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# ❖ SPC&B Textile Report ❖

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A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

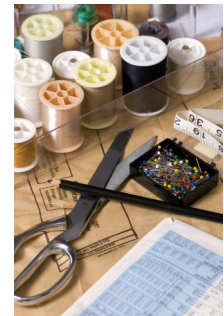
July 19, 2011

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## ***I. CPSC Issues Final Rule on Drawstrings as a Substantial Product Hazard***

***Products with non-compliant drawstrings are subject to instant recall and refusal of entry.***

## ***II. EC Adopts New Textile Labeling Regulation***



**I.** The Consumer Product Safety Commission (“CPSC”) issued a final rule today holding that, effective August 18, 2011, children’s upper outerwear sizes 2T to 12 with neck or hood drawstrings, and sizes 2T to 16 with waist or bottom drawstrings, not complying with drawstring standard ASTM F 1816-97 criteria, present “substantial product hazards.” Today’s rule is the codification of the CPSC’s June vote, noted in our Safety News update of June 29, 2011, and makes mandatory the previously “voluntary” drawstring standard.

The rule defines a drawstring as “a non-retractable cord, ribbon, or tape of any material,” with or without a channel, that pulls together parts of upper outerwear to provide for closure. As such, ties are included in the definition of drawstring.

The rule applies to the specified sizes or “size equivalents.” The rule specifies that garments in girls’ or boys’ size large are equivalent to size 12, garments size extra-large are equivalent to size 16. The CPSC cautions, however, that just because a garment is sized as being larger than an extra-large does not necessarily mean that the item is not equivalent to a size in the range of 2T to 16. For garments covering a range of sizes, if any size in the range is subject to the rule, then the garment must meet the requirement. (For example, a coat labeled as size 12-14 may not have a hood or neck drawstring, even though the requirement is only for garments up to size 12.) If adult upper outerwear is not marketed clearly for adults only and is made in a size equivalent to a garment sized 2T-16, then it will also be subject to the rule. Any product found to be in violation of the drawstring standard must be reported immediately to the CPSC. Manufacturers or importers who fail to report such a product to the CPSC are subject to civil and potentially even criminal penalties. The product may also be subject to corrective action, specifically a recall in which CPSC can order the manufacturer, distributor, or retailer of the product to offer to repair or replace the product, or to refund the purchase price to the consumer. Finally, imported products containing non-compliant drawstrings will be refused admission into the United States.

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**II.** Last week, the European Council adopted a new regulation on textile labeling. The regulation applies to products containing at least 80% by weight of textile fibers, furniture, umbrellas, and sun coverings containing 80% by weight of textile components, and textile components of floor coverings, mattress coverings, and tents, among other products. The regulation requires that all subject textile products on the market be labeled in accordance with the regulation. While not exceedingly different from the previous labeling scheme set forth in Directive 2008/121/EC, this marks the first time that a self-executing regulation has been issued on the subject.

Specifically (and in large part comparable to 2008/121/EC) items must meet the following requirements:

1. Textile fiber names. Components must be described using a term on a designated list of textile fiber names. The list is similar to the generic fiber names required in the United States. Manufacturers may apply to add a new fiber name to the list. Special provisions apply regarding fleece wool or virgin wool.
2. Composition. Textile products must be labeled or marked with the name and percentage by weight of all constituent fibers in descending order. A single fiber accounting for up to 5% of the total weight, or a group of fibers collectively accounting for up to 15% of the total weight may be accounted for as “other fibers.” Textile products may contain up to 2% of extraneous fibers and still be reported as “pure”, “all”, or 100% of the main fiber, provided that the extraneous fibers are unavoidable and not added as a matter of course. Decorative fibers not exceeding 7% of the weight of the finished product do not have to be taken into account in the fiber composition. Metallic or antistatic fibers not exceeding 2% by weight also do not have to be taken into account. Products having two or more textile components with different compositions must state the composition of each component (except main linings and components representing less than 30% of the total weight). Special rules apply for the labeling of brassieres, corsetry, etch-printed textiles, embroidered textiles, velvet and plush textiles, and certain floor coverings.
3. Non-textile parts of animal origin. The phrase “Contains non-textile parts of animal origin” must appear on products containing such parts.
4. Form of labels. Labels must be “durable, easily legible, visible and accessible and, in the case of a label, securely attached.”

The regulation will take effect 20 days after it is published in the Official Journal of the European Union, which is expected to take place soon, and shall apply from six months after the date of entry. Textile products which complied with 2008/121/EC, and are placed on the market up to six months after the date of entry into force of the regulation, may continue to be sold for two and a half years after the regulation takes effect.

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