

Complaint

IN THE MATTER OF

**THE M GROUP, INC ALSO DOING BUSINESS AS
BAMBOOSA
AND
MINDY JOHNSON, MICHAEL MOORE, AND
MORRIS SAINTSING**

CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5(A) OF THE FEDERAL TRADE COMMISSION ACT AND THE
TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

*Docket No. 9340; File No. 082 3184
Filed, August 7, 2009 — Decision, April 2, 2010*

This consent order addresses The M Group, Inc., also doing business as Bamboosa, a corporation, and Mindy Johnson, Michael Moore, and Morris Saintsing's marketing and sale of textile fiber products purportedly made of bamboo fiber. Respondents made false claims that their textile fiber products are bamboo fiber; retain the anti-microbial properties of the bamboo plant; and will completely break down and return to the elements found in nature within a reasonably short period of time after customary disposal. The respondents also failed to have substantiation for the foregoing claims. The order prohibits respondents from failing to comply with the Textile Act or the Textile Rules. Respondents are specifically prohibited from representing that any textile fiber product (1) is made of bamboo or bamboo fiber; (2) is anti-microbial or retains the anti-microbial properties of any material from which it is made; or (3) is degradable, biodegradable, or photodegradable, unless such representations are true, not misleading, and substantiated by competent and reliable scientific evidence. The order also prohibits respondents from making claims about the benefits, performance, or efficacy of any textile fiber product, unless at the time the representation is made, it is truthful and not misleading, and is substantiated by competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence.

Participants

For the *Commission*: Melinda Claybaugh and Korin Ewing.

For the *Respondents*: Philip G. Clarke, III, Esq., Charleston, SC.

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The Federal Trade Commission, having reason to believe that The M Group, Inc., also doing business as Bamboosa (“Bamboosa”), and Mindy Johnson, Michael Moore, and Morris Saintsing, individually and as the members of the corporation (“Respondents”), have violated the provisions of the Federal Trade Commission Act, 15 U.S.C. § 41, *et seq.*, the Textile Fiber Products Identification Act, 15 U.S.C. § 70, *et seq.*, and the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent The M Group, Inc., also doing business as Bamboosa, is a South Carolina corporation. Its street address is 32 Seaboard Road, Andrews, South Carolina 29510, and its mailing address is PO Box 1239, Andrews, South Carolina, 29510.

2. Respondents Mindy Johnson, Michael Moore, and Morris Saintsing are the members of the corporate respondent. Individually or in concert with others, they formulate, direct, or control the policies, acts, or practices of the corporation, including the acts or practices alleged in this complaint. Their principal offices or places of business are the same as that of Bamboosa.

3. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

4. Respondents manufacture, advertise, market, promote, offer to sell, sell, and distribute textile fiber products, including a line of clothing and accessories for infants called BambooBaby, throughout the United States, using both Bamboosa’s website, www.bamboosa.com, and other retailers.

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5. Respondents price the textile fiber products that they manufacture, market, promote, distribute, and sell at a premium compared to other, similar products in the marketplace.

6. In advertisements to induce consumers to purchase their textile fiber products, Respondents make or have made various claims, on their website and elsewhere, concerning the fiber content, biodegradability, and anti-microbial characteristics of their textile fiber products, including, but not limited to, the following:

A. **Bamboosa Website (www.bamboosa.com)**

1. **Doing It Better**

Bamboo Fiber - All of our clothing and baby products are 100% organic bamboo fiber or high content organic bamboo fiber blended with cotton. Bamboo fiber contributes heavily to the quality, performance, comfort and durability of our apparel.

(“Doing It Better” page, Exhibit A at 1-2).

2. **Why Bamboo?**

Why Do We Use Bamboo?

Organic Bamboo fiber is the new innovation in textile fibers with remarkable characteristics:

* * *

● **Protective and Hygienic**

Unlike other anti-microbial fabrics, which require a chemical treatment, organic bamboo fiber clothing is naturally anti-microbial requiring no added harmful chemicals. It contains an agent, “bamboo kun,” that

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prevents bacteria from cultivating on it. Bamboo apparel is thermal regulating, anti-fungal, anti-static and will keep you cooler, drier, warmer and odor free.

* * *

- **Natural and Chemical-Free**

. . . Bamboo fiber is 100% biodegradable.

(“Why Bamboo?” page, Exhibit A at 3-4).

3. **About Bamboo for Babies**

Order a gift of bamboo baby clothing or a BambooBaby Gift Set for a special baby you know that will provide comfort, warmth and the softest fabric against baby’s tender skin. Our fabric, produced from certified organically grown bamboo, is naturally anti-microbial, hypoallergenic, bacteriostatic, thermal regulating and odor free. What more could you want for your new baby or the baby you want to welcome into the world?

(“About Bamboo for Babies” page, Exhibit A at 5).

4. **Product Descriptions**

Bamboo Pique Knit Polo

Blended 70% bamboo and 30% cotton pique knit polo

* * *

Bamboo/Cotton Short Sleeve Tee

Comfortable style made from our 70% organic bamboo and 30% cotton jersey fabric.

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* * *

100% Bamboo Fine Jersey Slim Fit Tee

100% organic bamboo fine jersey fabric in the most comfortable tee you'll ever wear.

(Product pages, Exhibit A at 6-7).

B. Product Hangtag

- **Anti-bacterial & Odor free**

Natural anti-bacterial agent makes bamboo fiber apparel odor-resistant

* * *

- **Natural & Eco-Friendly**

Bamboo, a natural cellulose fiber is 100% biodegradable & grown without pesticides

(Exhibit B at 1).

C. Product Package Insert**Bamboosa Products**

- **Natural & Hypoallergenic:** because bamboo contains a natural and unique anti-bacteria and bacteriostatic agent called "bamboo kun," bamboo fiber clothing does not need any antimicrobial chemical additives, which often cause skin allergies and other irritations
- **Anti-bacterial and & Odor free:** even after 50 washes, bamboo fiber fabric has a 70% elimination rate when

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incubated with bacteria – this natural anti-bacteria function along with the excellent permeability and evaporation of moisture makes bamboo apparel odor-free

* * *

- Biodegradable & Eco-Friendly: as a natural cellulose fiber, bamboo is 100% biodegradable and the decomposition process does not cause any pollution to the environment – compared to a fabric such as polyester which comes from petroleum, a depleting source and not biodegradable

(Exhibit C at 1).

D. **Product label**

100% Bamboo

Bamboo Fiber Products

(Exhibit B at 1).

7. The textile fiber products manufactured, marketed, promoted, distributed, and sold by Respondents consist of rayon and not actual bamboo fibers woven into fabric.

8. Rayon is the generic name for a type of regenerated, or manufactured, fiber made from cellulose. Rayon is manufactured by taking purified cellulose from a plant source, also called a cellulose precursor, and converting it to a viscous solution by dissolving it in one or more chemicals, such as sodium hydroxide. The chemical solution is then forced through spinnerets and into an acidic bath where it solidifies into fibers.

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9. The process used to manufacture rayon from cellulose involves hazardous chemicals. See 40 C.F.R. Part 63 (“National Emissions Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing”).

10. “[H]azardous air pollutants (HAP) emitted from cellulose products manufacturing operations” include carbon disulfide, carbonyl sulfide, ethylene oxide, methanol, methyl chloride, propylene oxide, and toluene. 40 C.F.R. § 63.5480.

11. Many plant sources may be used as cellulose precursors for rayon fabric, including cotton linters (short cotton fibers), wood pulp, and bamboo. Regardless of the source of the cellulose used, however, the manufacturing process involves the use of hazardous chemicals and the resulting fiber is rayon and not cotton, wood, or bamboo fiber.

12. Respondents do not state that their textile fiber products are rayon, nor, assuming that bamboo is the source of the cellulose used in their textile fiber products, do Respondents state that their textile fiber products are rayon made from bamboo. Moreover, on the pages of their website stating the claims set forth in Paragraph 6, Respondents do not provide any description of the chemical process used to manufacture their textile fiber products.

13. The opening page, or homepage, of Respondents’ website provides seven different categories of webpages on its site: “Bamboosa,” “BamboosaBaby,” “Products,” “Checklist,” “Engage,” “Bamboo,” and “Registry.” The “Bamboo” category offers a choice of eight webpages, including one titled “Bamboo Fiber Processing,” where, as part of a series of questions and answers, Respondents acknowledge that, (a) “[t]he fiber produced chemically is what [Bamboosa] use[s] and what most companies are using at this time,” and (b) “[t]he main chemical used in the processing [of Bamboosa’s textile fiber products] is sodium hydroxide also known as caustic soda.” (“Bamboo Fiber Processing” page, Exhibit A at 8-9).

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14. These statements are not clear and conspicuous, nor are they in close proximity to either the website's individual product pages or any of the advertisements set forth in Paragraph 6, above.

15. Respondents do not define, describe, or qualify their claim that their textile fiber products are biodegradable.

16. Approximately 91 percent of total municipal solid waste in the United States is disposed of in either landfills, incinerators, or recycling facilities. These disposal methods do not present conditions that would allow for Respondents' textile fiber products to completely break down and return to nature, *i.e.*, decompose into elements found in nature, within a reasonably short period of time.

VIOLATIONS OF SECTION 5 OF THE FTC ACT

FALSE OR MISLEADING REPRESENTATIONS

17. Through the means described in Paragraph 6, Respondents represent or have represented, expressly or by implication, that:

- a. Their textile fiber products are bamboo fiber;
- b. Their textile fiber products retain anti-microbial properties of the bamboo plant; and
- c. Their textile fiber products will completely break down and return to nature, *i.e.*, decompose into elements found in nature, within a reasonably short period of time after customary disposal.

18. In truth and in fact:

- a. Respondents' textile fiber products are not bamboo fiber, but instead are rayon, a regenerated cellulose fiber;

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- b. Respondents' textile fiber products do not retain anti-microbial properties of the bamboo plant; and
- c. Respondents' textile fiber products will not completely break down and return to nature, *i.e.*, decompose into elements found in nature, within a reasonably short period of time after customary disposal because a substantial majority of total household waste is disposed of by methods that do not present conditions that would allow for Respondents' textile fiber products to completely break down and return to nature, *i.e.*, decompose into elements found in nature, within a reasonably short period of time.

19. Therefore, the representations set forth in Paragraph 17 were, and are, false or misleading, and the making of such representations constitutes a deceptive act or practice, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

UNSUBSTANTIATED REPRESENTATIONS

20. Through the means described in Paragraph 6, Respondents represent or have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 17, at the time the representations were made.

21. In truth and in fact, Respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 17, at the time the representations were made.

22. Therefore, the representation set forth in Paragraph 20 was, and is, false or misleading, and the making of such representation constitutes a deceptive act or practice, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

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**TEXTILE FIBER PRODUCTS IDENTIFICATION ACT
AND RULES AND REGULATIONS**

23. The Textile Fiber Products Identification Act, 15 U.S.C. § 70, *et seq.* (“Textile Act”), governs, *inter alia*, the labeling and advertising of textile fiber products introduced, manufactured for introduction, delivered for introduction, sold, advertised, or offered for sale in commerce. *See* 15 U.S.C. § 70a.

24. Under the Textile Act, a textile fiber product is “misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.” 15 U.S.C. § 70b(a).

25. Pursuant to the Textile Act, 15 U.S.C. § 70e(c), the Federal Trade Commission has promulgated Rules and Regulations for its administration and enforcement (“Textile Rules and Regulations”). *See* 16 C.F.R. Part 303. The Textile Rules and Regulations state:

- a. All textile fiber products must carry permanent, affixed labels stating the recognized generic names of the constituent fibers, as well as indicating, among other things, the “percentages by weight of the constituent fibers present in the textile fiber product, excluding permissive ornamentation, in amounts of 5 percent or more,” as well as the “name of the country where such product was processed or manufactured.” 16 C.F.R. § 303.16(a)(1), (a)(3); *see also* 16 C.F.R. §§ 303.6, 303.15 and 303.33;
- b. In advertising and labeling textile fiber products, no generic name for a manufactured fiber may be used until such generic name has been “established or otherwise recognized by the Commission,” 16 C.F.R. § 303.8, and such generic names must be used when

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identifying the fiber content in the information required in such labels and advertisements, 16 C.F.R. § 303.6;

- c. The only generic terms for fibers manufactured from regenerated cellulose that have been established or otherwise recognized by the FTC are rayon, viscose, modal, cupro, and lyocell. *See* 16 C.F.R. § 303.7(d);
- d. “Words, coined words, symbols or depictions, (a) which constitute or imply the name or designation of a fiber which is not present in the product, (b) which are phonetically similar to the name or designation of such a fiber, or (c) which are only a slight variation of spelling from the name or designation of such a fiber shall not be used in such a manner as to represent or imply that such fiber is present in the product.” 16 C.F.R. § 303.18. Any term used in advertising, including internet advertising, that constitutes or connotes the name or presence of a textile fiber is deemed to be an implication of fiber content. 16 C.F.R. § 303.40; and
- e. Any information or representations included in advertising or labeling of a textile fiber product that is not required under the Textile Act or the Textile Rules and Regulations “shall in no way be false, deceptive, or misleading as to fiber content and shall not include any names, terms, or representations prohibited by the [Textile] Act and regulations. Such non-required information or representations shall not be set forth or so used as to interfere with, minimize, or detract from the required information.” 16 C.F.R. § 303.42(b); 16 C.F.R. § 303.41(d); *see also* 16 C.F.R. § 303.17.

26. A violation either of the Textile Act or of the Textile Rules and Regulations constitutes an unfair and deceptive act or practice

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in violation of the Federal Trade Commission Act. See 15 U.S.C. §§ 70a and 70e.

**VIOLATIONS OF THE TEXTILE ACT AND THE
TEXTILE RULES AND REGULATIONS**

27. As set forth in Paragraph 6, Respondents have:

- a. labeled their textile fiber products as consisting of bamboo; and
- b. advertised the fiber content of their textile fiber products using the terms “bamboo” and “bamboo fiber.”

28. In truth and in fact, Respondents’ textile fiber products are not bamboo fiber but are rayon, a regenerated cellulose fiber.

29. Through the means described in Paragraph 6, Respondents have manufactured for introduction, introduced, advertised, offered for sale, or sold textile fiber products that are misbranded or falsely or deceptively advertised, as prohibited by Sections 70a and 70b of the Textile Act, 15 U.S.C. § 70, *et seq.*, and in violation of Sections 303.6, 303.8, 303.16, 303.17, 303.18, 303.40, 303.41, and 303.42 of the Textile Rules and Regulations, 16 C.F.R. Part 303.

30. Respondents’ violations of the Textile Act and of the Textile Rules and Regulations constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

NOTICE

Proceedings on the charges asserted against the respondents named in this complaint will be held before an Administrative Law Judge of the Federal Trade Commission, under Part 3 of the Commission’s Rules of Practice, 16 C.F.R. Part 3, as amended by

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the Commission's Interim Final Regulations, 74 Fed. Reg. 1804 (Jan. 13, 2009). A copy of Part 3 of the Commission Rules is enclosed with this complaint, and the Rules are also accessible on the Commission Website at [FTC Rules \(16 CFR 0-999\)](#).

Notice is hereby given that the seventh day of April, 2010, at 10:00 a.m., is hereby fixed as the time, and the Federal Trade Commission offices, 600 Pennsylvania Avenue, N.W., Room 532, Washington, D.C. 20580, as the place when and where a hearing will be had before an Administrative Law Judge of the Federal Trade Commission, on the charges set forth in this complaint, at which time and place you will have the right under the Federal Trade Commission Act to appear and show cause why an order should not be entered requiring you to cease and desist from the violations of law charged in this complaint.

You are notified that the opportunity is afforded you to file with the Federal Trade Commission an answer to this complaint on or before the 14th day after service of it upon you. An answer in which the allegations of the complaint are contested shall contain a concise statement of the facts constituting each ground of defense, and specific admission, denial, or explanation of each fact alleged in the complaint or, if you are without knowledge thereof, a statement to that effect. Allegations of the complaint not thus answered shall be deemed to have been admitted.

If you elect not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that you admit all of the material facts to be true. Such an answer shall constitute a waiver of hearings as to the facts alleged in the complaint and, together with the complaint, will provide a record basis on which the Commission shall issue a final decision containing appropriate findings and conclusions and a final order disposing of the proceeding. In such answer, you may, however, reserve the right to submit proposed findings of fact and conclusions of law under § 3.46 of the Federal Trade Commission's Rules of Practice for Adjudicative Proceedings.

Failure to answer within the time above provided shall be deemed to constitute a waiver of your right to appear and contest the

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allegations of the complaint and to authorize the Commission, without further notice to you, to find the facts to be as alleged in the complaint and to enter a final decision containing appropriate findings and conclusions and a final order disposing of the proceeding.

The Administrative Law Judge will schedule an initial prehearing scheduling conference to be held not later than 10 days after the answer is filed by the last answering respondent in the complaint. Unless otherwise directed by the Administrative Law Judge, the scheduling conference and further proceedings will take place at the Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Room 532, Washington, D.C. 20580. Rule 3.21(a) requires a meeting of the parties' counsel as early as practicable before the prehearing scheduling conference, but in any event no later than five days after the answer is filed by the last answering respondent. Rule 3.31(b) obligates counsel for each party, within five days of receiving a respondent's answer, to make certain initial disclosures without awaiting a formal discovery request.

The following is the form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint. If, however, the Commission should conclude from record facts developed in any adjudicative proceedings in this matter that the proposed order provisions might be inadequate to fully protect the consuming public, the Commission may order such other relief as it finds necessary or appropriate.

Moreover, the Commission has reason to believe that, if the facts are found as alleged in the complaint, it may be necessary and appropriate for the Commission to seek relief to redress injury to consumers, or other persons, partnerships or corporations, in the form of restitution for past, present, and future consumers and such other types of relief as are set forth in Section 19(b) of the Federal Trade Commission Act. The Commission will determine whether to apply to a court for such relief on the basis of the adjudicative proceedings in this matter and such other factors as

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are relevant to consider the necessity and appropriateness of such action.

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EXHIBIT A

Doing it Better

http://www.bamboosa.com/boombosa.php?PID=17



Bamboosa

- Bamboosa - Find a Store
- Bamboosa Press
- Why Bamboos?
- Wholesale Inquiries
- Doing it Better
- About Us
- Bamboosa News
- Change Round-Up
- Bamboosa Up-Close

Home |  Shopping Cart | My Account | Order Status | Contact Us

Bamboosa Bamboobaby Products Checklist Engage Bamboos Registry

Doing it Better

We always envisioned that when we had our own company we would make higher quality, better performing, really comfortable, longer lasting, sweatshop-free, competitively priced, American Made apparel and baby products that are a better choice for the environment. We also said we would do it responsibly and as good corporate citizens. We do, we are and here is how:

Organic Bamboo Fiber - All of our clothing and baby products are 100% organic bamboo fiber or high content organic bamboo fiber blended with cotton. Bamboo fiber contributes heavily to the quality, performance, comfort and durability of our apparel. To see our organic certifications, [click here](#).

Yarn - Sometimes, new technology is not the best technology. Up until the early 1970s the manufacturing of yarn (spinning) was done on ring spinning equipment. This process makes a yarn that produces a very soft fabric and is used in some of the finest knits. However, because it is a slower process, it is more costly. So, in an effort to increase plant efficiencies (read: profits), open end spinning was developed. While spinning open end yarn is highly efficient, the end product is not so soft. That is why we have chosen to use only ring spun yarns for our products.

Knitting - We use the highest needle count machines available for our knitting. Why? To oversimplify, the more needles in the knitting machine, the better the fabric. Generally, more needles = smaller diameter yarns = more threads per inch = better fabric and less shrinkage.

Dyeing - We have eliminated the use of chlorine in our bleaching or pre-bleaching process. Using chlorine releases dioxins, which are known carcinogens, into the air. When dyeing our fabrics, we do not use any banned AZO dyes in our fiber reactive dyes. Our dyes consume less water and less energy and generate less waste, and therefore have a lower impact than non fiber reactive dyes. Also, because bamboo fabric accepts and holds dye well, we do not use any dye-fixing agents, which often contain heavy metals and formaldehyde.

Sewing - Our apparel is sewn in Andrews, South Carolina at our factory that employs many second and third generation sewers that are accustomed to making apparel to the highest standards. All of our products are engineered with durability and comfort in mind. We reinforce all stress seams and topstitch all neck and sleeve seams for enhanced appearance.

Recycled Packaging - All of our packaging materials, from the shipping carton to the hangtag to the return form enclosure are from 100% recycled paper with a minimum of 30% post consumer waste (PCW) and higher value PCW where available. Each order is wrapped in white, printed wrapping tissue that is manufactured from 100% recycled material and contains 30% post-consumer material. (Post consumer is sorted, used office paper.)

Why Not?

We asked ourselves that question.

Why not make a difference?

Why not give something back?

Why not grow a sustainable business?

Why not advocate and promote social justice?

Why not provide a better life for all of our employees?

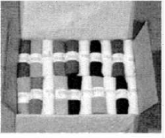
Why not ask people to think about the world in which we live?

Why not encourage the responsible use of our natural resources?

Only in the spirit of giving can we accomplish our goals.

Through our decisions to consciously create, we participate in life for the Planet, and giving our employees the chance to make a difference, we can answer the question.

Why Not?



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EXHIBIT A (continued)

Doing it Better

<http://www.bamboosa.com/boombosa.php?PID=17>

All of Bamboosa's products are made in the USA. We buy some yarn in China and also import the fiber from China and have yarn made in South Carolina. All fabric production as well as dyeing and sewing are also done in South Carolina. Bamboosa is committed to U.S. jobs, increased sustainability, social responsibility, environmental awareness and good corporate citizenship. We encourage our employees, our vendors, and our customers to consider their choices and to make decisions consistent with making a positive impact.

These are just some of the ways that Bamboosa is working to do it better.

We can find common ground only by moving to higher ground. - Jim Wallis, The Soul of Politics

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EXHIBIT A (continued)

Why Bamboo?

<http://www.bamboosa.com/boombosa.php?PID=13>

Bamboosa

- Bamboosa - Find a Store
- Bamboosa Press
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- Wholesale Inquiries
- Doing It Better
- About Us
- Bamboosa News
- Change Round-Up
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[Bamboosa](#) | [BambooBaby](#) | [Products](#) | [Checklist](#) | [Engage](#) | [Bamboo](#) | [Registry](#)

Why Bamboo?

Why Do We Use Bamboo?

Organic Bamboo fiber is the new innovation in textile fibers with remarkable characteristics:

- ***Soft and Comfortable***

Organic Bamboo fiber is softer than the softest cotton, has a natural sheen to the surface and feels similar to silk or cashmere. Bamboo absorbs water 3-4 times better than cotton, keeping skin comfortable, rather than sticky, in hot weather. Bamboo stays 2-3 degrees cooler in hot temperatures and warmer in cold temperatures.

- ***Protective and Hygienic***

Unlike other anti-microbial fabrics, which require a chemical treatment, organic bamboo fiber clothing is naturally anti-microbial requiring no added harmful chemicals. It contains an agent, "bamboo kun", that prevents bacteria from cultivating on it. Bamboo apparel is thermal regulating, anti-fungal, anti-static and will keep you cooler, drier, warmer and odor free.

Bamboo fiber also has natural UV protection. In April of 2005, we sent out our Purely Natural 100% bamboo jersey to the Suncare Research Laboratories in Winston Salem, N.C. for UV Protection testing. The UPF label rate is 15. The fabric scored 18.3 on the UPF scale with 94.15% UVA block and 93.17% UVB block.

The UPF system was created specially for sun protective fabrics. UPF measurements of fabrics are generally tested by spectrophotometer equipment and are not tested using human subjects. The UPF rate indicates how much of the sun's UV radiation is absorbed by the fabric.

The advantage of the UPF standard is that both UVB and UVA are measured.

- ***Natural and Chemical-Free***

Bamboo is grown without using pesticides or chemical fertilizers. Bamboo fiber is 100% biodegradable. At Bamboosa we choose to not use any bleach on our fabrics before dye. We offer many Purely Natural products without any dye at all.

Bamboo is one of the world's most prolific and fastest-growing plants, and is able to reach maturity in about four years, compared to the typical 25 to 70 years for commercial tree species in the U.S. Though most people are generally familiar with this beautiful and graceful plant, the average person is usually astounded when learning that there are more than 1000 documented uses of bamboo.

Bamboo is nature's most sustainable resource and is naturally regenerative. Bamboo is actually a tropical grass, with an extensive root system that sends out an average of four to six new shoots per year, naturally replenishing itself and growing to heights of 60 feet or more. Some bamboo species grow up to 4 feet per day and can be harvested every 3 to 4 years.



At Bamboosa, we will...

Give something back.

Through our participation in The For The Planet, our donations to community causes, and the encouragement given to our employees to make a difference, we believe that only in the spirit of giving can we accomplish our goals.

Conserve.

and ask our customers and employees to do the same. If you can't recycle, don't buy it. If you're not using it, give it to someone who will. When you are finished with it, give it new life as something else.

Make a sustainable product -

A product that is comfortable and that feels. The longer you want to wear our product, the less the impact.



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EXHIBIT A (continued)

Why Bamboo?

<http://www.bamboosa.com/boombosa.php?PID=13>

In Asia, bamboo has been used in the traditional hand-made production of paper for centuries. Now, through modern manufacturing processes, bamboo pulp is capable of producing bamboo fiber for use in yarn and fabric. Certain species of bamboo have the tensile strength equivalent to that of steel.

Bamboo is planted and grown on family-owned farms that have been in agricultural use for generations. None of the fiber comes from tropical forests. Over 2.5 billion people work with or depend on bamboo as a natural resource.

Why Bamboosa?

All of Bamboosa's clothing and baby products are made in America. The quality of our fabrics and workmanship is superior in every way.

Once you've worn Bamboosa, you'll want to wear more. If not, all of our products are guaranteed. We'll pay the postage.

Notice that the stiffest tree is most easily cracked, while the bamboo or willow survives by bending with the wind. - Bruce Lee

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EXHIBIT A (continued)

About Bamboo for Babies

<http://www.bamboosa.com/bamboobaby.php?PID=3>

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Bamboosa® [Bamboosa](#) [Bamboobaby](#) [Products](#) [Checklist](#) [Engage](#) [Bamboo](#) [Registry](#)

Bamboobaby

- About Bamboo for Babies
- About Our Baby Gift Sets
- Blue Lizard for Baby
- Green + Organic for Baby
- Green Gifts for Baby
- Panda and Bamboo
- Organic Bamboo Clothing
- Sleep Tips for Every Child

About Bamboo for Babies

Surprise everyone at the next baby shower with Bamboosa Baby clothing that is unique and a good choice for the environment. Bamboosa makes fluffy hooded towels, absorbent washcloths and cozy, soft baby bamboo blankets with the health and protection of babies in mind.

Bamboosa for Baby blankets and Bamboosa for Baby hooded towels are gifts that will be used for years. Order a gift of bamboo baby clothing or a Bamboobaby Gift Set for a special baby you know that will provide comfort, warmth and the softest fabric against baby's tender skin. Our fabric, produced from certified organically grown bamboo, is naturally anti-microbial, hypoallergenic, bacteriostatic, thermal regulating and odor free. What more could you want for your new baby or the baby you want to welcome into the world? We'll wrap your gift and include a personalized message!

One of our customers, Eliot Abel, sent a Bamboobaby gift with this wonderful message:

Welcome to the world young August. Here is the first item you'll need in your fight for a better, greener world. A bamboo baby blanket! (It can also be used as a cape if necessary). Love, Eliot

Bamboobaby also has comfy bamboo baby bodysuits, snugly bamboo baby beanies to keep little heads warm - and soft, cozy bamboo baby socks for those tiny toes. Wrap your baby or a baby you love in the comfort and softness of bamboo fabric.

"You are now my favorite website for baby gifts and I am telling all my friends."
Barbara - Coral Gables, Florida

Bamboosa Hooded Towel

Recommended by
The Opinionated Parent

If your baby is "beautiful and perfect, never cries or fusses, sleeps on schedule and burps on demand, an angel all the time," you're the grandma.
- Theresa Bloomingdale




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Complaint

EXHIBIT A (continued)

Bamboosa - Fine clothing and baby products made from bamboo :: B... https://www.bamboosa.com/store/cart.php?m=product_detail&p=134

Home | Shopping Cart | [Affiliate Login](#) | [My Account](#) | [Order Status](#) | [Contact Us](#)

Bamboosa BambooBaby Products Checklist Engage Bamboo Registry

Bamboosa

Categories

- BamboeBaby Products
- BamboeBaby Gift Sets
- BamboeBaby Panda
- Bamboe Powder Soapbars
- Accessories
- Bamboe Socks
- Women's Tops
- Men's Tops
- Adult Gift Sets
- Gift Certificates
- Sale

Bamboo Pique Knit Polo



\$48.00

SKU: MS01
Size: s/m/l/xl/xxl
Qty:
Color:

Bamboo Green

Size:

[Add to Cart](#)

[Add to Wishlist](#)

[Email a Friend](#)

[Back to List](#)

Free Shipping
on orders over \$100

Blended 70% bamboo and 30% cotton pique knit polo. Knitted collar, 3 button placket, banded sleeves, drop tail and side vents. Full cut sizing! Breathable and comfortable, this shirt will be your favorite at work or around the house.
Machine Wash Cold and Tumble Dry.
Our bamboo fabric is free of chlorine and formaldehyde.
Made in the USA!

Related Products

100% Bamboo Fine Jersey
Slim Fit Tee



\$26.00

[Details](#)

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Complaint

EXHIBIT A (continued)

Bamboosa - Fine clothing and baby products made from bamboo :: Pr...

https://www.bamboosa.com/store/cart.php?m=product_list&c=6

Home | [Shopping Cart](#) | [Affiliate Login](#) | [My Account](#) | [Order Status](#) | [Contact Us](#)

Bamboosa®

[Bamboosa](#) [BambooBaby](#) [Products](#) [Checklist](#) [Engage](#) [Bamboo](#) [Registry](#)

Categories

- [BambooBaby Products](#)
- [BambooBaby Gift Sets](#)
- [BambooBaby Panda](#)
- [Bamboo Powder](#)
- [Soybars](#)
- [Accessories](#)
- [Bamboo Socks](#)
- [Women's Tops](#)
- [Men's Tops](#)
- [Adult Gift Sets](#)
- [Gift Certificates](#)
- [Sale](#)

Products > Men's Tops

Short sleeve and long sleeve Tee's for Men. See size chart under "Checklist".

Displaying **1 - 5** of **5** Product(s): Sort By: **Default**

 Bamboo Pique Knit Polo Blended Bamboo/Cotton Polo Shirt. Full-cut sizing. \$48.00	 Bamboo/Cotton Short Sleeve Tee Comfortable style made from our 70% organic bamboo and 30% cotton jersey fabric. \$26.00	 Bamboo/Cotton Long Sleeve Tee Another great men's style made from our 70% organic bamboo/ 30% cotton jersey fabric. \$28.00
 100% Bamboo Fine Jersey Long Sleeve Tee Same great, 100% organic bamboo fine jersey fabric in a long sleeve tee. \$28.00	 100% Bamboo Fine Jersey Slim Fit Tee 100% organic bamboo fine jersey fabric in the most comfortable tee you'll ever wear. \$26.00	

Page: 1

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2006-11-15

Complaint

EXHIBIT A (continued)

Bamboo Fiber Processing <http://www.bamboosa.com/bamboo.php?PID=63rl>

Home | Shopping Cart | My Account | Order Status | Contact Us

Bambooosa BambooBaby Products Checklist Engage Bamboo Registry

Bamboo

- Bamboo Shopping
- About Bamboo
- Bamboo Books
- Bamboo Bazaar
- Bamboo Growers
- Bamboo Fiber Processing
- Organic Certification for Bamboo

Bamboo Fiber Processing

Your products are made in the USA, but where is your bamboo grown?

Our bamboo is grown on managed farms/plantations in Southeastern China. Since all of the bamboo fiber is processed in China and there is an abundance of bamboo growing in China, we use the bamboo grown there.

Bambooosa imports the fiber from China and completes the manufacturing processes (spinning, knitting, dyeing, and sewing) in South Carolina. Occasionally, we buy yarn from China, as opposed to fiber, and then complete the manufacturing in S.C.

I have read that they are clear cutting old growth forest in China to make way for more bamboo farms. Is that true?

We have found absolutely no evidence of any cutting of timber to plant bamboo. In fact, we have found that in 2007 the forest area in China grew by 12.84 million acres or the equivalent of nearly 2.3 billion trees. On January 14, 2008, China announced plans to plant more than 2.5 billion trees in 2008 covering an additional 13.09 million acres. The National Forest Restoration Program in China also has strict protection in place for existing forest land.

We have heard there is more than one type of bamboo fiber. If that is true, what are the different types and do you use all of them? If not, which types do you use?

There are two main types of bamboo fiber. The first is usually described as mechanical and the second as chemical. Very little of the mechanical fiber is in circulation and is not widely used. The fiber produced chemically is what we use and what most companies are using at this time.

What chemicals are used in the processing of your bamboo fiber and are they hazardous?

The main chemical used in the processing is sodium hydroxide also known as caustic soda. Caustic soda is one of the most widely used chemicals in the world. It is used in food production, soap making, manufacturing of bio diesel, production of paper, and is used on nearly all cotton fabrics, including organic cotton, during wet processing. Caustic soda is approved for use on textiles under the Global Organic Textile Standard (GOTS).

While caustic soda is a strong chemical it poses no health hazard if used and disposed of properly.

Some other manufacturers of bamboo fiber clothing say their apparel is Oeko Tex 100 certified, which means that no harmful chemicals were used in the production of their product and that their product is certified to be chemical free. Are your products certified to the Oeko Tex 100 Standard?

There seems to be a fair amount of confusion regarding the Oeko Tex 100 Standard and what it means. The Oeko Tex 100 Standard is a certification of a product at a given point in the manufacturing process. The certification states that there are no chemicals present in the product, at that point in the processing, that would be harmful to human health, including that of babies. It does not certify that no chemicals were used in the processing nor does it make any evaluation of what processes were used or any evaluation of the facilities that participated. There are other Oeko Tex certifications, such as 1000 and 100+ that certify processes or facilities but Oeko Tex 100 does not.

To our knowledge, all of the bamboo fiber produced is Oeko Tex 100 certified. We know for sure that the fiber that we purchase has achieved that certification. Bambooosa currently has no further certifications past the point of the fiber. However, the facility where we do our wet processing (dyeing and finishing of fabrics) is working on GOTS certification. We can assure our customers there are no chemicals used in our wet processing (dyeing and finishing) that are not approved for use by GOTS.

Exhibit A, page 8

Page 1 of 2

Complaint

EXHIBIT A (continued)Bamboo Fiber Processing <http://www.bamboosa.com/bamboo.php?PID=63rl>

We do know that there are some purveyors of bamboo apparel who state that their apparel is certified, when what they actually mean is that the fiber is certified. If companies selling bamboo fiber apparel have additional certifications past the fiber stage they would have the documentation for those certifications.

Because of the processing, should bamboo fiber still be considered "green"?

The production of bamboo fiber can and should be improved. R&B is underway to improve the process. Hopefully, a process similar to lyocel using organic solvents will someday be the standard for bamboo production. In the meantime, to discount all of the known positives of bamboo because it is not the darkest shade of green or 100% eco-friendly would be as bad of a decision as saying that organic cotton is not green or eco-friendly because of the amount of water used to grow it or because caustic soda is used in the processing.

Some facts to consider about the greenness of bamboo would be:

- Bamboo is grown without pesticides or chemical fertilizers
- Bamboo requires no irrigation
- Bamboo rarely needs replanting
- Bamboo grows rapidly and can be harvested in 3-5 years
- Bamboo produces 35% more oxygen than an equivalent stand of trees
- Bamboo is a critical element in the balance of oxygen and carbon dioxide in the atmosphere
- Bamboo is an excellent soil erosion inhibitor

Additionally, bamboo fiber fabric is antimicrobial, thermal regulating, wicks moisture better than polyester performance fabrics, will not hold odor, is resistant to mold and mildew, and is absorbent and fast drying keeping you dryer and more comfortable than any cotton or polyester fabrics.

Why do some bamboo fabrics not always feel as soft as other bamboo fabrics?

The first possibility would be that the bamboo fiber that was used is the mechanically produced variety, which does not produce a soft fabric, as opposed to the chemically produced type, which produces a very soft fabric.

In addition, even if the fiber was of the chemically produced variety, other factors can dramatically impact the softness of the finished fabric, as they can with any fiber. The type of yarn, open end or ring spun is a major contributing factor to how a fabric feels. Ring spinning causes the fibers to lay down in a parallel fashion, where open end yarns tend to have more fibers that have exposed ends, making that yarn less soft to the touch than ring spun.

Finally, during wet processing (the scouring/bleaching/dyeing and finishing process) many variables exist. Some of these could certainly result in a change in the hand on the fabric. A pH level that is too high, temperatures exceeding the limits of the fiber, any surface applications such as anti-curling agents, flame retardants, softeners, etc.; any of these could impact the look and the feel of the finished fabric.

Is bamboo organically grown?

Yes, our bamboo fiber is Certified Organic and you can see our certifications and read about them here on our website. The farm where the bamboo is grown is certified by the OCIA and the bamboo crops are certified by the USDA organic seal.

The activist is not the man who says the river is dirty. The activist is the man who cleans up the river. - Russ Perot

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Complaint

EXHIBIT B

Exhibit B displays five pieces of bamboo fabric apparel, each with a care label. The items are arranged in two rows: three shirts at the top and two pairs of pants at the bottom. The care labels provide instructions for washing, drying, and ironing, along with the manufacturer's website (www.bamboosia.com) and the fact that the items are made in America. The shirts are labeled with sizes S, M, and LG. The pants are labeled with sizes MD and XL. The Bamboosia brand logo is also visible on one of the items.

- **Anti-bacterial & Odor free**
Natural anti-bacterial agent makes bamboo fiber apparel odor-resistant
- **Safe & Hypoallergenic**
Bamboo fabric is not chemically treated preventing skin allergies and irritations
- **Breathable & Cool**
Bamboo clothing is highly breathable providing a cool, light texture and feel
- **Absorbent & Fast-drying**
Bamboo fiber micro-holes provide moisture absorption & ventilation
- **Soft & Silky**
Fabric from bamboo is softer than the finest cotton - similar to silk or cashmere
- **Natural & Eco-friendly**
Bamboo, a natural cellulose fiber is 100% biodegradable & grown without pesticides

Bamboosia
Bamboo Fiber
Made in USA

Complaint

EXHIBIT C

Bamboo

- The fastest growing plant in the world - growing as fast as 47.6 inches in a 24-hour period
- More than 1200 species all over the planet, native to every continent except Europe and the poles
- Tolerates extremes of drought and drowning and can be harvested in 3-5 yrs versus 10-20 yrs
- A tensile strength superior to steel and a weight-to-strength ratio surpassing that of graphite
- Releases 35% more oxygen than equivalent stands of trees
- Earth's most sustainable plant; needs no replanting and grows without fertilizers or pesticides
- Bamboo and its related industries provide income, food and housing to over 2.2 billion people

Bamboosa products

- Natural & Hypoallergenic: because bamboo contains a natural and unique anti-bacteria and bacteriostatic agent called 'bamboo kun', bamboo fiber clothing does not need any antimicrobial chemical additives, which often cause skin allergies and other irritations
- Anti-bacterial & Odor free: even after 50 washes, bamboo fiber fabric has a 70% elimination rate when incubated with bacteria - this natural anti-bacteria function along with the excellent permeability and evaporation of moisture makes bamboo apparel odor-free
- Breathable & Cool: the cross-section of bamboo fiber is filled with various micro-gaps and micro-holes which provides better moisture absorption and enhanced ventilation
- Biodegradable & Eco-friendly: as a natural cellulose fiber, bamboo is 100% biodegradable and the decomposition process does not cause any pollution to the environment - compared to a fabric such as polyester which comes from petroleum, a depleting source and not biodegradable
- Absorbent & Fast-drying: bamboo apparel is highly breathable and absorbent providing a distinctive cool, light texture and feel
- Soft & Silky: along with the environmental benefits, fabric made from bambo fiber is softer than cotton; feels similar to silk or cashmere and has a beautiful sheen

BambooBaby

- Safe, soft and natural products for your baby's comfort and health
- Wicks moisture away from baby's skin and stays dry
- Chemical and pesticide free fabric against your baby's tender skin

Decision and Order

DECISION AND ORDER

The Federal Trade Commission ("Commission") having heretofore issued its complaint charging respondents The M Group, Inc., also d/b/a Bamboosa, a corporation, and Mindy Johnson, Michael Moore, and Morris Saintsing, individually and as members of the corporation ("respondents"), with violations of the Federal Trade Commission Act, 15 U.S.C. § 45 *et seq.*, the Textile Fiber Products Identification Act, 15 U.S.C. § 70, *et seq.*, and the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303, and respondents having been served with a copy of that complaint, together with a notice of contemplated relief; and

Respondents, their attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by respondents of all jurisdictional facts set forth in the aforesaid complaint, a statement that the signing of the agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, or that any of the facts as alleged in such complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission's Rules; and

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with § 3.25(c) of its Rules, 16 C.F.R. § 3.25(c) (2010); and

The Commission having considered the matter and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days, and having duly considered the comments filed thereafter from interested persons pursuant to Section 2.34 of its Rules, now in further conformity with the procedure prescribed in § 3.25(f) of its Rules, 16 C.F.R. § 3.25(f) (2010), the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent The M Group, Inc., also doing business as Bamboosa, is a South Carolina corporation. Its street

Decision and Order

address is 32 Seaboard Road, Andrews, South Carolina 29510, and its mailing address is PO Box 1239, Andrews, South Carolina 29510.

2. Respondents Mindy Johnson, Michael Moore, and Morris Saintsing are the members of The M Group, Inc. Individually or in concert with others, they formulate, direct, or control the policies, acts, or practices of the corporation. Their principal offices or places of business are the same as that of Bamboosa.
3. The Commission has jurisdiction of the subject matter of this proceeding and of respondents, and the proceeding is in the public interest.

ORDER**DEFINITIONS**

For purposes of this order, the following definitions shall apply:

1. "Commerce" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
2. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
3. "Covered product" shall mean any or all of the following: (1) any article of wearing apparel, costume or accessory, drapery, floor covering, furnishing, bedding, or other textile good of a type customarily used in a household, regardless of where used in fact, that is made, in whole or in part, of yarn or fabric; or (2) any

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fiber, yarn or fabric, whether in the finished or unfinished state, used or intended for use in any such textile good.

4. "Fiber trademark" shall mean a word or words used to identify a particular fiber sold by a person and to distinguish it from fibers of the same generic class sold by others, as defined in 16 C.F.R. § 303.1(r).
5. "Generic name of any manufactured fiber" shall mean any name for a textile fiber established and defined by the Commission pursuant to Section 70e(c) of the Textile Fiber Products Identification Act, as set forth in 16 C.F.R. § 303.7.
6. "Is degradable, biodegradable, or photodegradable" shall mean that the entire product will completely decompose into elements found in nature within a reasonably short period of time after customary disposal.
7. "Manufactured fiber" shall mean any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber, as defined in 15 U.S.C. § 70(d).
8. "Required information" shall mean such information as is required to be disclosed on labels or invoices and in advertising under the Textile Fiber Products Identification Act, 15 U.S.C. § 70 *et seq.*, and under the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303, as defined in 16 C.F.R. § 303.1(e).
9. Unless otherwise specified, "respondents" shall mean The M Group, Inc., also doing business as Bamboosa, a corporation, its successors and assigns and its officers and members; Mindy Johnson, Michael Moore, and Morris Saintsing, individually and as members of the corporation; and each of the above's agents,

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representatives, and employees.

I.

IT IS ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, shall not make any representation, in any manner, expressly or by implication:

- A. That such covered product
 - 1. is made of bamboo or bamboo fiber, including, but not limited to, through the use of a fiber trademark or other descriptive term or name for a product or product line, *e.g.*, BambooBaby;
 - 2. is anti-microbial or retains the anti-microbial properties of any material from which it is made; or
 - 3. is degradable, biodegradable, or photodegradable,unless the representation is true, non-misleading, and, at the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; or
- B. About the benefits, performance, or efficacy of such covered product, unless the representation is true, non-misleading, and, at the time it is made, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

II.

Decision and Order

PROVIDED, HOWEVER, that nothing in this order shall prohibit respondents from describing a covered product using the generic name of any manufactured fiber and identifying bamboo as the cellulose source for such fiber, *e.g.*, rayon made from bamboo, so long as such representation is true, non-misleading, complies with the Textile Fiber Products Identification Act, 15 U.S.C. § 70, *et seq.* ("Textile Act") and with the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303 ("Textile Rules"), and, at the time such representation is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

III.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any covered product in or affecting commerce, shall not fail to comply with any provision of the Textile Fiber Products Identification Act, 15 U.S.C. § 70, *et seq.* ("Textile Act"), or of the Rules and Regulations promulgated thereunder, 16 C.F.R. Part 303 ("Textile Rules"), copies of which are attached hereto as "Appendix A," or of the Textile Act or Textile Rules as they may hereafter be amended, including but not limited to:

- A. Selling, offering for sale, or advertising in commerce any covered product that is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein, 15 U.S.C. §§ 70a, 70b;
- B. Selling, offering for sale, or advertising in commerce any covered product that does not have a stamp, tag, label, or other means of identification on or affixed to the inside center of the neck midway between the shoulder seams or, if such product does not contain a

Decision and Order

neck, in the most conspicuous place on the inner side of such product, unless it is on or affixed on the outer side of such product, or in the case of hosiery items on the outer side of such product or package, 15 U.S.C. § 70b(j);

- C. Failing to use the recognized generic name of any manufactured fiber in the required information in any labels, invoices, or advertising of any covered product, 16 C.F.R. §§ 303.6 and 303.7;
- D. Failing to include all required information on labels for any covered product and in any written advertisement disseminated for a covered product that is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such covered product, including identifying:
 - 1. the generic names and percentages by weight of the constituent fibers present in the covered product, in amounts of 5 percent or more and in the order of predominance set forth in 16 C.F.R. § 303.16(a)(1);
 - 2. the name or registered identification number issued by the Commission of the manufacturer or of one or more persons marketing or handling the covered product; and
 - 3. the name of the country where such covered product was processed or manufactured, as provided for in § 303.33, 15 U.S.C. § 70b(b); 16 C.F.R. §§ 303.16 and 303.42(a);
- E. Failing to ensure that any fiber trademark or generic name used on the label of or in any advertising for any covered product:

Decision and Order

1. is not false, deceptive, or misleading as to fiber content; and
 2. does not indicate, directly or indirectly, that the covered product is composed wholly or in part of a particular fiber, when such is not the case, 16 C.F.R. §§ 303.17(d) and 303.41(d);
- F. Failing to ensure that any non-required information or representations used on the label of or in the advertising for any covered product:
1. do not interfere with, minimize, detract from, or conflict with required information;
 2. do not include any names, terms, or representations prohibited by the Textile Act or Rules; and
 3. are not false, deceptive, or misleading, 16 C.F.R. §§ 303.16(c) and 303.42(b);
- G. Where a covered product is advertised in such manner as to require disclosure of the information required by the Textile Act and Textile Rules, failing to include all parts of the required information in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence, 16 C.F.R. § 303.42(a);
- H. Where a fiber trademark is used in advertising a covered product, failing:
1. to include the generic name of the fiber contained in such covered product in immediate proximity to and in conjunction with such fiber trademark; and
 2. to include a full disclosure of the fiber content information required by the Textile Act and Textile

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Rules in at least one instance in any such advertisement, 16 C.F.R. § 303.41;

- I. Failing to ensure that any words, coined words, symbols or depictions used in the labeling or advertising of a covered product which:
 - 1. constitute or imply the name or designation of a fiber;
 - 2. are phonetically similar to the name or designation of a fiber; or
 - 3. are only a slight variation of spelling from the name or designation of a fiber are not used in such a manner as to represent or imply that such fiber is present in the covered product, unless such fiber is actually present in that product, 16 C.F.R. § 303.18; and
- J. Failing to maintain for at least three years proper records for any covered products manufactured by respondent, including records showing the fiber content, 15 U.S.C. § 70d(b); 16 C.F.R. § 303.39.

IV.

IT IS FURTHER ORDERED that respondent The M Group, Inc., also doing business as Bamboosa, and its successors and assigns, and respondents Mindy Johnson, Michael Moore, and Morris Saintsing shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements, labeling, packaging and promotional materials containing the representation;

Decision and Order

- B. All materials that were relied upon in disseminating the representation;
- C. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations; and
- D. All acknowledgments of receipt of this order obtained pursuant to Part V.

V.

IT IS FURTHER ORDERED that respondent The M Group, Inc., also doing business as Bamboosa, and its successors and assigns, and respondents Mindy Johnson, Michael Moore, and Morris Saintsing shall deliver a copy of this order to all current and future principals, members, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

VI.

IT IS FURTHER ORDERED that respondent The M Group, Inc., also doing business as Bamboosa, and its successors and assigns, and respondents Mindy Johnson, Michael Moore, and Morris Saintsing shall notify the Commission at least thirty (30) days prior to any change with regard to The M Group, Inc., also d/b/a Bamboosa, or any business entity that any respondent directly

Decision and Order

or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this order, including but not limited to formation of a new business entity; a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the business or corporate name or address. *Provided, however,* that, with respect to any proposed change about which respondents learn less than thirty (30) days prior to the date such action is to take place, respondents shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

VII.

IT IS FURTHER ORDERED that respondents Mindy Johnson, Michael Moore, and Morris Saintsing, for a period of five (5) years after the date of issuance of this order, each shall notify the Commission of the discontinuance of his or her current business or employment, or of his or her affiliation with any new business or employment. The notice shall include the respondent's new business address and telephone number, and a description of the nature of the business or employment and his or her duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

VIII.

IT IS FURTHER ORDERED that respondent The M Group, Inc., also doing business as Bamboosa, and its successors and assigns, and respondents Mindy Johnson, Michael Moore, and

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Morris Saintsing shall, within sixty (60) days after the date of service of this order, file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form in which they have complied with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, respondents each shall submit additional true and accurate written reports.

IX.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a respondent in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondents did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

IN WITNESS WHEREOF, the Federal Trade Commission has caused this complaint to be signed by the Secretary and its

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official seal to be affixed hereto, at Washington, D.C., this seventh day of August, 2009.

By the Commission.

Analysis to Aid Public Comment

**ANALYSIS OF PROPOSED CONSENT ORDER
TO AID PUBLIC COMMENT**

The Federal Trade Commission (“FTC” or “Commission”) has accepted, subject to final approval, an agreement containing a consent order from The M Group, Inc., also doing business as Bamboosa, a corporation, corporationand Mindy Johnson, Michael Moore, and Morris Saintsing, individually and as members of the corporation corporation (together, “respondents”).

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement’s proposed order.

This matter involves respondents’ Pure Bamboo’s marketing and sale of textile fiber products purportedly ing to be made of bamboo fiber, including “Spa Wear,” “Active Wear,” and “Yoga Wear” lines of adult clothing. The FTC complaint alleges that respondents violated Section 5(a) of the FTC Act by making false claims that their textile fiber products are made ofbamboo fiber; retain the anti-microbial properties of the bamboo plantes; and will completely break down and return to the biodegrade into elements found in nature within a reasonably short period of time after customary disposal. The complaint alleges that respondents’ textile bamboo fiber products and naturally anti-microbial claims are false because the respondents’ products are actuallymade of rayon; do not retain the anti-microbial properties of the bamboo plant; . The complaint alleges that respondents’ environmentally-friendly claim is false because the rayon manufacturing processand that . Finally, the complaint alleges that respondents’ biodegradability claim is false because a substantial majority of household waste is disposed of by either in landfills, incinerators, or recycling facilities and these customary disposal methods that do not present conditions

Analysis to Aid Public Comment

that would allow for respondents' textile fiber products to decompose biodegrade into elements found in nature, within a reasonably short period of time. The complaint further alleges that the respondents failed to have substantiation for the foregoing claims.

The complaint also alleges that the respondents have violated the Textile Fiber Products Identification Act ("Textile Act") and the Rules and Regulations promulgated thereunder ("Textile Rules") by falsely and deceptively labeling and advertising their textile fiber products as bamboo to the product or packaging.

The proposed consent order contains provisions designed to prevent respondents from engaging in similar acts and practices in the future. Part I.A of the proposed order prohibits respondents from representing that any their textile fiber products (1) is are made of bamboo or bamboo fiber; (2) is are anti-microbial or retains the anti-microbial properties of any material from which it is they are made; or (3) is are degradable, biodegradable, or photodegradable, unless such representations are true, not misleading, and substantiated by competent and reliable scientific evidence. Part I.B prohibits respondents from making claims about the benefits, performance, or efficacy of any their textile fiber products, unless at the time the representation is made, it is truthful and not misleading, and is substantiated by competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence. Part II makes clear that, although Part I prohibits respondents from making false and unsubstantiated representations that their textile fiber products are made of bamboo or bamboo fiber as opposed to rayon, the respondents nonetheless may describe such products using the generic name of any manufactured fiber and identifying bamboo as the cellulose source for such fiber (*e.g.*, rayon made from bamboo), so long as such representation is true and substantiated. Part III of the proposed order prohibits respondents from failing to comply with the Textile Act and/or the Textile Rules.

Analysis to Aid Public Comment

Parts IV through VIII require respondents to keep copies of relevant advertisements and materials substantiating claims made in the advertisements; to provide copies of the order to certain of their personnel; to notify the Commission of changes in corporate structure that might affect compliance obligations under the order; to notify the Commission of changes in the individual respondents' current business or employment; and to file compliance reports with the Commission and respond to other requests from FTC staff. Part IX provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way its terms.

Complaint

IN THE MATTER OF

**ROARING FORK VALLEY
PHYSICIANS I.P.A., INC.**CONSENT ORDER, ETC. IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5(A) OF THE FEDERAL TRADE COMMISSION ACT

Docket No. C-4288; File No. 061 0172
Filed, April 5, 2010 — Decision, April 5, 2010

This consent order addresses Roaring Fork Valley Physicians I.P.A., Inc.'s orchestrating and implementing price-related agreements and concerted refusals to deal among competing physician members of RFV to maintain and raise the price at which RFV's physician members contract with payers. Since at least 2003 RFV, although purporting to use a messenger model, negotiated price-related terms on behalf of its members for the purpose of increasing and maintaining the rates for services provided by RFV's otherwise competing physician members. Its members also engaged in concerted refusals to deal with payers except upon the collectively-agreed upon contract terms demanded during negotiations. Furthermore, RFV members did not engage in any efficiency-enhancing integration of their practices sufficient to justify the collectively negotiation or the concerted refusals to deal. The order prohibits RFV from entering into or facilitating any agreement between or among any physicians: (1) to negotiate with payers on any physician's behalf; (2) to deal, refuse to deal, or threaten to refuse to deal with payers; (3) on any terms on which a physician is willing to deal with any payer; or (4) not to deal individually with any payer, or not to deal with any payer other than through RFV. RFV is also prohibited from facilitating exchanges of information between physicians concerning any physician's willingness to deal with a payer or the terms or conditions, including price terms, on which the physician is willing to deal with a payer. RFV is not precluded from engaging in conduct that is reasonably necessary to form or participate in legitimate joint contracting arrangements among competing physicians, such as a "qualified risk-sharing joint arrangement" or a "qualified clinically-integrated joint arrangement," however, the arrangement must not restrict the ability of, or facilitate the refusal of, physicians who participate in it to contract with payers outside of the arrangement.