
¹⁵ 16 CFR 301.0.

¹⁶ 15 U.S.C. 69e(b).

¹⁷ 32 FR 6023 (Apr. 15, 1967).

¹⁸ Public Law 111-113.

represented that Internet searches for “Tanuki” and “Magnut” showed less usage than “Asiatic Raccoon” or “Raccoon Dog.”⁶⁵

2. “Finnraccoon”

FICA, Finnish Fur, and Finland’s Ministries for Foreign Affairs and of Agriculture and Forestry urged the Commission to allow labeling *Ursus arctos* raised in Finland as “Finnraccoon.” These commenters did not assert that those animals differ in characteristics from *Ursus arctos* raised in Asia. Rather, they advocated adding the name because “Finnraccoon” would alert consumers that the animal had been raised under European regulations, which they described as stricter and more humane than in Asia. For example, the Finnish Ministries stated:

[European regulation is] one of the strictest in the world. The EU is party to the European Convention for the protection of animals kept for farming purposes. The Convention aims to protect animals against any unnecessary suffering or injury.

* * * * *

As the animal welfare standards in place in Asian countries producing *Ursus arctos* are, unfortunately, not as high level as those in place in Finland/Europe, the situation is confusing also to the consumers; the term “Asiatic raccoon” implies misleadingly that the *Ursus arctos* fur originates from Asia, when in fact, [the] main part of the world trade originates from Finland.⁶⁶

However, these commenters did not provide evidence that consumers were familiar with “Finnraccoon” or that “Finnraccoon” fur differs materially from other *Ursus arctos* fur.⁶⁷

HSUS, by contrast, opposed the name, describing it as “industry-coined.”⁶⁸ It further pointed out that fur labels would disclose the country of origin in any event.⁶⁹

3. Other Suggested Name Guide Amendments

Commenters also suggested several miscellaneous revisions to the Name Guide. First, HSUS recommended adding a large number of specific common names so that each fur-bearing species has its own common name. For example, HSUS suggested replacing “chipmunk” with specific names for 25

chipmunk species, such as “California Chipmunk,” “Cliff Chipmunk,” etc.⁷⁰ HSUS stated that the Commission should not use one name for multiple species because “[d]ifferent animals experience different sorts of welfare problems in fur production” and different conservation statuses.⁷¹ In addition, FICA and HSUS suggested changing several Name Guide entries to reflect updated taxonomy and to correct errors.⁷²

Second, FICA recommended removing names of animals prohibited for sale as furs, such as domestic dog and cat, because including them is “confusing given their illegal status.”⁷³ HSUS disagreed, pointing out that:

One of the FTC’s purposes here is enforcement * * * [Having the names listed] adds additional layers of enforcement. * * * And to have that additional ability to enforce is important. Quite honestly, I don’t think a retailer should escape liability if the retailer is failing to label dog fur as dog when * * * domestic dog is not allowed to be sold in the United States.⁷⁴

Commenter AAW agreed, noting that the Fur Rules help enforce the cat and dog fur prohibition “by ensuring that all furs are properly identified and labeled.”⁷⁵

Finally, Deckers Outdoor Corporation (“Deckers”) suggested the Name Guide allow the term “Sheepskin” in lieu of “Sheep” and “Lambskin” in lieu of “Lamb.” Deckers asserted that the required names are confusing to consumers.⁷⁶ HSUS disagreed, however, noting the existence of serious problems in sheep-fur labeling prior to issuance of the Fur Rules and that sheepskin is not “skin” but rather fur.⁷⁷

* * * * *

Six commenters⁷⁸ criticized the Fur Rules’ labeling provisions as overly prescriptive. Specifically, they argued that many labeling requirements provide no consumer benefits while imposing significant burdens. They further noted that TFLA’s elimination of the *Ursus arctos* exemption required labeling more fur products. As

⁷⁰ HSUS at 56 (attachment).

⁷¹ Tr. at 19, ln. 17–18; Tr. at 20, ln. 4–5.

⁷² FICA at 7. For example, both commenters reported that the Name Guide provides the wrong scientific name for ocelot. FICA at 8; HSUS at 61.

⁷³ FICA at 8.

⁷⁴ Tr. at 117, ln. 12–21; Tr. at 118, ln. 2–8.

⁷⁵ AAW at 1. “AAW” did not otherwise identify him, her, or itself.

⁷⁶ Deckers 2–3.

⁷⁷ Tr. at 123, ln. 13–19; Tr. at 124, ln. 5–7.

⁷⁸ Deckers, FICA, NRF, the Footwear Distributors and Retailers of America (“FDRA”), McNeese Customs and Commerce (“McNeese”), and Stephen Zelman & Associates (“Zelman”).

discussed below, these commenters recommended more limited disclosures and greater labeling flexibility.

1. Required Information

All commenters who addressed the subject urged the Commission to reduce the amount of required information. For example, Deckers stated that “some of the required information * * * is not of interest to the consumer, and * * * may * * * obscure the information in which the consumer is really interested * * *.”⁷⁹ Deckers, therefore, urged the Commission to no longer require disclosure of whether fur is natural, pointed, dyed, bleached, or artificially colored, at least for sheepskins, because an altered sheepskin “still looks like sheepskin.”⁸⁰ Deckers also urged no longer requiring disclosure of “sides” or “flanks.” It asserted that “the term ‘side’ is used in the industry to describe one half of an animal hide and is not a term used to describe a part of the animal” and that “a flank is considered the same as the belly, and thus its inclusion is redundant.”⁸¹

Other commenters requested limited disclosures for items containing small amounts of fur. FICA requested that labels for products with only a “small strip” of fur disclose only “fur” and no other information because consumers would not want that additional information.⁸² FICA did not, however, provide any evidence substantiating that assertion. FDRA similarly urged the Commission to revoke the requirement to disclose that the fur consists of paws and tails where the fur is limited to trim, which it suggested be defined as fifteen percent of the item or less.⁸³

2. Label Specifications

Commenters also urged greater flexibility regarding the labels’ size, the sequence and location of disclosures, and the requirements for attaching a single label to paired items like shoes. Several commenters criticized the requirement in § 301.27 that all labels measure 1.75 inches by 2.75 inches.⁸⁴ For example, Deckers noted that, “[w]hile the label size currently mandated by the Rules may be appropriate for larger apparel items * * * they are impossible to affix to smaller items * * *. The Rules should either exempt smaller products from the size requirements, or simply mandate that the information be no smaller than

⁷⁹ Deckers at 2.

⁸⁰ Deckers at 3.

⁸¹ Deckers at 3.

⁸² FICA at 10.

⁸³ FDRA comment (single page).

⁸⁴ 16 CFR 301.27.

⁶⁵ Tr. at 82, ln. 20–24.

⁶⁶ Ministry for Foreign Affairs at 1; Ministry of Agriculture and Forestry at 1.

⁶⁷ Tr. at 87, ln. 4–7; Tr. at 95, ln. 2–3 (Finnish Fur representative conceding that “from a scientific point of view, I don’t know if there is a difference between Finnish and Asiatic”).

⁶⁸ Tr. at 90, ln. 19–20.

⁶⁹ Tr. at 91, ln. 20–24.

information provided on other labels found on the product * * *.⁸⁵ NRF agreed, explaining

These requirements are simply not appropriate for the range of smaller garments that are now subject to this law, and would increase costs to retailers and consumers. Specific requirements on label dimensions also limit a retailer's ability to make a label with a dimension that is suitable to the product, for example narrow belts and gloves * * *. Moreover, consumers are not likely to want large, permanent labels on these small products.⁸⁶

To address the issue, NRF suggested requiring "that the label be 'conspicuous, legible, and durable,'" a standard that it described as "well understood in the industry" and consistent with labeling requirements in the Textile Act, Wool Act, and Care Labeling Rule.⁸⁷

Commenters also criticized the Rules' strict requirements for the order and placement of information on the labels. Regarding § 301.30's requirement that disclosures must be in a specified order, Deckers argued:

The specific order should be determined by the manufacturer, and not by regulation. As all required information must be the same size type, it is unclear why the Rules need to mandate the order of information supplied. Many footwear manufactures [sic], including Deckers Outdoor Corporation, need the flexibility to properly design a label so that it fits a wide range of products.⁸⁸

Commenters also favored lifting

⁸⁵ Deckers at 6.

⁸⁶ NRF at 2.

⁸⁷ NRF at 2. FICA at 10; FDRA comment; Zelman at 2-3. NRF and FDRA criticized the Rules for requiring sewn-in labels. NRF at 3; FDRA comment. In fact, as discussed below, the Rules do not require sewn-in labels. Nevertheless, the Commission proposes an amendment making this clear.

⁸⁸ Deckers at 6.

⁸⁹ Deckers at 6-7. FICA at 9; McNeese at 3 (urging the Commission to allow labels that will accommodate disclosures required by foreign governments).

⁹⁰ NRF at 2-3. FDRA recommended eliminating a requirement to disclose fur origin for items that already disclose the garment's country of origin on a different label. FDRA comment. Zelman likewise urged not requiring any information on a fur label that is otherwise provided on another conspicuous label. Zelman at 3.

⁹¹ 16 CFR 301.31(b).

⁹² McNeese at 3.

⁹³ McNeese at 4.

⁹⁴ Zelman at 4.

⁹⁵ 15 U.S.C. 69h(a).

⁹⁶ HSUS at 10.

⁹⁷ HSUS at 10.

⁹⁸ HSUS at 11.

⁹⁹ 16 CFR 301.1(b)(1).

¹⁰⁰ FICA at 9.

¹⁰¹ FICA at 9.

¹⁰² 15 U.S.C. 70.

¹⁰³ 15 U.S.C. 70j. FICA also cited the Textile Act's legislative history regarding its coverage. FICA at 9, n. 18.

¹⁰⁴ Deckers at 2. In addition to proposing amendments, some commenters submitted more general views. FICA requested a process for obtaining "interpretations from the Commission" regarding technical requirements and complying with overlapping state and federal regulations. FICA at 10. The Commission's rules already provide such a mechanism. 16 CFR 1.1 through 1.4 (procedure for requesting advisory opinions). Deckers asked for clarification that the Rules do not apply to advertisements not linked to point of sale. Deckers at 7-8. Section 301.38(c) makes clear that the requirements do not apply to advertisements "not intended to aid, promote, or assist directly or indirectly in the sale or offering for sale of any specific fur products or furs." 16 CFR 301.38(c). Finally, several individual commenters voiced support for requiring fur disclosures generally. Karol comment at 1.

can be properly identified in the United States.”¹⁰⁵ In 1961, the Commission applied that standard and determined that “Asiatic Raccoon” was the appropriate name for *Procyon lotor*.

¹⁰⁶ Here, the record confirms that “Asiatic Raccoon” continues to be appropriate for two reasons. First, it describes the animal in a way that consumers in the United States can properly identify it. Ms. Lynn from FWS explained that the word “Asiatic” “gives you an idea where the animal originated naturally.”¹⁰⁷

Critically, Ms. Lynn did not agree with HSUS that “Asiatic” is misleading. In fact, she described the term as “neutral.”¹⁰⁸ In addition, as FICA observed, *Procyon lotor* has a raccoon-like fur pattern around its eyes. Indeed, Dr. Nolfo-Clements’ letter

term “Asiatic Raccoon” online, a google.com search performed on June 20, 2012, for example, shows that the first 17 results related to *Procyon lotor*.

¹¹³ HSUS’s repeated references to “Asiatic Raccoon” as a “trade name” appear to be based on speculation. Tr. at 63, ln. 13–16 (HSUS representative explaining the basis for the “trade name” assertion as “[t]he fact that [‘Asiatic Raccoon’] isn’t listed anywhere reputable or scientific as being an accepted common name, [means that] I have to assume that some interest pushed it onto the list at some point”).

¹¹⁴ As discussed in section III.A.1.b., the record indicates that *Procyon lotor* differs significantly from domestic dog.

¹¹⁵ As an alternative to amending the Name Guide, FICA proposed an additional regulation allowing the name “Finnraccoon,” as the Rules allow for certain types of lamb fur. FICA at 5. However, those regulations require the fur to have certain characteristics affecting its appearance as wearing apparel. *Procyon lotor*, 16 CFR 301.9(a) (allowing term “Mouton Lamb” for fur that has been “straightened, chemically treated, and thermally set to produce a moisture repellent finish”). There is no evidence that “Finnraccoon” fur significantly differs in characteristics from other Asiatic Raccoon fur.

¹⁰⁵ 15 U.S.C. 69e(a).

¹⁰⁶ 26 FR 10446 (Nov. 4, 1961).

¹⁰⁷ Tr. at 38, ln. 22–23.

¹⁰⁸ Tr. at 39, ln. 6, 11–12.

¹⁰⁹ HSUS at 14 (attached letter of Dr. Lauren Nolfo-Clements).

¹¹⁰ Tr. at 79, ln. 2.

¹¹¹ Tr. at 79, ln. 14–16.

¹¹² HSUS suggested that ITIS could serve as a consumer resource for information about the animal, but comments at the hearing indicated that consumers would not be familiar with ITIS. To the extent consumers would be inclined to research the

Guide entries, with the new text in bold. misspelling of *Canis lupus*
Notably, the amended entries correct a *Canis lupus*

Name	Order	Family	Genus-species
Alpaca	Artiodactyla	Camelidae	Lama pacos.
Antelope	Ungulata	Bovidae	Hippotragus niger and Antilope cervicapra.
Bear, Polar	.....do	.....do	Ursus maritimus.
Calf	Artiodactyla	Bovidae	Bos taurus.
Cat, Leopard	.....do	.....do	Prionailurus bengalensis.
Cat, Lynx	.....do	.....do	Lynx rufus.
Cat, Margay	.....do	.....do	Leopardus wiedii.
Chipmunk	.....do	Sciuridae	Tamias sp.
Civet	Carnivora	Viverridae	Viverra sp., Viverricula sp., Paradoxurus sp., and Paguma sp.
Desman	Soricomorpha	Talpidae	Desmana moschata and Galemys pyrenaicus.
Fox	.....do	Canidae	Vulpes vulpes, Vulpes macrotis.
Fox, Blue	.....do	.....do	Vulpes lagopus.
Fox, White	Carnivora	Canidae	Vulpes lagopus.
Goat	Artiodactyla	Bovidae	Capra hircus.
Jaguar	.....do	Felidae	Panthera onca.
Jaguarundi	.....do	.....do	Puma yagouaroundi.
Kangaroo	Diprotodontia	Macropodidae	Marcopus sp.
Kangaroo-rat	.....do	Potoroidae	Bettongia sp.
Kid	Artiodactyla	Bovidae	Capra hircus.
Koala	Diprotodontia	Phascolarctidae	Phascolarctos cinereus.
Lamb	Artiodactyla	Bovidae	Ovis aries.
Leopard	Carnivora	Felidae	Panthera pardus.
Llama	Artiodactyla	Camelidae	Lama glama.
Marmot	Rodentia	Sciuridae	Marmota bobak.
Mole	Soricomorpha	Talpidae	Talpa sp.
Monkey	Primates	Cercopitheciidae	Colobus polykomos.
Nutria	.....do	Myocastoridae	Myocastor coypus.
Ocelot	Carnivora	Felidae	Leopardus pardalis
Opossum	Didelphimorphia	Didelphidae	Didelphis sp.
Opossum, Australian	Diprotodontia	Phalangeridae	Trichosurus vulpecula.
Opossum, Ringtail	.....do	Pseudocheiridae	Pseudocheirus sp.
Opossum, South American	Didelphimorphia	Didelphidae	Lutreolina crassicaudata.
Otter	Carnivora	Mustelidae	Lontra canadensis, Pteronura brasiliensis, and Lutra lutra.
Panda	Carnivora	Ailuridae	Ailurus fulgens.
Pony	Perissodactyla	Equidae	Equus caballus.
Rabbit	Lagomorpha	Leporidae	Oryctolagus cuniculus.
Raccoon, Asiatic	.....do	Canidae	Nyctereutes procyonoides.
Raccoon, Mexican	.....do	Procyonidae	Nasua sp.
Reindeer	Artiodactyla	Cervidae	Rangifer tarandus.
Seal, Fur	Carnivora	Otariidae	Callorhinus ursinus.
Sheep	Artiodactyla	Bovidae	Ovis aries.
Skunk	Carnivora	Mephitidae	Mephitis mephitis, Mephitis macroura, Conepatus semistriatus and Conepatus sp.
Vicuna	Artiodactyla	Camelidae	Vicugna vicugna.
Viscacha	Rodentia	Chinchillidae	Lagidium sp.
Wallaby	Diprotodontia	Macropodidae	Wallabia sp., Petrogale sp., and Thylogale sp.
Weasel, Manchurian	Carnivora	Mustelidae	Mustela altaica and Mustela nivalis rixosa.
Wolf	.....do	Canidae	Canis lupus.
Wolverine	.....do	Mustelidae	Gulo gulo.
Wombat	Diprotodontia	Vombatidae	Vombatus sp.

The Commission does not propose separate names for each species because doing so would add significant burdens without providing any apparent consumer benefits. Requiring different names for each fur-bearing species, such as the 25 species of chipmunk suggested by HSUS, would require entities to create many additional labels for products. Against this burden, HSUS

did not provide any evidence of ongoing consumer harm from the current practice of grouping similar animals under one common name. Although HSUS stated at the hearing that consumers might want to know about particular species because of varying levels of endangerment or treatment, it did not identify evidence that a significant number of consumers valued

that information. Moreover, the record does not demonstrate that such information would influence consumers' purchasing decisions.

The Commission also declines to propose removing "dog," "cat," or other names of prohibited species because, as HSUS and AAW explained, leaving these names provides another means of enforcing the Rules as to those furs.

¹¹⁶ Because commenters did not provide any evidence substantiating what they described as errors, the Commission proposes corrections only for errors it has independently verified with the

assistance of FWS. In addition, the Commission declines to change the genus-species listing for "dog" from "canis familiaris" to "canis lupus familiaris" because doing so would conflict with

the Dog and Cat Protection Act's definition of "dog fur." 19 U.S.C. 1308(a)(5) (defining "dog fur" as "the pelt or skin of any animal of the species").

Specifically, retaining the names of prohibited species in the Name Guide helps to ensure that mislabeling and falsely advertising dog, cat, and other prohibited species remain Fur Rules violations.

Finally, the Commission does not propose amendments to allow “sheepskin” or “lambskin,” as requested by Deckers. The Fur Act limits Name Guide names to the common name of “animals,” not products,¹¹⁷ and “sheepskin” and “lambskin” refer to products.

Several commenters objected to the Rules’ labeling requirements as unnecessarily complex and inconsistent with the Commission’s textile labeling requirements. These commenters argued that such specifications impose significant costs on consumers and businesses without corresponding benefits to consumers. They also posited that the elimination of the exemption has substantially increased these costs. Thus, commenters made several suggestions for reducing the required information and labeling specifications. As explained below, the Commission agrees with most of these suggestions and, therefore, proposes several amendments to: (1) Reduce the amount of required information; and (2) provide more labeling flexibility.

1. Required Information

As discussed above, fur labels must disclose pointed, dyed, bleached, or artificially colored fur and fur consisting of, among other things, “sides” or “flanks.”¹¹⁸ In light of the uncontroverted evidence that the “sides” and “flanks” disclosures either provide information already disclosed or do not provide consumers with meaningful information, the Commission proposes eliminating § 301.20(a)’s disclosure requirement.

The Commission declines, however, to further limit the required disclosures. The Commission cannot amend the Rules to eliminate disclosures of bleached, dyed, or artificially colored fur because the Fur Act requires them.¹¹⁹ In addition, Deckers has not provided evidence establishing that disclosures of pointed fur fail to benefit consumers. Moreover, FICA and FDRA likewise failed to present any evidence showing consumers’ lack of interest in the disclosures for items with small amounts of fur. In any event, the proposed amendments detailed below

will provide additional flexibility. Furthermore, fur-trim product labels only need to disclose “paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur” if fur from those parts makes up at least ten percent of the product.¹²⁰

2. Label Specifications

Commenters requested several changes to the Rules’ labeling specifications, including elimination of requirements that the labels be a certain size; that disclosures be of a certain font size, in a set order, and limited to FTC-required information on the front; and that items sold in pairs must be physically attached to each other to have only one label. The Commission agrees with these comments. In its experience enforcing the Textile Rules, the Commission has found it effective to require that disclosures be “clearly legible, conspicuous, and readily accessible to the prospective purchaser.”¹²¹ Accordingly, the Commission proposes amendments to provide more flexibility regarding label size, text, and use for items sold in pairs or groups.

a. Deleting Label Size Requirements

The Rules currently require that labels measure 1.75 inches by 2.75 inches.¹²² The Commission agrees that this size is impractical for smaller items, a consideration that carries greater significance now that TFLA has eliminated the exemptions. Furthermore, the Commission’s textile labeling enforcement experience demonstrates that specifying exact label dimensions is unnecessary to inform consumers about wearing apparel, so long as the required disclosures are conspicuous. Therefore, the Commission proposes eliminating the size requirement. Consistent with the Textile Rules,¹²³ the proposed new § 301.27 would require labels to be “conspicuous and of such durability as to remain attached to the product throughout any distribution, sale or

¹²⁰ 16 CFR 301.20. FDRA also requested that the Commission not require a fur origin disclosure for shoes because the disclosure is, in most instances, redundant. FDRA comment. However, FDRA did not explain why such a disclosure is redundant, particularly considering that the Textile Act, which requires country of origin disclosure, does not apply to shoes. 15 U.S.C. 70j(a)(10).

¹²¹ 16 CFR 303.16(b).

¹²² 16 CFR 301.27. Commenters NRF and FDRA asserted that § 301.27 requires a sewn-in label. The Commission does not agree with this reading because, unlike a textile care label, that section requires only that the label remain affixed until it reaches the consumer. Nevertheless, the Commission’s proposed revision to § 301.27 makes clear that labels need not be sewn-in.

¹²³ 16 CFR 303.15(a).

resale, and until sold and delivered to the ultimate consumer.”

b. Deleting Label Text Requirements

Section 301.29 requires label text to be 12-point or “pica” font size. It also prohibits non-FTC information on the front of the label, while § 301.30 prescribes a specific order for disclosures. The Commission agrees that these requirements create substantial burdens, such as forcing marketers to use multiple labels to comply with FTC, state, and international fur regulations. Furthermore, the Commission finds that, based on its experience enforcing the Textile Rules, these requirements are unnecessary to disclose relevant information effectively. Accordingly, the Commission proposes:

- Replacing § 301.29(a)’s 12-point or “pica” type font-size requirement with a requirement to disclose information “in such a manner as to be clearly legible, conspicuous, and readily accessible to the prospective purchaser”;
- Removing § 301.29(a)’s limits on information appearing on the front of the label, thereby allowing entities to include true and non-deceptive information on either side; and
- Deleting § 301.30, which specifies a particular order for FTC disclosures. These proposed amendments should give marketers needed flexibility to convey effective disclosures without imposing unnecessary burdens.¹²⁴

c. Revising Requirements for Labels for Items Sold in Pairs or Groups

Section 301.31 requires that items “manufactured for use in pairs or groups” be “firmly attached to each other when marketed and delivered in the channels of trade and to the purchaser.”¹²⁵ Commenters explained that this requirement interferes with marketing smaller items like shoes and gloves, which are typically sold in pairs. Furthermore, there is no apparent benefit, and likely some inconvenience, to consumers from requiring actual attachment of items through the point of sale. To address this issue, the Commission proposes eliminating the requirement and incorporating the Textile Rules’ provision allowing a single label for items “marketed or handled in pairs or ensembles,” regardless of whether they are attached at the point-of-sale.¹²⁶ Thus, if the items are sold as pairs or ensembles and each

¹²⁴ Allowing different information to appear on fur labels should prevent the redundant disclosures noted by Deckers, FDRA, and Zelman.

¹²⁵ 16 CFR 301.31(b).

¹²⁶ 16 CFR 303.29(b).

¹¹⁷ 15 U.S.C. 69e(a).

¹¹⁸ 16 CFR 301.19; 301.20.

¹¹⁹ 15 U.S.C. 69b(2)(C).

item contains the same fur with the same country of origin, retailers can use a single label for all items.

TFLA's amendments require conforming changes to the Fur Rules. Accordingly, the Commission proposes replacing the exemption (§ 301.39), as well as all related provisions,¹²⁷ with TFLA's hunter/trapper exemption.

The Commission also proposes eliminating three sections to simplify the Rules. First, it proposes eliminating § 301.19(l)(1) through (7). These subsections provide a suggested, but not required, method for determining whether a fur has been treated with iron or copper and, therefore, requires a "color altered" or "color added" disclosure. The suggestion appears unnecessary because Section 301.19 requires that an entity coloring furs must disclose the treatment on an invoice.¹²⁸

Second, the Commission proposes deleting § 301.28, which provides further guidance on attaching labels. Because the proposed new § 301.27 clarifies the method for attaching labels, § 301.28 is now redundant.

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¹²⁷ Because TFLA eliminated the exemption, it also eliminated the provision that excepted dog and cat fur from that exemption (a savings clause to require labeling of all dog and cat fur). Accordingly, the Commission proposes deleting the Rules' definitions of "cat fur," "dog fur," and "dog or cat fur products," as well as the Rules' cat and dog fur exceptions in § 301.39(a), because those terms are used only in the exemption provision. As discussed above, the Name Guide will continue to list "dog" and "cat" as required names. Similarly, the Commission proposes several non-substantive amendments to ensure that references to other provisions and the Act are accurate and to correct typographical errors.

¹²⁸ 16 CFR 301.19(h).

¹²⁹ 16 CFR 301.40(a).

¹³⁰ HSUS at 10.

¹³¹ 15 U.S.C. 69h(a)(2) (emphasis added).

¹³² 15 U.S.C. 69(b) and (d).

¹³³ 16 CFR 301.1(b).

¹³⁴ FICA noted that textile labeling requirements do not apply to shoes and, therefore, the Textile Rules and the Fur Rules treat those items inconsistently. FICA at 9. However, the Textile Act specifically exempts shoes. 15 U.S.C. 70j(a)(10). The Fur Act, by contrast, does not contain a shoe exemption.

¹³⁵ In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. FTC Rule 4.9(c), 16 CFR 4.9(c).



Name	Order	Family	Genus-species
Sable	Carnivora	Mustelidae	Martes zibellina.
Sable, American .....	.....do .....	.....do	Martes americana and Martes caurina.
Seal, Fur	Carnivora	Otariidae	Callorhinus ursinus.
Seal, Hair .....	.....do	Phocidae	Phoca sp.
Seal, Roc .....	.....do	Otariidae	Otaria flavescens.
Sheep	Artiodactyla	Bovidae	Ovis aries.
Skunk	Carnivora	Mephitidae	Mephitis mephitis, Mephitis macroura, Conepatus semistriatus and Conepatus sp.
Skunk, Spotted .....	.....do .....	.....do	Spilogale sp.
Squirrel	Rodentia	Sciuridae	Sciurus vulgaris.
Squirrel, Flying .....	.....do .....	.....do	Eupetaurus cinereus, Pteromys volans and Petaurista leucogenys.
Susilk .....	.....do .....	.....do	Citellus citellus, Citellus rufescens and Citellus suslica.
Vicuna	Artiodactyla	Camelidae	Vicugna vicugna.
Viscacha	Rodentia	Chinchillidae	Lagidium sp.
Wallaby	Diprotodontia	Macropodidae	Wallabia sp., Petrogale sp., and Thylogale sp.
Weasel	Carnivora	Mustelidae	Mustela frenata.
Weasel, Chinese .....	.....do .....	.....do	Mustela sibirica.
Weasel, Japanese .....	.....do .....	.....do	Mustela itatsi (also classified as Mustela sibirica itatsi).
Weasel, Manchurian	Carnivora	Mustelidae	Mustela altaica and Mustela nivalis rixosa.
Wolf .....	.....do	Canidae	Canis lupus.
Wolverine .....	.....do	Mustelidae	Gulo gulo.
Wombat	Diprotodontia	Vombatidae	Vombatus sp.
Woodchuck	Rodentia	Sciuridae	Marmota monax.

3. Amend § 301.1 by removing paragraphs (a)(6), (a)(7) and (a)(8) and by revising paragraph (a)(4) to read as follows:

§ 301.1 Terms defined.

(a) * * *

(4) The terms *P* and *P* mean the register of names of hair, fleece, and fur-bearing animals issued and amended by the Commission pursuant to the provisions of section 7 of the act.

* * * * *

4. Amend § 301.2, by revising paragraphs (b) and (c) to read as follows:

§ 301.2 General requirements.

* * * * *

(b) Each and every fur, except those exempted under § 301.39 of this part, shall be invoiced in conformity with the requirements of the act and rules and regulations.

(c) Any advertising of fur products or furs, except those exempted under § 301.39 of this part, shall be in conformity with the requirements of the act and rules and regulations.

§ 301.19 [Amended]

5. Amend § 301.19 by removing paragraphs (l)(1) through (l)(7).

6. Revise § 301.20 paragraph (a) to read as follows:

§ 301.20 Fur products composed of pieces.

(a) Where fur products, or fur mats and plates, are composed in whole or in substantial part of paws, tails, bellies, gills, ears, throats, heads, scrap pieces, or waste fur, such fact shall be disclosed

as a part of the required information in labeling, invoicing, and advertising. Where a fur product is made of the backs of skins, such fact may be set out in labels, invoices, and advertising.

* * * * *

7. Revise § 301.27 to read as follows:

§ 301.27 Labels and method of affixing.

At all times during the marketing of a fur product the required label shall be conspicuous and of such durability as to remain attached to the product throughout any distribution, sale, or resale, and until sold and delivered to the ultimate consumer.

§§ 301.28, 301.30, and 301.40 [Removed and reserved]

8. Remove and reserve §§ 301.28, 301.30, and 301.40.

9. Revise § 301.29 paragraph (a) to read as follows:

§ 301.29 Requirements in respect to disclosure on label.

(a) The required information shall be set forth in such a manner as to be clearly legible, conspicuous, and readily accessible to the prospective purchaser, and all parts of the required information shall be set out in letters of equal size and conspicuousness. All of the required information with respect to the fur product shall be set out on one side of the label. The label may include any nonrequired information which is true and non-deceptive and which is not prohibited by the act and regulations, but in all cases the animal name used shall be that set out in the Name Guide.

* * * * *

10. Revise § 301.31 paragraph (b) to read as follows:

§ 301.31 Labeling of fur products consisting of two or more units.

* * * * *

(b) In the case of fur products that are marketed or handled in pairs or ensembles, only one label is required if all units in the pair or group are of the same fur and have the same country of origin. The information set out on the label must be applicable to each unit and supply the information required under the act and rules and regulations.

11. Amend § 301.35, by revising paragraph (b) to read as follows:

§ 301.35 Substitution of labels.

* * * * *

(b) The original label may be used as a substitute label provided the name or registered number of the person making the substitution is inserted thereon without interfering with or obscuring in any manner other required information. In connection with such substitution the name or registered number as well as any record numbers appearing on the original label may be removed.

* * * * *

12. Revise § 301.39 to read as follows:

§ 301.39 Exempted fur products.

The requirements of the act and regulations in this part do not apply to fur products that consist of fur obtained from an animal through trapping or hunting and that are sold in a face-to-face transaction at a place such as a residence, craft fair, or other location used on a temporary or short-term basis, by the person who trapped or hunted

the animal, where the revenue from the sale of apparel or fur products is not the primary source of income of such person.

13. Amend § 301.41 by removing paragraph (a)(7) and by revising paragraph (a)(4) to read as follows:

§ 301.41 Maintenance of Records.

(a) * * *

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, gills, ears, throats, heads, scrap pieces, or waste fur, when such is the fact;

* * * * *

By direction of the Commission.

Donald S. Clark,

[FR Doc. 2012-22568 Filed 9-14-12; 8:45 am]

BILLING CODE 6750-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 16, 801, 803, 806, 810, 814, 820, 821, 822, and 830

[Docket No. FDA-2011-N-0090]

RIN 0910-AG31

Agency Information Collection Activities; Proposed Collection; Unique Device Identification System; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period pertaining to information collection issues under the Paperwork Reduction Act of 1995 (the PRA) associated with the proposed rule, Unique Device Identification System, that appeared in the **Federal Register** of July 10, 2012 (77 FR 40736). The Agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: Submit either electronic or written comments on the proposed collection of information by October 25, 2012.

ADDRESSES: Submit electronic comments on the collection of information to the Office of Regulatory Affairs, Office of Management and Budget (OMB) at FAX: 202-395-7285, or email comments to

oia@fdh.gov. Please

mark your comment to the FDA desk officer and reference this rule.

FOR FURTHER INFORMATION CONTACT: Jay Crowley, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301-796-5995, email:

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 10, 2012 (77 FR 40736), FDA published a notice of proposed rulemaking with a 60-day comment period concerning the proposed information collection. Comments on the proposed rulemaking will inform FDA's rulemaking to establish regulations for Unique Device Identification System.

The Agency has received requests for a 45-day extension of the comment period for the information collection. Each request conveyed concern that the current 60-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to the information collection.

FDA has considered the requests and is extending the comment period for the information collection for 45 days, until October 25, 2012. The Agency believes that a 45-day extension allows adequate time for interested persons to submit comments without significantly delaying rulemaking on these important issues.

Dated: September 12, 2012.

Leslie Kux,

[FR Doc. 2012-22821 Filed 9-14-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. FDA-2012-N-0780]

Regulatory New Drug Review: Solutions for Study Data Exchange Standards; Notice of Meeting; Request for Comments; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Announcement of meeting; request for comments; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that appeared in the **Federal Register** of August 14, 2012 (77 FR 48491). The document announced a meeting entitled "Regulatory New Drug

Review: Solutions for Study Data Exchange Standards." The document was published with an incorrect email address. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Ron Fitzmartin, Office of Planning & Informatics, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1160, Silver Spring, MD 20993-0002, 301-796-5333, FAX: 301-847-8443, email:

rdm@cder.fda.gov

SUPPLEMENTARY INFORMATION: In FR Doc. 2012-19748, appearing on page 48491 in the **Federal Register** of August 14, 2012, the following corrections are made:

1. On page 48491, in the first column, in the **FOR FURTHER INFORMATION CONTACT** section, the email address

"rdm@cder.fda.gov" is corrected to read

"rdm@cder.fda.gov"

2. On page 48491, in the second column, in the **SUPPLEMENTARY INFORMATION** section, under

"rdm@cder.fda.gov," the email address

"rdm@cder.fda.gov" is corrected to read

"rdm@cder.fda.gov"

Dated: September 11, 2012.

Leslie Kux,

[FR Doc. 2012-22793 Filed 9-14-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 10

[REG-138367-06]

RIN 1545-BF96

Regulations Governing Practice Before the Internal Revenue Service

AGENCY: Office of the Secretary, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking; notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document proposes modifications of the regulations governing practice before the Internal Revenue Service (IRS). These proposed regulations affect individuals who practice before the IRS. These proposed regulations modify the standards governing written advice and update certain provisions as appropriate. This document also provides notice of a