<sup>&</sup>lt;sup>1</sup>The Commission issues industry guides to help the industry conduct its affairs in conformity with legal requirements. 16 CFR part 17. Industry guides are administrative interpretations of the law; they do not have the force of law and are not independently enforceable. Failure to follow industry guides may result, however, in

several jewelry industry trade groups in 1986 and 2006, the Commission considered proposals to amend the Guides to state that it is deceptive or unfair to describe such products as "cultured." After reviewing the record, the Commission determined there was insufficient evidence to conclude that using "cultured" in reference to laboratory-created diamonds or other laboratory-created gemstones would be either deceptive or unfair if marketers reasonably and effectively qualified the term as suggested in Section 23.23.9 The Commission now seeks additional evidence on this issue.

Third, the Commission seeks comments regarding several issues relating to pearls. Specifically, the Commission seeks comments on whether it should amend the Guides to address disclosures concerning freshwater pearls. Comments submitted in the 1996 review suggested that use of the term "cultured" in reference to freshwater pearls would create confusion because consumers tended to associate the term "cultured pearls" with pearls that were round, and freshwater pearls were often irregularlyshaped and smaller than other cultured pearls. Since then, developments in the culturing process have effected changes in the shape, size, quality, and color of the resulting product, such that freshwater cultured pearls may, in many respects, resemble saltwater cultured pearls in appearance. The Commission thus seeks comments on whether it should amend the Guides to recommend any specific disclosures relating to freshwater pearls. In addition, the Commission seeks comments on whether the Guides should advise the disclosure of treatments to pearl products, such as dyeing techniques that artificially color the final product.

Fourth, the Commission seeks comments on whether the Guides should provide particular guidance on how to describe non-deceptively the content of alloys and alloy products that contain precious metals in amounts that fall below the minimum thresholds reflected in the current Guides. Specifically, Section 23.4 provides that it may be misleading to use the word gold or any abbreviation, or a quality mark implying gold content, to describe all or part of an industry product that is composed throughout of an alloy of gold that is less than 10 karats. Similarly, Section 23.6 provides that it is unfair or deceptive to mark, describe, or

otherwise represent all or part of an industry product as silver unless it is at least 925/1,000ths pure silver, and Section 23.7 reflects a minimum of at least 500 parts per thousand pure platinum for use of the word platinum or related abbreviation to describe all or part of an industry product. The Commission seeks comments on whether it should amend the Guides to provide guidance on how to describe non-deceptively the content of alloys and alloy products that contain less than 10 karats of gold, less than 925/ 1,000ths silver, or less than 500 parts per thousand platinum.

## **IV. Request for Comments**

The Commission solicits comments on the following specific questions related to the Jewelry Guides:

(1) Is there a continuing need for the Guides as currently promulgated? Why or why not?

(2) What benefits have the Guides provided to, or what significant costs have the Guides imposed on, consumers? Provide any evidence supporting your position.

(3) What modifications, if any, should the Commission make to the Guides to increase their benefits or reduce their costs to consumers?

(a) How would these modifications affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses?

(b) on,

have the Guides imposed on,

<sup>9</sup> cm FTC letter of July 21, 2008 declining to amend the Guides with respect to use of the term "cultured," available at :// / /2008/ 07/ \$711001 m cm

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for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually-identifiable health information. In addition, do not include any "trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential," as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).<sup>10</sup> Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. Accordingly, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at :// to to to by following the 140 40 instructions on the web-based form. If this Notice appears at :// , you also may file a comment through that Web site. If you file your comment on paper,

If you file your comment on paper, write "Jewelry Guides, 16 CFR Part 23, Project No. G711001" on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex O), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at :// . . to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 27, 2012. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy at

:// . . / / . . By direction of the Commission.

Donald S. Clark,

## 40 40 .

[FR Doc. 2012–16119 Filed 6–29–12; 8:45 am] BILLING CODE 6750–01–P

## ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51, 52, 53, and 58

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<sup>&</sup>lt;sup>10</sup> In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. are FTC Rule 4.9(c), 16 CFR 4.9(c).