



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Enforcement
Bureau of Consumer Protection

April 19, 1995

Elliot A. Salter, Esq.
Salter & Michaelson
321 South Main Street
Providence, RI 02903

Dear Mr. Salter:

This is in reply to your letter requesting an advisory opinion as to the appropriate marking for jewelry made of electroformed sterling silver. The product you describe has a plastic core or body over which a sterling silver coating is applied by electroforming.

Section 5(a)(1) of the Federal Trade Commission (FTC) Act, 15 U.S.C. § 45(a)(1), declares "unfair or deceptive acts or practices in or affecting commerce" to be unlawful. In 1979, the Commission promulgated the Guides for the Jewelry Industry, 16 C.F.R. Part 23 (copy enclosed). The Guides are an administrative interpretation of the laws administered by the Commission, including section 5 of the FTC Act, to provide guidance for industry members to conform with legal requirements.

Section 23.6 of the Guides for the Jewelry Industry provides guidance for the nondeceptive marking of silver and silver-plated items. Section 23.6(d) states that "it is an unfair trade practice to apply the term 'Sterling' or 'coin,' either alone or in conjunction with any other word or words, in any manner to a silver-plated article or to the plating thereon." This provision is in accordance with section 297 of the National Gold and Silver Stamping Act, 15 U.S.C. § 294, et seq., which prohibits marking the words "sterling" or "coin" on plated articles.

Although we understand that electroforming is a different process than plating, the resulting structure, if the plastic core (or any part of it) is left in, will be essentially the same as in a plated object. Therefore, "Sterling Silver" alone is inappropriate because the product is analogous to silver-plate. In accordance with section 23.6, it may be appropriate to mark the item as "Silver-plate" or "Electroform silver-plate."

Staff does not have sufficient information about how consumers would interpret the suggested marking, ".925 Sterling Silver weighted." Therefore, staff is concerned about whether

the marking adequately discloses to consumers the nature of the product. Staff believes that the marking "Silver over (or "on") plastic" satisfactorily explains what the product consists of. The marking "Silver electroform" may signal consumers that the product is not a solid piece or may prompt consumers to inquire about electroforming. However, there may be other markings which truthfully disclose that the product consists of a plastic core which is coated with silver.

In accordance with Section 1.3(c) of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.3(c), this is a staff opinion only and has not been reviewed or approved by the Commission or by any individual Commissioner, and is given without prejudice to the right of the Commission later to rescind the advice and, where appropriate to commence an enforcement action.

In accordance with Section 1.4 of the Commission's Rules of Practice and Procedure, 16 C.F.R. § 1.4, your request for advice, along with this response, will be placed on the public record.

Sincerely,

Laura J. DeMartino
Attorney

Enclosure