



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20580

Division of Enforcement
Bureau of Consumer Protection

November 2, 2001

Mr. Daniel J. Schwarz, CFO
Deanna Dee Inc.
336 South Anderson Street
Los Angeles, California 90033

Dear Mr. Schwartz:

I am writing in response to your letter of October 30, 2001, with regard to fabric purchased by your firm for the manufacture of coats. You state that the fabric received by your company was labeled to be 50% cashmere, 50% wool. You had the fabric tested, and the test report showed the content to be 58.5% wool, 41.5% cashmere. You asked whether this fabric, and goods to be made from the fabric, can be labeled properly as 50% cashmere, 50% wool.

The deviation described in your letter is not the small amount of variation generally considered acceptable for blended fiber products. The Rules and Regulations under the Textile Fiber Products Identification Act, 16 C.F.R. § 303.43, allow for a 3% variation for blended fiber textile products. The Wool Products Labeling Act, 15 U.S.C. § 68 *et seq.*, and rules promulgated pursuant to the Act, 16 C.F.R. Part 300, do not specify a tolerance for blended wool products. As you noted, however, the Wool Act does contain a proviso acknowledging that small deviations may occur as a result of unavoidable variations in the manufacturing process, despite the exercise of due care. As a result, the Commission has stated that it will apply to blended wool products the 3% tolerance allowed for other blended textile products. See the enclosed copy of our business guide, *Threading Your Way Through the Labeling Requirements Under the Textile and Wool Acts*.

I hope that you will find this analysis helpful. In accordance with Section 1.3(c) of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.3(c), this is a staff opinion only and has not been reviewed or approved by the Commission or by an individual Commissioner. It is not binding upon the Commission and is given without prejudice to the right of the Commission later to rescind the advice and, when appropriate, to commence an enforcement proceeding. Pursuant to Section 1.4 of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.4, your request for advice, along with this response, will be placed on the public record.

Sincerely yours,

Handwritten signature of Carol J. Jennings in cursive script.
Carol J. Jennings

Enc.

DEANNA DEE, INC.

Manufacturer of Ladies Coats
336 South Anderson Street
Los Angeles, California 90033
Telephone: (323) 269-5600
Fax: (323) 269-5800

October 30, 2001

Federal Trade Commission
600 Pennsylvania Ave. NW
Washington DC 20580

Attn: Ms Carol Jennings

FAXED TO: (202) 326-2558

Dear Ms. Jennings:

Regarding our telephone conversation of this morning, we would appreciate your comments on the following facts:

We are a coat manufacturer and received piece goods labeled 50% Cashmere and 50% Wool from the mill. After having the fabric tested we were informed that the fabric was 41.5 % Cashmere an 8.5% deviation. (Copy of lab the lab test is attached).

Upon receiving this information we contacted the mill and they responded by saying it was not miss labeled. As proof, they sent us a copy of your letter to Mr. Bartmess (Copy enclosed). Since your letter refers to "the presence of **Small percentage** of wool" it would seem to us that an **8.5% deviation** would not fall under this exception nor would it fall under the proviso stated at the top of page 2 of your letter dated October 3, 2001.

That paragraph stated "that if the deviation of the fiber contents of the wool product from percentages stated on the stamp, tag, label, or other means of identification, shall not be misbranding under this section if the person charged with misbranding proves such deviation resulted from unavoidable variations in the manufacture and despite the exercise of due care to make accurate the statement on such stamp, tag, label or other means of identification."

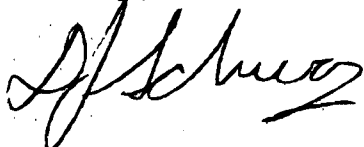
Ms. Carol Jennings
Page 2

We would appreciate your comments as to whether or not an 8.5% deviation would fall under any of the provisos that the item is not misbranded.

Please mail your reply to me at 336 so. Anderson St. Los Angeles Ca 90033 and as time is an issue, please fax a copy to me in New York at (212) 315-1839, as I will be at that number From November 1 through November 5, 2001.

Thank you in advance for your help with this matter and your speedy reply.

Sincerely yours,



Deanna Dee Inc.
By Daniel J. Schwarz, CFO

FROM : Panasonic TAD/FAX

PHONE NO. : 4016246868

Oct. 28 2001 07:05PM P02

Att: Elizabeth

K.D. Langley Fiber Services

398-0018

P.O. Box 7, Tiverton, RI 02878 • Telephone (401) 824-6868

October 27, 2001

Ms. Stephanie LaPedis
Deanna Dee, Inc.
336 South Anderson Street
Los Angeles, CA 90033

Report on the Quantitative Fiber Analysis of Finished Fabric

Material Submitted

Swatches, color black, submitted on October 22, 2001.

Laboratory Procedure

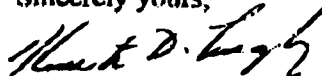
Dye was removed from the samples with a stripping agent. Then fibers were sectioned with a fiber cutter and mounted on microscope slides. Over 1000 fibers were identified using light microscopy at a magnification of 250-400X. All testing was performed in accordance with test method AATCC 20-1999 and ASTM D629-95.

Results

Swatch #1 contains 100% cashmere. However it is out of specifications with regard to coarse hair content: it contains 95.6% cashmere down, 4.4% cashmere coarse hair (>30 µm). This exceeds the ASTM D 2817-91 limit of 3% by weight. This level of hair also causes the sample to have a diameter coefficient of variation of 26.8% vs. the Cashmere and Camel hair limit of 24%.

Swatch #2 contains 58.5% wool, 41.5% cashmere, trace level (approx. 0.5%) silk.

Sincerely yours,



Kenneth D. Langley