

The Fair Trading Act

Fibre content labelling



This fact sheet gives guidance for complying with the Consumer Information Standard for fibre content of clothing or textiles as set out in the Fair Trading Act.

Consumer Information Standard

Consumers need to have accurate information about the fibre content of the clothing or textiles they buy to make sure the items can be used and cared for appropriately. Inaccurate labelling can also harm other suppliers – for example, other suppliers could be disadvantaged when their products are undercut by traders selling falsely labelled goods purporting to be genuine items.

Fibre content labelling regulations

It is mandatory under the Consumer Information Standards (Fibre Content Labelling) Regulations 2000 for many new textile goods supplied in New Zealand to comply with specific sections of the Standard AS/NZS 2622:1996 *Textile products – Fibre content labelling*. It is illegal to supply textile goods that do not comply with this Standard and the Regulations.

The Regulations set out the types of textile goods covered by the Standard, and what parts of the Standard apply to New Zealand.

The Standard sets out the fibre content labelling specifications textile goods must meet and the testing methods to be carried out to determine fibre content.

The Regulations are issued under section 27 of the Fair Trading Act 1986.

FIBRE CONTENT
80% WOOL
17% NYLON
3% SPANDEX

Who do the Regulations apply to?

The Regulations apply to any person who supplies, offers to supply, or advertises the supply of new textile goods. This includes any manufacturers, importers, distributors and retailers.

Types of supply include displaying clothing for sale in a shop, selling carpets at a market or advertising fabric for sale on an internet auction site.

What types of textile items need fibre content labels?

Most textile goods such as clothing, socks and hosiery, fabrics and carpets must be labelled with fibre content information. But there are some specific exceptions listed below.

What types of textile items do not need fibre content labels?

- second-hand goods;
- footwear and textile materials used in the manufacture of footwear (eg, insoles);
- goods made up from fabric selected or provided by the customer;
- belts, corsets, handkerchiefs, hats, household cloths; and
- miscellaneous goods such as artificial flowers, bags and cases, shoelaces and toys.

A complete list of items that do not require fibre content labels is set out in Schedule 1 of the Regulations.

What are the requirements for listing fibre content on labels?

The Standard AS/NZS 2622:1996 *Textile products – Fibre content labelling* is very detailed. You should read both the Regulations and the Standard for the complete information on labelling textiles with fibre content information.

As a guide, the Standard sets out two methods for labelling most textile items:

- Listing the names of the fibres and their percentages from the highest to the lowest percentage (eg, 80% cotton, 20% elastane).
- Listing the names of the fibres in order of the amount contained in the fabric (eg, cotton, elastane).

Some textiles, such as linings or pillow fibre fillings need specific fibre content labelling. For more information, see the Standard AS/NZS 2622:1996 *Textile products – Fibre content labelling*.

Other Standards which can assist in providing accurate fibre content labels are:

- *Labelling of clothes, household textiles and furnishings* (AS/NZS 2392:1999); and
- *Textiles – Natural and man-made fibres – Generic names* (AS/NZS 2450:1994)

Fibres that make up less than 5 per cent

When an item contains different fibres that individually make up 5 per cent or less of the total, they can be:

- listed name; or
- listed as 'other fibres'; or
- not mentioned at all providing the fibres do not add up to more than 5 per cent.

What names can be used on the label to identify the fibres?

Ordinary (generic) names must be used to identify fibre content. Do not use trade names, eg, use elastane not Lycra, on your fibre content labels.

You can find the generic names for textiles listed in the Standard AS/NZS 2450:1994 *Textiles – Natural and man-made fibres – Generic names*.

Can I describe an item as 100 per cent, pure or all?

You cannot describe a textile item as 100 per cent, pure or all if the textile contains more than one fibre.

Position of label

Guidance on where the label should be placed is available in the Standard AS/NZS 2392:1990. Most clothing should be labelled at the top centre back of the garment. The label must be easy to find by consumers examining the item.

If an item comes in more than one piece (eg, a suit) and both pieces have the same fibre content, they only need one label.

What other requirements are there for fibre content labels?

The labels must be in English and easy to read. The lettering must not be less than 1.5mm high.

Standard AS/NZS 2392:1990 *Labelling of clothing, household textiles and furnishings* provides information on where to position labels.

Permanent labels

Most textile goods require permanent fibre content labels. The label should be durable. The label should remain readable and attached to the item through its useful life.

Where the label is inaccessible because of the way the goods are packaged, displayed, or folded, the information must also be provided in one of these ways:

- a removable ticket or label with the item; or
- a pamphlet with the product; or
- a label on the wrapping or packaging.

Non-permanent labels

Some goods (such as baby bibs, hosiery and household cleaning cloths) do not need a permanent label but they must still provide fibre content information in at least one of these forms:

- a removable ticket or label with the item; or
- a pamphlet with the product; or
- a label on the wrapping or packaging.

A complete list of the items that can use a non-permanent label is set out in Schedule 1 of the Regulations.

Specific labelling requirements for yarns and piece goods

Piece goods and yarns must also be labelled. For more information on the range of labelling options for these types of goods, refer to the Standard.

Who is responsible for making sure the goods I supply have fibre content label?

Although it is likely the manufacturer will supply goods carrying fibre content labels, it is the seller's responsibility to make sure that the goods supplied comply with the Standard and the Regulations.

If you have any concern that the fibre content of the goods is not correct, arrange for the fibre to be tested to assure yourself that labels and descriptions supplied by manufacturers are accurate.

Can I replace an incorrect fibre content label with the correct label?

Yes, you can replace an incorrect label with a label stating the correct fibre content. The new label must comply with the Standard and the Regulations.

What happens if I supply textiles with no labels or incorrect fibre content labels?

You will have breached the Regulations. It is an offence under section 28 of the Fair Trading Act to supply textile goods that do not meet the labelling Standards.

It is also an offence under the Fair Trading Act to make a false representation or mislead your customers about the fibre content of the goods you have for sale.

For example, you will breach the Fair Trading Act if you advertise a sweater labelled as pure wool when it is made from a wool/acrylic blend.

The Commerce Commission, which enforces the Fair Trading Act, may take a prosecution against you in Court. Companies can be fined up to \$30,000 for each breach of the Act. Individuals can be fined up to \$10,000. For more information on the range of enforcement actions, from warnings through to prosecutions, see the Commission's website at www.comcom.govt.nz

Do textile goods require any other types of labels?

Some textiles must also comply with these Consumer Information or Product Safety Standards:

- most new clothing and footwear requires country of origin labelling;
- many textiles require care labelling; and
- children's nightwear (and a limited range of children's daywear) must comply with a children's nightwear Product Safety Standard, as well as the country of origin and fibre content labelling Regulations.

Fact sheets for each Consumer Information Standard and Product Safety Standard are available from the Commission's website at www.comcom.govt.nz

For further information on the Fair Trading Act, you can visit the Commission's website at www.comcom.govt.nz

Where can I get more information on the standards and the regulations?

The Standards AS/NZS 2622:1996 *Textile products – Fibre content labelling*, AS/NZS 2392:1999 *Labelling of clothing, household textiles and furnishings* and AS/NZS 2450:1994 *Textiles – Natural and Man-made fibres – Generic Names* are available to buy from Standards New Zealand by calling 0800 782 632, or via its website: www.standards.co.nz (enter number of Standard as keyword).

You can access the Regulations and the Fair Trading Act online at the government's legislation website www.legislation.govt.nz. The information on this website is free.

You can buy a copy of the Regulations and the Fair Trading Act from selected bookshops.

EXAMPLES

A retailer was fined for selling shawls with labels falsely describing the product as a 'pashmina' with '70% pashmina and 30% silk'. Independent tests showed that the shawl was actually made of cotton and polyester, with no pashmina (a type of goat hair) or silk content.

In this case the retailer sold most of its goods by direct mail. Consumers did not have the opportunity to inspect the goods so had to rely on the accuracy of the descriptions in the retailer's catalogue and website.

Useful terms

- **Breach** – to break the law or not comply with an Act or Regulations
- **Comply** – to meet obligations and rules, eg, as set out in an Act or Regulations
- **Consumer** – a person who buys from a retailer, an end-user
- **In trade** – a person who runs a business selling goods or services such as a retailer, manufacturer or importer
- **Mandatory** – making a set of rules or guidelines compulsory, that *must* be followed
- **Piece goods** – textiles, such as fabrics, supplied in standard widths and lengths
- **Regulations** – legislation made under an Act, in this case the Fair Trading Act Retailer – the seller who sells to end-consumers
- **Supply** – supply by sale, gifting, exchange, lease, hire, or hire purchase
- **Textiles** – items made from natural or synthetic materials (eg, cotton, nylon, wool) by spinning, weaving, knitting, felting, bonding, tufting or any similar process.

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Phone: 0800 943 600 **Write:** Contact Centre, PO Box 2351, Wellington 6140 **Email:** contact@comcom.govt.nz

