



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
600 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20580

Division of Enforcement  
Bureau of Consumer Protection

March 18, 2002

Mr. Carlos Moore  
Executive Vice President  
American Textile Manufacturers Institute  
1130 Connecticut Ave., NW, Suite 1200  
Washington, DC 20036-3954

Re: Request for FTC Staff Opinion concerning Thread Count

Dear Mr. Moore:

This is in reply to your letter requesting a Commission staff opinion regarding the appropriate method for determining fabric "thread count," or yarns per square inch, in textile products such as bed sheets and pillow cases. You state that some companies are marketing bedding products with extremely high yarn or thread counts, achieved by counting yarns within a ply as individual yarns, thus dramatically and deceptively increasing the number of yarns in a square inch of fabric. You make specific reference to the American Society for Testing and Materials (ASTM) test method D 3775, titled "Standard Test Method for Fabric Count of Woven Fabric," and you express the view that this method is the long-accepted industry standard for determining thread count.

Under the Commission's Rules of Practice, 16 C.F.R. § 1.1(a), the Commission (and, under delegated authority, its staff) may render an advisory opinion with respect to a prospective course of conduct proposed by the requesting party:

§ 1.1 Policy.

(a) Any person, partnership, or corporation may request advice from the Commission with respect to a course of action which the requesting party proposes to pursue.

In this instance, ATMI is not seeking advice with respect to a course of conduct it proposes to pursue. Rather, ATMI is seeking an opinion as to whether certain representations made by some industry members with regard to thread count might be considered deceptive under the FTC Act. As such, the question is not appropriate for issuance of a staff advisory opinion.

Mr. Carlos Moore  
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Although we are unable to provide you with a staff advisory opinion about whether counting yarns within a ply as individual yarns would be deceptive, we can advise you as to how the Commission staff generally would analyze such claims. A thread count claim, like other objective, material claims about a product, must be supported by a "reasonable basis." In determining what constitutes a reasonable basis for claims, we would consider what experts in the field believe is appropriate, including whether there are relevant consensus based test procedures, such as an ASTM test procedure, or other widely accepted industry practices that apply to the matter. If so, we would give such procedures or practices great weight in determining whether the advertiser has met its substantiation burden. In other related contexts, the Commission has encouraged the use of ASTM tests. *See* Press Release, FTC Announces Actions on Wool Labeling Rules, dated March 8, 1994 (copy attached) ("In its clarification of the procedure used for testing the fiber content of wool products, the FTC said the industry members should, where possible, use procedures established by the American Society for Testing and Materials (ASTM).")

I also wish to bring to your attention a closing letter that is on the public record concerning an investigation of possibly deceptive practices in connection with the packaging of down comforters. In that instance, the staff determined that no further Commission action was warranted when the company notified the staff that it was changing its package product description from "760 White Goose Down" to "finely woven 380 2-ply fabric." (copy attached).

Pursuant to Section 1.4 of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.4, your letter, together with this response, will be placed on the public record.

I hope you will find the above information helpful.

Sincerely yours,



Elaine D. Kolish  
Associate Director for Enforcement

Enclosures

# FTC news

Federal Trade Commission *Washington, D.C. 20580*

**FOR IMMEDIATE RELEASE: March 8, 1984**

## **FTC ANNOUNCES ACTIONS ON WOOL LABELING RULES**

The Federal Trade Commission has decided, after reviewing public comments, not to change its rule requiring a label stating the minimum wool content on wool products. The Commission also issued a clarification of the procedures it uses for testing wool products to determine their fiber content. The FTC enforces wool-labeling rules under the Wool Products Labeling Act.

In April 1983, the FTC sought comments on whether it should amend its rules to allow labels to disclose the average amount, rather than the minimum amount, of wool in fabrics that contain recycled wool or wool blend products. Using the average amount might provide consumers more accurate information, the FTC said, but using the minimum assures that consumers will receive at least the amount of wool on the label.

However, after reviewing the comments, the Commission decided not to amend the rule, because there was no evidence on the record to support the change.

In its clarification of the procedure used for testing the fiber content of wool products, the FTC said the industry members should, where possible, use procedures established by the American Society for Testing and Materials (ASTM).

The test should be made on an "oven-dry basis," with "commercial moisture regain" added to determine the quantitative fiber content of a wool product.

The ASTM defines oven-dry basis as "the condition of a material that has been heated under prescribed conditions of temperature and humidity until there is no further significant change in its mass." Commercial moisture regain is "an arbitrary value to be used with the oven-dry weight" when calculating "the weight of a specific component in the analysis of fiber blends."

Copies of the Federal Register notice on the minimum wool content rulemaking decision are available from the FTC's Public Reference Branch, Room 130, 6th St. and Pennsylvania Ave. N.W., Washington, D.C. 20580; 202-523-3598; TTY 202-523-3638. News media copies are available from the Office of Public Affairs, Room 496, same address; 202-523-1892.

# # #

**MEDIA CONTACT:** Susan Ticknor, Office of Public Affairs,  
202-523-1892

**STAFF CONTACT:** Jerry McDonald, Bureau of Consumer Protection,  
202-376-2800 (labels)  
Earl Johnson, Bureau of Consumer Protection,  
202-376-2891 (test methods)



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

Division of Enforcement  
Bureau of Consumer Protection

April 8, 1996

Jeffrey Goldman, President  
California Feather & Down Corporation  
11842 S. Alameda St.  
Lynwood, CA 90262

Re: California Feather & Down Corporation, 9523373

Dear Mr. Goldman:

The Commission has conducted an investigation involving your company's possible violation of the Federal Trade Commission Act through the use of unfair acts or deceptive acts or practices in connection with the packaging of down comforters.

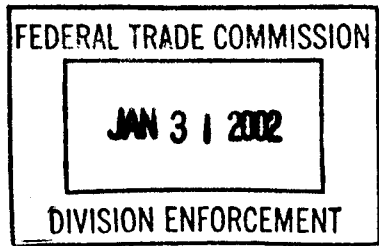
By letter dated March 12, 1996, Mr. N. Frank Wiggins stated that your company is removing the reference to "760" from the packaging and labeling of your "White Knights 760 White Goose Down Comforter." Further, Mr. Wiggins' August 12, 1995, letter stated that the company had revised the text of the packaging for this product to say that the White Knights 760 White Goose Down Comforter contains "finely woven 380 2-ply fabric. . . ." The former packaging had stated "finely woven 760 threads per sq. inch. . . ."

Upon further review of this matter, it now appears that no further action is warranted by the Commission at this time. Accordingly, the investigation has been closed. This action is not to be construed as a determination that a violation has not occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

Sincerely,

Elaine D. Kolish  
Associate Director

cc: N. Frank Wiggins, Esq.  
Venable, Baetjer, Howard & Civiletti, LLP  
1201 New York Avenue, NW, Suite 1000  
Washington, DC 20005-3917



AMERICAN TEXTILE  
MANUFACTURERS INSTITUTE

January 31, 2002

Mr. Steve Ecklund  
Federal Trade Commission  
Division of Enforcement  
Washington, DC 20580

Re: Request for FTC Staff  
Opinion on Yarn Count

Dear Mr. Ecklund:

It has come to our attention again that some companies are marketing bed sheets and pillowcases to U.S. consumers where extremely high yarn or thread counts are claimed – some as high as 1000 count. We believe these products are mislabeled, creating deceptive information for the consumer.

Labeling these products based on a count that includes each ply in plied yarns deceives the customer into believing that bedding products with higher counts are better when, in fact, they might be inferior because of the method used to determine the count. We wrote to the Commission regarding this same issue on February 24, 1997 (copy enclosed) and provided a fabric sample and independent lab report verifying our position.

In many cases, these extremely high counts are achieved by counting yarns within a ply as individual yarns, thus dramatically increasing the number of yarns in a square inch of fabric. A plied yarn is one in which two or more yarns are twisted together to form a single strand.

ATMI believes this method of labeling products based on counting each individual yarn in plies to be a deceptive practice, which misleads the American



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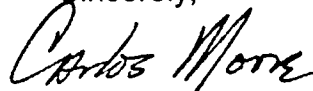
public into making decisions to purchase items, based on false and misleading information.

ASTM method D 3775-96 (Standard Test Method for Fabric Count of Woven Fabric) is the long-accepted industry standard for determining count. This method has been in use in this country for many years and serves as the industry's standard way to report the count of many woven textile fabrics, including sheeting. It is based on the number of yarns in the warp direction and filling direction, regardless of ply, and has become an important parameter used by consumers to judge the quality of sheeting products, since the higher the count, the more luxurious the product.

ATMI believes that any information provided to the consumer should be true and correct so as not to be deceptive or mis-leading. We believe that plied yarns are properly counted as only one yarn. For example, a fabric containing 250 individual four ply yarns in a square inch would be described as a "250 thread count fabric, even though each thread or yarn contained four plies twisted together." It would be false and mis-leading to describe this as a 1000 thread count product.

ATMI requests a staff opinion from the Federal Trade Commission on this issue. We believe that manufacturers, importers and retailers of bed sheets should rely on the ASTM D3775-96 standard test method to determine count.

Sincerely,

A handwritten signature in black ink that reads "Carlos Moore". The signature is written in a cursive, slightly slanted style.

Carlos Moore  
Executive Vice President

Enclosure