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**TO CLIENTS AND FRIENDS:**

**RE: New Law Expands Mislabeling Parameters Under Wool Products Labeling Act**

On December 20, 2006 President Bush signed into law *The Wool Suit Fabric Labeling Fairness and International Standards Conforming Act*, as Public Law 109-428, which amended the *Wool Products Labeling Act of 1939* to revise the requirements for labeling of certain wool and cashmere products.<sup>1</sup>

Under this legislation, effective January 1, 2007, the scope of misbranding, regarding descriptions of fibers as “cashmere “ and wool quality claims, has been expanded. As regards making “cashmere” claims, the fibers must be the fine (dehaired) undercoat fibers produced by a cashmere goat, the average diameter of the fibers must not exceed 19 microns, and the product cannot contain more than 3 percent by weight of cashmere fibers with average diameters that exceed 30 microns. The law permits a 24 percent coefficient of variation for the fiber measurement.

In conformity to the *Fabric Labelling Code of Practice*, adopted by the International Wool Textile Organization (“IWTO”), the legislation requires that wool fabric claims comply with a table matching a product’s maximum average fiber diameter (“Mean Fibre Diameter”) to particular quality claims involving the use of the descriptions “Super X” (for fabrics of pure new wool) and “X” (for fabrics with at least 45% pure new wool) in advertising. The ITWO test methods to be used to determine Mean Fibre Diameter values of “Super X” yarns are IWTO -8 (projection microscope method) or IWTO - 12 (laserscan method). For wool blend fabric descriptions, the word “Super” is not permitted. If the wool content is at least 45% of the fiber weight of the fabric, a claim that the fabric has a particular “X” value must comply with the law’s table of maximum fiber diameters, using the test method IWTO-8.

Violating labeling requirements under the *Wool Products Labeling Act* is considered an unfair method of competition and an unfair and deceptive act or practice. The Federal Trade Commission has an arsenal of remedies for violations, such as administrative orders, civil penalties, injunctions and other remedies, including consumer redress in a federal district court action. In addition, improperly labeled imported items can be held up by Customs and goods ordered redelivered after release may be subject to liquidated damages.

If you require additional detail concerning this change, or the ITWO’s *Fabric Labelling Code of Practice*, please contact us.

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**Note: The above comments are intended for general information only, and not as legal advice. Legal advice can only be offered after a review of a client’s specific facts and circumstances, which may affect the applicability of any general comments contained herein.**