

meaning of this subchapter or the rules and regulations hereunder, is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who shall manufacture or deliver for shipment or ship or sell or offer for sale in commerce, any such wool product which is misbranded within the meaning of this subchapter and the rules and regulations hereunder is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

This section shall not apply—

(a) To any common carrier or contract carrier in respect to a wool product shipped or delivered for shipment in commerce in the ordinary course of its business; or

(b) To any person manufacturing, delivering for shipment, shipping, selling, or offering for sale, for exportation from the United States to any foreign country a wool product branded in accordance with the specifications of the purchaser and in accordance with the laws of such country.

(Oct. 14, 1940, ch. 871, § 3, 54 Stat. 1129.)

§ 68b. Misbranded wool products

(a) False identification; affixation of label, etc., contents

A wool product shall be misbranded—

(1) If it is falsely or deceptively stamped, tagged, labeled, or otherwise identified.

(2) If a stamp, tag, label, or other means of identification, or substitute therefor under section 68c of this title, is not on or affixed to the wool product and does not show—

(A) the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) recycled wool; (3) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (4) the aggregate of all other fibers: *Provided*, That deviation of the fiber contents of the wool product from percentages stated on the stamp, tag, label, or other means of identification, shall not be misbranding under this section if the person charged with misbranding proves such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such stamp, tag, label, or other means of identification.

(B) the maximum percentage of the total weight of the wool product, of any non-fibrous loading, filling, or adulterating matter.

(C) the name of the manufacturer of the wool product and/or the name of one or more persons subject to section 68a of this title with respect to such wool product.

(D) the name of the country where processed or manufactured.

(3) In the case of a wool product containing a fiber other than wool, if the percentages by weight of the wool contents thereof are not shown in words and figures plainly legible.

(4) In the case of a wool product represented as wool, if the percentages by weight of the wool content thereof are not shown in words and figures plainly legible, or if the total fiber weight of such wool product is not 100 per centum wool exclusive of ornamentation not exceeding 5 per centum of such total fiber weight.

(5) In the case of a wool product stamped, tagged, labeled, or otherwise identified as—

(A) “Super 80’s” or “80’s”, if the average diameter of wool fiber of such wool product does not average 19.75 microns or finer;

(B) “Super 90’s” or “90’s”, if the average diameter of wool fiber of such wool product does not average 19.25 microns or finer;

(C) “Super 100’s” or “100’s”, if the average diameter of wool fiber of such wool product does not average 18.75 microns or finer;

(D) “Super 110’s” or “110’s”, if the average diameter of wool fiber of such wool product does not average 18.25 microns or finer;

(E) “Super 120’s” or “120’s”, if the average diameter of wool fiber of such wool product does not average 17.75 microns or finer;

(F) “Super 130’s” or “130’s”, if the average diameter of wool fiber of such wool product does not average 17.25 microns or finer;

(G) “Super 140’s” or “140’s”, if the average diameter of wool fiber of such wool product does not average 16.75 microns or finer;

(H) “Super 150’s” or “150’s”, if the average diameter of wool fiber of such wool product does not average 16.25 microns or finer;

(I) “Super 160’s” or “160’s”, if the average diameter of wool fiber of such wool product does not average 15.75 microns or finer;

(J) “Super 170’s” or “170’s”, if the average diameter of wool fiber of such wool product does not average 15.25 microns or finer;

(K) “Super 180’s” or “180’s”, if the average diameter of wool fiber of such wool product does not average 14.75 microns or finer;

(L) “Super 190’s” or “190’s”, if the average diameter of wool fiber of such wool product does not average 14.25 microns or finer;

(M) “Super 200’s” or “200’s”, if the average diameter of wool fiber of such wool product does not average 13.75 microns or finer;

(N) “Super 210’s” or “210’s”, if the average diameter of wool fiber of such wool product does not average 13.25 microns or finer;

(O) “Super 220’s” or “220’s”, if the average diameter of wool fiber of such wool product does not average 12.75 microns or finer;

(P) “Super 230’s” or “230’s”, if the average diameter of wool fiber of such wool product does not average 12.25 microns or finer;

(Q) “Super 240’s” or “240’s”, if the average diameter of wool fiber of such wool product does not average 11.75 microns or finer; and

(R) “Super 250’s” or “250’s”, if the average diameter of wool fiber of such wool product does not average 11.25 microns or finer.

In each such case, the average fiber diameter of such wool product may be subject to such standards or deviations as adopted by regulation by the Commission.

(6) In the case of a wool product stamped, tagged, labeled, or otherwise identified as cashmere, if—

(A) such wool product is not the fine (dehaired) undercoat fibers produced by a cashmere goat (*capra hircus laniger*);

(B) the average diameter of the fiber of such wool product exceeds 19 microns; or

(C) such wool product contains more than 3 percent (by weight) of cashmere fibers with average diameters that exceed 30 microns.

The average fiber diameter may be subject to a coefficient of variation around the mean that shall not exceed 24 percent.

(b) Additional information

In addition to information required in this section, the stamp, tag, label, or other means of identification, or substitute therefor under section 68c of this title, may contain other information not violating the provisions of this subchapter or the rules and regulations of the Commission.

(c) Substitute identification

If any person subject to section 68a of this title with respect to a wool product finds or has reasonable cause to believe its stamp, tag, label, or other means of identification, or substitute therefor under section 68c of this title, does not contain the information required by this subchapter, he may replace same with a substitute containing the information so required.

(d) Designations on linings, paddings, etc.

This section shall not be construed as requiring designation on garments or articles of apparel of fiber content of any linings, paddings, stiffening, trimmings, or facings, except those concerning which express or implied representations of fiber content are customarily made, nor as requiring designation of fiber content of products which have an insignificant or inconsequential textile content: *Provided*, That if any such article or product purports to contain or in any manner is represented as containing wool, this section shall be applicable thereto and the information required shall be separately set forth and segregated.

The Commission, after giving due notice and opportunity to be heard to interested persons, may determine and publicly announce the classes of such articles concerning which express or implied representations of fiber content are customarily made, and those products which have an insignificant or inconsequential textile content.

(e) False or deceptive advertising in mail order promotions

For the purposes of this subchapter, a wool product shall be considered to be falsely or deceptively advertised in any mail order promotional material which is used in the direct sale or direct offering for sale of such wool product, unless such wool product description states in a clear and conspicuous manner that such wool product is processed or manufactured in the United States of America, or imported, or both.

(f) Location of label, etc.

For purposes of this subchapter, any wool product shall be misbranded if a stamp, tag, label, or other identification conforming to the

requirements of this section is not on or affixed to the inside center of the neck midway between the shoulder seams or, if such product does not contain a neck, in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product or in the case of hosiery items, on the outer side of such product or package.

(Oct. 14, 1940, ch. 871, §4, 54 Stat. 1129; Pub. L. 96-242, §2, May 5, 1980, 94 Stat. 344; Pub. L. 98-417, title III, §§304, 305, Sept. 24, 1984, 98 Stat. 1604; Pub. L. 109-428, §2(a), Dec. 20, 2006, 120 Stat. 2913.)

AMENDMENTS

2006—Subsec. (a)(5), (6). Pub. L. 109-428 added pars. (5) and (6).

1984—Subsec. (a)(2)(D). Pub. L. 98-417, §304, added subpar. (D).

Subsecs. (e), (f). Pub. L. 98-417, §305, added subsecs. (e) and (f).

1980—Subsec. (a)(2)(A). Pub. L. 96-242 substituted “recycled wool” for “reprocessed wool” as cl. (2), struck out cl. (3) “reused wool”, and redesignated existing cls. (4) and (5) as (3) and (4), respectively.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-428, §2(b), Dec. 20, 2006, 120 Stat. 2915, provided that: “The amendments made by this section [amending this section] shall apply to wool products manufactured on or after January 1, 2007.”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-417, title III, §307, Sept. 24, 1984, 98 Stat. 1605, provided that: “The amendments made by this title [amending this section and sections 68c and 70b of this title] shall be effective ninety days after the date of enactment of this Act [Sept. 24, 1984].”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-242 effective with respect to wool products manufactured on or after the date sixty days after May 5, 1980, see section 3 of Pub. L. 96-242, set out as a note under section 68 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of Federal Trade Commission, with certain exceptions, to Chairman of such Commission, see Reorg. Plan No. 8 of 1950, §1, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1264, set out under section 41 of this title.

§ 68c. Stamp, tag, label, or other identification

(a) Affixing; retention until sale

Any person manufacturing for introduction, or first introducing into commerce a wool product shall affix thereto the stamp, tag, label, or other means of identification required by this subchapter, and the same, or substitutes therefor containing identical information with respect to content of the wool product or any other products contained therein in an amount of 5 per centum or more by weight and other information required under section 68b of this title, shall be and remain affixed to such wool product, whether it remains in its original state or is contained in garments or other articles made in whole or in part therefrom, until sold to the consumer: *Provided*, That the name of the manufacturer of the wool product need not appear on the substitute stamp, tag, or label if the name of the person who affixes the substitute appears thereon.