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

Division of Enforcement
Bureau of Consumer Protection

March 27, 1998

John F. Sterling
Associate General Counsel
Pillowtex Corporation
4111 Mint Way
Dallas, Texas 75237-1605

Dear Mr. Sterling:

This is in reply to your letter of February 13, 1998, addressed to Donald S. Clark, Secretary of the Commission, requesting an advisory opinion on behalf of your client, Fieldcrest Cannon, Inc., with regard to fiber labeling requirements of the Textile Fiber Products Identification Act and the rules and regulations thereunder. Your question concerns appropriate labeling for a cotton towel, or other terry cloth product, consisting of Egyptian (or Pima or "combed") cotton loops with an upland cotton ground or base. Specifically, you ask whether this product may be labeled "100% Cotton, 100% Egyptian Cotton Loops," or whether a more detailed disclosure is required, such as "Pile: 100% Egyptian Cotton; Ground: 100% Upland Cotton (ground constitutes 60% of fabric and pile 40%)."

Staff members in the Division of Enforcement, Bureau of Consumer Protection, have reviewed the legal analysis set forth in your letter, and are in general agreement with it. If the loops and base of a pile fabric towel are entirely cotton, with the loops composed of 100% Egyptian (or Pima or "combed") cotton and the base composed of a different type of cotton, such as Upland cotton, staff believes that a truthful disclosure, such as "100% Cotton, 100% Egyptian Cotton Loops," would comply with the fiber identification requirements of the Textile Act and Rules. Where both the base and the loops are of the same generic fiber classification, it is staff's opinion that there is no requirement, pursuant to Textile Rule 24 (16 C.F.R. § 303.24), to state the ratio of the base and loops to the total fabric weight, or to state the different types of fibers used in the base and the loops. Manufacturers may choose to identify the base, for example, by saying "100% Cotton, Egyptian Cotton Loops and Upland Cotton Base," but such additional disclosure would not be required. In contrast, if the base and loops were composed of different generic fibers, and the manufacturer chose to identify the base and loops separately on the label, then the full disclosure, with relative weights as set forth in Textile Rule 24, would be required. Staff believes that part of the underlying intent of Textile Rule 24 is to assist consumers in distinguishing between different generic classifications of fibers, rather than between different types of fibers of the same generic classification.

Of course, care must be taken to avoid deception if labeling or advertising makes reference to a premium fiber that is used in only a portion of the textile product. For example, references to a premium cotton cannot be used deceptively to imply that the entire product is made of the premium cotton, if such is not the case. Moreover, a trademark that implies the presence of a premium cotton (such as a trademark that includes a slightly altered form of the words "Pima" or "Egyptian") may trigger the need for additional disclosures to avoid a misleading implication that the product is composed solely of the premium cotton, if such is not the case. I refer you generally to Sections 303.16, 303.17, 303.18, 303.40, and 303.41 of the Textile Rules. As you may know, the Textile Rules recently were revised by the Commission. For your convenience, I am enclosing a copy of the revised Rules and the Federal Register notice announcing the amendments.

Commission staff will revise the appropriate section in the FTC leaflet, "Calling It Cotton," to reflect more accurately the requirements pertaining to the labeling of pile fabrics. We appreciate your bringing this issue to our attention.

As I am sure you are aware, this staff opinion in no way limits or changes any of the provisions of the Consent Decree, entered June 6, 1997, in the matter of United States of America v. WestPoint Stevens, Inc., Civ. No. 97-4085, U.S.D.C., Central District of California.

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 that 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 has been helpful. If you have any questions, do not hesitate to write to me or call me at 202-326-3161.

Very truly yours,

Mary K. Engle

Mary K. Engle
Assistant Director

Attachment