

CARE LABELLING and the FAIR TRADING ACT

*A guide to the Consumer Information
Standard*

January • 2001

ISBN 1-86945-082-5



COMMERCE COMMISSION

Contents

Fair Trading Act care labelling checklist	4
Care labelling	5
What is the Care Labelling Standard?	6
The purpose of the Standard	7
What goods are covered?	7
How do you decide on the appropriate label?	9
The label	13
Garments that required non-permanent care labels	14
Labelling of piece goods and textiles	15
Labelling of yarns, leathers and fur apparel	16
Labelling of upholstered furniture and bedding	16
What other labels are required?	17
Issues to look out for	17
Commission publications	21
Commission offices	23



Fair Trading Act care labelling checklist

- 1 Are the goods covered by the standard?
- 2 Do they need a permanent label?
- 3 If they need a permanent label, do they have one?
- 4 If they do not need a permanent label, do they have another label?
- 5 If the label has symbols (other than for drycleaning), does it also have written instructions?
- 6 Is it in English?
- 7 Is the lettering legible?
- 8 Is the label accessible to the customer?
- 9 If the permanent care label cannot be seen, because of the way the goods are packaged or displayed, is there another label attached?
- 10 Are the care instructions appropriate and accurate for the article?
- 11 If the garment is composed of more than one piece and can be drycleaned, do all pieces have a care label?

Please photocopy as required

Care labelling

Section 28 of the Fair Trading Act requires that any person who supplies, offers to supply or advertises to supply goods and services in respect of which a consumer information standard applies, must comply with that consumer information standard.

From 1 October 2000 all importers, manufacturers and retailers who sell most types of new textile goods have to comply with the Consumer Information Standards (Care Labelling) Regulations 1992 or the new Consumer Information Standards (Care Labelling) Regulations 2000. From 1 October 2001 only the Consumer Information Standards (Care Labelling) Regulations 2000 will apply.

These regulations provide that the Australian/New Zealand Standard 1957–1998 (Textiles-Care Labelling), with some amendments and additions which are stated in the regulations, must be complied with.

This guide explains how businesses can comply with this standard. If your business does not comply with the standard it will breach the Fair Trading Act. Anyone – including competitors, customers, and the Commerce Commission – may take legal action to the Disputes Tribunal or a court and you could face fines of up to \$100,000.

The Commission enforces compliance with the standard through education and enforcement. Investigations result from complaints and from the Commission conducting surveillance. Should any goods not comply with the care labelling standard the Commission will usually contact both the retailer and manufacturer or importer. Depending on the nature and extent of the failure to comply and the explanation given, the Commission may warn the company or seek undertakings about future behaviour, or it may take court action.

What is the Care Labelling Standard?

The regulations, which make the Standard part of the law, also include some changes and additions to the Standard. The Standard explains how to work out the correct care instructions for textiles.

To comply with the new standard you will need copies of:

- AS/NZS 1957–1998 Care Labelling
- Consumer Information Standards (Care Labelling) Regulations 2000.

A second New Zealand Standard gives non-compulsory guidelines on choosing labels. You do not have to use these labels, but the care labels you do use must be accurate and clear. An Australian Standard gives suggestions about where to attach labels.

It is useful for you to have copies of:

- AS/NZS 2621–1998 Care Labelling – Guide to the Selection of Correct Care Labelling Instructions
- AS/NZS 2392–1999 Labelling of Clothing Household Textiles and Furnishings.

All Standards mentioned in this pamphlet can be obtained from Standards New Zealand, Private Bag 2439, Wellington, phone (04) 498 5991, fax (04) 498 5994.

The regulations can be bought from bookshops that sell legislation and from publishers Legislation Direct, PO Box 12-418, Wellington, phone (04) 496 5655, fax (04) 496 5698.

Business people should note that the Standards are very detailed. This booklet sets out the Commission's interpretation of them, and of the issues that have arisen during their enforcement. It should be used in

conjunction with the appropriate Standards and regulations.

This booklet is designed to provide suppliers with an introduction to the standard. It is a guide only. It is not intended to be definitive or to be a substitute for the regulations, or for the standards specified above. If you are unsure, it is wise to seek legal advice.

The purpose of the Standard

The purpose of the standard is to ensure that consumers, drycleaners and anyone else who cleans textiles has information about the appropriate care procedures so that:

- consumers will be aware of the method and cost of caring for products when buying them
- the appropriate care treatment can be confidently used
- the life of the textile is not shortened
- textiles are not damaged or destroyed by inappropriate care.

What goods are covered?

The following goods must comply with the care labelling standard:

- clothing
- apparel
- household textiles
- furnishings
- upholstered furniture
- bedding

- mattresses
- bed bases
- piece goods and yarns made from textiles
- plastics
- plastic-coated fabrics
- suede, skins, hides, grain leathers and furs.

The following goods are excluded from the standard:

- *second hand goods*
- *men's, women's, children's and infants' wear* – unsupported coats (including overcoats and jackets) of PVC film, handkerchiefs, braces, suspenders, garters, armbands, belts and headwear
- *footwear* – footwear (other than hosiery) and textile materials used in the manufacture of footwear
- *drapery* – floor cloths, dish cloths, dusters, cleaning cloths, and pressing cloths
- *haberdashery* – ornaments, artificial flowers, sewing and embroidery threads, maternity inset panels, bust improvers and bra pads, replacement bra parts, and replacement pockets
- *furnishings* – upholstered furniture frame and mechanism covers and linings, oil baize, window blinds, sun blinds, awnings, carpets and other floor coverings, light fittings and lampshades, tapestries and wall hangings, ornaments, handicraft items, draught excluders, non-upholstered furniture, cushions, and cushion covers manufactured from remnants and labelled by the manufacturer with the following disclaimer: 'Cushion covers manufactured from remnants, care treatment unknown'
- *jute products* – all jute products

- *medical and surgical goods* – goods intended for medical or surgical use as bandages, dressings, sanitary pads, or materials forming part of manufactured medical and surgical goods
- *canvas goods* – beach and garden umbrella coverings
- *miscellaneous goods* – cords, twines, lashings, garden hoses, toys, umbrellas and parasols, shoelaces, woven labels, flex coverings, sporting goods used only for the purpose of sport (other than apparel), articles intended for one-time use only, mops, basket hangers, shoe holders, remnants, industrial gloves, regalia, polypropylene webbing for furniture, bags and cases (including handbags, purses, wallets, travel bags, sports bags, briefcases and wash bags).

How do you decide on the appropriate label?

Care instructions must be appropriate so that garments can be cleaned without damage. AS/NZS 2621–1998 gives examples of appropriate care labels. However, other phrases can be used as long as they accurately describe the appropriate way to clean the article, and are not misleading.

The care label should cover:

- general cleaning instructions for the textile, including, where appropriate:
 - general instructions and warnings
 - washing
 - drying
 - ironing
 - drycleaning

- how to maintain the textile, if necessary (e.g., air regularly)
- warnings against inappropriate treatment (e.g., do not tumble dry).

The care label also needs to take into account any special treatment required for the trims.

Businesses need to be familiar with both AS/NZS 2621–1998 and AS/NZS 2392–1999. As a guide, the correct care instructions for a textile depend on:

- the fibre used
- the construction and potential for shrinkage of the fabric (eg, knit)
- the colour-fastness of the fabric
- any special treatments applied (e.g., fire retardants) or likely to be applied (e.g., waterproofing)
- the design of the article (e.g., heat sensitivity, colourfastness of trims)
- the normal care of the article (e.g., Dryclean only is not appropriate for a polyester/cotton school shirt).

AS/NZS 2621–1998 sets out a flow chart on how to work out the appropriate care instruction. The following example sets out the steps you need to follow.

Man’s jumper, fibre content 70 % silk, 30 % cotton.

1 The first step is to describe the garment by its end use, fabric and fibre type.

End use: jumper

Fabric: knit

Fibre: 70 % silk, 30 % cotton

2 Refer to the Product End-Use Index in AS/NZS 2621:1998

Look up jumper in the tables, under Outerwear. Read across the table to find out what information is necessary, unnecessary or optional on the label. In this case, washing, ironing and drycleaning instructions are necessary; bleaching and drying instructions are optional. However, any specific or prohibited bleaching or drying instructions must be included in the label.

Then refer across to the final column in the table for the reference table for detailed care instructions, which in this case is Table one.

3 Refer to Table two.

You need to look up the care instructions for both silk and cotton.

<i>Treatment</i>	<i>Cotton</i>	<i>Silk</i>
Maximum washing temperature	60°C	40°C handwash
Bleaching	May be chlorine bleached	Prohibited treatment
Ironing	Hot	Warm
Drycleaning	Drycleanable <u>Ⓟ</u>	Drycleanable <u>Ⓟ</u>
Drying	No prohibitions	No prohibitions

As silk is the more delicate fibre, the care instructions to use on the jumper are those for silk.

4 The standard sets out tests for checking colour fastness, stretching, shrinking and other changes which might occur.

However, it suggests that where test facilities are not available, the article should be cleaned according to the suggested care instructions, and then be compared to a similar product of the same size and colour which has not been cleaned.

If the jumper passes the tests and so is clean and fit for the purpose for which it was designed and manufactured, then AS/NZS 2621-1998 says it should be labelled:

Warm Hand Wash

Do not Bleach

Warm Iron

Drycleanable

P

If the jumper fails the tests then you need to either:

- carry out further testing until a less severe care treatment can be decided on that leaves it clean and fit for the purpose for which it was designed and manufactured, or
- state a prohibited treatment or warning phrase such as 'Dry Flat in Shade'.

In this example, where the fabric is a knit, it is likely that an extra instruction will be needed to ensure the jumper does not stretch when cleaned.

For made-up garments, both laundering and drycleaning treatments should be described on the label. The instructions should be given on the same side of the label.

When no specific or prohibited drying instruction is required, i.e. the garment can be line dried, tumble dried etc., then no drying instruction is required. An example of a specific drying instruction is 'Dry flat away from direct sunlight'. An example of a prohibited drying instruction is 'Do not tumble dry'.

Where no specific or prohibited ironing instruction is required, i.e. the garment can be ironed with a hot or cool iron, or steam ironed etc., then no ironing instruction is required. An example of a specific ironing instruction is 'Use cool iron'. An example of a prohibited ironing instruction is 'Do not iron trim'.

Where an article is not colourfast, the label must state this.

It must also state whether the fabric shrinks to an extent that the customer may have to buy a different size to allow for shrinkage.

The label

Permanent

The care instructions must be on a permanent label. The standard defines permanent as meaning:

A label which will withstand the cleaning treatment given for the article to which it is attached and which will remain legible and attached to the article throughout its useful life.

Accessible

The care label must be accessible for examination by customers. Where this is not possible because of the way the textiles are displayed or packaged, then, in addition to the permanent label, the care instructions must be also be on at least one of:

- a removable ticket or label which is attached to the product
- a pamphlet accompanying the product
- the wrapper or package that the product is sold in.

Lettering

The wording on the label must be in English.

Two or more piece garments

Each piece must have its own care label.

Position of label

The standard notes that a joint standard, AS/NZS 2392–1999 gives guidance on the positioning of labels. However, most garments should be labelled at the top centre back of the garment or in the left side seam adjacent to the hem.

Garments that require non-permanent care labels

Some goods do not need a permanent label. However, these goods still require care instructions. They must be on at least one of:

- a removable ticket or label which is attached to the product
- a pamphlet accompanying the product
- a label on the wrapper or package that the product is sold in.

The following items do not need a permanent care label:

- *men's and boys' wear* – collars, gloves, mittens, all types of hosiery, incontinence garments, reversible jackets and fur garments
- *women's and girls' wear* – collars, neckwear, gloves, mittens, all

types of hosiery, incontinence garments, reversible jackets, fur garments and shawls

- *baby wear* – gloves, mittens, bibs, washable nappies, squares of flannelette, terry towelling or muslin, baby pilchers and fur garments
- *drapery* – face washers, serviettes, doilies, tablecloths, tray cloths, centres, runners, duchess sets, mosquito netting and covers made therefrom, butter muslin and gauze, tea towels, place mats, pot holders, finger tips, appliance covers for teapots, toasters and similar articles
- *haberdashery* – elastic, elastic threads, ribbons, zips, iron-on binding patches or trim, velcro-type fasteners and curtain-making kits
- *piece goods* – trim
- *furnishings* – shower curtains
- *miscellaneous* – gardening gloves.

Labelling of piece goods and textiles

Care instructions for piece goods and other non-made up textiles need to be provided by the supplier for the manufacturer, retailer and consumer, in one of the following ways:

- on a label or ticket attached to the roll of fabric
- by printing or weaving the instructions into the selvedge
- on the label on sample books or swatches of the goods.

Manufacturers should, where possible, incorporate care instructions onto the selvedge.

Labelling of yarns, leather, and fur apparel

Labelling of yarns

Care instructions for yarns must be provided by the supplier, for either commercial use or for the consumer, in one of the following ways:

- on an adhesive label fixed to the inside of the cone or spool
- on a swing ticket, wrapper or band attached to the reel, ball or skein.

Labelling of leather and fur apparel

Permanent care instructions must:

- give the consumer a choice of cleaning methods
- provide instructions for all methods of care.

Example

A consumer purchased a coat with fur trimmings that had incorrect care labelling instructions. The coat was damaged by drycleaners who followed the care instructions. The Commission investigated and reached a settlement with the trader.

Labelling of upholstered furniture and bedding

Labelling of upholstered furniture, bedding and other furniture

Care instructions must be on a permanent label.

- All individual pieces or a suite of furniture, including cushions and curtains, must be labelled.
- Consumers should be given a choice of cleaning methods.

Example

A trader provided no care labelling for curtains when this is required. As a consequence a drycleaner had difficulty appropriately cleaning the curtains. The Commission investigated and reached a settlement with the trader. Furniture and furnishings require separate labels detailing care instructions for each piece.

What other labels are required?

The following clothing and textiles must also comply with other product safety or consumer information standards:

- Children's nightclothes require country of origin and fire warning labels. These garments must also meet very specific fabric and design requirements.
- Other clothing requires fibre content and country of origin labelling
- Textiles – most textiles require fibre content labels.

Pamphlets on the other consumer information and product safety standards are available from the Commission.

Issues to look out for

Symbols

Symbols, by themselves, are not acceptable under the standard, although they can be used in conjunction with appropriate written instructions. Care instructions must be in words. The Commission is still coming across garments with either no care labelling or just symbols.

Example

A trader sold clothing whose care labelling provided only symbols to explain the care instructions. The trader was charged and convicted for a total of eight charges totalling \$4000.

English

The care labelling must be legible and in English. The Commission has found garments labelled in other languages.

Example

The Commerce Commission investigated a trader who sold clothing with care labelling in Korean. A settlement was reached and the trader undertook to re-label all stock.

Appropriate

Care labelling has to be appropriate to the garment. For example 'Dryclean only' may be appropriate for a linen suit but would be inappropriate for a pair of jeans.

Accessible

The care label must be attached in a position which is accessible to the customer. It should be placed where the customer is likely to look for it. This also means care has to be taken that the wording on the labels can be read and is not sewn into the seams.

Permanent

The label must be permanent and the information on it must remain for the life of the garment. Therefore the label must be able to withstand cleaning as per the care instructions. The label should also be in a position where:

- it does not detract from the appearance of the garment
- a consumer is unlikely to cut the label off because it irritates when wearing the garment.

Drycleaning

The care label must have drycleaning instructions and drycleaning symbols if the garment can be drycleaned.

Colourfast

The care label must warn if the article is not colourfast.

Tumble drying

The label must warn against tumble drying when it would cause the fabric to shrink. A label should not say 'Do not tumble dry' when the garment will withstand this treatment.

Trims

The care instructions need to suit the trim, e.g., leather trim on a woollen coat.

Two piece garments

Both parts of a garment, e.g., the jacket and trousers of a suit, need to be labelled.

Ironing

The care label may need ironing instructions for a 'Dryclean only' garment if it may be pressed between drycleaning treatments.

Coverage

Regardless of where or how the garment was made (overseas or hand-made) it must comply with the care labelling standards.

Example

A retailer was convicted and fined for selling hand-knitted baby clothing that had no care labelling instruction attached. It was fined \$500.

The care labelling standard applies to any traders selling or supplying garments covered by the information standard. This includes garments sold at markets, stalls and in craft shops.

Example

A couple trading through a market store sold two garments, both of which had no care label and no fibre content label. Both members of the partnership were convicted and fined on two counts of incorrect labelling in respect of both garments, totalling eight charges. The traders had previously reached a settlement with the Commission for breaching the consumer information standards.

Commission publications

The Commission publishes a series of free detailed guidelines on the Fair Trading Act and the Commerce Act.

Fair Trading Act guidelines

- Car Sales and the Fair Trading Act
- Care Labelling and the Fair Trading Act
- Compliance Programmes and the Fair Trading Act
- Debt Collecting and the Fair Trading Act
- The Fair Trading Act - A Guide for Advertisers and Traders
- The Fair Trading Act: Guidelines for the Real Estate Industry
- Fibre Labelling and the Fair Trading Act
- Food Labelling, Promotion and Marketing
- Free Offers - Avoiding Conflict with the Fair Trading Act
- Place of Origin and the Fair Trading Act
- Pyramid Selling and the Fair Trading Act
- Safety Standards for Bicycles
- Safety Standards for Cigarette Lighters
- Safety Standards for Cots
- Safety Standards for Night Clothes
- Safety Standards for Toys

Commerce Act guidelines

- The Commerce Act 1986 - A General Guide
- The Commerce Act and the Health Sector
- Business Acquisition Guidelines
- Conference Procedures
- Guidelines to the Analysis of Public Benefits and Detriments