FDRA
FOOTWEAR DISTRIBUTORS AND RETAILERS OF AMERICA

September 21, 2020

Hampton Newsome
Attorney, Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue Northwest
Washington, DC 20580

Re: Care Labeling Rule, 16 CFR part 423, Project No. R511915

Dear Mr. Newsome:

On behalf of the Footwear Distributors & Retailers of America (FDRA), we appreciate the opportunity to comment on the proposal to repeal the Care Labeling Rule (Rule) for textile wearing apparel and certain piece goods.

FDRA is the footwear industry's trade and business association, representing more than 500 footwear companies and brands across the U.S. This includes the majority of U.S. footwear manufacturers and over 90 percent of the industry. FDRA has served the footwear industry for more than 75 years, and our members include a broad and diverse cross section of the companies that make and sell shoes, from small family-owned businesses to global brands that reach consumers around the world.

In addition to producing footwear, many of our members also design and sell apparel. These companies reach consumers in markets around the world and seek to incorporate the latest developments and technologies into their products. FDRA believes the current Care Labeling Rule, which has been in effect for nearly half a century, does not adequately address the needs of 21st century brands and consumers.

When a customer buys an apparel product, he or she relies on the instructions provided by the brand on how to best care for the product. Brands have many incentives for providing these care instructions apart from a federal mandate. This includes meeting customer expectations; preventing product damage; and ensuring the product life, its quality, the customer relationship, and brand's reputation. In fact, Canada and many nations in Europe do not require care labeling for apparel, but brands still provide care labels in those markets.

Meeting the needs of consumers is the core function of every apparel and footwear brand, and though well-intended, the Rule as currently written actually prevents brands from focusing entirely on consumer needs. It limits the ability of U.S. companies to innovate and move goods in international markets. At a minimum, the Federal Trade Commission (FTC) should amend the Rule to address new or improved cleaning technologies and other innovations and give businesses greater flexibility in these areas.

First, our member companies depend on the ability to move goods to markets around the world. Our members need to seamlessly move inventory, particularly during a time in which they face numerous challenges including COVID and economic uncertainty.

With varied labeling requirements around the world, the current Rule creates additional hurdles for U.S. businesses that have to manage multiple labeling systems when moving product. The FTC should allow products to be labeled with either the ISO or ASTM systems, so that companies do not have to relabel goods when moving inventory to a different market. This would help alleviate the additional costs and potential product quality issues that can result from relabeling goods. It is impractical for companies to have to identify on the labels the symbols as "ISO 3758:2012" or "ASTM D5489-07" because this does not benefit consumers. We also believe the year or version of the ASTM or ISO standards should not be specified in the Rule. This would allow immediate adoption of the latest version of the standards without the need to update the Rule when those standards are revised.

In addition, the Rule prohibits companies from including professional wetcleaning instructions, while some other jurisdictions require wetcleaning instructions in specific cases. Allowing, but not requiring, professional wetcleaning instructions in the U.S. when the situation merits would further help companies move inventory without requiring them to relabel products.

The second key area for improvement involves innovation. The Rule requires manufacturers and importers to *permanently* affix a care label that will remain throughout the useful life of the garment. This impedes the use of digital labeling, which could integrate smart-phone technology and QR codes to provide a more interactive consumer experience that includes easily accessible, complete and easy-to-correct instructions on how to care for the product. Digital labels can provide significantly more content than a regular label, and they do so in ways that customers commonly consume information, such as through video.

Some garment types and delicate material constructions are also not conducive to permanently affixed labels. While there is an exemption for reversible clothing without pockets and exemptions for other garment types can be requested in writing, a more flexible law will allow companies to choose an alternate method of providing care instructions that might better serve consumers, without risk or fear of penalty, in those cases where the product would be difficult to label or may be damaged by affixing a permanent physical label. The FTC should ensure the Rule facilitates alternative methods of supplying care instructions and allows the development of future technologies in this area, since these methods and technologies could improve and enhance the way customers interact with brands.

FDRA believes the FTC could help strengthen U.S. companies and consumers by facilitating innovation and product movement with these common-sense changes to the Care Labeling Rule. We look forward to working with the FTC on this important issue.

Sincerely,

Matt Priest
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Footwear Distributors and Retailers of America

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