

**Department of Trade and Industry
Consumer and Competition Policy Directorate**

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Guidance Note

The Footwear (Indication of Composition) Labelling Regulations 1995: SI 1995 No.2489

This note outlines the effect of the Regulations and gives general guidance on them.

Although the guidance is intended to be helpful to the footwear industry and Trading Standards Departments, the Department's view on the meaning of the Regulations and the Directive that they implement has no particular authority and any question as to whether there has been a breach of the Regulations in any particular circumstances is ultimately a matter for the courts. If in doubt, legal advice should be sought.

Introduction

1. The Footwear (Indication of Composition) Labelling Regulations 1995 were made on 20 September 1995; they came into effect throughout the United Kingdom on 23 March 1996. The Regulations implement EC Directive 94/11 on the "approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer".

Scope of the Regulations

2. The Regulations cover nearly all footwear that is defined in Regulation 2 as "articles with applied soles designed to protect or cover the foot, including one of the main components when marketed separately". A non-exhaustive list of footwear covered by the Regulations is at Schedule 1. Regulation 3 details footwear excluded from the coverage of the Regulations, in particular protective footwear covered by EC Directive 89/686 e.g. boots with steel toe-caps, and EC Directive 76/769, which includes footwear containing asbestos.

3. Clarification may be helpful in three particular areas. The first concerns footwear formed from a single piece (see paragraph (vi) of Schedule 1). Although this refers mainly to e.g. rubber boots (but not, by virtue of the exclusion, to paper overshoes), we believe that it also extends to slipper-type moccasins made from two pieces of leather, one of which wraps around the bottom and sides of the foot, the other forming a tongue on the upper surface. We believe that such slippers fall within the scope of the Regulations and should be labelled accordingly. However, where there is no separate lining and sock or where the material of which the lining and sock is made comprises less than 80 per cent of the surface area of the inside of the footwear, then, in the Department's view, no labelling obligation arises.

4. Orthopaedic footwear is specifically included in the scope of the Regulations and would include e.g. foot exercise sandals available from chemist shops and similar establishments. However, we do not think labelling requirements should extend to footwear prescribed by a medical practitioner and we have excluded this by virtue of the reference to the Medical Devices Regulations 1994 in paragraph (ix) to Schedule 1.

5. Toy footwear is specifically excluded from the scope of Article 1 of the Directive. For the purposes of determining what comprises "toy footwear" the definition of "toy" used in the Toy Safety Directive (88/387/EEC) i.e. "designed or clearly intended for use in play by children of less than 14 years of age" may be helpful. This would exclude such items as footwear worn by children as part of a fancy dress outfit, and plastic roller skates.

Labelling Requirements

6. The parts of footwear to be labelled are the upper; the lining and sock; and the outer sole. Materials are to be labelled in one of four ways: "leather"; "coated leather"; "textile" and "other". Labelling may be by means of pictograms or written indications but where written indications are used, the language must be English. The labelling requirements are set out in Regulation 5 and Schedule 2. Regulation 5 details how to determine which materials should be labelled where a particular part of the footwear concerned comprises two or more materials. Regulation 5(6) describes the ways in which labels may be attached. In particular, labels must be "visible, securely attached and accessible".

7. Regulation 5(5) enables additional (textual) information to be supplied, whether pictograms or written indications are used. If the expression "full grain leather" is used by way of additional information, then the material must meet the definition given in regulation 2. Other expressions e.g. "acrylic" may also be used but must not mislead consumers (see regulation 5(7)).

8. Separate labelling is required for the warm linings of footwear under the Textile Products (Indications of Fibre Content) Regulations 1986. For instance, a lining of brushed cotton would require "textile" for the purposes of the Footwear Labelling Regulations but "cotton" for the purposes of the Fibre Content Regulations.

Obligations on "Responsible Persons" (Manufacturers and Importers)

9. Under regulation 4, the manufacturer or the responsible person (either the manufacturer, the manufacturer's authorised representative or the person who first supplies footwear in the Community) must not place any footwear on the UK market which does not comply with the Regulations. Failure to comply will be an offence under regulation 8 liable to a fine of up to £5,000 on summary conviction and £20,000 on conviction on indictment. However, under regulation 9, Trading Standards Officers may first serve a compliance notice (as set out in Schedule 3) to give an opportunity to bring footwear labelling into line with the requirements of the Regulations.

Obligations on Retailers, including Mail Order Traders

10. Under regulation 6, the retailer is obliged to ensure that all footwear that he sells is labelled in accordance with the requirements of the Regulations. Footwear invoiced or delivered to a retailer on or before 22 March 1996 does not become subject to the Regulations until 23 September 1997 (see regulation 1(2)).

11. Under regulation 6(2) any retailer selling footwear labelled by means of pictograms from a shop must display a notice in a conspicuous position explaining the meaning of the pictograms.

12. Mail order traders are also required (regulation 6(3)) to ensure that consumers are supplied with information as to the meaning of pictograms, where shoes that they sell by way of advertisement or catalogue are labelled in this way.

13. Under regulation 8, failure to comply with the requirements of the Regulations will be an offence and liable to a fine of up to £5,000 on summary conviction or £20,000 on conviction on indictment. However, under regulation 9, before taking enforcement action, Trading Standards Officers may serve a compliance notice (as set out in Schedule 3) to give an opportunity for footwear labelling to be brought into line with the requirements of the Regulations.

Enforcement

14. The Regulations are enforced by Trading Standards Officers under the provisions of the Trade Descriptions Act 1968.

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