

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 834
Economic Matters

(Delegate Hucker, *et al.*)

Consumer Protection - Fur Labeling Requirements for Articles of Clothing

This bill prohibits a person from displaying for sale, offering for sale, or selling any article of clothing made wholly or partly of “animal fur” unless a specific label or tag is attached to the article of clothing. Violation of the bill’s provisions is punishable by a monetary penalty award in a civil action initiated by the State Attorney General.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill’s imposition of civil penalties. If the Attorney General’s Office receives fewer than 50 complaints per year stemming from the bill, the additional workload could be handled with existing resources

Local Effect: The bill would not directly affect local finances or operations.

Small Business Effect: Minimal overall, but small business clothing retailers could be negatively impacted to the extent that they currently stock items containing unlabeled fur.

Analysis

Bill Summary: The bill defines animal fur as animal skin with hair, fleece, or fur fibers attached, either in a raw or processed state. The label or tag required by the bill must identify

- the name of the animal or animals from which the animal fur was acquired, as set forth by the Fur Products Name Guide maintained by the Federal Trade Commission; and
- the country of origin of the animal fur, if it is from a foreign country. The label or tag

may be • added to the permanent label or tag attached to the article of clothing; • added to the temporary label or tag used by a merchant to identify the merchandise; or • affixed by sticker, in a conspicuous place, to the article of clothing.

The Attorney General may initiate a civil action against any person who violates the bill's provisions to recover for the State a penalty of • \$500 or less for a first violation; and • \$1,000 or less for each subsequent violation. Each article of clothing that is not labeled in accordance with the bill's provisions constitutes a separate violation.

Current Law/Background: State statutory law is silent on required labeling for fur products. In 1951, the U.S. Congress passed the Fur Products Labeling Act, which requires that fur clothing be labeled with the name of the species used, the manufacturer, the country of origin, and other information relevant for consumer awareness. FPLA includes an exemption for products with “relatively small quantity or value” of fur, however, and authorizes the Federal Trade Commission to set that value by regulation. In 1998, FTC increased the minimum value of fur that would require a label from \$20 to \$150. As the amount of fur trim in clothing products has increased in recent decades, the value exception to FPLA labeling requirements has meant that an increased amount of fur can be sold without FPLA labels. Since 1997, the Humane Society of the United States has reported an increasing number of foreign clothing manufacturers who facilitate the widespread, inhumane breeding and slaughter of domestic companion animals, mostly dogs and cats, in order to use the fur of these animals in consumer products. Many of these products are falsely labeled and sold to U.S. wholesalers for retail distribution. A number of bills have been introduced in the U.S. Congress to address this problem by requiring universal fur labeling regardless of fur value, but none has yet been enacted.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Business and Economic Development, Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

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ncs/ljm

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