

STATE OF OHIO
DEPARTMENT OF COMMERCE
BEDDING, UPHOLSTERED FURNITURE & STUFFED TOYS
CAMBRIDGE LABORATORY
2146 SOUTHGATE PARKWAY
CAMBRIDGE, OHIO 43725

Phone: 740-432-8403

e-mail: wacale@com.state.oh.us

Fax: 740-439-9603

February 5, 2001

International Down & Feather Testing Lab
1456 South 1100 East
Salt Lake City, UT 84105

RE: Labeling for jackets & garments.

Dear Wilford;

As you know California's new Feather and Down Standard does not address labeling of wearing apparel, as their section does not regulate these types of products. The old FTC Standard (16CFR Part 253) covered the entire "Feather & Down Products Industry". When the FTC rescinded their old guides it was for the entire industry not just furniture and bedding. I quote: " The Guides for the Feather and Down Products Industry addressed claims for the advertising, labeling, and sale of products that are wholly or partially filled with feathers or down, and all bulk stocks of processed feathers or down intended for use or used in the manufacture of such products".

The rescission of the guides goes on to state that it does not leave the industry without guidance as to how to comply with the law. The FTC directs the industry's attention to the principles of law articulated in the FTC's Deception Statement and pertinent Commission and court decisions on deception, both of which are generally applicable to all industries. The Commission expects down content to reflect the use of appropriately calibrated, modern mass production techniques. Using present production methods the Commission understands that down blended goods should have a down content as stated on the law label of no more than plus or minus 2-5% as a target number. It is my opinion that if the old FTC guides are still being used it would fall under the deceptive statement rule.

The rescission order goes on to state that the Commission hopes that market forces will foster truthful labeling and advertising practices. Industry members are encouraged to be vigilant in monitoring both their own and their competitors practices. If, in the future, deceptive practices prove to be a problem in the industry, further FTC enforcement actions may be warranted.

It was because of this last statement ABFLO immediately took action with the blessing of the FTC, to implement new feather and down standards.

As you know the ADA held their own meeting in Las Vegas after ABFLO passed their standard and California was in the process of adopting these standards into law. ADA voluntarily agreed to comply with the new standard and felt that the changes were in line with the market place and other feather and down standards already being used in other countries.

It would be my sincere hope and recommendation that the apparel industry take the same stand on this issue. Especially in light of the FTC warning that if problems or deceptive practices continue, further enforcement action may be warranted. This alone should be sufficient initiative for them to voluntarily adopt the new feather and down standards also.

You may want to check with Claudia Gale in your home state of Utah as her section, Bedding, Upholstered Furniture & Quilted Clothing does have jurisdiction over wearing apparel.

Sincerely;



William A. Cale