

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: Jon Leibowitz, Chairman
Pamela Jones Harbour
William E. Kovacic
J. Thomas Rosch

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| In the Matter of |) | DOCKET NO. C-4279 |
| |) | |
| |) | |
| SAMI DESIGNS, LLC, also doing business |) | |
| as JONÄNO, a limited liability company and |) | |
| |) | |
| BONNIE SIEFERS, |) | |
| individually and as owner of the |) | |
| limited liability company. |) | |
| _____ |) | |

DECISION AND ORDER

The Federal Trade Commission ("Commission") having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft complaint that the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge the respondents with violations of the Federal Trade Commission Act, 15 U.S.C. § 45 et seq., the Textile Fiber Products Identification Act, 15 U.S.C. § 70 et seq., and the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303; and

The respondents and counsel for the Commission having thereafter executed an agreement containing a consent order ("consent agreement"), an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft complaint, a statement that the signing of said consent agreement is for settlement purposes only and does not constitute an admission by the respondents that the laws have been violated as alleged in the complaint, or that any of the facts as alleged in such complaint, other than jurisdictional facts, are true, and waives and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it has reason to believe that the respondents have violated said Acts and Rules, and that a complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such consent agreement on the public record for a period

of thirty (30) days for the receipt and consideration of public comments, and having duly considered the comments received from interested persons pursuant to section 2.34 of its Rules, now in conformity with the procedure prescribed in Section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order

1. Respondent Sami Designs, LLC, also doing business as Jonão ("Jonão"), is a Pennsylvania limited liability company with its principal office or place of business at 2582 Wexford Run Road, Wexford, Pennsylvania 15090.
2. Respondent Bonnie Sifers is the owner of Jonão. Individually or in concert with others, she formulates, directs, or controls the policies, acts, or practices of the limited liability company. Her principal office or place of business is the same as that of Jonão.
3. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the Respondents, and the proceeding is in the public interest.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. "Commerce" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
2. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
3. "Covered product" shall mean any or all of the following: (1) any article of wearing apparel, costume or accessory drapery, floor covering, furnishing bedding or other textile good of a type customarily used in a household, regardless of where used in fact, that is made, in whole or in part of yarn or fabric; or (2) any fiber, yarn or fabric, whether in the finished or unfinished state, used or intended for use in any such textile good.
4. "Fiber trademark" shall mean a word or words used to identify a particular fiber sold by a person and to distinguish it from fibers of the same generic class sold by others, as defined in 16 C.F.R. § 303.1(r).
5. "Generic name of any manufactured fiber" shall mean any name for a textile fiber established and defined by the Commission pursuant to Section 70e(c) of the Textile Fiber Products Identification Act, as set forth in 16 C.F.R. § 303.7.

6. "Manufactured fiber" shall mean any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber, as defined in 15 U.S.C. § 70(d).
7. "Required information" shall mean such information as is required to be disclosed on labels or invoices and in advertising under the Textile Fiber Products Identification Act, 15 U.S.C. § 70 et seq. and under the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303, as amended in 16 C.F.R. § 303.1(e)
8. Unless otherwise specified, "respondents" shall mean Sami Designs, LLC, also doing business as Solano, a limited liability company its successors and assigns and its offices or members; Bonnie Siefers, individually and as owner of the limited liability company; and each of the above's agents, representatives, and employees.

I.

IT IS ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device in connection with the manufacturing, labeling advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, shall not make any representation, ha proc ecting commerc

II.

PROVIDED, however, that nothing in this order shall prohibit respondents from describing a covered product using the generic name of any manufactured fiber and identifying bamboo as the cellulose source for such fiber, e.g., rayon made from bamboo, so long as such representation is true, nonmisleading, complies with the Textile Fiber Products Identification Act, 15 U.S.C. § 70et seq. ("Textile Act") and with the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303 ("Textile Rules"), and, at the time such representation is made, respondents possess and rely on competent and reliable scientific evidence that substantiates the representation.

III.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, shall not fail to comply with any provision of the Textile Fiber Products Identification Act, 15 U.S.C. § 70et seq. ("Textile Act")

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- A. All advertisements, labeling, packaging and promotional materials containing the representation;
- B. All materials that were relied upon in disseminating the representation;

VII.

IT IS FURTHER ORDERED that respondent Bonnie Siefers, for a period of five (5) years after the date of issuance of this order, shall notify the Commission of the discontinuance of her current business or employment, or of her affiliation with any new business or employment. The notice shall include the respondent's new business address and telephone number and a description of the nature of the business or employment and her duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

VIII.

IT IS FURTHER ORDERED that respondent Sami Design, LLC, also doing business as Jonäno, and its successors and assigns, and respondent Bonnie Siefers shall, within sixty (60) days after the date of service of this order, file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form in which they have complied with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, respondents each shall submit additional true and accurate written reports.

IX.

This order will terminate on December 15, 2029, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a respondent in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondents did not violate any provision of the order and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling or the date such dismissal or ruling is upheld on appeal.

By the Commission.

Donald S. Clark
Secretary

SEAL
ISSUED: December 15, 2009