



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

Division of Enforcement  
Bureau of Consumer Protection

August 18, 2000

Carolyn B. Malina  
Import/Export Manager  
Lands' End, Inc.  
5 Lands' End Lane  
Dodgeville, WI 53595

Dear Ms. Malina:

This is in reply to your letter requesting a ruling from the Commission that regulations found in 16 C.F.R. §§ 303.28 and 300.15, concerning the labeling of packages containing textile or wool products, do not apply to products that are sold to consumers via print catalogs and the Internet. Please be advised that the Federal Trade Commission and its staff do not issue "rulings" in response to requests for advice. However, the Commission has authorized its staff to respond to requests for advisory opinions where appropriate. *See* 16 C.F.R. § 1.3.

Based on your letter, and telephone conversations with staff, it is my understanding that Lands' End is a direct merchant that sells textile products through mail order catalogs and the Internet. The products are labeled with the disclosures required by the Textile Fiber Products Identification Act or the Wool Products Labeling Act, as well as the Care Labeling Rule, and such information is also set forth in the catalogs and on the Internet web site. You stated that the majority of the items sold to Lands' End by its suppliers are shipped to Lands' End in transparent poly-bags that are taped or heat-sealed. The items are then sold and shipped to Lands' End's customers in these poly-bags. The product may be folded in such a way that the required information on the label is not visible through the bag.

In 1984, Congress amended the Textile and Wool Products Acts to require that a package containing a textile product intended for sale to the ultimate consumer bear the information also required to appear on the label of the product (*i.e.*, fiber content, country of origin, and identity of manufacturer or other dealer), unless the package is transparent and allows for a clear reading of the label information. 15 U.S.C. §§ 70b(e) and 68c(c). The Commission implemented the statutory requirement by adopting 16 C.F.R. § 303.28, which states:

**Products contained in packages.**

When textile products are marketed and delivered in a package which is intended to remain unbroken and intact until after delivery to the ultimate consumer, each textile product in the package, except hosiery, and the package shall be labeled with the required information. If the package is transparent to the extent it allows for a clear reading of the required information on the textile product, the package is not required to be labeled.

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A similar requirement was adopted for wool products sold in packages. 16 C.F.R. § 300.15.

There appears to be nothing in the record to indicate that the requirement for the labeling of packages applies to mail order transactions. Rather, it appears that the intent of the amendments was to ensure that packaged goods provide consumers with the required information *prior to sale* at the point of purchase. As you noted, at the time the consumer receives the product ordered by mail, the purchasing decision has already been made. A label on the disposable poly-bag in which the product is shipped does not aid the consumer in making the purchasing decision, and does not provide any additional information beyond what is already attached to the product itself. Therefore, Commission staff members in the Division of Enforcement have concluded that the package labeling requirements do not apply to packages used to ship products ordered by mail or telephone or on the Internet.

If you have not already done so, you may wish to obtain a ruling from the United States Customs Service as to whether poly-bags containing imported products must be marked with the country of origin pursuant to the Tariff Act.

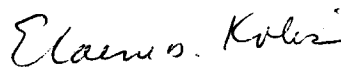
As I'm sure you are already aware, mail order catalogs and other mail order promotional materials, including those disseminated electronically on the Internet, must disclose whether a textile or wool product was made in the U.S., imported, or both. 16 C.F.R. §§ 303.1(u), 303.34, 300.1(h), and 300.25a. Catalogs and other written advertisements, including those appearing on the Internet, must disclose the complete fiber content of a textile product if the descriptive information about the product in any way states or implies the presence of a particular fiber or if a fiber trademark is used. 16 C.F.R. § 303.40.

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.

I hope this information has been helpful. Enclosed is a copy of our business guide explaining the requirements of the textile and wool labeling rules.

Sincerely,



Elaine D. Kolish  
Associate Director for Enforcement

Enclosure