



# RETAIL INDUSTRY LEADERS ASSOCIATION

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*Via regulations.gov (FTC-2020-0058)*

ATTN: Secretary April J. Tabor  
Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue NW  
Suite CC-5610 (Annex C)  
Washington, DC 20580

**Re: Care Labeling Rule, 16 CFR part 423, Project No. R511915, 85 Fed. Register 44485 (July 23, 2020),  
Docket ID: FTC-2020-0058**

Dear Secretary Tabor:

The Retail Industry Leaders Association (RILA) appreciates the opportunity to submit comments on the Federal Trade Commission's (FTC or Commission) proposal to repeal its trade regulation rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods as Amended (hereinafter "Care Labeling Rule" and "Proposed Repeal").

By way of background, RILA's members include the largest and most innovative retailers. The retail industry employs over 42 million Americans and accounts for \$1.5 trillion in annual sales. RILA and its member companies strongly support the mission and goals of the FTC to protect consumers from unfair, deceptive and fraudulent claims and business practices in the marketplace. Customer service and satisfaction are paramount to RILA member companies. RILA members have robust compliance programs in place and work closely with trusted suppliers to ensure that all products that they sell meet or exceed all applicable U.S. standards and legal requirements, including care labeling.

The Commission's July 23, 2020 proposal would repeal its Care Labeling Rule to eliminate the federal mandate and standard requiring care instructions on apparel and certain piece goods. One of the key reasons cited by the Commission for its Proposed Repeal is that the current Care Labeling Rule has not kept pace with innovations in cleaning technologies, e.g., "wet cleaning." The Commission asserts repeal of the Care Labeling Rule will have no negative impact; claiming that absent a federal standard, the market will adequately self-regulate and market forces will incentivize manufacturers to include labels with appropriate and sufficient care disclosures.

RILA recognizes that the existing Care Labeling Rule may need updating to better accommodate new cleaning techniques, updates to standards, and other innovations. However, RILA disagrees that the appropriate solution to this issue is for the FTC to eliminate the Care Labeling Rule. Without a standard that sets minimum labeling requirements, RILA is concerned that adequate and consistent care instructions would not be present in all instances.

RILA opposes the Proposed Repeal for the following reasons:

- Eliminating a federal Care Labeling Rule would disadvantage consumers; and
- The lack of a federal Care Labeling Rule would impose additional resource burdens on retailers.

Rather than eliminate the Care Labeling Rule, the Commission should:

- Revise the current rule and/or provide guidance on care instructions that accommodate new cleaning technologies, standards revisions, and other innovations.

These concerns and recommendations are discussed in further detail below.

### **I. Eliminating of a Federal Care Labeling Rule Would Disadvantage U.S. Consumers**

While there are ways that the Care Labeling Rule can be improved, it does provide a consistent set of minimum required care instructions that consumers rely on. In the absence of a federal rule, RILA is concerned that care labels will be inconsistent, fall short of adequate care instructions, or be entirely absent—all to the detriment of U.S. customers.

Customers rely care labels throughout the life of the garment. Even before an article is purchased and taken home, customers use the information in care labels to make informed purchasing decisions aligned with their lifestyles and budgets. For example, some consumers may limit or avoid purchasing certain apparel items that require professional cleaning given the added cost of garment maintenance. Other customers may choose not to purchase items that require handwashing or line drying, instead preferring the ease of machine washing and drying.

After purchase, RILA members' customers rely on apparel care instructions to appropriately care for garments. Care instructions are critical to adequate cleaning and preserving the life of a garment. Improper care can potentially ruin an article of clothing rendering it unusable. In some instances, improper care of one item can damage an entire load of a laundry (e.g., cause a color bleed that discolors other items in the same wash load). Improper care can also affect the overall longevity of a garment, which translates to increased cost to consumers to replace clothing items on a more frequent basis.

### **II. Repealing a Federal Care Labeling Rule Would Impose Additional Resource Burdens on Retailers**

As consumers rely on consistent care labeling, so too do retailers. RILA members rely on care labels in making decisions on what merchandise to purchase and offer for sale to consumers, in performing quality



control testing on apparel products and to provide care instruction to customers. If the Care Labeling Rule is eliminated, retailers will bear the responsibility of industry oversight to ensure adequate and accurate care instruction appears on apparel labels.

Retailers merchandise teams rely on labeling when making decisions on items that will eventually be sold in retail stores. For example, it is important for a retail buyer for children's active wear (which will require frequent cleaning) to know whether the item can be put in a washer or requires professional cleaning.

Additionally, current product quality control testing protocols are aligned with care labeling requirements. Testing techniques such as crocking and fiber analysis all aid in verifying the accuracy and adequacy of a care label. Without a federal rule, labels may be inaccurate or insufficient and disconnected from current accepted and reliable test methods. This could lead to confusion and inappropriate or unnecessary testing, all of which will cost retailers additional time and resources.

As described above, a standard set of consistent care instructions is needed to adequately inform customers on how to properly care for apparel items. A care labeling rule provides retailers with a structure they need to protect and serve their customers' needs. Improper care that degrades or destroys a garment could also lead customers to seek refunds or replacement items from retailers. It is not uncommon for customers to return apparel items damaged or shrunk from improper care to a retailer. Without a labeling requirement, more instances of damage from improper care are likely resulting in increased returns and overall customer dissatisfaction with a retail brand.

To protect their brands, many leading retailers will still require that goods they sell include care labels to ensure customers are given appropriate care instructions. However, without an enforceable federal rule, retailers will be required to increase oversight to ensure that goods received from their suppliers and vendors are appropriately care labeled. This will undoubtedly impose additional resource burdens on retailers.

### **III. Revision of the Care Labeling Rule and/or Additional Guidance will Accommodate New Technologies and Innovation**

It is common for agencies to revisit and update outdated standards and rules that have not kept pace with innovation. Rather than eliminate the Care Labeling Rule, the Commission instead should revise the current Rule or provide guidance to the industry on how and where to provide additional care instructions, including new cleaning techniques and other innovation.

The Care Labeling Rule is intended to set the "floor" of what is required and provide a consistent core set of care instructions. The Commission should make clear that nothing in the Care Labeling Rule prevents manufacturers from including additional labeling or instructions beyond the minimum the rule requires as long as that information is not misleading (e.g., flexibility to include "wet cleaning" or other innovative techniques where appropriate).



RILA recommends that the Commission consider the following specific updates as part of a rule revision and/or guidance:

- 1) Allow products to be labeled with either the ISO or ASTM systems to support more seamless movement of goods around the world. This will mitigate the additional costs and potential product quality issues that result when care and content labels must be replaced to satisfy varying requirements throughout the globe.
- 2) Maintain flexibility to changes and updates to ASTM and/or ISO standards by specifying that the latest version of a standard is acceptable. In this way, the rule will not require updating as those standards change and evolve.

By working with impacted industries and stakeholders, the Commission could devise guidance or rule updates that will ensure consumer education on care, account for new advancements in technology and manufacturing, and a set of industry best practices in labeling.

### **Closing**

RILA appreciates the opportunity to provide these comments to the FTC on its Proposed Repeal of the Care Labeling Rule. RILA and its members look forward to further engagement with the Commission during its rulemaking process, and its many efforts that serve to protect consumers.

If you have any questions or need any additional information, please contact me at [susan.kirsch@rila.org](mailto:susan.kirsch@rila.org) or (202) 866-7477.

Sincerely,

Susan Kirsch  
Director, Regulatory Affairs and Compliance

