

FTC Care Labeling Rule Roundtable
March 28, 2014
Segment 4
Transcript

AMANDA KOSTNER: I'm Amanda Kostner with the Federal Trade Commission. Robert Frisby will also be assisting with this panel. And this is the discussion on care symbols. We have six issues on the agenda today. We plan to roughly allocate about 10 minutes per issue, and leaving Q&A time at the end.

I'd like to introduce our roundtable participants. We have Marie D'Avignon with American Apparel and Footwear, Richard Fitzpatrick with Chrysler Inc, Adam Mansell with the UK Fashion and Textile Association, Charles Riggs from Texas Woman's University, Mary Scalco with the Dry Cleaning and Laundry Institute, Peters Sinsheimer from UCLA Sustainable Technology and Policy Program, Stacy Sopcich from Green Earth Cleaning, and Alan Spielvogel from the National Cleaners Association. Thank you all for participating.

Our first topic of discussion today regards the differences between the ASTM and ISO symbols. As you know, the prior rule allowed only use of ASTM. The Commission now proposes to use both ASTM and ISO care systems. The Commission seeks input on whether consumers will be deceived or confused by some of the differences between these two care systems. And we've identified a number of different differences.

The first is the maximum treatment. Under ISO, a care symbol designates the maximum treatment that can be applied to a textile. This is in contrast to the ASTM system where a care symbol does not necessarily indicate the maximum treatment, and I'd like to hear any input on what impact this has on consumers and/or impact on manufacturers.

ADAM MANSELL: On the particular issue of the maximum optimum treatment, that's an issue for the manufacture retailer, the person who's putting the garment on the market. What happens, they'll have n

overseas that simply have ISO labels already in them. They still need to be serviced. The cleaner needs to be able to process them in their best possible way with some reasonable guideline. I think Alan mentioned there's no standards in the industry in terms of what's maximum and what's minimum, and it can vary from facility to facility.

So I think that having both sets, or allowing both sets, would allow garment manufacturers in Europe to be able to sell in the United States without having to manage two different types of care labels. It'll allow the cleaning providers some reliability in terms of how they can process the work. In terms of the underlabeling or maximum, things like that, I don't think it's going to come into so much play with the care of the garment because the dry cleaner's going to process it with whatever standard formulas they have in their machines.

AMANDA KOSTNER: All right.

CHARLES RIGGS: I don't think it's as much an issue with the professional cleaners as it would be the consumer. You know, the consumer gets something that says hand wash, cold water. The professional might recognize it as a low label, but the consumer thinks that's what they have to do with it.

RICHARD FITZPATRICK: Consumers are always going to be confused over these labels. I mean, I don't think we can correct

CHARLES RIGGS: But I think our intent here

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current standard. So I would be using the current standard. I would not be going back to 2005. I would be doing whatever the 2012 was. So that would be the first problem for a manufacturer.

Consumers, again-- I go back. They don't understand what they mean anyway, so I mean, ring you can pretty much figure out. It looks like ring. But the box with the lines on it-- I'm not sure anybody's going to understand what that means anyway.

CHARLES RIGGS: And-- excuse me. Mary, I think the new ISO natural dry symbols are quite different than the 2005 ones. 2005 is more in a line with ASTM, and this has always been an issue if you adopt ASTM or ISO or both because FTC wants to keep control of changes in the symbols. And so if you adopt an organization's symbols, and they're going to change them, and then FTC loses control of the process. So that's part of the issue.

MARIE D'AVIGNON: I'd agree with Mary, very much so, the fact that we're looking at the 2005 and not the most recent standard is a big problem. But for manufacturers in today's supply chain, they're not making products for just one market. Very, very rarely does that happen, so being able to use both sets of standards or some kind of harmonization of the standards, whatever we decide might be best, would benefit manufacturers immensely.

ADAM MANSELL: I totally support that comment. Just coming back to the consumer comprehension of the symbols, I said it earlier, if we're talking about the consumers, there's really only three, possibly four of the symbols that make any difference to them at all. One is the washtub, and absolutely everybody knows what the washtub means. Certainly within Europe, and I'm sure it's the same in the States. The iron symbol is the only one that actually looks like anything that you're going to do, so everyone understands what the iron symbol is.

The dry cleaning, professional cleaning, we talked about this morning, and then the tumble dry one. The bleaching one-- frankly, I don't think anybody understand what the bleaching symbol is, and they're never going to because it's not a very intuitive process. So I don't think there would be a particular issue with consumer comprehension in terms of the washing, the ironing, and the professional care symbols. That's my personal vini-0 J T*kessehensl3-7(e)4(s)-1(GdI)T*kgnd tole sinin /Tae pryhg tpr e

AMANDA KOSTNER: No, I'm just asking-- the FTC has proposed the use of the ISO standard, so how do we harmonize? If you're using the ISO system, and you want to use a do-not construction, but ISO doesn't require the reasonable basis?

ADAM MANSELL: I think you've gone two steps ahead of where you need to be. If the FTC rule is that you need to prove reasonable basis, then that's the FTC rule. So it's up to the supplier to make sure that they have the Saint Andrew's Cross on it, that they have complied with the FTC rule.

Just because-- bear in mind that the ISO 3758 standard is just about the graphical symbols. That's all it's about. So if there is a requirement within the US that says you have to provide reasonable evidence, then you have to provide reasonable evidence. It makes no difference what it says in 3758. I don't see the two being contradictory in this instance at all.

AMANDA KOSTNER: Yes?

RICHARD FITZPATRICK: Well, if the rule is changed to allow both ISO and ASTM standards, then doesn't that automatically include the fact that, if it's an ISO labeled ISO, that they don't need to have reasonable.

ADAM MANSELL: No, because you're selling in to the State-- you're selling into the US, and the US requirement is you have to have reasonable proof. That bit doesn't change.

MARIE D'AVIGNON: I agree, actually, with Adam. I would think that the underlying symbol would be the thing that would be recognized in both places, but the rules as to whether or not the symbol can be cross out is completely separate from the symbol looks like.

need be, but I'm going to move on to the next topic at this point, and that is whether to require that labels identify the ISO system if used.

So right now, the Commission's proposal is that if you use the ASTM symbols, you do not have

that I'm explaining will still occur. So if you're selling into most of mainland Europe, you have to pay a license fee.

the old circle-P, which is just the circle with a P in it, meant that you could dry clean with any solvent except PERC.

CHARLES RIGGS: No. That's not what it meant.

RICHARD FITZPATRICK: Any solvent but trichlorethylene.

AMANDA KOSTNER: OK, any solvent except trichlorethylene.

CHARLES RIGGS: Which basically no longer exists as a solvent anyway.

So yes, I agree with you, Alan, that the drying temperatures and the heating of the solvent all play an influence. I'm not exactly certain how we would write a standard to take into account. I believe that the ISO standard for solvents requires the temperature of the solvent to be within a certain range.

CHARLES RIGGS: It does.

RICHARD FITZPATRICK: And so I guess we could mandate the same kind of standard if that doesn't currently

ALAN SPIELVOGEL: Exist-- Well, I'd like to see something where it says like a shortened cycle or reduced cycle or mild cycle to also include something as far as heating goes, whether you can or can't.

RICHARD FITZPATRICK: I'd agree with that.

ALAN SPIELVOGEL: Industry, as far as what I'm seeing, we have a lot of multi colored garments, and the majority of the problems have to do with solvent temperature and drying temperatures. And it's just what I've been saying. Mary, do you see that with DNO?

MARY SCALCO: Mm-hmm.

ALAN SPIELVOGEL: Yeah. Six.

MARY SCALCO: But again, I think we need to address that at the ASTM/AATCC level and get the test method changed. I don't know that the change you're proposing-- I guess, here's what my point is. If what Alan brings up, and what we were just discussing, we go and have that changed at the ASTM and ISO level, and they change that standard, and they do that in 2013 so it reflects what happens in the industry, you're care labeling symbol requirement is now null and void. It's behind the times. See what I mean?

Unless

MARY SCALCO: --and it refers back to a standard that is no longer typical of what's happening in the industry, or if it's a wet cleaning symbol, and it is no longer reflective of what the wet cleaning is that's happening in the industry, I don't see how that's beneficial to the consumer.

AMANDA KOSTNER: Moving back to what brought us to this discussion, is the change in the circle-P symbol in ASTM, and kind of give me the bottom line. What is the impact on this change

specific solvent. They don't just say dry cleaning. They say dry cleaning in this solvent, you do this. Dry cleaning in this solvent, you do this.

If you don't have a test method, there's nothing for them to test to, so many times, you're developing the test method before you develop the symbol. So if they put that symbol, they have a basis for it. So that's why.

STACY SOPCICH: And we're also-- I mean, the AATCC is also going to be undertaking that necessary step to support the standard. If that passes, I mean, in order to have the science behind the standard.

CHARLES RIGGS: It was explained to me, I think. The history was the P actually stood for perchlorethylene or tetrachlorethylene, and that means that's the solvent you use, which as it turns out in the test method, is the most aggressive, and I think still the most aggressive. And if it withstands the most aggressive solvent, then it's safe for all others. The F, I was understood, was signifying flammability. So that's why.

MARY SCALCO: Two plus water.

RICHARD FITZPATRICK: Two plus water.

AMANDA KOSTNER: And, Stacy, did you want to add something?

STACY SOPCICH: I was going to say, our knowledge would say that it's gone down closer to 60 in terms of use of PERC. Even from a few years ago, it's dramatically declined. I think California's had a lot to do with that.

The larger cleaners are the anomaly in the industry. They're the ones that will have multiple processes for the most part. You've got one dry cleaning process and one wet cleaning process. Whether that's longer, you're a professional wet cleaning. That the reality of the industry.

AMANDA KOSTNER: OK, so we've heard testimony that both ISO and ASTM are looking at adding symbols for other solvents. I think that's what I heard. Is that correct?

ADAM MANSELL: Not symbols. Just test methods.

AMANDA KOSTNER: Test methods?

CHARLES RIGGS: And I don't see the symbols going beyond two, P and F.

STACY SOPCICH: What the ASTM is looking at doing in gen-- and also speak to this, is just keeping the symbols, but changing the definition. So with P, it would go back to what it was when there were three symbols, and there was an A for Any. When the solvents more aggressive than PERC left the market, they kind of collapsed the symbol system down to two, and so P then served the role of A. It still does, but they named PERC and petroleum because they were really, at the time, the only two viable commercially proven options. There are more now, so the definition of P would be any, which would get it back to, I think, a more useful definition.

AMANDA KOSTNER: So does the Commission need to do anything in addition to what ISO and ASTM are doing with alternative solvents? Is there any language or working that the Commission would need to consider in adding to the rule?

STACY SOPCICH: I see two things. One is I think it's worth discussing whether or not the Commission intentionally used the notion of in-use versus commercially available when it was naming its solvent examples because, for example, CO2 was named-- I don't know. Rich? Mary? How many CO2 cleaners are there left? I think--

RICHARD FITZPATRICK: It's about six.

STACY SOPCICH: Yeah, so--

MARY SCALCO: You're more generous than me. I'd have said two.

AMANDA KOSTNER: I think we're going to move on to our next question from the audience. Rebecca, you have someone back there?

AUDIENCE: Hi, I'm Carl. I'm a garment care professional. And as I understand the discussion about the symbols, if the P represents all solvents and the W represents non-aqueous solvents, then wouldn't requiring the two symbols on there cover your entire basis of professional cleaning? Thus there would not be any discrepancy in the process and deception to the consumer.

AMANDA KOSTNER: Panelists?

STACY SOPCICH: It seems like we're going back to writing the law. I mean, the law currently says one method, so--

AUDIENCE: Well, the P would represent one method, but if you had both, you wouldn't have any-- you would cover all your bases if you had the two symbols because you would cover both chemical solvents and water, if you had both symbols on there. In other words, [INAUDIBLE] with P would [INAUDIBLE].

ROBERT FRISBY: Well, the discrepancy we talked about earlier had to do with the home washing issue, not the professional care issue. I think that's right. Natural drying, the drying is not a professional care issue.

CHARLES RIGGS: If you were to require all five symbols, then you could do what you described, and I think it would be fair to all markets. But what was suggested earlier, which I object to, was requiring only one. I think you either require all five, or you leave it like it is, require them to put in a method.

AMANDA KOSTNER: Next question from the back, please?

AUDIENCE: [INAUDIBLE]. When they do catch up with the ever-changing safety requirements, what Consumer Product--

AMANDA KOSTNER: Can you speak up, please?

AUDIENCE: To catch up with the changing safety requirements, what Consumer Product Safety Commission, CPSC, for toys and some of the product is what they have in the rule is they have a set standard that they've agreed upon, and then what they've done is they say any time ASTM publishes new standard, they'll evaluate it. They have 90 days, and then if the Commission disagrees with the changes, they keep the old standard. If they agree with the changes, we work with the new standard. It becomes effective 90 or whatever days we decide upon. So something like that might be helpful if you put it in the rule, can give you the flexibility to evaluate the changes.

AMANDA KOSTNER: And that is something-- I'm not sure what our ability is. We would have to look into that. Front row here please?

AMANDA KOSTNER: So I have seven more minutes. How many questions are there in the room? All right, I see two hands.

AUDIENCE: Hi, I'm Jennifer Morgan, and I work for one of those big retailers, JC Penney. And we've tried various things over the years to try and educate our customers about care. We don't sell outside the United States, So we're limited to what we do here. We did try one brand specifically on our Intimates to just use the symbols, and our customers complained so much about it. They had no idea.

So when you talk about education, I think one of the things you need to look at is utilizing social media. As a retailer, every penny is huge, and putting a hang tag, putting a bigger label, putting everything, costs us, our customers, and our manufactures a lot of money. But what we're finding now, and we do a lot with the CPSC, is if we utilize our social media, our Facebook and that, we have a huge number of our customers that see that, and I think that would be a great way, going forward, to educate. It's the way of the future, is utilize the social media.

AMANDA KOSTNER: I saw another question over here.

AUDIENCE: Hi, I'm Peggy Gordon Armstrong from LL Bean, and I'm in support of the FTC allowing the ISO symbols to make it easier for us to sell in the US and also have the symbols for other countries that would accept those symbols. But if you were to allow either ASTM or ISO, then the FTC guidance on the maximum number of symbols allowed would be helpful just as a guidance document, is what my suggestion would be.

AMANDA KOSTNER: Does anyone who sells overseas have an issue with too many symbols on their garments?

AUDIENCE: [INAUDIBLE].

AMANDA KOSTNER: I don't know. For a consumer.

AUDIENCE: ISO you have [INAUDIBLE].

STACY SOPCICH: I guess a question I would have is my understanding was that the Commission was looking at adopting the symbols, but not the system or the standard. There's a big difference, in my mind, between those two, and I feel like we're talking on both sides of it. Are we talking about adapting the standard or the symbol?

ROBERT FRISBY: It's the symbols, but they have to be used in compliance with the rule. So reasonable basis would still be required for a Do Not, Do Not whatever, or a maximum.

STACY SOPCICH: It's a very simple proposition, really.

ADAM MANSELL: You're adopting the graphics, not the standard .

ROBERT FRISBY: That's right.

AMANDA KOSTNER: Any other questions?

AUDIENCE: [INAUDIBLE].

ROBERT FRISBY: No, the rule permits the use of ASTM symbols in lieu of written

Europe, care instructions is voluntary. Canada, care instructions is voluntary. So the reasonable basis requirement, it's a regulatory requirement in the US, so we would have to think of that, whether it makes more sense to adopt to the latest standards and not just refer to a particular year to that standard.

AMANDA KOSTNER: I think we have one minute. Does anyone have anything to say?

MARIE D'AVIGNON: I'll just add real quickly, as you mentioned the new changes to the fiber rules say that you can now use the updated ISO generic names. If someone puts on their label a Elastane instead of Spandex, which is the ISO name, you don't have to say this is the ISO name Elastane. You just say Elastane, and you expect that people in the United States either will understand it or not really care enough to have to specif0o

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