

August 25, 2011

Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex A)  
600 Pennsylvania Avenue NW  
Washington, DC 20580



Re: Care Labeling of Textile Wearing Apparel and Certain Piece Goods As Amended  
16 CFR Part 423-Comment

This is in response to the request for comment by the Federal Trade Commission (FTC) regarding a number of proposals to amend the Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and certain Piece Goods. This Federal Registry Notice includes amendments and proposed amendments to the Rule on Care Labeling that will have a significant impact on the fabricare industry. The Drycleaning & Laundry Institute (DLI) and the National Cleaners Association (NCA) are the major trade associations representing the fabricare industry in the United States. Membership in the two associations represents approximately one third of the nation's estimated 26,000 fabricare professionals. For that reason DLI and NCA are submitting joint comments and observations. The Federal Trade Commission has outlined a number of issues in the Federal Register notice. We are only submitting comments on those areas that have a direct impact on the fabricare industry.

(1) (2) *Is there a continuing need for the Rule as currently promulgated?  
Benefits? Cost?*

Yes, there is. In addition to the significant benefit that the rule provides to consumers in giving guidance on garment care, that same guidance is of value to the fabricare industry.

Garments are comprised of a number of different components and methods of construction. As such, it would be virtually impossible for most consumers to make an educated decision regarding the best process to return the garment to a wearable condition without a care label. While the fabricare professional is more knowledgeable about textiles and is in a better position to make care determinations, it is the garment maker who has all the information about what was involved in the manufacture of the item, and has the "reasonable basis" to make the determination for proper care.

The benefit of an accurate care label is that it provides the consumer with:

1. The information they need to make a determination re: the cost (in time, money or expertise) of maintaining the garment over its lifetime. N.B. *according to a 2006 Lifestyle Monitor survey, over half of all consumers consult the care label BEFORE making a purchase.*
2. Protection against a garment proving to be unserviceable when cared for with one process, that would have had a long, life had it been cared for using another process.

While there are improvements that could increase the benefit of the Care Label Rule to the consumer as well as the fabricare industry, the Rule fulfills a necessary function and a significant void would be created if the Rule were not promulgated.

- (3) *What modification should be made to the rule to increase the benefit to consumers or reduce the cost to consumers?*

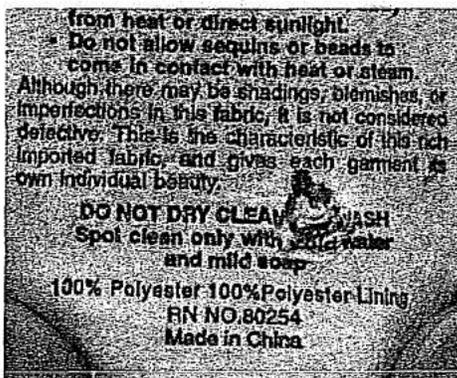
The care label should **list all** appropriate methods of care.

Listing all appropriate methods of care empowers consumers to decide whether they want to care for the garment at home or use the services of a professional cleaner. By listing all appropriate methods of care, you eliminate any guesswork in the consumer's decision making process. i.e. Is a care method not listed because it will cause damage or because the manufacturer is only required to give one appropriate method of care?

If a consumer chooses to clean the garment by a method other than that which is listed on the care label and is unsuccessful, they must bear the cost of replacing that garment.

- (4) *What impact has the Rule had on the flow of truthful or deceptive information to consumers?*

The majority of garments and household items sold in the US are cared for at home, so we are not in a position to comment on the entire spectrum of consumer care label experiences.

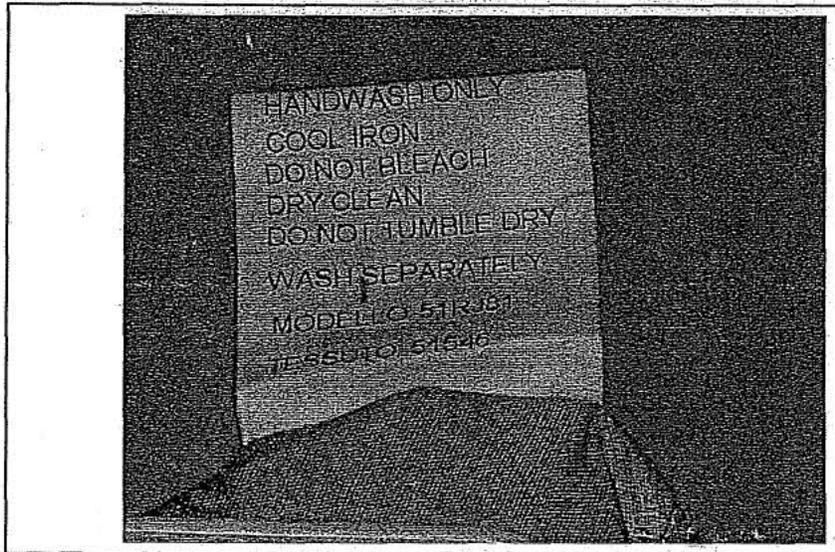


In addition, while both DLI and NCA provide a service to their members to determine why a garment failed to clean safely, our sample is skewed. It is skewed because there is a charge for the service, and cleaners are therefore most likely to submit a garment they believe was improperly labeled or defective.

That being said, it was our experience in 2010 that over half of the garments sent in for analysis failed because the care label was inappropriate for the

garment tested. This percentage has remained consistent over the years. In fairness to the garment manufacturer, the failure may have emanated from a single bad dye lot, an unauthorized trim substitution, or other similar occurrence at the point of manufacture, which did not impact every garment produced in the line. While the care label may have been accurate at conception, it was not a valid instruction for the particular garment in question.

Conversely, some labels (many of them coming in from overseas manufacturers) are impossible to follow though they may meet FTC standards. For example:



This care label provides instructions diametrically opposed to environmental regulations that prohibit the air drying of dry cleaned items, and requires them to be tumbled dry.

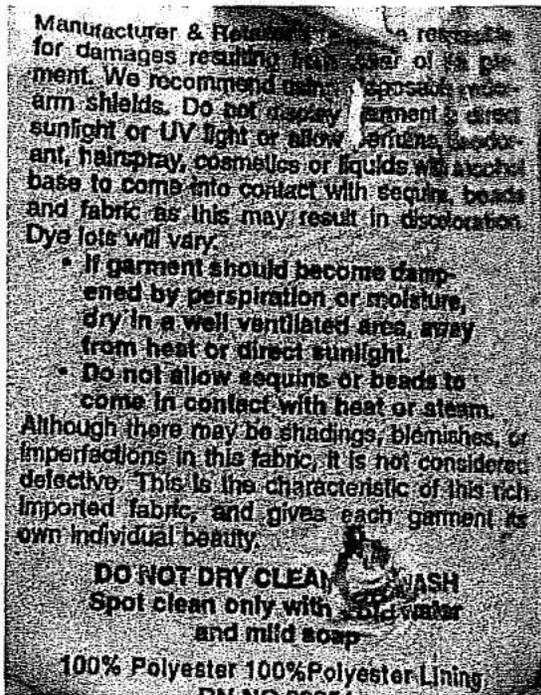
And some care labels are inherently disingenuous:



It is unlikely a consumer will know that *Spot Cleaning* will not produce a uniformly clean garment. This seems to be the instruction of last resort when a garment is deemed by the manufacturer to be unserviceable and they are loath to admit it.

The commission should strengthen the "reasonable basis" requirements and incorporate provisions to hold the manufacturer accountable to individual consumers for care instructions that are inappropriate for the particular garment purchased.

(5) *Are the costs of compliance imposed on business significant?*



No, and certainly not in relation to the cost to the consumer of an un-wearable garment.

Garment manufacturers have argued that it would be too costly to list all methods of care because of the testing costs.

First, the rule does not require testing to determine the care label only "reasonable basis" which may or may not consist of testing.

Second, even if testing was required, care label testing costs are relatively inexpensive especially when that cost is apportioned over the total number of garments produced. Both DLI and NCA currently provide care label guidance to garment manufacturers. On average the cost to provide appropriate and comprehensive washing, dry cleaning and wetcleaning instructions would

be under \$1400.

The FTC must consider "what is the cost to consumers of improper care labeling?" What is the cost and the liability to the small dry cleaner performing his own testing regarding the safety of alternative care because the listed method will not yield results that will restore the item to a wearable condition? And what is the cost to the consumer and the environment in having to replace that un-wearable garment?

(6) *What modification to the rule would increase the benefit or reduce the cost to small businesses?*

Listing of all appropriate methods of care would not only save the dry cleaner time and money, it would also be a benefit to the consumer.

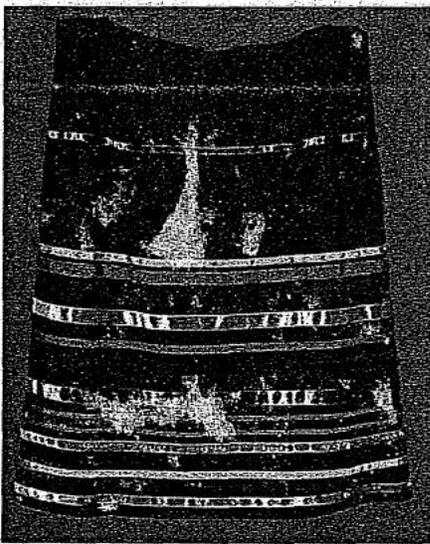
Currently, the professional cleaners are undertaking the liability associated with processing a garment in a care method not listed on the label. There are a number of reasons they may do this.

- The type of soils or stains present on a 'dry clean' garment, *for example a food stain or beverage-stain-over-a-large area of a garment*, is best cleaned using a water-based method.
- Consumer demand for a particular process. Ex. consumers want their washable black jeans drycleaned to retain their depth of color.
- Or experience suggests the care label is incorrect or incomplete. Ex. A beaded or sequined garment that specifies drycleaning, when a water-based method may be safer.

The dry cleaner must invest time in testing (within the constraints of maintaining the garment's integrity) before proceeding outside the care label instruction. Listing all appropriate methods of care takes the time and guesswork out of the process.

In addition, consumers who are stressed for time or don't have the lifestyle conducive to following home care instructions (ex. Hand wash, dry flat), might prefer to avail themselves of professional services, but are reluctant to do so because of the care label dictates otherwise. In this case, an alternative professional wetcleaning instruction would increase the benefit.

Currently, the rule allows garment manufacturers to provide care instructions that are disingenuous in nature as they are totally unworkable from the side of the fabricare professional and economically prohibitive from the point of view of the consumer.



The garment shown was labeled, "Professionally Dry Clean Exclusive Of Trim". This is a legitimate care label and the manufacturer has given the consumer the appropriate warnings but how is the fabricare professional and /or consumer to handle this garment?

To follow the care instructions, the fabricare professional or consumer must remove all the sequins and ribbon (which is only possible if they are sewed on), dryclean the garment, and then the trim has to be re-sewn. At that point the cost of cleaning and tailoring the garment would probably exceed the cost of a new garment, and the task of removal and resewing is outside the skillset of most consumers. Certainly it is not the intent of the Care Label Rule to allow manufacturers to provide this type of useless information to consumers.

(10) *What modifications should be made to the Rule as the result of impending changes in technology?*

As Carl Priestland, chief economist for the American Apparel Manufacturers Association (AAMA) has stated, "It is important that we (apparel manufacturers) put out care Instructions that say the kinds of things we need the consumer to know. We need to know what's going to happen when the consumer throws a garment in the laundry or the professional cleaner takes it and puts it in their system, whatever that system is."

Twenty five years ago, only two dry cleaning solvents were in popular use in the fabricare industry: perchloroethylene (perc) and petroleum, and the FTC's Care Labeling Rule provided provisions for both of them. Today, there are many more cleaning process choices. In addition to perc and petroleum, there are high flash hydrocarbons, silicones, glycol ethers, carbon dioxide, aldehydes, and of course professional wetcleaning, with more solvents and technologies in various stages of development.

At the very least, these innovations necessitate a change in the definition of drycleaning. The current definition refers to "common organic solvent" and specifically references petroleum, perchloroethylene, fluorocarbon. Be aware, that fluorocarbon solvent is no longer in use and perchloroethylene is scheduled for a statewide phase out in California. In addition, the new hydrocarbons' drying parameters are materially different from early petroleum solvents, and several of the newer solvents are not organically based at all.

Therefore, the definition of dry cleaning needs to be more broadly written.

Equipment manufacturer reports indicate that the trend in professional fabricare is away from the use of perchloroethylene, and as a result it is important that the care label instructions keep pace with the processes available to consumers in the marketplace.

While, we recognize that the apparel industry cannot respond to or reflect every innovation that becomes available to the fabricare professional, the care label should not limit the adoption or use of these technologies. For this reason, we believe it is important that any 'care' that the manufacturer knows could result in harm to the garment i.e. high heat, water, steam, etc. be specifically stated as a "DO NOT" warning.

Unfortunately, there are no formal test methods that the garment manufacturers can use to evaluate the effect of the newest technologies on garments. However, a 'reasonable basis' testing can be incorporated into a manufacturer's care label development protocol. Currently, both DLI and NCA conduct such testing for garment manufacturers, addressing the predominant processes in the marketplace.

*(11) Does the rule conflict with other federal or state laws or regulations?*

California has enacted a regulation that will phase out the use of perchloroethylene drycleaning by 2023. Other states and localities have looked at similar regulation but have not moved forward. If the definition for "dryclean" in the Care Label Rule does not encompass those alternative processes it is an impediment to these regulations.

*(12) Are there any foreign or international laws, regulations or standards that should be considered?*

We are a global society and as such the fabricare industry receives garments for cleaning that have been purchased in other countries and are labeled according to that countries laws and regulations. The Federal Trade Commission should review care labeling requirements in other countries and harmonize to the extent possible with those regulations, paying close attention to any requirements imposed on it by the North American Free Trade Act (NAFTA). It would be in the best interest of the consumer, garment manufacturer, and fabricare professional if there were one global set of care instructions.

(13) *Should the Rule include Professional Wetcleaning?*

YES, if the garment manufacturer has a reasonable basis to be satisfied that it is an appropriate, safe method of care. The American Apparel Manufacturers Association has expressed concerns about the extensive use of a wetcleaning instruction saying, *"The worst thing I think we could have is to have an expensive wool suit, coat, or jacket shrink. Consumers would be up in arms immediately if that happened. Besides, we not only have to worry about shrinkage of the shell fabric, but there are five or six different fibers and fabrics in most tailored clothing"*.<sup>2</sup>

The practice of professional wetcleaning is widespread in the fabricare industry today. When the FTC proposed adding professional wetcleaning to the Care Labeling Rule in 2000 there were few in the fabricare industry employing the commercial wetcleaning technology. This is no longer the case.

The fabricare industry practices many forms of wetcleaning in a wide variety of cleaning systems, drying equipment and specialized finishing units. While the fabricare industry supports the addition of a wetcleaning instruction, the process definition should not be limiting to either practices or technology. We would support the use of the AATCC definition of professional wetcleaning.

*"A process for cleaning sensitive textiles (e.g., wool, silk, rayon, linen) in water by professionals using special technology, detergents, and additives to minimize the potential for adverse effects. It is followed by appropriate drying and restorative finishing procedures."*

Additionally, AATCC as well as ISO have test methods manufacturers can use to satisfy the reasonable basis requirement.

(14) *Should the Rule address the development in the ASTM care symbols guide or allow the use of other care symbol systems?*

Yes, the Rule should be modified so that it keeps pace with developments in the ASTM system. That system is used not only by garment manufacturers but the fabricare profession as well. The biggest challenge with the use of a symbol system is educating the consumer. Currently the use of care symbols is not prevalent in the United States and the average consumer is not familiar with the meaning of care symbols and some aspects of the system are not intuitive.

The use of care-symbols certainly facilitates the providing of all appropriate methods of care on a care label, a position long supported by the fabricare industry.

(15) *Should the Rule allow languages in addition to English?*

As long as the second language is in addition to English or in addition to the care symbols the fabricare industry would be supportive.

The Federal Trade Commission receives statistics from DLI's International Garment Analysis Laboratory on a monthly basis. The NCA provides comparable garment analysis service and would be happy to provide information to the FTC if the commission would find it instructional. In either case if the Commission would like more detailed or more specific information please do not hesitate to contact either of us. We look forward to working with the Commission as they work to improve this valuable Rule.

Respectfully Submitted,

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