

U.S. YARN LABELING REQUIREMENTS UNDER THE TEXTILE & WOOL ACTS

The Textile Products Identification Act, 15 U.S.C. § 70 et seq., (the “Textile Act”) applies to most clothing and textile products, including yarn. 16 C.F.R. § 303.45(a)(1)(xvii). The Wool Products Labeling Act, 15 U.S.C. § 68 et seq., (the “Wool Act,” and together with the Textile Act, the “Acts”) applies to most products, including yarn, which contain any amount of wool. 15 U.S.C. § 68(d). Both Acts apply to any person or entity that manufactures, imports, sells, distributes, or advertises the products covered by the Acts. 15 U.S.C. §§ 68a and 70a. Thus, the yarns manufactured by Coats are covered by the Textile Act and, if they contain wool, by the Wool Act.

Each of the Acts imposes labeling requirements; however, the labeling requirements of the Textile Act apply only to products ready for sale to consumers. 15 U.S.C. § 70a(d)(5); 16 C.F.R. § 303.31. The Acts require that the labels for all yarns contain (a) fiber content, (b) country of origin, and (c) identification of manufacturer, importer, or distributor.

In addition to the requirements for labels mandated by the Acts, the Care Labeling of Textile Wearing Apparel and Certain Piece Goods Rule requires that labels for yarn sold for the purpose of making home-sewn textile wearing apparel also include the safe cleaning method for the product. 16 C.F.R. Part 423.

FIBER CONTENT

The generic fiber names and percentages by weight of each constituent fiber must be listed in descending order of predominance. 15 U.S.C. §§ 68b(a)(2)(A) and 70b(b)(1)-(2); 16 C.F.R. §§ 300.3(a)(1) and 303.16(a)(1).

If the yarn is made from one fiber, the label may say “All” or “100%.” 16 C.F.R. §§ 300.17 and 303.27.

In general, you are required to name only the fibers that comprise 5% or more of the fiber weight. 15 U.S.C. §§ 68b(a)(2)(A) and 70b(b)(1); 16 C.F.R. §§ 300.3(a)(1) and 303.3. Fibers of less than 5% must be disclosed as “other fibers,” although there are exceptions:

1. Wool or recycled wool must always be disclosed by name and percentage weight even if wool composes less than 5% of the product. 15 U.S.C. § 68b(a)(2)(A).
2. You *may* state the name and percentage of a fiber that is less than 5% if the fiber has a definite functional significance at that amount. For example, a small amount of spandex is used for elasticity. (The functional significance does not have to be disclosed.) 15 U.S.C. § 70b(b)(1).

If there are multiple, non-functionally significant fibers in amounts of less than 5% each, they should be designated with their aggregate percentage, even if it is greater than 5%. 15 U.S.C. § 70b(b)(2).

Fibers, whether natural or man-made, must be identified by their generic names. 16 C.F.R. §§ 300.8(a)-(b), 303.6 and 303.7. For man-made fibers, the Code provides a list of 25 generic names (listed below in Appendix A) at 16 C.F.R. § 303.7. In addition, the FTC's web-site provides a list of 15 additional man-made fibers recognized by the FTC, and listed below in Appendix B. The Code also provides the name and address from which the ISO standard referenced in the memorandum (ISO Standard 2076: 1999(E), "Textiles – Man-made fibers – Generic names") can be ordered:

American National Standards Institute
11 West 42nd Street, 13th Floor
New York, NY 10036

Biconstituent or multiconstituent fibers. If a manufactured fiber is a mixture of two or more chemically distinct fibers, combined during or before extrusion, the label should state (a) whether it is a biconstituent or multiconstituent fiber, (b) the generic names of the component fibers, in order of predominance by weight, and (c) the percentage of each component by weight. 16 C.F.R. § 303.10(c)(1).

Microfibers. Neither the statute nor the Code provides specific instruction for how specific a term for fiber description must be. The Code, however, provides examples of natural and manufactured fibers. See 16 C.F.R. §§ 303.6 and 303.7. These examples, including "cotton," "silk," and the manufactured fibers listed in the Appendices below, suggest that the term "microfiber" on its own is too general to satisfy the fiber content labeling requirement.

Premium cotton fibers – Pima, Egyptian, Sea Island, etc. The type of cotton may be used on the label as long as it is not misleading. "100% cotton (50% Pima)" or "50% Pima cotton, 50% Upland cotton" are acceptable, while "100% Cotton, Pima Blend" is not. 16 C.F.R. § 303.16(d).

Wool fibers. The term "wool" may be used for fiber made from the fleece of sheep or lamb, and the hair of the Angora goat, Cashmere goat, camel, alpaca, llama, or vicuna. 15 U.S.C. § 68(b). These specialty fibers may be identified as "wool" or by their specialty names. In instances when the specialty fiber name is used, the label must state the percentage of the specialty fiber contained in the product. 16 C.F.R. §§ 300.18 and 300.19.

Recycled wool, whether referred to as "wool" or by a specialty name, should be identified as such. 15 U.S.C. § 68(c); 16 C.F.R. § 300.3(b).

Tolerances for fiber content. Fiber percentages may be rounded to the nearest whole number. Under the Textile Act, there is a 3% tolerance for fiber content labels. For example, if the label states a 10% cashmere content, then the actual amount may vary from 7% to 13%. This is to allow for unintended inconsistency in the manufacturing process. However, no tolerance is allowed if the label states that the yarn contains only one fiber. 15 U.S.C. § 70b(b)(2); 16 C.F.R. § 303.43.

The Wool Act does not include a similar provision providing the tolerance level on a percentage basis for deviation between a product and its label. The Wool Act, however, does seem to tolerate some level of deviation. It states that “deviation from the fiber contents of the wool product from percentages stated on the...label...shall not be misbranding if...such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such...label.” 15 U.S.C. § 68b(a)(2)(A).

All parts of the fiber content information must be in type of equal size and conspicuousness. For example, “80% polyester, 20% SILK” is not allowed. 16 C.F.R. §§ 300.10(a) and 303.16(b).

The fiber content disclosure may appear on the front side or reverse side of the label so long as it is conspicuous and readily accessible. 16 C.F.R. §§ 300.5 and 303.15(b).

COUNTRY OF ORIGIN

Yarn must be labeled to show country of origin. 15 U.S.C. §§ 68b(a)(2)(D) and 70b(b)(4)-(5); 16 C.F.R. §§ 300.3(a)(4), 300.25 and 303.33.

- Imported yarns must identify the country where they were processed or manufactured.
- Products made entirely in the U.S. of materials made in the U.S. must be labeled “Made in USA” or some clear and equivalent term.
- Products manufactured partly in the U.S. and partly in foreign territories must be labeled to indicate both.
- Products made in the U.S. of imported materials must be labeled to show the imported component. For example “knit in the USA of Costa Rican yarn.”

The country of origin disclosure must appear on the **front** side of the label. 16 C.F.R. §§ 300.5 and 303.15(b).

MANUFACTURER, IMPORTER, OR DISTRIBUTOR

Yarn labels must identify the product's manufacturer, importer, or distributor, either by (a) company name or (b) a registered identification number. 15 U.S.C. §§ 68b(a)(2)(C) and 70b(b)(3); 16 C.F.R. §§ 300.3(a)(3) and 303.16(a)(2). If the company name is used, the company name must be the full name under which the company is doing business. It cannot be a trademark, trade name, brand, or designer name unless that name is also the name under which the company is doing business. 16 C.F.R. §§ 300.13 and 303.19. If a company wants to use a registered identification number in lieu of its company name, the registered identification numbers may be obtained from the Federal Trade Commission. 16 C.F.R. §§ 300.4 and 303.20.

The manufacturer, importer, or distributor disclosure may appear on the front side or reverse side of the label so long as it is conspicuous and readily accessible. 16 C.F.R. §§ 300.5 and 303.15(b).

GENERAL REQUIREMENTS FOR LABEL IDENTIFYING FIBER CONTENT, COUNTRY OF ORIGIN, AND MANUFACTURER, IMPORTER, OR DISTRIBUTOR

English language requirement. All required labeling information must appear in English; however, in addition to the English, the information may also be stated in a foreign language. For the country of origin disclosure, abbreviations and other spellings close to the English version (such as Italie for Italy or Brasil for Brazil) can be used if they unmistakably identify the country. 16 C.F.R. §§ 300.7, 303.4 and 303.33(e).

No abbreviations, ditto marks, or asterisks. The Acts do not permit the use of abbreviations (except for in the case of country of origin as discussed above), footnotes, ditto marks, or asterisks. 16 C.F.R. §§ 300.9 and 303.5.

Separate or single labels. The three disclosures required by the Acts may appear on a single label or separate labels. The required information may appear on the same label or labels with other information, including the care label discussed below, so long as the combination of required and non-required information is not misleading. 16 C.F.R. §§ 300.10 and 303.16(a).

Attachment of labels. Labels are required to be affixed to each product in a secure manner; however, there is no requirement that the label be permanent. The Acts require only that the label be of such durability as to remain attached to the product until it reaches the ultimate consumer. 16 C.F.R. §§ 300.5(a) and 303.15(a).

Location of labels. The label must appear in a conspicuous and readily accessible place on the inside or outside of the product. 16 C.F.R. §§ 300.5(b) and 303.15(b).

For products which are marketed and delivered in a package which is intended to remain unbroken and intact until receipt by the ultimate consumer, the Acts require that each product in the package and the package itself be labeled with the required information. For transparent packages, which allow for the clear reading of the required information on the product, the package itself does not have to be labeled. 15 U.S.C. §§ 68c(c) and 70b(e); 16 C.F.R. §§ 300.15 and 303.28.

For products with the same fiber contents which are marketed or handled in pairs or ensembles, the Acts require that only one unit in the pair or ensemble be labeled. 16 C.F.R. §§ 300.12(b) and 303.29(b). For example, if gloves with the same fiber content are sold together as a pair, only one glove in the pair is required to contain a label. For products with different fiber contents sold as an ensemble, the Acts permit for only one unit to be labeled so long as the label separately identifies the fiber content of each unit. 16 C.F.R. §§ 300.12(a) and 303.29(a). For example, if a hat and a scarf with different fiber contents are sold together as a pair, only one item in the pair is required to contain a label so long as the label specifies the differing fiber content of each item (i.e., “hat: 100% wool; scarf: 50% wool, 50% cotton”).

Advertisements. For advertisements which make reference or implication to the fiber content of a product, the fiber content information required on the label, not including the percentages, must also appear in the advertisement. 15 U.S.C. §§ 68b(e) and 70b(c); 16 C.F.R. §§ 303.40, 303.41, and 303.42.

CARE INSTRUCTIONS

As noted above, yarn sold for the purpose of making home-sewn textile wearing apparel is also governed by the Care Labeling of Textile Wearing Apparel and Certain Piece Goods Rule (the “Care Labeling Rule”), which imposes additional labeling requirements on the products to which it applies. 16 C.F.R. Part 423.

The Care Labeling Rule requires that manufacturers and importers of covered yarn must:

1. provide complete instructions which prescribe the regular care for the product;
2. provide warnings to the purchaser when the product cannot be cleaned by any cleaning procedure without being harmed; and

3. provide warnings to the purchaser when any part of the prescribed cleaning regimen for the product would harm other items being cleaned with it. 16 C.F.R. § 423.5(a)(1)-(3).

The manufacturer or importer providing the disclosure to the purchaser must have a “reasonable basis” for all care information provided in the label. 16 C.F.R. § 423.5(a)(5). For example, products labeled “Dry Clean Only” are mislabeled under the Care Labeling Rule unless you have a reasonable basis to indicate that the item will be harmed if washed.

The Care Labeling Rule requires that for piece goods the label be located clearly and conspicuously on the end of each roll or bolt holding the product. 16 C.F.R. § 423.7.

TARIFF ACT OF 1930

As discussed above, the Textile Act and Wool Act impose country of origin labeling requirements for yarn products. In addition to those requirements, imported yarn is also subject to the Tariff Act of 1930 (the “Tariff Act”), which – separate from the Acts – imposes its own country of origin labeling requirements. The Tariff Act requires that every foreign product imported into the United States be marked with its foreign country of origin in “a conspicuous place...legibly, indelibly, and permanently” in English. 19 U.S.C. § 1304(a); 19 C.F.R. § 134.11. Thus, for yarn imported by Coats, the Textile Act and Wool Act permit the foreign country of origin to be written in foreign language in some instances, but the Tariff Act imposes the more restrictive requirement that the country of origin be provided in English.

The Tariff Act also provides more guidance for the proper country to state as the country of origin on the label than the Textile Act and Wool Act. 19 C.F.R. § 134.1. Additionally, the Customs Bureau of the Department of Homeland Defense encourages importers with any questions about the proper country to state as the country of origin on the label to contact their local Customs Bureau office for further guidance. Most Customs Bureau offices will have an officer who is knowledgeable in textile labeling.

A further note:

Cashmere & Camel Hair Manufacturers Institute (CCMI)

CCMI offers members, retailers and suppliers of cashmere and camel hair goods a free fiber-content testing service to verify claims made on labels. CCMI has

found that this free service, through approved independent testing labs, to be a reliable indicator if a sample is mislabeled. However, CCMI notes that a full-scale analysis is the only way to definitively determine specific fiber content. Estimated cost per analysis ranges from \$200 to \$500, depending on the actual fiber blend.

CCMI has approved only the following labs for testing:

US – K.D. Langley Fiber Services, Tiverton, RI
- Specialized Technology Research, Enfield, CT

UK – SGS United Kingdom, Ltd., Bradford
- TFT (Ilkley) Ltd., Skipton

Germany – DWI, Aachen

Italy – CNR-ISMAL, Biella
- LAPRT, Prato
- Magazzini Generali di Prato, Prato

Plus 3 in Japan and 3 in China.

CCMI recommends fiber-content testing whenever you:

1. Buy for a new season
2. Use a new supplier
3. Expand and upgrade product lines
4. Evaluate competitors' products

THE INFORMATION CONTAINED HEREIN IS INTENDED ONLY FOR GENERAL INFORMATIONAL PURPOSES BY THE MEMBERS OF TNNA. IT IS NOT, NOR IS IT INTENDED TO BE, LEGAL ADVICE. YOU SHOULD CONSULT AN ATTORNEY FOR INDIVIDUAL ADVICE REGARDING YOUR OWN SITUATION.”

APPENDIX A

The Code provides a list of 25 generic names for man-made fibers at 16 C.F.R. § 303.7. They are:

Acetate Triacetate
Acrylic
Anidex
Aramid
Azlon
Elastoester
Fluoropolymer
Glass
Melamine
Metallic
Modacrylic
Novoloid
Nylon
Nytril
Olefin Lastol
PBI
PLA
Polyester Elasterell-p
Rayon Lyocell
Rubber Lastrile
Saran
Spandex
Sulfar
Vinal
Vinyon

APPENDIX B

The FTC's web-site also provides a list of 15 additional man-made fibers, not included in the Code and listed IN Appendix A, but recognized by the FTC. They are:

- Alginate
- Carbon
- Chlorofibre
- Cupro
- Elastane
- Elastodiene
- Fluorofibre
- Metal Fibre
- Modal
- Polyamide
- Polyethylene
- Polyimide
- Polypropylene
- Vinylal
- Viscose