



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Division of Enforcement  
Bureau of Consumer Protection

March 20, 2006

Jo Bronson Harris, Esq.  
Sandler, Travis & Rosenberg, P.A.  
The Waterford  
5200 Blue Lagoon Drive  
Miami, FL 33126-2022

Dear Ms. Harris:

Thank you for your letter requesting a staff opinion regarding the country-of-origin labeling of certain hosiery products, specifically, sheer nylon foot bands, toe covers, and foot covers. Your request concerns the recent amendment to the Textile Fiber Products Identification Act, 15 U.S.C. § 70 *et seq.* (TFPIA or Act). Subsection (k) of Section 4 of the TFPIA, enacted pursuant to the Miscellaneous Trade and Technical Corrections Act of 2004, created new requirements, effective March 3, 2006, for the labeling of socks with respect to country of origin. As you know, Congress amended the TFPIA on December 3, 2004, requiring new placement for country of origin disclosures for all socks listed in certain Harmonized Tariff Schedule subheadings.

You provided samples of the products and you state that the foot bands are designed for wear with open-toe shoes and casual slides, and leave most of the foot bare, including the toe and heel. The toe covers are designed to cover only the toes. The foot covers, also known as "peds," cover the foot from the toes to the heel, but are not visible while worn in pumps or casual loafers. You state that all of these products are classified in subheading 6115.93.9020 of the Harmonized Tariff Schedules of the United States.

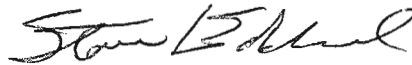
You request confirmation that these particular sheer hosiery products are not regarded as "socks" and, therefore, are not subject to the new labeling requirement that the country of origin must appear on the front of the package. Commission staff in the Division of Enforcement has given this matter careful consideration and it is our opinion that these items are not "socks" and that, therefore, the country-of-origin disclosure need not appear on the front of the packaging but may instead appear on the back of the package.

Please be advised this staff opinion in no way limits any jurisdiction or rulings of the U.S. Bureau of Customs and Border Protection pursuant to the Tariff Act and the rules and regulations thereunder.

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 any individual Commissioner, and is given without prejudice to the right of the Commission later to rescind the advice and, where appropriate, to commence an enforcement action. In accordance with 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.

We appreciate your taking the time to write to us. Please feel free to call me at 202-326-2841 if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Ecklund". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Ecklund".

Steve Ecklund  
Federal Trade Investigator

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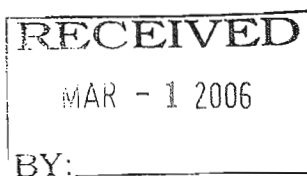
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February 28, 2006

VIA FEDERAL EXPRESS



Steve Ecklund, Investigator  
Division of Enforcement  
Federal Trade Commission  
601 New Jersey Ave., NW  
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Washington, DC 20001

## **REQUEST FOR FTC STAFF OPINION LETTER ON SOCK LABELING REQUIREMENT FOR HOSIERY PRODUCTS**

Dear Mr. Ecklund:

On behalf of our client, Sara Lee Branded Apparel, we request an FTC staff opinion letter on whether certain hosiery products, specifically sheer nylon foot bands, toe covers and foot covers, are subject to the special marking requirement for socks that goes into effect on March 3, 2006. This is a follow-up to the informal email request submitted by the Company's customs broker on January 26, 2006.

The articles in question are hosiery products worn on the feet to provide a comfortable barrier between the foot and shoe. The foot bands are designed for wear with open toe shoes and casual slides and leave most of the foot including the toe and heel bare while the toes covers cover only the toes. The foot covers, also known as "peds," cover the foot from the toes to the heel but are not visible when worn in pumps or casual loafer shoe styles. See enclosed pictures/samples. For Customs purposes, the articles are classified in subheading 6115.93.9020, Harmonized Tariff Schedules of the United States (see ruling letter NY L85061 attached), one of the 8-digit subheadings covered by the new FTC sock labeling requirements.

The marking requirement for certain socks products is set forth in 15 U.S.C. §70b(k) which states the following:

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(1) Notwithstanding any other provision of law, socks provided for in subheading 6115.92.90, 6115.93.90, 6115.99.18, 6111.20.60, 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 in such a manner as to indicate to the ultimate consumer in the United States the English name of the country of origin of the article. The marking required by this subsection shall be 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.

In addition, the rules and regulations under the Textile Fiber Products Identification Act at 16 C.F. R. § 303.15 describe the requirement as follows:

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 6115.92.90, 6115.93.90, 6115.99.18, 6111.20.60, 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 6115.92.90, 6115.93.90, 6115.99.18, 6111.20.60, 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.

-- Effective March 3, 2006.

We request confirmation that these products are not regarded as "socks" subject to the new requirement that they be marked to indicate country of origin on the front of the packaging.

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Should you have questions or require additional information, please contact the undersigned.

Sincerely,

**SANDLER, TRAVIS & ROSENBERG, P.A.**

By: 

Jo Bronson Harris



Toe Covers



Peds Style Foot Covers



Foot Bands

**NY L85061**

June 15, 2005

CLA-2-61:RR:NC:3:353 L85061

CATEGORY: Classification

TARIFF NO.: 6115.93.9020

Mr. Brian Kavanaugh Deringer Logistics Consulting Group 1 Lincoln Blvd, Suite 225 Rouses Point, NY 12979

RE: The tariff classification of foot tubes, toe covers and foot covers from China.

Dear Mr. Kavanaugh:

In your letter dated May 18, 2005, on behalf of Doris International, you requested a classification ruling.

The submitted samples are Styles 9205 Foot Tubes, 9414, 3876 and 9284 Toe Covers, and 9263 Foot Covers. All styles are "one size."

The Style 9205 Foot Tubes are constructed of knit 89% nylon and 11% elastane. The foot tube measures approximately 2½ by 3¼ when flat and fits over the arch of the foot and is commonly worn with mule-style footwear.

The Style 9414 Toe Covers are constructed of sheer knit 100% nylon with a sewn-in foam pad sole cushion. The item covers the toes, front and ball of the foot and is commonly worn with open back-style footwear.

The Style 3876 Toe Covers are constructed of sheer knit 44% polyester, 35% polyurethane and 21% nylon with a sewn in padded sole cushion. The item is open-toed, covers the front and ball of the foot and is commonly worn with open toe/back-style footwear and sandals.

The Style 9284 Toe Covers are constructed of knit 89% nylon, 11% spandex with tread dots on the bottom. The item, commercially known as a toe sock, covers the toes, front and ball of the foot and is commonly worn with open back-style footwear.

The Style 9263 Foot Covers are constructed of knit 88% nylon and 14% spandex. The nude item, commercially known as a ped, covers the foot from heel to toe.

You suggest classification in either subheading 6307.90 or 6117.80.9540. Classification in heading 6307 is for other made up textile articles; merchandise is classified in this heading only when it is not included more specifically in other headings of Section XI. Classification in heading 6117 is for other knitted or crocheted made up clothing accessories. Classification in heading 6115 is for knitted or crocheted panty hose, tights, stockings, socks, other hosiery and footwear without applied soles. General Rule of Interpretation 3(a) states that "The heading which provides the most specific description shall be preferred to headings providing a more general description..." The items are properly classified in heading 6115.

The applicable subheading for the Styles 9205 Foot Tubes, 9414, 3876 and 9824 Toe Covers, and 9263 Foot Covers will be 6115.93.9020, Harmonized Tariff Schedule of the United States (HTS), which provides for "Panty hose, tights, stockings, socks, and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of synthetic fibers: Other: Other, Other. The duty rate will be 14.6% ad valorem.

Styles 9205 Foot Tubes, 9414, 3876 and 9824 Toe Covers, and 9263 Foot Covers fall within textile category designation 632. Quota and visa status are the result of international agreements that are subject to frequent renegotiations and changes. To obtain the most current information as to whether quota and visa requirements apply to this merchandise, we suggest that you check, close to the time of shipment, the "Textile Status Report for Absolute Quotas" available at our web site at [www.cbp.gov](http://www.cbp.gov). In addition, you will find



current information on textile import quotas, textile safeguard actions and related issues at the web site of the Office of Textiles and Apparel, at [otexa.ita.doc.gov](http://otexa.ita.doc.gov).

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Kenneth Reidlinger at 646-733-3053.

Sincerely,  
Robert B. Swierupski  
Specialist Division

Director,

National Commodity