

Tag ‘Em and Bag ‘Em

By Reg P. Wydeven
September 25, 2016

On December 16, “Rogue One: A Star Wars Anthology” will hit theaters. To commemorate the movie’s upcoming release, September 30 will mark “Force Friday,” the day a multitude of movie-related products are released, from toys to clothing. Last year the same thing happened to celebrate the release of “Star Wars: Episode VII – The Force Awakens.”

It comes as no surprise that I may have picked up a few items last year, and I’ll probably do so again this year. One of my favorite purchases is my Star Wars body pillow featuring some of the saga’s beloved characters. It’s perfect to curl up with on the couch while I watch the movies.

The only problem is that pillow’s tag would scratch my chin. It got to be so irritating I eventually just cut it off and threw it away. It was only then as I stared at it in the wastebasket that I actually read the label: “UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED.”

While it was cool that the pillow manufacturer used Yoda’s grammar, the message was pretty intimidating. Thankfully I read on to discover that the warning does not apply to the end consumer. While the concept of removing warning labels from mattresses under penalty of law has been fodder for stand-up comedians for years, my pillow caused me to wonder why the tags were such big deals.

While end consumers like myself are free to remove the tags from their pillows and mattresses, the law actually applies to their manufacturers and sellers. The specific statute can be found in Title 15 of the U.S. Code, which deals with Commerce and Trade. It states that after any textile fiber product is shipped but prior to its sale, it is unlawful to “remove or mutilate...any stamp, tag, label, or other identification” from such product. Anyone caught violating this law is “guilty of an unfair method of competition, and an unfair or deceptive act or practice, under the Federal Trade Commission Act.”

This measure came about in the early 20th century in response to complaints made to the federal government that some of the materials used in pillows and mattresses easily conducted illnesses or harbored pests such as lice. While some manufacturers used goose down or chicken feathers, others would stuff their goods with whatever they could find, including horse hair or corn husks. They figured that what the consumer didn’t know, didn’t hurt him.

Only some of these pillows and mattresses could hurt him. Some contained bedbugs, lice, or even various human “byproducts.” Accordingly, the law required manufacturers to clearly define the contents of their products, and to also indicate whether the contents were recycled, since recycled materials could still contain nastiness.

With the labels, customers knew what they were getting. But because some manufacturers or retailers joined the Dark Side, the law required the labels to read, “Do not remove under penalty of law.” Years later, “Except by the consumer” was added to the warning.

So while it’s not illegal for you to remove labels, don’t grab your scissors just yet. Many mattress manufacturers, including Sealy, Serta and Simmons, require the tags to be produced if you make a warranty claim.

I’m glad my Star Wars pillow consists of 100% polyester fiber. Although if it was stuffed with Wookiee hair, that would be pretty cool.

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2016 McCarty Law LLP. All rights reserved.