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August 19, 2009

By mail and electronic mail

Chairman John Leibowitz
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

RE: Ongoing and repeated violation of the Fur Products Labeling Act by Neiman Marcus

Dear Mr. Chairman:

On behalf of The Humane Society of the United States (HSUS) and our over 11 million members and constituents, I congratulate you on your appointment. The HSUS is the nation's largest animal protection organization, and we look forward to working with you in the coming years on issues related to consumer protection.

I am writing to respectfully request your attention to the matter of the false advertising and labeling of animal fur under the Fur Products Labeling Act, and specifically the cases of Neiman Marcus and Bergdorf Goodman.

In March of 2007, Neiman Marcus and Bergdorf Goodman were among those named in an HSUS petition before your agency seeking enforcement of the Fur Products Labeling Act.

More than one year after filing and with no apparent enforcement taking place to curb this illicit behavior, in November of 2008 HSUS filed a lawsuit in the Superior Court of the District of Columbia naming Neiman Marcus and others for engaging in false advertising and mislabeling of fur garments.

Then in January of 2009 our investigators discovered Bergdorf Goodman among those selling unlabeled fur-trimmed jackets in brick-and-mortar locations in violation of New York State law.

With these two companies—both owned by Neiman Marcus Group, Inc.—repeatedly found in violation of labeling laws, it was our hope that the Federal Trade Commission would take action necessary to correct the behavior. You can imagine our disappointment when a staff letter was issued May 28, 2009 (<http://tinyurl.com/r2clcj>) closing the investigation against Neiman Marcus with no apparent punitive action.

Investigators in our fur campaign have now identified for sale on Neimanmarcus.com (<http://tinyurl.com/m7utzj>) and Berdorfgoodman.com (<http://tinyurl.com/qgwnvt>) fur-trimmed Manolo Blahnik brand boots that are advertised both as “cava fur”—a species that does not appear to exist—and “natural ocelot fur”—an endangered species illegal to sell under the Endangered Species Act (<http://tinyurl.com/qq629o>).

Our staff has been unable to locate any animal that goes by the name “cava.” As you know, under the Rules promulgated and enforced by your agency, any animal not specifically listed in the FTC Fur Products Name Guide requires the use of “a true English name [or] the name which properly identifies such animal in the United States.” Searches for the animal “cava” were conducted on the FTC’s Fur Products Name Guide, ITIS.gov (the Integrated Taxonomic Information Service), Wilson and Reeder’s Mammal Species of the World online database, Google Web (to 100 results), Google Image, and a number of animal listings on fur trade web sites. If fur, labeling and taxonomic professionals have not heard of this species, and web searches produce no results, it must be safe to assume that the public—for whom this law was designed—has not either. Further, there is no such animal by this name. And the Rules are clear on this:

“§ 301.11 Fictitious or non-existing animal designations prohibited.

No trade names, coined names, nor other names or words descriptive of a fur as being the fur of an animal which is in fact fictitious or non-existent shall be used in labeling, invoicing or advertising of a fur or fur product.”

The second description used for the fur in question is “natural ocelot fur” from Italy. Unlike “cava”, an online search for ocelot (*Leopardus pardalis*) produces many results, including many mentioning its endangered species status. It is very troubling that fur products purported to be from a well-known spotted cat, easily identifiable online as a species with no trade allowed, has gone unnoticed by law enforcement agents for over two months on major websites by known bad actors.

I urge you to initiate a review of the advertising and labeling of this particular instance in question, The Neiman Marcus Group, Inc. and all the stores it operates, and the animal fur selling industry as a whole. We are now entering a fourth fall fashion season since HSUS first publicized widespread violations of the Fur Products Labeling Act.

Please feel free to contact me at 202-676-2324 or rhenry@hsus.org to discuss this issue further. I look forward to hearing from you.

Sincerely,



Ralph Henry
Senior Attorney, Wildlife Litigation

Enclosures: Screen captures of the Manolo Blahnik boots at NeimanMarcus.com and Bergdorf Goodman.com

cc: U.S. Fish and Wildlife Service
Office of Law Enforcement
4401 North Fairfax Drive LE-3000
Arlington, VA 22203

SHOE SALON: CATEGORIES: BOOTS & BOOTIES
 See our complete [Manolo Blahnik](#) collection.



ZOOM | ENLARGE IMAGE

Cava Fur-Trim OTK Boot

Vanilla/tan calf leather. Natural ocelot fur (Italy) trim. Crescent toe. Lace-up shaft. 4" stacked heel. "Cava" is made in Italy.
Sizing note: This line runs small. We suggest that you order a half size larger than you typically wear.

We're sorry, but at this time we are unable to ship this merchandise to Canada.

[E-mail to a friend](#)

Items Available: 1 Quantity: Available Sizes/Colors: First, Select Size

Manolo Blahnik
Cava Fur-Trim OTK Boot
 Price: \$1,495.00
 BG10_XOCJP

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Cava Fur-Trim OTK Boot

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[E-mail to a friend](#)

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Manolo Blahnik
Cava Fur-Trim OTK Boot
 Price: \$1,495.00
 NMF10_XOCHX

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 **Jimmy Sky Wo**
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