

that limited inquiry that industry products were marked with only the finished size. Additionally, the Commission has no record of receiving any complaints regarding non-compliance with the rule, or of initiating any law enforcement actions alleging violations of the rule's requirements. Finally, the Uniform Packaging and Labeling Regulation, which has been adopted by 47 states, regulates the labeling of sleeping bags, and appears to provide that these items must be labeled with their finished size.

#### Part B—Objectives

Based on the review described above, the Commission has determined that there may no longer be a need to continue the Sleeping Bag Rule in light of the apparent changes in industry practices and the existence of laws in nearly all of the states that appear to mandate point-of-sale disclosures similar to those required by the rule. The objective of this notice is to solicit comment on whether the Commission should initiate a rulemaking proceeding to repeal the Sleeping Bag Rule.

#### Part C—Alternative Actions

The Commission is not aware of any feasible alternatives to either repealing or retaining the Sleeping Bag Rule.

#### Part D—Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the Sleeping Bag Rule. Comments submitted during the regulatory review proceeding described above will be made part of the record, and need not be resubmitted. A comment that includes the reasoning or basis for a proposition will likely be more persuasive than a comment without supporting information. The Commission requests that factual data upon which the comments are based be submitted with the comments. In this section, the Commission identifies a number of issues on which it solicits public comment. The identification of issues is designed to assist the public to comment on relevant matters and should not be construed as a limitation on the issues on which public comment may be submitted.

#### Questions

- (1) Do manufacturers and sellers of sleeping bags currently use "cut size" as a means of marking the size of their products for sale at retail to consumers?
- (2) Does the fact that nearly all of the states have adopted the Uniform Packaging and Labeling Regulation, which governs the labeling of sleeping

bags, eliminate or greatly lessen the need for the Sleeping Bag Rule?

(3) What are the benefits to consumers from the rule?

(4) What are the costs to industry imposed by the rule?

(5) Is there a continuing need for the rule or should the rule be repealed?

**Authority:** Sec. 18(d)(2)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(d)(2)(B).

#### List of Subjects in 16 CFR Part 400

Advertising, Trade practices, Sleeping bags.

By direction of the Commission.

**Donald S. Clark,**

Secretary.

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#### 16 CFR Part 402

#### Trade Regulation Rule Concerning Deception as to Non-Prismatic and Partially Prismatic Instruments Being Prismatic Binoculars

**AGENCY:** Federal Trade Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Federal Trade Commission (the "Commission") proposed to repeal its Trade Regulation Rule entitled "Deception as to Non-Prismatic and Partially Prismatic Instruments Being Prismatic Binoculars" ("Binocular Rule"), 16 C.F.R. part 402. The proceeding will address whether the Binocular Rule should be repealed or remain in effect. The Commission is soliciting written comment, data, and arguments concerning this proposal.

**DATES:** Written comments must be submitted on or before June 22, 1995.

**ADDRESSES:** Written comments should be identified as "16 CFR Part 402" and sent to Secretary, Federal Trade Commission, Room 159, Sixth Street and Pennsylvania Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Phillip S. Priesman, Attorney, Federal Trade Commission, Division of Advertising Practices, Bureau of Consumer Protection, Washington, D.C. 20580. (202) 326-2484.

#### SUPPLEMENTARY INFORMATION:

#### Part A—Background Information

This notice is being published pursuant to Section 18 of the Federal Trade Commission ("FTC") Act, 15 U.S.C. 57a *et seq.*, the provisions of Part 1, Subpart B of the Commission's Rules

of Practice, 16 CFR 1.7, and 5 U.S.C. 551 *et seq.* This authority permits the Commission to promulgate, modify, and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting commerce within the meaning of Section 5(a)(1) of the FTC Act, 15 U.S.C. 45.

The Binocular Rule was published in final form in the **Federal Register** on June 5, 1964, and became effective on December 2, 1964. The Rule requires a clear and conspicuous disclosure on any advertising or packaging for non-prismatic or partially prismatic binoculars that the instruments are not fully prismatic. Fully prismatic binoculars rely on a prism within the instrument to reverse the visual image entering the lens so that it appears right-side up to the user. Other binoculars rely partially or entirely on mirrors to reverse the visual image. When the rule was promulgated, the Commission was concerned that consumers could be misled into believing that non-prismatic binoculars were in fact prismatic, absent such a disclosure.

To prevent consumer deception, the rule proscribed the use of the term "binocular" to describe anything other than a fully prismatic instrument, unless the term was modified to indicate the true nature of the item. Under the Rule, non-prismatic instruments could be identified as binoculars only if they incorporated a descriptive term such as "binocular-nonprismatic," "binocular-mirror prismatic," or "binocular-nonprismatic mirror."

#### Part B—Objectives

As part of its continuing review of its trade regulation rules to determine their current effectiveness and impact, the Commission recently obtained information bearing on the need for this Rule.<sup>1</sup> The objective of this notice is to solicit comment on whether the Commission should initiate a rulemaking proceeding to repeal the Binocular Rule.

#### Part C—Alternative Actions

The Commission will consider alternatives to repealing the Binocular Rule if the comments indicate that the

<sup>1</sup> In a memorandum to all federal departments and agencies dated March 4, 1995, the President requested all agencies to review their regulations and to initiate proceedings to eliminate those they determined were obsolete or unnecessary. In 1992, the Commission adopted a plan to review all its rules and guides at least once during a ten-year period. In response to the President's request, the Commission accelerated its scheduled review of certain rules to identify any that might be appropriate candidates for repeal or amendment.

Rule continues to serve its original purpose.

#### Part D—Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the Binocular Rule. The Commission requests that factual data upon which the comments are based be submitted with the comments. In this section, the Commission identifies the issues on which it solicits public comment. The identification of issues is designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted.

#### Questions

(1) Is any manufacturer currently manufacturing non-prismatic or partially-prismatic binoculars?

(2) Is any individual or business entity currently marketing non-prismatic or partially-prismatic binoculars?

(3) Do any retail stores or suppliers still maintain stocks of non-prismatic or partially-prismatic binoculars?

(4) What benefits do consumers derive from the Rule?

(5) Should the Rule be kept in effect or should it be repealed?

**Authority:** Section 18(d)(2)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(d)(2)(B).

#### List of Subjects in 16 CFR Part 417

Binoculars, Trade practices.

By direction of the Commission.

**Donald S. Clark,**

Secretary.

[FR Doc. 95-12583 Filed 5-22-95; 8:45 am]

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#### 16 CFR Part 404

#### Trade Regulation Rule: Deceptive Advertising and Labeling as to Size of Tablecloths and Related Products

**AGENCY:** Federal Trade Commission.

**ACTION:** Advance notice of proposed rulemaking (ANPR).

**SUMMARY:** The Federal Trade Commission ("Commission") proposes to repeal its Trade Regulations Rule entitled "Deceptive Advertising and Labeling as to Size of Tablecloths and Related Products" ("Tablecloth Rule"), 16 CFR part 404. The proceeding will address whether the Tablecloth Rule should be repealed or remain in effect. The Commission is soliciting written

comment, data and arguments concerning this proposal.

**DATES:** Written comments must be submitted on or before June 22, 1995.

**ADDRESSES:** Written comments should be identified as "16 CFR Part 404" and sent to Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** John A. Crowley, Esq., (202) 326-3280, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

#### SUPPLEMENTARY INFORMATION:

##### Part A—Background Information

This notice is published pursuant to Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a *et seq.*, the provisions of part 1, subpart B of the Commission's rules of practice, 16 CFR 1.7, and 5 U.S.C. 551 *et seq.* This authority permits the Commission to promulgate, modify and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting commerce within the meaning of section 5(a)(1) of the FTC Act, 15 U.S.C. 45(a)(1).

The Tablecloth Rule, promulgated by the Commission on August 5, 1964, declares that in connection with the sale or offering for sale of tablecloths and related products such as doilies, table mats, dresser scarves, place mats, table runners, napkins and tea sets, any representation of the cut size (that is, the dimensions of materials used in the construction of such products) constitutes an unfair method of competition and an unfair and deceptive act or practice unless:

(a) "Such 'cut size' dimensions are accompanied by the words 'cut size'"; and

(b) "The 'cut size' is accompanied by a clear and conspicuous disclosure of the dimensions of the finished products and by an explanation that such dimensions constitute the finished size."

The Commission periodically reviews the rules and guides it has promulgated, seeking information about the costs and benefits of such rules and guides and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. Pursuant to its review schedule, on April 19, 1993, the Commission published in the **Federal Register** a request for public comments on the Tablecloth Rule. 58 FR 21124. The Commission asked commenters to

address questions relating to the costs and benefits of the rule, the burdens it imposes, and the basis for assessing whether it should be retained, or amended.

The Commission received only one comment specifically addressing this rule along with a general comment referring to several rules under review. The comment specific to this rule was submitted by a trade group representing the textile rental, linen supply, uniform rental, dust control and commercial laundry services industries. In its one-page comment letter, the association stated there is a continuing need for this rule. The commenter believes that the rule does not impose any additional costs or burdens on entities subject to the rule and that the rule raises the level of professionalism in the industry.

In addition, one general comment, applicable to several rules being reviewed, was received from an advertising agency association. This organization recommends rescission of the Tablecloth Rule because the general prohibitions covering false and deceptive advertising apply to the industry and thus the rule creates unnecessary administrative costs for the government, industry members and consumers. The advertising association did not submit any analysis or data relating to the imposition of unnecessary administrative costs on affected industry members, government or consumers.

Prior to the request for comments, Commission staff engaged in an informal review of industry practices by examining the marking of dimensions on tablecloths and other items subject to the rule available for retail sale at several national chain stores. This informal review revealed no instances of rule violations. In fact, it appeared from that limited review that industry products were marked with only the finished size. Additionally, the Commission has no record of receiving any complaints regarding non-compliance with the rule, or of initiating any law enforcement actions alleging violations of the rule's requirements. Finally, the Uniform Packaging and Labeling Regulation, which has been adopted by 47 states, regulates the labeling of tablecloths, providing that these items must be labeled with their finished size.

##### Part B—Objectives

Based on the review described above, the Commission has determined that there may no longer be a need to continue the Tablecloth Rule in light of the apparent changes in industry practices and the existence of laws in