

Rules Are Made to BeReformed: FTC Announces Regulatory Reform Measures

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As part of the FTC's ongoing review of the needs, costs, and benefits of regulations, the agency recently announced it is reviewing the following rules:

- The **Picture Tube Rule** requires manufacturers to base screen size measurements on the horizontal measure of the viewable area, unless the alternative method of measurement is clearly disclosed. This rule was originally intended to help consumers compare products, but with the changes in television technology. In determining whether the rule is still needed, relevant concerns include changes in television technology such as the incorporation of plasma, LED, OLED, and other similar materials in flat display screens. The full list of questions the FTC hopes to address can be found on the Notice of Public Rulemaking [here](#). Comments are due August 31.
- The FTC is also seeking comment on a proposal to eliminate the "housemark" provisions of the **Textile Rules**. The housemark provisions require marketers who want to use a "housemark" (a distinctive mark used to identify all a firm's products) on a textile's tag in lieu of their business name only if they first register their housemark with the Commission. It is the agency's position that that provision, imposed in 1959, is no longer necessary because trademark owners can easily be identified by searching online or via the U.S. Patent and Trademark Office website. Therefore, the FTC believes that removing these requirements will reduce compliance costs and increase firms' flexibility. Comments are due by July 31.
- The FTC is seeking public comment on its **CAN-SPAM Rule**, which requires a commercial email to contain accurate header and subject lines, identify itself as an ad, include a valid physical address, and offer recipients a way to opt out of future messages. The FTC is seeking comment on whether consumers have benefitted from the Rule, whether it should be modified, the costs of compliance, whether it should be amended to account for technological or economic changes, among other things. Comments are due by August 31.
- The **Energy Labeling Rule** is also being edited to eliminate burdens on the industry and account for new products. The Energy Labeling Rule requires yellow EnergyGuide labels on certain appliances to help consumers compare similar models using estimated operating cost and energy consumption ratings. The comments period for this change has ended. The FTC sought public comment on these changes in September 2016. The accepted changes eliminate obsolete marking requirements for plumbing products, exempt certain ceiling fans from labeling requirements, and update the labels to cover electric instantaneous water heaters.

Overall, this announcement is consistent with the FTC's recent systematic review of rules and

guides. We will continue to track the comments and provide updates on any important developments.