

### § 250.3

### 16 CFR Ch. I (1-1-02 Edition)

simulated finish. Terms such as “walnut finish” or “fruitwood finish” will not suffice. However, terms such as “walnut color”, “fruitwood stain finish”, “maple finish on birch solids and veneers”, “walnut finish on walnut veneers and selected solid hardwoods”, “cherry grained maple drawer fronts”, “walnut finish plastic top” or “maple stained hardwoods” will be considered acceptable when factually correct and in contexts otherwise nondeceptive.

(e) *Materials simulating wood.* No wood names should be used to describe any materials simulating wood without disclosures making it clear that the wood names used are merely descriptive of the color and/or grain design or other simulated finish; nor should any trade names or coined names be employed which may suggest that such materials are some kind of wood. [Guide 2]

#### § 250.3 Identity of woods.

Industry members should not use any direct or indirect representation concerning the identity of the wood in industry products that is false or likely to mislead purchasers as to the actual wood composition.

(a) *Walnut.* The unqualified term *walnut* should not be used to describe wood other than genuine solid walnut (genus *Juglans*). The term *black walnut* should be applied only to the species *Juglans nigra*.

(b) *Mahogany.* (1) The unqualified term *mahogany* should not be used to describe wood other than genuine solid mahogany (genus *Swietenia* of the *Meliaceae* family). The woods of genus *Swietenia* may be described by the term “mahogany” with or without a prefix designating the country or region of its origin, such as “Honduras mahogany”, “Costa Rican mahogany”, “Brazilian mahogany” or “Mexican mahogany”.

(2) The term “mahogany” may be used to describe solid wood of the genus *Khaya* of the *Meliaceae* family, *but only* when prefixed by the word “African” (e.g., “African mahogany desk”).

(3) In naming or designating the seven non-mahogany Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan, the term “mahogany” may

be used *but only* when prefixed by the word “Philippine” (e.g., “Philippine mahogany table”), due to the long standing usage of that term. Examples of improper use of the term “mahogany” include reference to Red Lauan as “Lauan mahogany” or to White Lauan as “Blond Lauan mahogany”. Such woods, however, may be described as “Red Lauan” or “Lauan” or “White Lauan”, respectively. The term “Philippine mahogany” will be accepted as a name or designation of the seven woods named above. Such term shall not be applied to any other wood, whether or not grown on the Philippine Islands.

(4) The term “mahogany”, with or without qualifications, should not be used to describe any other wood except as provided above. This applies also to any of the woods belonging to the *Meliaceae* family, other than genera *Swietenia* and *Khaya*.

(c) *Maple.* The terms “hard maple”, “rock maple”, “bird’s-eye maple”, “Northern maple” or other terms of similar nature should not be used to describe woods other than those known under the lumber trade names of Black Maple (*Acer nigrum*) and Sugar Maple (*Acer saccharum*).

NOTE: Nothing in this section should be construed as prohibiting the nondeceptive use of wood names to describe the color, stain, simulated finish or appearance of industry products, provided that appropriate qualifications are made in accordance with provisions in § 250.2(d).

[Guide 3]

#### § 250.4 Leather and leather imitations.

(a) Members of the industry should not make any direct or indirect representation concerning furniture or parts thereof covered with leather, or other material which simulates leather, which is false or misleading.

(b) Practices which should not be used under this section include, but are not limited to, the use of any trade name, coined name, trademark,<sup>1</sup> or other word or term, or any depiction or device, which could have the capacity and tendency or effect of misleading prospective purchasers into believing that furniture is covered in whole or in part with the skin or hide of an animal,

<sup>1</sup> See § 250.1(b)(4).

or that the covering of furniture is leather, top grain leather, or split leather, when such is not the case. When a furniture covering is made from ground, shredded, pulverized or powdered leather, industry members should affirmatively disclose, in a manner provided for under §250.1 of this part, either the true composition thereof, or the fact that it is not leather.

(c) In the case of non-leather material having the appearance of leather, industry members should conspicuously disclose facts concerning the composition thereof either by identifying the composition of the product (e.g., "vinyl covering", "fabric-backed vinyl", "upholstered in plastic") or by a disclosure that the product is not leather (e.g., "imitation leather", "not leather"), as provided for under §250.1 of this part. [Guide 4]

#### § 250.5 Outer coverings.<sup>2</sup>

(a) In connection with the sale of furniture, members of the industry should not use any direct or indirect representation concerning the outer covering thereof which:

(1) Is false (e.g., using the term *Mohair* to describe a fabric not produced from fibers derived from the angora goat); or

(2) Has the capacity and tendency or effect of deceiving furniture purchasers (e.g., by telling a half-truth, such as using the unqualified word "Nylon" to describe a blend of nylon and other fibers).

(b) When (if) any identifying reference is made in *advertising* to an outer covering made of a mixture of different kinds of fibers, each con-

stituent fiber present in substantial quantity (at least 5 percent) should be designated in the order of its predominance by weight (e.g., "cotton and nylon") in a manner provided for in §250.1 of this part. If a fiber so designated is not present in a substantial quantity (less than 5 percent) the percentage thereof should be stated (e.g., "cotton, rayon, 3 percent nylon").

(c) When (if) any identifying reference is made on a tag or label to an outer covering made of a mixture of different kinds of fibers; each and every kind of fiber present in such outer covering should be identified by showing the fiber content with percentages of the respective fibers in order of their predominance by weight (e.g., "55 percent Cotton, 45 percent Rayon"). In the case of pile fabrics, identification of the fiber content should be made on a tag or label by stating:

(1) The fiber content of the face or pile and of the back or base, with percentages of the respective fibers in order of their predominance by weight and the respective percentages of the face and back showing the ratio between face and back (e.g., "Face 60 percent Rayon, 40 percent Nylon—Back 100 percent Cotton; Back constitutes 80 percent of fabric and face 20 percent"); or

(2) The percentages of the fibers of the face or pile and the back or base in relation to the total weight of the fabric (e.g., "40 percent Cotton, 40 percent Rayon, 20 percent Nylon" to describe a fabric having an all nylon pile constituting 20 percent of the total weight backed by a 50 percent—50 percent blend of cotton and rayon).

(d) No representation should be made, directly or by implication, that an upholstery fabric has been tested unless:

(1) Actual tests have been conducted by persons qualified to perform and evaluate tests on upholstery fabrics; and

(2) Such tests were devised and conducted so as to constitute a reasonable basis for evaluating the fabric for use as a furniture covering; and

(3) Such representation is accompanied by a conspicuous and accurate statement, in layman's language, of

<sup>2</sup>Section 12(a)(2) of the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70) specifically exempts "outer coverings of furniture" from the application of the Act. Section 14 of the same Act provides that the Act "shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States." Therefore, corrective action involving deceptive practices in the sale of furniture would be initiated under the authority of Section 5 of the Federal Trade Commission Act which prohibits "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce."