

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

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

In the Matter of

DOCKET NO. 9340

**THE M GROUP, INC., also doing
business as BAMBOOSA, a corporation,
and**

**MINDY JOHNSON, MICHAEL
MOORE, and MORRIS SAINTSING,
individually and as members of the
corporation.**

DECISION AND ORDER

The Federal Trade Commission ("Commission") having

The Commission having considered the matter and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, and having duly considered the comments filed thereafter from interested persons pursuant to Section 2.34 of its Rules, now in further conformity with the procedure prescribed in § 3.25(f) of its Rules, 16 C.F.R. § 3.25(f)(10), the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent The M Group, Inc., also doing business as Embroosa, is a South Carolina corporation. Its street address is 32 Seaboard Road, Andrews, South Carolina 29510, and its mailing address is P O Box 1239, Andrews, South Carolina 29510.
2. Respondents Mindy Johnson, Michael Moore, and Moris Saintsing are the members of The M Group, Inc. Individually or in concert with others, they formulate, direct, or control the policies, acts, or practices of the corporation. Their principal offices or places of business are the same as that of Embroosa.
3. The Commission has jurisdiction of the subject matter of this proceeding and of 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 3.0000 0.0000 TD (t)Tjs d

5. "Generic name of any manufactured fiber" shall mean any name for a textile fiber established and defined by the Commission pursuant to Section 70(c) of the Textile Fiber Products Identification Act, as set forth in 16 C.F.R. § 303.7.
6. "Is degradable, biodegradable, or photodegradable" shall mean that the entire product will completely decompose into elements found in nature within a reasonably short period of time after customary disposal.
7. "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).
8. "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)
9. Unless otherwise specified, "respondents" shall mean The M Group, Inc., also doing business as Bamboosa, a corporation, its successors and assigns and its officers and members; Mindy Johnson, Michael Moore and Morris Saintsing, individually and as members of the corporation; 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, in any manner, expressly or by implication:

- A. That such covered product
 1. is made of bamboo or bamboo fiber, including, but not limited to, through the use of fiber trademark or other descriptive term or name for a product or product line, e.g., BambooBaby;
 2. is anti-microbial or retains the anti-microbial properties of any material from which it is made; or
 3. is degradable, biodegradable, or photodegradable,

unless the representation is true, non-misleading, and, at the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; or

B. About the benefits, performance, or efficacy of such covered product, unless the representation is true, non-misleading and, at the time it is made, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence that substantiates the representation.

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, non-misleading, complies with the Textile Fiber Products Identification Act, 15 U.S.C. § 70 et seq. and with the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303, and, at the time such representation is made, respondents possess and rely upon 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. § 70 et seq. or of the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303, copies of which are attached hereto as "Appendix A," or of the Textile Act or Textile Rules as they may hereafter be amended, including but not limited to:

- A. Selling, offering for sale, or advertising in commerce any covered product that is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein, 15 U.S.C. §§ 70a, 70b;
- B. Selling, offering for sale, or advertising in commerce any covered product that does not have a stamp, tag, label, or other means of identification 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 inside 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, 15 U.S.C. § 71 (Covered by the Rules 200 TD (OR) 200 0.0000 TD 21";0di0.0eq

aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such covered product, including identifying:

1. the generic names and percentages byweight of the constituent fiber present in the covered product, in amounts of 5 percent or more and in the order of predominance set forth in 16 C.F.R. § 303.16(d);
2. the name or registered identification number issued by the Commission of the manufacturer or of one or more persons marketing or handling the covered product; and
3. the name of the country where such covered product was processed or manufactured, as provided for in § 303.33,

15 U.S.C. § 70b(b); 16 C.F.R. §§ 303.16 and 303.42(a)

E. Failing to ensure that any fiber trademark or generic name used on the label of or in any advertising for any covered product:

1. is not false, deceptive, or misleading as to fiber content; and
2. does not indicate, directly or indirectly, that the covered product is composed wholly or in part of a particular fiber, when such is not the case

16 C.F.R. §§ 303.17(d) and 303.41(d);

F. Failing to ensure that any non-required information or representations used on the label of or in the advertising for any covered product:

1. do not interfere with, minimize, detract from, or conflict with required information;
2. do not include any names, terms, or representations prohibited by the Textile Act or Rules; and
3. are not false, deceptive, or misleading

16 C.F.R. §§ 303.16(a) and 303.42(b)

G. Where a covered product is advertised in such manner as to require disclosure of the information required by the Textile Act and Textile Rules, failing to include all parts of the required information in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence, 16 C.F.R. § 303.42(a)

H. Where a fiber trademark is used in advertising a covered prod

representation, or the basis relied upon of the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations; and

D. All acknowledgments of receipt of this order obtained pursuant to Part V.

V.

IT IS FURTHER ORDERED that respondent The M Group, Inc., also doing business as Bamboosa, and its successors and assigns, and respondents Mindy Johnson, Michael Moore and Morris Santsing shall deliver a copy of this order to all current and future principals, members, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

VI.

IT IS FURTHER ORDERED that respondent The M Group, Inc., also doing business as Bamboosa, and its successors and assigns, and respondents Mindy Johnson, Michael Moore and Morris Santsing shall notify the Commission at least thirty (30) days prior to any change with regard to The M Group, Inc., also d/b/a Bamboosa, or any business entity that any respondent directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this order, including but not limited to formation of a new business entity, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposing of a bankruptcy petition; or a change in the business or corporate name or address. Provided, however, that, with respect to any proposed change about which respondents learn less than thirty (30) days prior to the date such action is to take place, respondents shall notify the Commission as soon as is practicable after obtaining such information. TD (e)Tj 5.2800 0.0000 TD (ss o)Tj 18.3600 0.0000 TD (r c)

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.,