



NO TO FAKE

The counterfeiting of clothing and accessories

Consumer guide

How you can learn more
to be better prepared.

Clothing	3
Counterfeiting of origin or of a trademark?	3
Counterfeit products which harm our health	4
Toolkit	6
The effects of counterfeiting	10
Footwear	10
Get to know your shoes by labels	10
Eyewear	12
Leather goods	15

NO TO FAKE

Clothing

Most people like wearing attractive clothing, as it is a visible status symbol. Many consumers don't really want to know whether a garment is original or not - what's important is owning something made by a famous designer or brand, and what's even more important is having paid much less for it than for the original.

This attitude is common to many consumers of counterfeit goods who think that what they are doing is not important, or that it won't affect their everyday lives.

In fact, counterfeit goods not only damage Italy's businesses and its economy: they can also be harmful to the consumer. The use of harmful substances in counterfeit clothing, as we will see below, is now well-known. The risks are extremely high, also because over time, the chemicals are gradually absorbed by the skin.

Counterfeiting of origin or of a trademark?

Talking about counterfeiting means highlighting a phenomenon that covers more than just the falsification of trademarks, models and patents.

Counterfeiting also extends to the wealth of knowledge built up in a traditional industry over the years, characterised by factors such as quality, respect for the environment, the protection of consumer health and safety and of the production chain, in order to obtain illegal financial benefits without guaranteeing market-compliant standards.

In such cases, we talk about a fake denomination of origin of a product and in particular, of the "*Made in Italy*" label, widely imitated in Italy and worldwide. There is no doubt that this phenomenon has affected all the sector of the fashion, footwear and leather goods industry, where it is still common to find many products on sale which are labelled *Made in Italy*, but they are not actually produced in this country. Italy has introduced laws to control this problem, albeit with several difficulties and grey areas.

Unfortunately, until now the European Union has not done the same. In the EU, (and this also applies to Italy) it is not obligatory to affix the "*Made in*" indication of origin to retail goods.

The counterfeiting of a garment refers to the production of a manufactured product which is very similar to the original. Just the **reading of a detailed label** does not give us any guarantee on the product's originality. In the case of counterfeiting, the copyright is often reproduced on the product and its label. **The price and the unauthorised retailer**, can give us much more information.

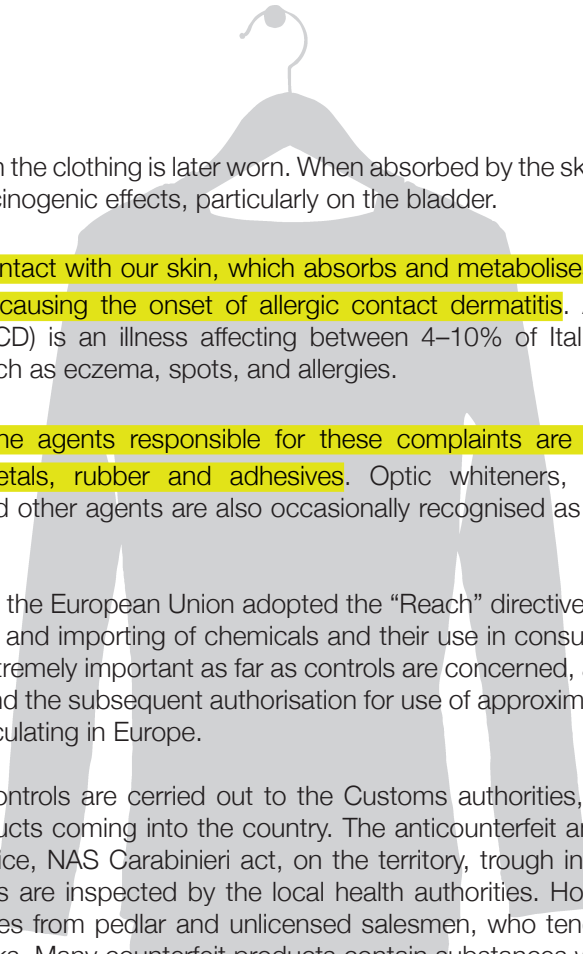
Counterfeit products which harm our health

In general, the textile industry is considered to be one of the most heavily-polluting, as it makes widespread use of harmful substances: it is very wide the range of detergents, colouring and fixing agents which leave traces on the cloths. The cotton, although it is considered a natural and therefore "safe" fibre, it often comes from intensive cultivation that widely use chemicals which remain on the fibres even after they have been transformed into cloth.

Textiles, including those made from natural fibres (this includes wool, silk and linen, as well as cotton), undergo countless treatments such as bleaching, impregnation with additives so to increase their resistance during weaving, glossing, and stabilisation. There are also a series of protective processes (anti-mould, anti-bobbling and anti-crease treatments) which involve the use of chemicals, sometimes toxic, which leave significant residues on the finished product.

In many counterfeit garments of – including children's clothes - it is easy to find traces of chemical colouring agents and paints which are harmful to health. With particular regard to children, special caution should be given to phthalates, which are plasticizing agents used in the printing of T-shirts, baby-grows and pyjamas.

The use of low-cost colouring agents can lead to attractive savings. Azo colorants, responsible for the presence of aromatic amines, are unfortunately used to produce a large number of wool, cotton and leather-based products. Aromatic amines are the substances released by the colorants during production



and also when the clothing is later worn. When absorbed by the skin, these amines can have carcinogenic effects, particularly on the bladder.

Come into contact with our skin, which absorbs and metabolises them, with the possibility of causing the onset of allergic contact dermatitis. Allergic Contact Dermatitis (ACD) is an illness affecting between 4–10% of Italians afflicted by conditions such as eczema, spots, and allergies.

Specifically, the agents responsible for these complaints are fixing products, colorants, metals, rubber and adhesives. Optic whiteners, biocides, flame retardants and other agents are also occasionally recognised as allergy-inducing substances.

In June 2007, the European Union adopted the “Reach” directive, which refers to the regulation and importing of chemicals and their use in consumer goods. The directive is extremely important as far as controls are concerned, as it requires the registration and the subsequent authorisation for use of approximately 30% of the chemicals circulating in Europe.

In Italy, the controls are carried out to the Customs authorities, who check the flows of products coming into the country. The anticounterfeit and health unit of the Italian police, NAS Carabinieri act, on the territory, through inspections, while retail premises are inspected by the local health authorities. However, the main problem comes from pedlar and unlicensed salesmen, who tend to escape the security checks. Many counterfeit products contain substances which have been banned in Europe but are still used in other countries.

ANTI-COUNTERFEITING CALL CENTER + 39 06.47055800

ANTI-COUNTERFEITING FAX LINE + 39 06.47055750

Toolkit

To be sure that a garment is not counterfeit, there must be a clear indication of the stages of production it has gone through.

Under Italian law, textiles sold to consumers must bear a label specifying their fibre composition (**legislative decree 194/1999**, enacting **Directive EC 96/74**).

Recently, Regulation (EU) 1007/2011 (entry in force 8 May 2012) was introduced, requiring changes to be made to the labelling of textile composition.

A fibre composition label:

- must contain **the company name or registered trademark** of the company which marketed the product;
- must state **the full name of the textile fibres** within the product (without the use of initials or abbreviations);
- must indicate whether the product contains any **“non-textile elements of animal origin”**;
- must be **written in a clear and legible Italian**;
- is not required on products which are not at least 80% made from textile fibres;
- **can use the terms “pure” or “all”** if the product is made entirely from a single fibre. The tolerance of other fibres within products defined as being 100%-made from a single fibre, or with the word “pure” is 2% of the product’s weight. This is extended to 5% for carded garments;
- in the case of products made from several composite fibres, a detailed declaration of composition **is NOT obligatory** for fibres representing less than 30% of the total weight;

- must **specify the percentage of all the fibres present**, subject to the tolerances and rules on the use of the “other fibres” wording;
- can use the term “**other fibres**” for up to 10% of the total weight of the product;
- is not required to indicate decomposition of an embroidered pattern if it is less than 10% of the product’s total weight.

It can also contain:

- the commercial names of the fibres, to be given separately from the percentage composition.
- Garments made from textiles, with different fibrous compositions must list each component separately on the label (e.g. wool on the outside – cotton on the inside). Separate labelling is not required for components which make up less than 30% of the product’s total weight.
- With regard to the main lining of a garment (the linings of jackets or skirts), these must be labelled clearly and separately from the rest of the product.

What the label must look like:

- **it can be different sizes**, provided it is permanently sewn, stapled or printed directly onto the product;
- **affixed only on the pack**, for tea towels and cleaning cloths (labelling for these products is not obligatory);
- It can be indicated only **on the sample scrap or roll**, for products sold by the yard.



A circular issued by the Ministry of Industry (**No. 7/2/2001**, referring to European technical standards **EN 23758/93**) extended the rules on care labels to include a large number of products in the fabrics industry, compared to Law 126/91 and its implementing decree (**Ministerial Decree 101/1997**).

The international ISO regulations are intended to be recommendations, and are not obligatory. The care symbols are registered as trademarks by Ginetex/Cofreet, and therefore use of these symbols is subject to payment of royalties. The Italian Textile and Fashion Federation Sistema Moda Italia is the sole licensee of Ginetex symbols in Italy.

This label is particularly important, as the textile fibres and colorants used during dyeing and printing processes behave differently when washed or dry-cleaned, depending on the temperature, and when bleached.

This label is useful:

- for consumers, as it helps to avoid errors which could damage the garment;
- for manufacturers, as it helps to avoid long, onerous disputes when garments are washed under different conditions from those recommended on the label.



The care label

- must contain the washing instructions, according to a standard symbology defined by international technical regulations (there are 5 obligatory symbols: washing with water, bleaching, spin drying, ironing and dry cleaning);
- may have short phrases containing additional information about the meaning of the symbols. At present, the use of allergenic colorants is prohibited, however there is no legal obligation to indicate the chemical composition of any colorants used in clothes placed on the market.



The effects of counterfeiting

Fake “Made in Italy” clothing and accessories lead to a loss of revenue for Italian manufacturers of approximately Euro 2 billion every year, and have a negative impact on the workforce equivalent to 20,000 jobs.*

Italian businessmen and consumers consider the defence of genuine Italian-made products to be an absolute priority: to combat fakes and illegal imitations it is necessary intensify controls, also for traceability and compulsory labelling.

Source the Research Office of the Monza/Brianza Chamber of Commerce, data from ISTAT, Tagliacarne and the Piepoli Institute.*

Footwear

When buying a pair of shoes, we are usually attracted by the model, colours and the price, but low cost is not always a guarantee of quality.

We also need to pay more attention to the materials used in the various parts of the shoe (such as the sole and upper, etc.), before we purchasing it. In other words, we need to read the label carefully.

Get to know your shoes by labels

The label is a kind of identity card for the product. It should be present on at least one of the issues in each pair we look at. It indicates which materials the shoe is made from, and sometimes where it was made (this is useful because it tells us something about the manufacturing conditions).

The label must provide information about the material which makes up at least 80% of the surface of the upper (the outside of the shoe attached to the sole), the coating



of the upper and the insole (in other words, the lining and inlay inside the shoe) and at least 80% of the volume of the outer sole (the part below the shoe which is subject to abrasion, attached to the upper). If no material reaches at least 80%, details of the two principal components must be given.

Materials and their symbols:

- **Cuoio (Leather):** this is a general term used to describe the hide or skin of an animal, where the original fibrous structure has been preserved more or less intact, and has been tanned so that it does not deteriorate.
- **Cuoio rivestito (Coated leather):** a product in which the coating layer or adhesive join does not exceed one-third of the total thickness of the product, but is more than 0.15 mm.
- **Textiles:** natural materials, synthetic or non-woven textiles or fibres.
- **Other materials:** materials different from the above.



Through the Chambers of Commerce network, and by relying on the collaboration of other organisations with specific competence in this field, as well as police officers and officials, the Ministry for Economic Development is responsible for governing the area of footwear labelling.

Where labels are found to be absent or inaccurate, the manufacturer, his representative, the person who first marketed the product or possibly the retailer will be set a deadline by which to align the label with legal requirements. After that deadline, the regulatory authority will order the footwear to be recalled from the market.



Counterfeit sunglasses

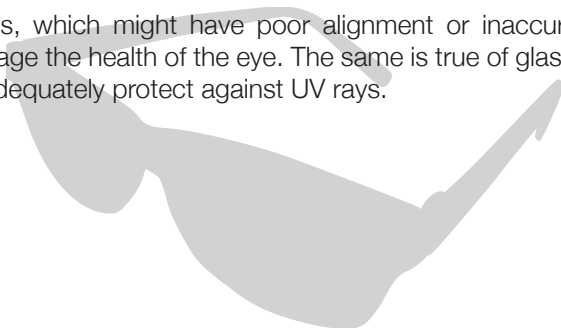
Everyone knows that the eyewear industry, one of the ultimate expressions of Italian design, is a sector in which research and applied technology combined with the added value that comes from fashion and design. The quality and look of Italian eyewear has made it the most famous in the world. It is precisely these characteristics, together with the lightweight, compact dimensions of the sunglasses, making them very portable, which have resulted in this industry being one of the hardest-hit by the counterfeiting of trademarks and models.

Annually, we estimate that in the eyewear industry, counterfeiting causes a loss of approximately 15% of the market. In terms of value, this equates to Euro 75–100 million in sales lost by Italian companies in the industry, and jobs for 500 fewer employees each year. This is without even taking into account the loss to the Treasury in terms of VAT, unpaid taxes, and the damage caused by the world of organised crime.

However, counterfeit eyewear, often considered the necessary consequence of commercial success, brings with it much more serious effects: the counterfeiter, neglectful of the damaging effect of his activity on other companies in the sector and on consumers, distributes poor-quality products which can sometimes cause serious damage to consumers' health – even cataracts and macular degeneration - especially if we consider the close relationship between the quality of a pair of sunglasses and their function.

Spectacles, whether prescription glasses or glasses used for personal protection, are intended to correct and protect the organ of sight.

A counterfeit pair of sunglasses, which might have poor alignment or inaccurate interpupillary distance, can damage the health of the eye. The same is true of glasses where the solar filter does not adequately protect against UV rays.





Here, we will focus on sunglasses, which are most commonly known by the public to be the object of counterfeiting.

Sunglasses

The counterfeiting of sunglasses is a phenomenon which has gradually assumed a global dimension. It reaches its peak during the summer months, when travelling salesmen and temporary stalls proliferate in towns and cities, and on the beaches of holiday resorts.

Often, people buy counterfeit sunglasses without thinking of the risk to which they are exposing their eyes. Not everyone knows that sunglasses are Category One “personal protective equipment” (PPE), used to protect the eyes against the sun’s rays.

They are regulated by a European Directive (89/686/EC), which guarantees the essential safety requirements, which counterfeit glasses cannot meet.

Safety depends on the conformity of the lens, but also of the frame.

The lens protects the eye against harmful solar radiation (UV and violet-blue rays). It also diminishes light intensity, reducing glare. The frame must be made from non-toxic materials which do not irritate the skin (by causing contact dermatitis for example).

The Directive 89/686/EC (implemented in Italy with Legislative Decree 475/1992) requires that sunglasses:



- **Bear the CE brand**, in a visible, legible and indelible form. In this way, the manufacturer guarantees compliance with the requirements of the specific directive;
- **Are accompanied by information**, written in Italian, containing the following details:
 1. The name and address of the manufacturer or his representative in the European Community.
 2. Instructions on use.
 3. Instructions on cleaning, maintenance and care.
 4. The solar filter category (from 0 to 4, depending on the light conditions), and pictograms and indications of when to use the filter with a specific category: for example Filter 4 should indicate “Not suitable for use on the road or when driving” with the related symbol.
 5. Warnings (for example, it may indicate that the product is not intended for looking directly at the sun).
- Are accompanied by **instructions on use, cleaning and maintenance**;
- Contain **the name and address of the manufacturer** or his representative in the European Community.

It is therefore important that consumers do not underestimate the importance of buying a pair of sunglasses, and that at the time of purchase, which should always be from an authorised channel, they pay attention to all these requirements, especially the inclusion of the informative leaflet.

Leather goods

The counterfeiting of leather accessories, such as bags, belts and purses is becoming ever more widespread, and is one of the most important “businesses” in the industry of fake products. In Italy, which some people have termed the “market stall of Europe”, two categories in particular are seriously affected by the counterfeiting of leather goods: the small and medium-sized companies, whose market share is heavily eroded by fake products, and consumers, who very often buy products which are harmful to health when they come into contact with the skin, and may have defective zips, straps or linings due to the very poor quality of the materials used to make them.

The desire for status which we might appear to satisfy by buying a low-cost “designer” product that we would otherwise be unable to afford, very often runs the risk of translating into damage to the health and wallet of the unknowing consumer.

Fake leather goods, almost always bought from unlicensed travelling salesman, are made from cut-price hides which may contain azo colorants and organochlorine compounds, now no longer found in Italian and European-made products due to legal restrictions. Counterfeiting aids compliance with the law, and with sector regulations (see inset on reference laws).

Results of detailed checks carried out on leather goods of non-EU origin have shown that more than 30% of them did not conform to the requirements imposed by the REACH directive (which authorises and limits the use of chemicals), or to market standards. These products therefore expose the consumer to the risk of dermatitis, allergies and respiratory complaints.

There is another type of consumer: those who buy counterfeit goods unknowingly, perhaps at a price which is only slightly below the original. A careful reading of the label which must state the name, company name or brand, and the headquarters of the manufacturer or importer (Consumer Code), will not protect against an ill-advised purchase, but may provide some element of awareness when it comes to choosing which product to buy. Purchasing leather items from the “official” distribution channels certainly offers an additional guarantee of safety.



Ministero
dello Sviluppo Economico

INDICAM
Istituto di Centromarca
per la lotta alla contraffazione



The Ministry for Economic Development, consumers' associations and industry operators have joined forces to face an essential challenge that involves each one of us. Meetings, workshops, awareness-raising campaigns addressed to consumers and business people, a network of contact centres and instruments to help consumers and receive reports from the public. So we can say, together: "No to fake".

You can report cases of counterfeiting or request information from:

The Anti-Counterfeiting Call Center +39 06.47055800 except Saturdays and public holidays

Anti-Counterfeiting Fax line +39 06.47055750

E-mail: anticontraffazione@sviluppoeconomico.gov.it

www.sviluppoeconomico.gov.it

Ministry for Economic Development

Directorate-General for the fight against counterfeiting

Italian Patent and Trademark Office

Via Molise, 19 - 00187 Rome

www.uibm.gov.it