

Prismatic Binoculars. The Commission has reviewed the rulemaking record and determined that due to changes in technology, the Rule no longer serves the public interest and should be repealed. This notice contains a Statement of Basis and Purposes for repeal of the Rule.

EFFECTIVE DATE: December 20, 1995.

ADDRESSES: Requests for copies of the Statement of Basis and Purpose should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Phillip Priesman, Attorney, Federal Trade Commission, Bureau of Consumer Protection, Division of Advertising Practices, Washington, DC 20580, telephone number (202) 326-2484.

SUPPLEMENTARY INFORMATION:

Statement of Basis and Purpose

I. Background

The Trade Regulation Rule concerning Deception as to Non-Prismatic and Partially Prismatic Instruments Being Prismatic Binoculars (Binocular Rule), 16 CFR Part 402, was promulgated in 1964 (29 FR 7316). The Rule requires a clear and conspicuous disclosure on any advertising or packaging for non-prismatic or partially prismatic binoculars that the instruments are not fully prismatic. Fully prismatic binoculars rely on a prism within the instrument to reverse the visual image entering the lens so that it appears right-side up to the user. Other binoculars rely partially or entirely on mirrors to reverse the visual image. When the rule was promulgated, the Commission was concerned that consumers could be misled into believing that non-prismatic binoculars were in fact prismatic, absent such a disclosure.

To prevent consumer deception, the rule proscribed the use of the term "binocular" to describe anything other than a fully prismatic instrument, unless the term was modified to indicate the true nature of the item. Under the Rule, non-prismatic instruments could be identified as binoculars only if they incorporated a descriptive term such as "binocular-nonprismatic," "binocular-mirror prismatic," or "binocular-nonprismatic mirror."

On May 23, 1995, the Commission published an Advance Notice of Proposed Rulemaking (ANPR) seeking comment on proposed repeal of the Binocular Rule (60 FR 27241). In accordance with Section 18 of the

Federal Trade Commission (FTC) Act, 15 U.S.C. 57a, the ANPR was sent to the Chairman of the Committee on Commerce, Science and Transportation, United States Senate, and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives. The comment period closed on June 22, 1995. The Commission received one comment suggesting that there may be a continuing need for the Rule because field glasses and opera glasses, both of which are non-prismatic, are still advertised and sold today. The comment acknowledged, however, that present-day binoculars are fully prismatic, while the non-prismatic instruments are identified as either field glasses or opera glasses rather than binoculars.

On September 18, 1995, the Commission published a Notice of Proposed Rulemaking (NPR) initiating a proceeding to consider whether the Binocular Rule should be repealed or remain in effect (60 FR 48065).¹ This rulemaking proceeding was undertaken as part of the Commission's ongoing program of evaluating trade regulation rules and industry guides to ascertain their effectiveness, impact, cost and need. This proceeding also responded to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations. In the NPR, the Commission announced its determination, pursuant to 16 CFR 1.20, to use expedited procedures in this proceeding.² The comment period closed on October 18, 1995. The Commission received no comments and no requests to hold an informal hearing.

II. Basis for Repeal of Rule

Since the Rule was promulgated, technological advances have reduced the cost of prisms to the point that almost all binoculars sold today are fully prismatic. Those that are not fully prismatic are marketed and sold as field glasses or opera glasses rather than binoculars. Thus, there does not appear to be any continuing need for the Rule.

¹ In accordance with Section 18 of the FTC Act, 15 U.S.C. 57a, the Commission submitted the NPR to the Chairman of the Committee on Commerce, Science and Transportation, United States Senate, and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives, 30 days prior to its publication.

² These procedures included: publishing a Notice of Proposed Rulemaking; soliciting written comments on the Commission's proposal to repeal the Rule; holding an informal hearing, if requested by interested parties; receiving a final recommendation from Commission staff; and announcing final Commission action in the Federal Register.

Repeal of the Rule will also further the objective of reducing obsolete government regulation.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601-11, requires an analysis of the anticipated impact of the repeal of the Rule on small businesses. The reasons for repeal of the Rule have been explained in this Notice. Repeal of the Rule would appear to have little or no effect on small businesses. Moreover, the Commission is not aware of any existing federal laws or regulations that would conflict with repeal of the Rule. For these reasons, the Commission certifies, pursuant to Section 605 of the RFA, 5 U.S.C. 605, that this action will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The Binocular Rule does not impose "information collection requirements" under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. Although the Rule contains disclosure requirements, these disclosures are not covered under the Act because the disclosure language is mandatory and provided by the government. Repeal of the Rule, however, would eliminate any burdens on the public imposed by these disclosure requirements.

List of Subjects in 16 CFR Part 402

Binoculars, Trade practices.

PART 402—[REMOVED]

The Commission, under authority of Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a, amends chapter I of title 16 of the Code of Federal Regulations by removing Part 402.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95-31014 Filed 12-19-95; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 404

Trade Regulation Rule Concerning Deceptive Advertising and Labeling as to Size of Tablecloths and Related Products

AGENCY: Federal Trade Commission.

ACTION: Repeal of rule.

SUMMARY: The Federal Trade Commission announces the repeal of the Trade Regulation Rule concerning Deceptive Advertising and Labeling as to Size of Tablecloths and Related

Products. The Commission has reviewed the rulemaking record and determined that due to changes in industry practices and state laws, the Rule no longer serves the public interest and should be repealed. This notice contains a Statement of Basis and Purpose for repeal of the Rule.

EFFECTIVE DATE: December 20, 1995.

ADDRESSES: Requests for copies of the Statement of Basis and Purpose should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th Street & Pennsylvania Avenue N.W., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Janice Podoll Frankle, Esq., (202) 326-3022, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Statement of Basis and Purpose

I. Background

The Trade Regulation Rule concerning Deceptive Advertising and Labeling as to Size of Tablecloths and Related Products (Tablecloth Rule), 16 CFR Part 404, was promulgated in 1964 (29 FR 11261). The Tablecloth Rule declares that in connection with the sale or offering for sale of tablecloths and related products, such as doilies, table mats, dresser scarves, place mats, table runners, napkins and tea sets, any representation of the cut size (that is, the dimensions of unfinished materials used in the construction of such products) constitutes an unfair method of competition and an unfair and deceptive act or practice unless.

(a) "Such 'cut size' dimensions are accompanied by the words 'cut-size'"; and

(b) "The 'cut size' is accompanied by a clear and conspicuous disclosure of the dimensions of the finished products and by an explanation that such dimensions constitute the finished size."

On May 23, 1995, the Commission published an Advance Notice of Proposed Rulemaking (ANPR) seeking comment on proposed repeal of the Tablecloth Rule (60 FR 27242). In accordance with section 18 of the Federal Trade Commission (FTC) Act, 15 U.S.C. 57a, the ANPR was sent to the Chairman of the Committee on Commerce, Science and Transportation, United States Senate, and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives. The comment period closed on June 22, 1995. The Commission received no comments.

On September 18, 1995, the Commission published a Notice of Proposed Rulemaking (NPR) initiating a proceeding to consider whether the Tablecloth Rule should be repealed or remain in effect (60 FR 48067).¹ This rulemaking proceeding was undertaken as part of the Commission's ongoing program of evaluating trade regulation rules and industry guides to ascertain their effectiveness, impact, cost and need. This proceeding also responded to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations. In the NPR, the Commission announced its determination, pursuant to 16 CFR 1.20, to sue expedited procedures in this proceeding.² The comment period closed on October 18, 1995. The Commission received no comments and no requests to hold an informal hearing.

II. Basis for Repeal of Rule

The Commission periodically reviews its rules and guides, seeking information about their costs and benefits and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. On April 19, 1993, the Commission published in the Federal Register a request for public comments on the Tablecloth Rule, 58 FR 21124. The Commission asked commenters to address the costs and benefits of the Rule, the burdens it imposes, and the basis for assessing whether it should be retained or amended.

The Commission received only one comment specifically addressing this Rule along with a general comment referring to several rules under review. The comment specific to this Rule was submitted by a trade group representing the textile rental, linen supply, uniform rental, dust control and commercial laundry services industries. In its one-page comment letter, the association stated there is a continuing need for this Rule. The commenter asserted that the Rule does not impose any additional costs or burdens on entities subject to

¹ In accordance with section 18 of the FTC Act, 15 U.S.C. 57a, the Commission submitted the NPR to the Chairman of the Committee on Commerce, Science and Transportation, United States Senate, and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives, 30 days prior to its publication.

² These procedures included; publishing a Notice of Proposed Rulemaking; soliciting written comments on the Commission's proposal to repeal the Rule; holding an informal hearing, if requested by interested parties; receiving a final recommendation from Commission staff; and announcing final Commission action in the Federal Register.

the Rule and that the rule raises the level of professionalism in the industry.

In addition, one general comment, applicable to several rules being reviewed, was received from an advertising agency association. This organization recommended rescission of the Tablecloth Rule because the general prohibitions covering false and deceptive advertising apply to the industry. Thus, the commenter concluded that the Rule creates unnecessary administrative costs for the government, industry members or consumers.

Prior to the 1993 request for comments, Commission staff conducted an informal review of industry practices by examining the marking of dimensions on tablecloths and other items subject to the Rule available for retail sale at several national chain stores. This informal review revealed no instances of Rule violations. In fact, it appeared from the limited review that industry products were marked with only the finished size. Additionally, the Commission has no record of receiving any complaints regarding non-compliance with the Rule, or of initiating any law enforcement actions alleging violations of the Rule's requirements. Finally, the National Conference on Weight and Measures' Uniform Packaging and Labeling Regulation, which has been adopted by 47 states, regulates the labeling of tablecloths, and provides that these items must be labeled with their finished size.

Because the practices that brought about the Tablecloth Rule are no longer common industry practices and are otherwise addressed by state law, the Rule is no longer necessary and should be repealed.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601-11, requires an analysis of the anticipated impact of the repeal of the Rule on small businesses. The reasons for repeal of the Rule have been explained in this Notice. Repeal of the Rule would appear to have little or no effect on small businesses. Moreover, the Commission is not aware of any existing federal laws or regulations that would conflict with repeal of the Rule. For these reasons, the Commission certifies, pursuant to Section 605 of the RFA, 5 U.S.C. 605, that this action will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The Tablecloth Rule imposes third-party disclosure requirements that

constitute "information collection requirements" under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Accordingly, repeal of the Rule would eliminate any burdens on the public imposed by these disclosure requirements.

List of Subjects in 16 CFR Part 404

Advertising, Tablecloths and related products, Trade practices.

PART 404—[REMOVED]

The Commission, under authority of Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a, amends chapter I of title 16 of the Code of Federal Regulations by removing Part 404.

By direction of the Commission.
Donald S. Clark,
Secretary.

[FR Doc. 95-31012 Filed 12-19-95; 8:45 am]

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16 CFR Part 413

Trade Regulation Rule Concerning the Failure to Disclose That Skin Irritation May Result from Washing or Handling Glass Fiber Curtains and Draperies and Glass Fiber Curtain and Drapery Fabrics

AGENCY: Federal Trade Commission.

ACTION: Repeal of rule.

SUMMARY: The Federal Trade Commission announces the repeal of the Trade Regulation Rule concerning the Failure to Disclose that Skin Irritation May Result from Washing or Handling Glass Fiber Curtains and Draperies and Glass Fiber Curtain and Drapery Fabrics. The Commission has received the rulemaking record and determined that due to changes in technology, the Rule no longer serves the public interest and should be repealed. This notice contains a Statement of Basis and Purpose for repeal of the Rule.

EFFECTIVE DATE: December 20, 1995.

ADDRESSES: Requests for copies of the Statement of Basis and Purpose should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th Street & Pennsylvania Avenue N.W., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Edwin Rodriguez or Janice Podoll Frankle, Attorneys, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, (202) 326-3147 or (202) 326-3022.

SUPPLEMENTARY INFORMATION:

Statement of Basis and Purpose

I. Background

The Trade Regulation Rule concerning the Failure to Disclose that Skin Irritation May Result from Washing or Handling Glass Fiber Curtains and Draperies and Glass Fiber Curtain and Drapery Fabrics (Fiberglass Curtain Rule), 16 CFR Part 413, was promulgated in 1967 (32 FR 11023). The Fiberglass Curtain Rule requires marketers of fiberglass curtains or draperies and fiberglass curtain or drapery cloth to disclose that skin irritation may result from handling fiberglass curtains or curtain cloth and from contact with clothing or other articles that have been washed (1) with such glass fiber products, or (2) in a container previously used for washing such glass fiber products unless the glass particles have been removed from the container by cleaning.

On May 23, 1995, the Commission published an Advance Notice of Proposed Rulemaking (ANPR) seeking comment on proposed repeal of the Fiberglass Curtain Rule (60 FR 27243). In accordance with Section 18 of the Federal Trade Commission (FTC) Act, 15 U.S.C. 57a, the ANPR was sent to the Chairman of the Committee on Commerce, Science, and Transportation, United States Senate, and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives. The comment period closed on June 22, 1995. The Commission received no comments.

On September 18, 1995, the Commission published a Notice of Proposed Rulemaking (NPR) initiating a proceeding to consider whether the Fiberglass Curtain Rule should be repealed or remain in effect (60 FR 48071).¹ This rulemaking proceeding was undertaken as part of the Commission's ongoing program of evaluating trade regulation rules and industry guides to ascertain their effectiveness, impact, cost and need. This proceeding also responded to President Clinton's National Regulatory Reinvention Initiative, which, among other things, urges agencies to eliminate obsolete or unnecessary regulations. In the NPR, the Commission announced its determination, pursuant to 16 CFR 1.20,

¹ In accordance with Section 18 of the FTC Act, 15 U.S.C. 57a, the Commission submitted the NPR to the Chairman of the Committee on Commerce, Science and Transportation, United States Senate, and the Chairman of the Subcommittee on Commerce, Trade and Hazardous Materials, United States House of Representatives, 30 days prior to its publication.

to use expedited procedures in this proceeding.² The comment period closed on October 18, 1995. The Commission received no comments and no requests to hold an informal hearing.

II. Basis for Repeal of Rule

The Statement of Basis and Purpose for the Fiberglass Curtain Rule stated that consumers had experienced skin irritation after washing or handling glass fiber curtains and draperies and glass fiber curtain and drapery fabrics. Consequently, the Commission concluded that it was in the public interest to caution consumers that skin irritation could result from the direct handling of fiberglass curtains, draperies, and yard goods, and from body contact with clothing or other articles that had been washed with fiberglass products or in a container previously used to wash fiberglass products and not cleaned of all glass particles.

As part of its continuing review of its trade regulation rules to determine their current effectiveness and impact, the Commission recently obtained information bearing on the need for this Rule. Based on this review, the Commission has determined that fiberglass curtains and draperies and fiberglass curtain or drapery fabric no longer present a substantial threat of skin irritation to the consumer. Fiberglass was used in curtains primarily because of its fire retardant characteristic. Technological developments in fire retardant fabrics have caused fiberglass fabric to be displaced by polyester and modacrylics in the curtain and drapery industry.³ Fiberglass fabrics are now used almost exclusively for very specialized industrial uses.⁴ Because the products are no longer sold for consumer use, the Fiberglass Curtain Rule has become obsolete and should be repealed.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601-11 requires an analysis of the anticipated impact of the repeal of the Rule on businesses. The reasons for repeal of the Rule have been explained in this Notice. Repeal of the Rule would appear to have little or no effect on small businesses. Moreover, the

² These procedures included: publishing a Notice of Proposed Rulemaking; soliciting written comments on the Commission's proposal to repeal the Rule; holding an informal hearing, if requested by interested parties; receiving a final recommendation from Commission staff; and announcing final Commission action in the Federal Register.

³ See Rulemaking Record, Category B, Staff Submissions.

⁴ Id.