, irrespective of whether any guaranty has been given or received, shall maintain records showing the information required by the Act and Regulations with respect to all such textile fiber products made by such manufacturer. Such records shall show:

(1) The generic names and percentages by weight of the constituent fibers present in the textile fiber product, exclusive of permisive ornamentation, in amounts of five per centum or more.

(2) The name, provided for in §303.19, or registered identification number issued by the Commission, of the manufacturer or of one or more persons marketing or handling the textile fiber product.

(3) The name of the country where such product was processed or manufactured as provided for in §303.25.

The purpose of the records is to permit a determination that the requirements of the Act and Regulations have been met and to establish a traceable line of continuity from raw material through processing to finished product.

(b) Any person substituting a stamp, tag, label, or other identification pursuant to section 5(b) of the Act shall keep such records as will show the information set forth on the stamp, tag, label, or other identification that he removed and the name or names of the person or persons from whom such textile fiber product was received.

(c) The records required to be maintained pursuant to the provisions of this rule shall be preserved for at least three years.


§303.40 Use of terms in written advertisements that imply presence of a fiber.

The use of terms in written advertisements, including advertisements disseminated through the Internet and similar electronic media, that are descriptive of a method of manufacture, construction, or weave, and that by custom and usage are also indicative of a textile fiber or fibers, or the use of terms in such advertisements that constitute or connote the name or presence of a fiber or fibers, shall be deemed to be an implication of fiber content under section 4(c) of the Act, except that the provisions of this section shall not be applicable to non-deceptive shelf or display signs in retail stores indicating the location of textile fiber products and not intended as advertisements.

[53 FR 7522, Feb. 13, 1998]

§303.41 Use of fiber trademarks and generic names in advertising.

(a) In advertising textile fiber products, the use of a fiber trademark shall require a full disclosure of the fiber content information required by the Act and regulations in at least one instance in the advertisement.

(b) Where a fiber trademark is used in advertising textile fiber products containing more than one fiber, other than permissible ornamentation, such fiber trademark and the generic name of the fiber must appear in the required fiber content information in immediate proximity and conjunction with each other in plainly legible type or lettering of equal size and conspicuousness.

(c) Where a fiber trademark is used in advertising textile fiber products containing only one fiber, other than permissible ornamentation, such fiber trademark and the generic name of the fiber must appear in immediate proximity and conjunction with each other in plainly legible and conspicuous type or lettering at least once in the advertisement.
Federal Trade Commission

§ 303.44

(d) Where a fiber trademark or generic name is used in non-required information in advertising, such fiber trademark or generic name, shall not be used in such a manner as to be false, deceptive, or misleading as to fiber content, or to indicate, directly or indirectly, that a textile fiber product is composed wholly or in part of a particular fiber, when such is not the case.

§ 303.42 Arrangement of information in advertising textile fiber products.

(a) Where a textile fiber product is advertised in such manner as to require disclosure of the information required by the Act and regulations, all parts of the required information shall be stated in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence. In making the required disclosure of the fiber content of the product, the generic names of fibers present in an amount 5 percent or more of the total fiber weight of the product, together with any fibers disclosed in accordance with § 303.3(a), shall appear in order of predominance by weight, to be followed by the designation "other fiber" or "other fibers" if a fiber or fibers required to be so designated are present.

(b) Non-required information or representations shall in no way be false, deceptive, or misleading as to fiber content and shall not include any names, terms, or representations prohibited by the Act and regulations. Such non-required information or representations shall not be set forth or so used as to interfere with, minimize, or detract from the required information.

(c) Non-deceptive terms which are properly and truthfully descriptive of a fiber may be used in conjunction with the generic name of such fiber; as for example: "cross-linked rayon," "solution dyed acetate," "combed cotton," "nylon 66," etc.


§ 303.43 Fiber content tolerances.

(a) A textile fiber product which contains more than one fiber shall not be deemed to be misbranded as to fiber content percentages if the percentages by weight of any fibers present in the total fiber content of the product, exclusive of permissive ornamentation, do not deviate or vary from the percentages stated on the label in excess of 3 percent of the total fiber weight of the product. For example, where the label indicates that a particular fiber is present in the amount of 40 percent, the amount of such fiber present may vary from a minimum of 37 percent of the total fiber weight of such product to a maximum of 43 percent of the total fiber weight of such product.

(b) Where the percentage of any fiber or fibers contained in a textile fiber product deviates or varies from the percentage stated on the label by more than the tolerance or variation provided in paragraph (a) of this section, such product shall be misbranded unless the person charged proves that the entire deviation or variation from the fiber content percentages stated on the label resulted from unavoidable variations in manufacture and despite the exercise of due care.

(c) Where representations are made to the effect that a textile fiber product is composed wholly of one fiber, the tolerance provided in section 4(b)(3) of the Act and paragraph (a) of this section shall not apply, except as to permissive ornamentation where the textile fiber product is represented to be composed of one fiber "exclusive of ornamentation."

§ 303.44 Products not intended for uses subject to the act.

Textile fiber products intended for uses not within the scope of the Act and regulations or intended for uses in other textile fiber products which are exempted or excluded from the Act shall not be subject to the labeling and invoicing requirements of the Act and regulations: Provided, An invoice or other paper covering the marketing or handling of such products is given, which indicates that the products are not intended for uses subject to the Textile Fiber Products Identification Act.
§ 303.45 Exclusions from the Act.

(a) Pursuant to section 12(b) of the Act, the Commission hereby excludes from the operation of the Act:

(i) All textile fiber products except:

(ii) Articles of wearing apparel;

(iii) Scarves;

(iv) Bedding;

(v) Curtains and casements;

(vi) Draperies;

(vii) Tablecloths, napkins, and doilies;

(viii) Floor coverings;

(ix) Towels;

(x) Wash clothes and dish clothes;

(xi) Ironing board covers and pads;

(xii) Umbrellas and parasols;

(xiii) Batts;

(xiv) Products subject to section 4(h) of the Act;

(xv) Flags with heading or more than 216 square inches (13.9 dm²) in size;

(xvi) Cushions;

(xvii) All fibers, yarns and fabrics (including narrow fabrics except packaging ribbons);

(xviii) Furniture slip covers and other covers or coverlets for furniture;

(xix) Afghan and throws;

(xx) Sleeping bags;

(xxi) Antimacassars and tidies;

(xxii) Hammocks;

(xxiii) Dresser and other furniture scarfs.

(2) Belts, suspenders, arm bands, permanently knotted neckties, garters, sanitary belts, diaper liners, labels (either required or non-required) individually and in rolls, looper clips intended for handicraft purposes, boot cloth, artists' canvases, tapestry cloth, and shoe laces.

(3) All textile fiber products manufactured by the operators of company stores and offered for sale and sold exclusively to their own employees as ultimate consumers.

(4) Coated fabrics and those portions of textile fiber products made of coated fabrics.

(5) Secondhand household textile articles which are discernibly second-hand or which are marked to indicate their second-hand character.

(6) Non-woven products of a disposable nature intended for one-time use only.

(b) The exclusions provided for in paragraph (a) of this section shall not be applicable:

(i) If any representations as to the fiber content of such products are made on any label or in any advertisement without making a full and complete fiber content disclosure on such label or in such advertisement in accordance with the Act and regulations with the exception of those products excluded by paragraph (a)(6) of this section, or (2) if any false, deceptive, or misleading representations are made as to the fiber content of such products.

(c) The exclusions from the Act provided in paragraph (a) of this section are in addition to the exemptions from the Act provided in section 12(a) of the Act and shall not affect or limit such exemptions.

Analysis to Aid Public Comment

ANALYSIS OF CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission ("FTC" or "Commission") has accepted, subject to final approval, an agreement containing a consent order from Sami Designs, LLC, d/b/a Jonäno, a limited liability company, and Bonnie Siefers, individually and as the owner of the limited liability company (together, "respondents").

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission again will review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

This matter involves respondents’ marketing and sale of textile fiber products purportedly made of bamboo fiber. The FTC complaint alleges that respondents violated Section 5(a) of the FTC Act by making false claims that their textile fiber products are bamboo fiber; retain the anti-microbial properties of the bamboo plant; and are manufactured using an environmentally-friendly process. The complaint alleges that respondents’ textile fiber products are made of rayon and do not retain the anti-microbial properties of the bamboo plant, and that their manufacturing process involves the use of toxic chemicals and results in the emission of hazardous air pollutants. The complaint further alleges that the respondents failed to have substantiation for the foregoing claims.

The complaint also alleges that the proposed respondents have violated the Textile Fiber Products Identification Act ("Textile Act") and the Rules and Regulations promulgated thereunder ("Textile Rules") by falsely and deceptively labeling and advertising their textile fiber products as bamboo and by advertising their products without including in the description of each product a statement that the product was made in the U.S.A., imported, or both.
The proposed consent order contains provisions designed to prevent respondents from engaging in similar acts and practices in the future. Part I.A of the proposed order prohibits respondents from representing that any textile fiber product (1) is made of bamboo or bamboo fiber; (2) is manufactured using an environmentally friendly process; or (3) is anti-microbial or retains the anti-microbial properties of any material from which it is made, unless such representations are true, not misleading, and substantiated by competent and reliable scientific evidence. Part I.B prohibits respondents from making claims about the benefits, performance, or efficacy of any textile fiber product, unless at the time the representation is made, it is truthful and not misleading, and is substantiated by competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence. Part II makes clear that, although Part I prohibits respondents from making false and unsubstantiated representations that their textile fiber products are made of bamboo or bamboo fiber as opposed to rayon, the respondents nonetheless may describe such products using the generic name of any manufactured fiber and identifying bamboo as the cellulose source for such fiber (e.g., rayon made from bamboo), so long as such representation is true and substantiated. Part III of the proposed order prohibits respondents from failing to comply with the Textile Act or the Textile Rules.

Parts IV through VIII require respondents to keep copies of relevant advertisements and materials substantiating claims made in the advertisements; to provide copies of the order to certain of their personnel; to notify the Commission of changes in corporate structure that might affect compliance obligations under the order; to notify the Commission of changes in the individual respondent’s current business or employment; and to file compliance reports with the Commission and respond to other requests from FTC staff. Part IX provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.
Complaint

IN THE MATTER OF

DYNA-E INTERNATIONAL, INC.

AND

GEORGE WHEELER

CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

Docket No. D-9336; File No. 082 3187
Complaint, May 20, 2009 - Decision, December 15, 2009

This consent order addresses Dyna-E International, Inc.’s marketing and sale of Lightload Towels. The complaint alleges that respondent violated Section 5 of the FTC Act by making false and misleading representations that its products and packaging were “biodegradable,” when in fact, customary disposal methods do not allow for respondent’s products or packaging to break down completely and return to nature. The complaint further alleges that respondent failed to substantiate its “biodegradable” claim. The consent order prohibits respondent from engaging in similar acts and practices by prohibiting respondent from making representations its products are biodegradable or environmentally beneficial unless substantiated by competent and reliable scientific evidence. Additionally, the order requires respondent to specify whether its biodegradability claim applies to the product, package, or components and to keep copies of relevant advertisements and their materials substantiating the claim.

Participants

For the Commission: Michael J. Davis and Laura Schneider,

For the Respondents: Richard J. Leighton and Richard F. Mann, Keller and Heckman, LLP

COMPLAINT

The Federal Trade Commission, having reason to believe that Dyna-E International, Inc., and George Wheeler, individually and as an officer of Dyna-E International, Inc. (“respondents”), have violated provisions of the Federal Trade Commission Act, 15 U.S.C. § 41 et seq., and it appearing to the Commission that this proceeding is in the public interest, alleges:
Complaint

1. Respondent Dyna-E International, Inc. is a Nevada corporation with its principal office or place of business at 115-11 227th Street, Cambria Heights, New York 11411.

2. Respondent George Wheeler is president and director of Dyna-E International, Inc. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of Dyna-E International, Inc., including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of Dyna-E International, Inc.

3. The acts and practices of respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

4. Respondents advertise, label, offer for sale, sell, and/or distribute goods under the brand name Lightload to the public throughout the United States, including Lightload Towels. Respondents advertise and offer these goods for sale through the Internet sites www.lightloadtowels.com and www.ultralighttowels.com. Respondents also advertise, offer for sale, sell, or distribute these goods to retailers throughout the United States.

5. To induce consumers to purchase Lightload Towels, respondents disseminate, have disseminated, or have caused to be disseminated advertisements, including product labeling and other promotional materials, including but not limited to the attached Exhibit A. In these advertisements, respondents prominently state or have stated that Lightload Towels are “biodegradable.” Respondents do not define, describe, or qualify such biodegradability.

6. Approximately 91 percent of total municipal solid waste in the United States is disposed of in either landfills, incinerators, or recycling facilities. These disposal methods do not present conditions that would allow for Lightload Towels to completely break down and return to nature, i.e., decompose into elements found in nature, within a reasonably short period of time.
Complaint

VIOLATIONS OF SECTION 5 OF THE FTC ACT

FALSE OR MISLEADING REPRESENTATIONS

7. Through the means described in Paragraph 5, respondents have represented, expressly or by implication, that Lightload Towels will completely break down and return to nature, \textit{i.e.}, decompose into elements found in nature, within a reasonably short period of time after customary disposal.

8. In truth and in fact, Lightload Towels will not completely break down and return to nature, \textit{i.e.}, decompose into elements found in nature, within a reasonably short period of time after customary disposal because a substantial majority of total municipal solid waste is disposed of by methods that do not present conditions that would allow for Lightload Towels to completely break down and return to nature, \textit{i.e.}, decompose into elements found in nature, within a reasonably short period of time.

9. Therefore, the representation set forth in Paragraph 7 was, and is, false or misleading.

UNSUBSTANTIATED REPRESENTATIONS

10. Through the means described in Paragraph 5, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representation set forth in Paragraph 7 at the time the representation was made.

11. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representation set forth in Paragraph 7 at the time the representation was made.

12. Therefore, the representation set forth in Paragraph 10 was, and is, false or misleading.

13. The acts and practices of respondents as alleged in this complaint constitute deceptive acts or practices, in or affecting
Complaint

commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

NOTICE


Notice is hereby given that the twentieth day of January, 2010, at 10:00 a.m., is hereby fixed as the time, and the Federal Trade Commission offices, 600 Pennsylvania Avenue, N.W., Room 532, Washington, D.C. 20580, as the place when and where a hearing will be had before an Administrative Law Judge of the Federal Trade Commission, on the charges set forth in this complaint, at which time and place you will have the right under the Federal Trade Commission Act to appear and show cause why an order should not be entered requiring you to cease and desist from the violations of law charged in this complaint.

You are notified that the opportunity is afforded you to file with the Federal Trade Commission an answer to this complaint on or before the 14th day after service of it upon you. An answer in which the allegations of the complaint are contested shall contain a concise statement of the facts constituting each ground of defense, and specific admission, denial, or explanation of each fact alleged in the complaint or, if you are without knowledge thereof, a statement to that effect. Allegations of the complaint not thus answered shall be deemed to have been admitted.

If you elect not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that you admit all of the material allegations to be true. Such an answer shall constitute a waiver of hearings as to the facts alleged in the complaint and, together with the complaint, will provide a record
basis on which the Commission shall issue a final decision containing appropriate findings and conclusions and a final order disposing of the proceeding. In such answer, you may, however, reserve the right to submit proposed findings of fact and conclusions of law under § 3.46 of the Federal Trade Commission’s Rules of Practice for Adjudicative Proceedings.

Failure to file an answer within the time above provided shall be deemed to constitute a waiver of your right to appear and contest the allegations of the complaint and to authorize the Commission, without further notice to you, to find the facts to be as alleged in the complaint and to enter a final decision containing appropriate findings and conclusions and a final order disposing of the proceeding.

The Administrative Law Judge will schedule an initial prehearing scheduling conference to be held not later than 10 days after the answer is filed by the last answering respondent in the complaint. Unless otherwise directed by the Administrative Law Judge, the scheduling conference and further proceedings will take place at the Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Room 532, Washington, D.C. 20580. Rule 3.21(a) requires a meeting of the parties’ counsel as early as practicable before the prehearing scheduling conference, but in any event no later than five days after the answer is filed by the last answering respondent. Rule 3.31(b) obligates counsel for each party, within five days of receiving a respondent’s answer, to make certain initial disclosures without awaiting a discovery request.

The following is the form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint. If, however, the Commission should conclude from record facts developed in any adjudicative proceedings in this matter that the proposed order provisions might be inadequate to fully protect the consuming public, the Commission may order such other relief as it finds necessary or appropriate.

Moreover, the Commission has reason to believe that, if the facts are found as alleged in the complaint, it may be necessary
and appropriate for the Commission to seek relief to redress injury to consumers, or other persons, partnerships or corporations, in the form of restitution for past, present, and future consumers and such other types of relief as are set forth in Section 19(b) of the Federal Trade Commission Act. The Commission will determine whether to apply to a court for such relief on the basis of the adjudicative proceedings in this matter and such other factors as are relevant to consider the necessity and appropriateness of such action.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:


B. “Competent and reliable scientific evidence” shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

C. “Is degradable, biodegradable, or photodegradable” shall mean that the entire product or package will completely decompose into elements found in nature within a reasonably short period of time after customary disposal.

Complaint

I.

IT IS ORDERED that respondents, directly or through any corporation, partnership, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or package, in or affecting commerce, shall not represent, in any manner, expressly or by implication:

A. That any such product or package is degradable, biodegradable, or photodegradable, unless the representation is true, not misleading, and, at the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; or

B. That any such product or package offers any other environmental benefit, unless the representation is true, not misleading, and, at the time it is made, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

II.

IT IS FURTHER ORDERED that respondent Dyna-E International, Inc., and its successors and assigns, and respondent George Wheeler shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Commission for inspection and copying:

A. All advertisements, labeling, packaging, and promotional materials containing the representation;

B. All materials that were relied upon in disseminating the representation;

C. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that
contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations; and

D. All acknowledgments of receipt of this order, obtained pursuant to Part III.

III.

IT IS FURTHER ORDERED that respondent Dyna-E International, Inc., and its successors and assigns, and respondent George Wheeler shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

IV.

IT IS FURTHER ORDERED that respondent Dyna-E International, Inc., and its successors and assigns, and respondent George Wheeler shall notify the Commission at least thirty (30) days prior to any change with regard to Dyna-E International, Inc. or any business entity that any respondent directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this order, including but not limited to formation of a new business entity; a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the business or corporate name or address. Provided, however, that, with respect to any proposed change about which respondents learn less than thirty (30) days prior to
Complaint

the date such action is to take place, respondents shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

V.

IT IS FURTHER ORDERED that respondent George Wheeler, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of any change in his residence, of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include, as appropriate, respondent’s new residential address and telephone number, new business address and telephone number, and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

VI.

IT IS FURTHER ORDERED that respondent Dyna-E International, Inc., and its successors and assigns, and respondent George Wheeler shall, within sixty (60) days after the date of service of this order file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form in which they have complied with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, each respondent shall submit additional true and accurate written reports.

VII.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying consent decree) in federal court.
alleging any violation of the order, whichever comes later; 
*provided, however,* that the filing of such a complaint will not affect the duration of:

A. Any Part in this order that terminates in less than twenty (20) years;

B. This order’s application to any respondent that is not named as a defendant in such complaint; and

C. This order if such complaint is filed after the order has terminated pursuant to this Part.

*Provided, further,* that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

**IN WITNESS WHEREOF,** the Federal Trade Commission has caused this complaint to be signed by the Secretary and its official seal to be affixed hereto, at Washington, D.C., this twentieth day of May, 2009.

By the Commission.
Complaint

Exhibit A
Complaint
Complaint
Complaint

SUPERABSORBENT. MULTIPURPOSE. COMPACT. MACHINE WASHABLE.

Great for Campers, Hikers, Bikers, Kayakers, Athletes, Gym Enthusiasts, Fishermen, Hunters. Mechanics and much more! Not just a towel, a tool!

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- Towels
- Dry Cloth
- Washcloth
- Bandanna
- Headband
- First Aid Supplement
- Backpacking Padding
- Water, Coffee Filter
- Pot Holder
- Fire Starter
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- Super Absorbent
- Quick Drying
- Biodegradable
- Water-Resistant Packaging
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The Lightest Most Versatile Towels Around

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Superior Absorbency = Biodegradable = Quick Drying

LIGHTLOAD TOWEL
World's only full size brush towel that fits in a pocket
- Compact & easy to carry
- Made from biodegradable fibers
- Size: 26 by 34 inches
- Use as a bag replacement, sea moss, mini surf and much more.

THERMAL TOWELS
World's only brush towels for a warm survival soil
- Size 12 by 24 inches
- Use as a fire starter, coffee filter, windproof water filter or field kit supplement.

Both hikes and those pads are covered in waterproof packaging and are the most energy efficient towels.

DISPLAY BOX
Each box contains 50 pieces of the 12 by 24 inch towels. Great for the outdoorsmen.

Lighload Towels are available to purchase online at www.samlightloads.com
Distribution inquiries contact us at 917-925-0136 or toll free 800-504-4655.
DECISION AND ORDER

The Federal Trade Commission ("Commission") having heretofore issued its complaint charging respondents, Dyna-E International, Inc. and George Wheeler, with violations of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), as amended, and respondents having been served with a copy of that complaint, together with a notice of contemplated relief; and

Respondents, their attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents of all the jurisdictional facts set forth in the aforesaid complaint, a statement that the signing of the agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, or that any of the facts as alleged in such complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission’s Rules; and

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with § 3.25(c) of its Rules, 16 C.F.R. § 3.25(c) (2009); and

The Commission having considered the matter and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, and having duly considered the comment filed thereafter by an interested person pursuant to Section 2.34 of its Rules, now in further conformity with the procedure prescribed in § 3.25(f) of its Rules, 16 C.F.R. § 3.25(f) (2009), the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent Dyna-E International, Inc. is a Nevada corporation with its principal office or place of business at 115-11 227th Street, Cambria Heights, New York 11411.

2. Respondent George Wheeler is an officer of Dyna-E International, Inc. Individually or in concert with
Decision and Order

others, he formulates, directs, controls, or participates in the policies, acts, or practices alleged in the complaint. His principal office or place of business is the same as that of Dyna-E International, Inc.

3. The Commission has jurisdiction of the subject matter of this proceeding and of respondents, and the proceeding is in the public interest.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:


B. “Competent and reliable scientific evidence” shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

C. “Is degradable, biodegradable, or photodegradable” shall mean that the entire product or package will completely decompose into elements found in nature within a reasonably short period of time after customary disposal.

IT IS ORDERED that respondents, directly or through any corporation, partnership, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any product or package, in or affecting commerce, shall not represent, in any manner, expressly or by implication:

A. That any such product or package is degradable, biodegradable, or photodegradable, unless the representation is true, not misleading, and, at the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; or

B. That any such product or package offers any other environmental benefit, unless the representation is true, not misleading, and, at the time it is made, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

IT IS FURTHER ORDERED that respondent Dyna-E International, Inc., and its successors and assigns, and respondent George Wheeler shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Commission for inspection and copying:

A. All advertisements, labeling, packaging and promotional materials containing the representation;

B. All materials that were relied upon in disseminating the representation;
C. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations; and

D. All acknowledgments of receipt of this order, obtained pursuant to Part III.

III.

IT IS FURTHER ORDERED that respondent Dyna-E International, Inc., and its successors and assigns, and respondent George Wheeler shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

IV.

IT IS FURTHER ORDERED that respondent Dyna-E International, Inc., and its successors and assigns, and respondent George Wheeler shall notify the Commission at least thirty (30) days prior to any change with regard to Dyna-E International, Inc. or any business entity that any respondent directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this order, including but not limited to formation of a new business entity; a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the business or corporate name or address.
Provided, however, that, with respect to any proposed change about which respondents learn less than thirty (30) days prior to the date such action is to take place, respondents shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

V.

IT IS FURTHER ORDERED that respondent George Wheeler, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of any change in his residence, of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include, as appropriate, respondent’s new residential address and telephone number, new business address and telephone number, and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

VI.

IT IS FURTHER ORDERED that respondent Dyna-E International, Inc., and its successors and assigns, and respondent George Wheeler shall, within sixty (60) days after the date of service of this order file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form in which they have complied with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, each respondent shall submit additional true and accurate written reports.

VII.

This order will terminate on December 15, 2029, or twenty (20) years from the most recent date that the United States or the
Analysis to Aid Public Comment

Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A. Any Part in this order that terminates in less than twenty (20) years;

B. This order’s application to any respondent that is not named as a defendant in such complaint; and

C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

ANALYSIS OF CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order from Dyna-E International, Inc., a corporation, and its president and director, George Wheeler (“respondents”).

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part
of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

This matter involves respondents’ marketing and sale of Lightload Towels with packaging and other marketing materials that prominently state “biodegradable” without qualification. According to the FTC complaint, respondents represented that Lightload Towels will completely break down and return to nature, i.e., decompose into elements found in nature, within a reasonably short period of time after customary disposal. The complaint alleges respondents’ biodegradable claim is false because a substantial majority of total household waste is disposed of either in landfills, incinerators, or recycling facilities and these customary disposal methods do not present conditions that would allow for Lightload Towels to completely break down and return to nature, i.e., decompose into elements found in nature, within a reasonably short period of time. The complaint further alleges that respondents failed to have substantiation for their biodegradable claim. The proposed consent order contains provisions designed to prevent respondents from engaging in similar acts and practices in the future.

Part I.A of the proposed order prohibits respondents from making a representation that any product is degradable unless the representation is true, not misleading, and substantiated by competent and reliable scientific evidence. Part I.B prohibits respondents from making any other environmental benefit claim about any product, unless at the time the representation is made, it is truthful and not misleading, and substantiated by competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence.

Parts II through VI require respondents to keep copies of relevant advertisements and materials substantiating claims made in the advertisements; to provide copies of the order to certain of their personnel; to notify the Commission of changes in corporate structure that might affect compliance obligations under the order; to notify the Commission of changes in residence, employment, or business affiliation; to file compliance reports with the
Analysis to Aid Public Comment

Commission; and to respond to other requests from FTC staff. Part VII provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.