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April 11, 2014

Secretary Donald S. Clark
Federal Trade Commission
Office of the Secretary
Room H-113 (Annex M)
600 Pennsylvania Avenue NW
Washington, DC 20580

RE: 16 CFR Part 423; Public Roundtable Analyzing Proposed Changes to the Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods as Amended Project No. R511915

Dear Secretary Clark,

On behalf of the American Apparel & Footwear Association (AAFA), I am submitting the following comments in response to the topics discussed at the March 28th Federal Trade Commission (FTC) Care Labeling Roundtable.

AAFA is the national trade association representing apparel, footwear, and other sewn products companies, and their suppliers, which compete in the global market. Representing more than 1,000 world famous name brands, our membership includes more than 530 companies, drawn from throughout the supply chain. AAFA is the trusted public policy and political voice of the apparel and footwear industry, its management and shareholders, its four million U.S. workers, and its contribution of \$340 billion in annual U.S. retail sales.

Thank you for this opportunity to comment. As AAFA has previously submitted comments on the FTC's proposed amendments to the Care Labeling Rule, we will not repeat ourselves on every aspect of the proposed rule-making, but rather focus on the key issues which are most important to AAFA's members.

Wetcleaning

As technology and professional cleaning capabilities evolve, it only makes sense that the rules regulating care methods should as well. From the evidence given at the roundtable, it appears wetcleaning is a valid cleaning method that can be used to properly care for clothes. Thus, AAFA believes wetcleaning should be included as a possible care method available to clothing manufacturers and consumers. However, just like every other allowable care method, wetcleaning should be optional, not mandatory.

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Creating a mandatory wetcleaning requirement not only goes against the current rule precedent requiring only one method of care per garment, it also imposes an unnecessary burden on manufacturers. To begin, the requirement will have tangible costs for manufacturers who will have to perform additional testing and create new testing protocol in order to determine whether or not wetcleaning is acceptable for each garment they produce. While some companies may decide the investment is beneficial for their brand, there are many others who will not and the decision should be an optional one.

In addition, we know that labels have value far beyond simply instructing a consumer on how to care for a garment. Labels can play a part in telling a brand's story. By now, we have all seen the labels instructing garment wearers to "give it to your mother" or other clever sayings meant to bring a little humor to the often less-than-humorous world of care instructions. Of course, most of these notes have little impact on the information consumers receive, but a care label can and manufacturers have a right to use care labels as a way to reach their desired consumers. For example, brands and manufacturers focused on sustainability many choose to instruct consumers to hang dry a garment and recycle when they are done using it; manufacturers who sell mostly to lower-income families may choose to instruct machine-washing so that their consumers know they will be able to afford to maintain the garments they are purchasing; higher-end brands with a heightened awareness of their consumers' tastes may choose to instruct drycleaning to ensure the products continue to look brand-new at all times. As long as all of these instructions are truthful, consumers receive all of the valid information they need to properly care for their clothes and brands and manufacturers have a way to communicate with their customers. Requiring any one method to be mandatory would hinder that form of communication.

Finally, as indicated by the contradictory presentations at the roundtable, there is a discrepancy over whether or not wetcleaning is beneficial or harmful to the environment. While we remain opposed to a mandatory wet cleaning label, we believe it would be especially irresponsible to make wetcleaning mandatory before performing a deeper investigation into the costs and benefits of the method.

ISO Symbols

Using symbols rather than text allows for important care information to be easily understandable in any language and helps satisfy consumer demands asking the apparel industry to decrease the size of care labels. AAFA members make and sell products all over the world. In such a global supply chain, products are rarely destined for distribution in only one country. When any labeling requirements are limited specifically by region, it serves as a barrier for trade and costs both manufacturers and consumers money.

The current rule allowing only the use of American Society for Testing and Materials (ASTM) symbols in the United States prevents companies from making products that are compliant in both the United States and elsewhere in the world. While AAFA supports ASTM in its efforts to make symbols easily understandable in US markets, we agree with the FTC's proposal to allow the use of the care symbols created by the International Organization for Standardization (ISO) as well. Doing so would alleviate some of the burden and cost to businesses and increase the accessibility of global trade growth within the industry.

However, the proposal to allow ISO 3758:2005(E), rather than the more recent 2012 standard, does little to overcome the challenge. If companies are required to use the 2005 ISO standards in the United States market and the 2012 ISO standards everywhere else, there will still be discrepancies and we will continue to put U.S. companies at a disadvantage in the global marketplace.

In order to truly benefit the U.S. industry, AAFA proposes the FTC amend the proposed change to always allow for the use of symbols in accordance with the most recent ASTM or ISO standards for the industry in lieu of outlining any particular standard. By doing this, the Care Labeling Rule will always be up-to-date with the latest industry standard without the need for continued revision as it is likely the industry

will continue to evolve its standards as time progresses. In the very least, we ask you to replace the ISO standard currently stated in the text of the proposed revisions with “ISO 3758:2012, Textiles – Care labeling code using symbols,” so that the Rule is at least current when the new revisions are implemented.

It is important to note that the type of symbols used will not have any impact on the underlying regulations of the United States. I.e. where in Europe companies can simply use the St. Andrew’s cross to mark out the instructions they do not wish to use, in the United States companies would still be required to provide an FTC-approved reasonable basis for their care instructions even if using the ISO symbols. We believe some U.S. companies will continue to use ASTM symbols so they are not required to test for all five instructions, while others will assume that burden in order to use the ISO symbols and have one label for both U.S. and European markets. Each system has its own merits and challenges. It should be up to the company to decide which system of care symbols aligns better with the priorities of the company and its consumers.

Reasonable Basis

AAFA agrees with the FTC’s definition and ruminations surrounding reasonable basis for care instructions as identified in its proposed changes. However, during the roundtable, the discussion seemed to be learning towards redefining reasonable basis to mean that one must have a finished garment lab-tested to justify the care instructions on the label. It is the practice of many AAFA members to test products at a variety of stages throughout the production manufacturing process and not necessarily at the finished garment stage. This method of testing all component parts absolutely allows companies to have accurate information to determine care instructions. Additional testing for finished garments is not necessary. In fact, AAFA members believe requiring testing of finished garments will impart an unnecessary burden on the apparel manufacturer in addition to added costs which will eventually be added to the cost of the garment and extended to the consumer.

AAFA supports the FTC’s original recommendation not to propose more rigorous testing requirements in this instance, as it is not the intention of the Care Labeling Rules amendments.

Thank you for your time and consideration in this matter. Please contact Marie D’Avignon at 703-797-9038 or mdavignon@wewear.org if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lamar". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steve Lamar
American Apparel & Footwear Association