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April 11, 2013

Federal Trade Commission
600 Pennsylvania Avenue
Washington, DC 20580
Attn: Mr. R. Frisby

Re: FTC Care Label Rule Revisions

Thank you for the opportunity to submit our comments and concerns regarding revisions to your Care Labeling Rule.

Further to the discussions and presentations that took place during the recent public hearing, we would like to address several points:

1. **The deceptive nature of a single care instruction:** The case was made during the public hearing that a DRY CLEAN instruction on a care label leads consumers to believe that dry cleaning was the sole method of processing suitable for the item.

We maintain that it is not the DRY CLEAN instruction, but the nature of having only ONE instruction that leads to the misconception. Consumers routinely question dry cleaners concerning whether or not a particular item, bearing a non-dry cleaning instruction, can be dry cleaned.

While we have no issue with the concept of **a Professional Wetclean instruction as an option open to manufacturers**, it should be noted that this would undoubtedly lead consumers to being further deceived into believing they are restricted to employing a single method of care and one with which they are likely to be totally unfamiliar.

Again, we want to make clear, an **OPTIONAL instruction of “PROFESSIONALLY WETCLEAN” is acceptable**, but not without its own set of problems.

The real problem behind this lies in the failure to outreach and communicate to the American consumer all the ramifications and meanings inherent in the information furnished by the care label. Until that educational challenge is overcome the Commission should expect the consumer to become even more

confused because there is a NEW instruction (i.e. professionally wetclean), whose meaning they are likely ignorant of and which they believe represents the sole care option available to them.

2. **Examples for complete garment testing required.** We think that specific examples, which we believe would then be deemed a requirement, would be most helpful in ensuring the item is serviceable as directed by the care label and as sold to the consumer. Further to the discussion regarding leather and faux leather trimmed items, such items should be listed in the examples used to guarantee that these items, complete with affixed trim, are serviceable for the consumer per the care instruction. In the absence of such an example being cited, the ‘trim’ problem as outlined by the Professional Leather Cleaners Association would remain an issue and result in needless consumer suffering.

However, it should also be made clear that the list of examples furnished is not complete, and in no way limits the necessity for appropriate full garment testing when it is necessary. Ex. ‘including but not limited to...)

3. **All Dry Cleaning Methods Symbol and Standard.** In the discussion concerning a symbol to represent that a garment is suitable for processing by all dry cleaning methods, it was suggested that perchloroethylene, as the most popular and aggressive (when measured by Kb value) solvent available, should be used as the “all method standard”. **We believe basing the ALL SOLVENTS instruction solely on Kb value would be a serious mistake.**

- a. Newer, less aggressive solvents on the market are running longer cleaning and drying cycles than perchloroethylene, resulting in more mechanical action. Mechanical action is in and of itself a form of aggressiveness.

- b. Newer, less aggressive solvents are drying at higher temperatures than perchloroethylene does. Heat is also a risk factor in processing, especially with regard to the way some dyes have been set and adhesives used to affix some trim.

- c. In addition, many dry cleaners are being encouraged by these solvent manufacturers to install a solvent heater to enhance the aggressiveness of the newer solvents. At this point in time it is difficult for us to assess the impact this truly has, however we have seen some evidence in our garment analysis laboratory to suggest these higher solvent temperatures are impacting the adhesives used in interfacings, some dyes, etc.

Manufacturers and their testing companies must be made aware of all the parameters that must be considered before placing an “any solvent” care instruction on the garment. Such instructions must go beyond the scope of Kb value and must include the consideration of mechanical action and heat on the item in question.

4. Harking back to the discussions from the last revision to the Care Labeling Rule, wherein garment manufacturers maintained that the less than 1% serviceability failure rate being reported by the dry cleaning industry was an acceptable margin for error for them, we would like to make this final point.

Some garment manufacturers routinely dodged their responsibility for replacement or credit to the consumer for that 'acceptable' 1% failure rate. For those consumers the financial damage is anything but acceptable. Yet the FTC has no mechanism in place to protect these people.

We understand that the FTC recognizes the impossibility of any manufacturer to perfectly manufacture each and every garment. However, when that odd lot of garments or stray piece that is not manufactured or inspected to the original specification slips through the cracks and those garments cannot be successfully processed in accordance with the care label, the manufacturer must be held responsible.

Unfortunately, some manufacturers conveniently forget they are not perfect, make no effort to recompense the consumer and shift the burden for THEIR acceptable problem onto the dry cleaner.

When cleaners have followed the care label directions, it should NOT be their responsibility to recompense the consumer for their loss simply because the failure is not due to an egregious act on the part of the manufacturer effecting thousands of garments, but merely a problem occurring within their 'acceptable' margin of failure and effecting (by their standards) a 'small' number of items.

If in fact manufacturers believe that a small failure rate is acceptable, they should be required to furnish the FTC with an annual report showing that the claims being paid to consumers is in line with the 'acceptable' rate of failure they expect.

We thank you for this opportunity to voice our concerns and offer our comments on the Care Label issue.

Cordially,

Nora P. Nealis
Executive Director