

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CASHMERE AND CAMEL HAIR
MANUFACTURERS INSTITUTE,

Plaintiff,

v.

ETSY, INC.

Defendant.

COMPLAINT

Plaintiff Cashmere and Camel Hair Manufacturers Institute (hereinafter “CCMI” or the “Cashmere Institute”), an international trade association of Cashmere manufacturers, wholesalers and retailers, for its Complaint against the named defendant herein, Etsy, Inc. (“Defendant” or “Etsy”), hereby alleges the following:

INTRODUCTION

1. This action arises out of Defendant Etsy engaging and participating in, aiding and abetting, and conspiring with others to commit, unlawful and deceptive false advertising in connection with the promotion and sale, both in Massachusetts and elsewhere, of huge quantities of counterfeit garments advertised, represented, and passed off as “100% Cashmere” or “Cashmere” when in fact they are not Cashmere, but are actually either 100% acrylic, a much less expensive, petroleum-based, and more flammable fiber, or are a blend of cheaper synthetic material such polyester, nylon, acrylic, rayon, and minor percentages of wool — in violation of both federal and state laws prohibiting false and deceptive advertising, false designation of origin, unfair competition, trademark dilution, and other violations of intellectual property rights.

2. CCMI is a nonprofit corporation, organized as a trade association under the laws of New York with a principal place of business in Massachusetts, whose purpose is to advance the interests of its Members, who are some of the world's leading manufacturers, distributors and retailers of fine Cashmere fiber, fabric, and garments, and other Cashmere products ("Members"), and the Cashmere industry generally.

3. CCMI's activities and status as a leading Cashmere industry trade association, its legal standing to pursue injunctive relief to protect the interests of its Members, and its active role in monitoring and providing services to the Cashmere industry, has been recognized by the U.S. Court of Appeals for the First Circuit in a series of decisions over the last several decades, first in 1986,¹ then again in 2002,² and more recently in 2014.³

4. Defendant Etsy is a public traded corporation (NASDAQ symbol: ETSY), organized and existing under the laws of the state of Delaware with its principal place of business at 117 Adams St, Brooklyn, NY 11201, that is unlawfully and deceptively advertising, marketing and selling, and aiding and abetting, and conspiring with others to commit, the

¹ *See Camel Hair & Cashmere Institute of America v. Associated Dry Goods Corp.*, 799 F.2d 6, 12-15 (1st Cir. 1986) ("we hold that plaintiff does have standing to represent its Members in this suit. ... We hold that the plaintiff is entitled to preliminary injunctive relief. We are satisfied that the sale and manufacture of cashmere products by plaintiff's Members establishes that they have an interest in the reputation of cashmere generally.")

² *See Cashmere & Camel Hair Mfrs. Inst. v. Saks Fifth Ave.*, 284 F.3d 302, 320 (1st Cir 2002) ("Based on the foregoing analysis, a reasonable factfinder could conclude that the Defendant's material mislabeling of their garments deceived the consuming public, enabled defendants to lower their garment prices, and caused Packard to lose sales.")

³ *See Cascade Yarns, Inc. v. Knitting Fever, Inc. and nonparty appellee Cashmere & Camel Hair Mfrs. Inst.*, 755 F.3d 55 (1st Cir. 2014) ("The recipient of the discovery request at issue in this case, Cashmere and Camel Hair Manufacturers Institute ("CCMI"), is a nonprofit corporation that offers confidential tests of the fiber content of cashmere samples to its Members, as well as retailers and suppliers...")

unlawful and deceptive advertising of – counterfeit garments and products falsely represented as “Cashmere” and “100% Cashmere” (hereinafter the “Purported Cashmere Garments”).

5. Etsy is committing the aforesaid unlawful acts both in emailed advertisements that it sends to specific individuals, and that are not posted on the internet, and in advertisements that it creates, posts and arranges to be posted on internet websites that it controls in over 100 countries, including www.etsy.com in the United States, www.etsy.com/uk/ in the United Kingdom, www.etsy.com/japan in Japan, and many others, using various trademarks and brand names, including “Etsy.”

6. In those advertisements, Etsy falsely represents that the garments being offered for sale are “100% Cashmere” or “Cashmere,” which they are not, and makes a series of additional false and deceptive representations to the effect that purchasers of these purported “Cashmere” products have “Protection” if the item they order “isn’t as described,” that prospective purchasers of these purported “Cashmere” products can “[s]hop confidently on Etsy,” and that it is only “in the rare case” that “something goes wrong” – none of which are true, and all of which are misleading and deceptive as to the falsely advertised Purported Cashmere Garments.

7. Etsy is the consumer’s point of contact at the retail level, and is earning enormous amounts of money from the sale of the falsely advertised Purported Cashmere Garments, and is well-positioned to ensure, and is capable of ensuring, the accurate advertising of these products, but is simply failing and refusing to do so.

8. Instead, Etsy has sought to deflect its own responsibility for its aforesaid unlawful acts and omissions by relying on the defensive mantra that “as a pure third-party marketplace, we do not have physical possession of the goods sold by our sellers or offer any fulfillment services,

and our sellers are solely responsible for compliance...[and w]e do not have access to the goods to test or assess physically” -- none of which is a lawful defense to or excuse for Etsy’s unlawful acts as alleged herein, and much of which is untrue and misleading.

9. CCMI has repeatedly asked, and then demanded, that Etsy cease and desist from its aforesaid unlawful acts and omissions, but Etsy has failed and refused to do so. This action seeks declaratory and injunctive relief requiring it to do so, and to reimburse CCMI for its costs and attorneys’ fees in having to bring this action to force it to comply with the law.

JURISDICTION AND VENUE

10. This Court has original jurisdiction over the subject matter of this action under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338, because it is a civil action involving claims arising under the laws of the United States, including the Lanham Act, 15 U.S.C. § 1051 *et seq.*, and the Court has supplemental jurisdiction over Plaintiff’s state law claims under 28 U.S.C. § 1338(b) and 1367(a) in that they form part of the same case or controversy that gives rise to Plaintiff’s claims under the laws of the United States.

11. This Court also has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000 and the parties are diverse in citizenship.

12. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to the claims at issue occurred in this judicial district and division, and because the Defendants are subject to the Court’s personal jurisdiction with respect to this action.

13. This Court has personal jurisdiction over the Defendant because the causes of action asserted herein arise from the Defendant transacting business in the Commonwealth of

Massachusetts, contracting to supply and actually supplying services or things in the Commonwealth of Massachusetts, and/or causing tortious injury in the Commonwealth of Massachusetts by virtue of its acts and omissions.

14. Defendant is also subject to personal jurisdiction in the Commonwealth of Massachusetts and this District pursuant to Mass. Gen. Laws ch. 223A §3 because it (a) have sold and participated in the sale of numerous products into the Commonwealth and this District; (b) has caused tortious injury within the Commonwealth and this District; (c) has practiced the unlawful conduct complained of herein, in part, within the Commonwealth and this District; (d) regularly conducts and solicits business within the Commonwealth and this District; (e) regularly and systematically directs electronic activity into the Commonwealth and this District with the manifest intent of engaging in business within the Commonwealth and this District, including the sale and/or offering for sale of products to internet users within the Commonwealth and this District; and (f) enters into contracts with residents of the Commonwealth and this District for the sale of products.

FACTUAL ALLEGATIONS

15. CCMI's Membership consists of major Cashmere producing companies headquartered in the United States, Scotland, England, Italy, France, Germany, Japan, China, Hong Kong, and India that manufacture Cashmere fabric and garments, including 100% Cashmere scarves, and that advertise, distribute and sell those products throughout the United States and abroad, including in Massachusetts. CCMI's core mission is to protect the good name and reputation of Cashmere as a fine specialty fiber, to promote the use of cashmere fiber and fabric, and to safeguard the interests of CCMI Members, and the Cashmere industry generally, by educating the public, retail dealers and garment makers about what is or is not legitimate

cashmere, and by challenging the sale and distribution of fabric and garments that are falsely labeled as Cashmere, when in fact they are not.

16. In carrying out its mission, CCMI engages in a wide range of activities worldwide, and maintains a website at www.cashmere.org on which it distributes information about those activities, and about important issues relevant to the Cashmere market, including sustainability, labeling integrity, sources of reliable product testing, and the market monitoring activities that it uses to help ensure the integrity of the Cashmere market and Cashmere products, to protect the legitimate interests of its Members, and to provide services and information to retailers and other consumers of Cashmere products.

17. CCMI's activities in these areas include, but are not limited to, public dissemination of information about Cashmere products and the Cashmere market, participation in international Cashmere industry conferences and working groups, cooperation with U.S. Government agencies and international standard-setting bodies on matters of concern to the Cashmere industry and its Members, a round trial testing program in which CCMI periodically evaluates the ability of testing laboratories worldwide to accurately determine the Cashmere content, if any, of fabric samples whose contents are already known to CCMI, and a garment purchasing and testing program to help ensure accurate labeling of Cashmere products (the "CCMI Purchasing Program").

18. The CCMI Purchasing Program is one in which CCMI itself buys garments in the marketplace that are advertised, represented or labeled as being made of Cashmere, in whole or in part, and sends samples of those purported Cashmere garments to qualified independent professional textile testing laboratories to determine if they actually are made of or contain Cashmere. Then, if the garments are found not to be Cashmere, CCMI notifies the advertisers

and distributors of those garments that they are being false advertised and/or mislabeled in violation of state and federal law, demands that they be withdrawn from sale, and sometimes takes legal action to stop the false advertising and/or mislabeling.

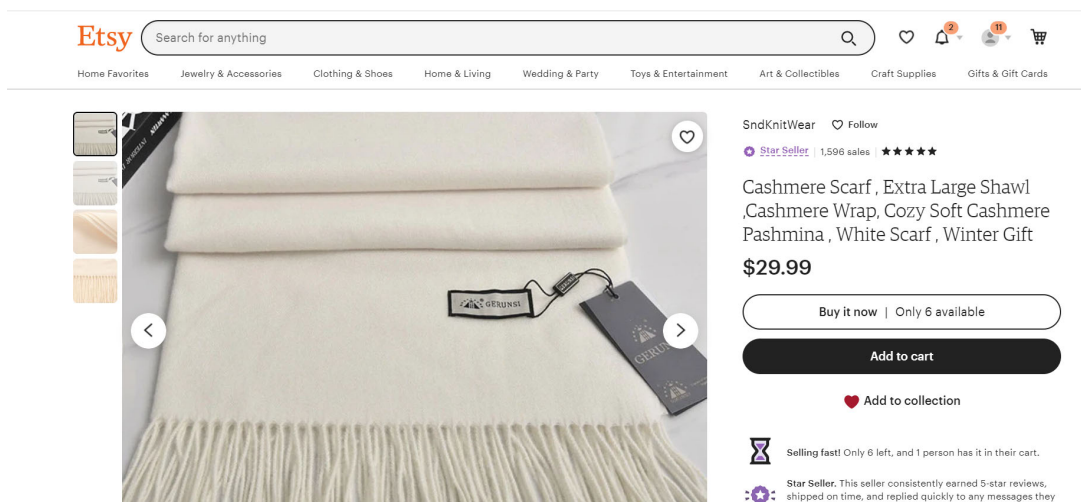
19. As part of that regular business practice, over the past nine (9) months, CCMI has repeatedly purchased garments advertised and represented by Etsy on its www.etsy.com website, and in direct advertisements emailed to individual prospective customers by Etsy, as being “100% Cashmere” or “Cashmere,” and has sent them for Cashmere content analysis to testing laboratories that CCMI’s round trial tests have shown to be reliable in determining whether Cashmere is present in samples sent to them for testing, and if so in what quantities.

20. The results of these tests have proven that these Purported Cashmere Garments are in fact are not Cashmere, but are actually either 100% acrylic, a much less expensive, petroleum-based, and more flammable fiber, or are a blend of similarly cheaper synthetic material such polyester, nylon, acrylic, rayon, and minor percentages of ordinary wool, such that they do not have the unique, high quality, and long term performance characteristics of actual Cashmere.

21. Despite the fact that the Purported Cashmere Garments are not Cashmere, Etsy falsely represents that they are “100% Cashmere” or “Cashmere,” and at the same time makes a series of additional false and deceptive representations to the effect that purchasers of these Purported Cashmere Garments can “[s]hop confidently on Etsy,” that it is only “in the rare case” that “something goes wrong,” and that the consumers have “Protection” if the item they order “isn’t as described.” None of these representations are true, and all of them are misleading and deceptive, as to the falsely advertised Purported Cashmere Garments.

22. In addition to creating, emailing, posting, maintaining, and widely distributing the aforesaid false and deceptive advertisements of the Purported Cashmere Garments for its own profit, Etsy is also actively participating and conspiring with others in, and is aiding and abetting, all of those activities, not only by falsely advertising the Purported Cashmere Garments on its websites, but also by, among other things, sending targeted email communications to prospective customers, which are never posted to any website but rather are private communications to those customers, again falsely representing that the Purported Cashmere Garments are “100% Cashmere” or “Cashmere,” and further representing that Etsy has “carefully curated these finds” for them, referring to the falsely advertised products, and “is sure you’ll love them.”

23. An example of this false and deceptive advertising by Etsy, and Etsy’s aiding and abetting of and conspiring with others to accomplish it, is its advertising of a type of scarf, designated or identification as CCMI 22.108-CA-US, which testing shows is 100% synthetic polyester and rayon, but is falsely advertised by Etsy as follows:



along with a series of additional advertising misrepresentations by Etsy that purchasers of this purported “Cashmere” product can “[s]hop confidently,” that it is only “in the rare case” that

“something goes wrong,” and that the consumers have “Protection” if the item they order “isn’t as described,” as follows:



Etsy Purchase Protection: Shop confidently on Etsy knowing if something goes wrong with an order, we've got your back for all eligible purchases — [see program terms](#)

In the advertisement, the above representations by Etsy are accompanied by a link using the above words “see program terms,” which leads viewers of the ad to the page depicted below where – despite the fact that Etsy has been informed and is fully aware, as discussed below, that it has major problem of falsely advertising garments as Cashmere, both on its website and in emails it sends to consumers – Etsy further misrepresents that consumers of the Purported Cashmere Garments can “[s]hop confidently,” that is only “in the rare case that something goes wrong,” and that they have “Protection” if the Purported Cashmere Garment they order “isn’t as described,” as represented below – which is not true, and is affirmatively misleading:

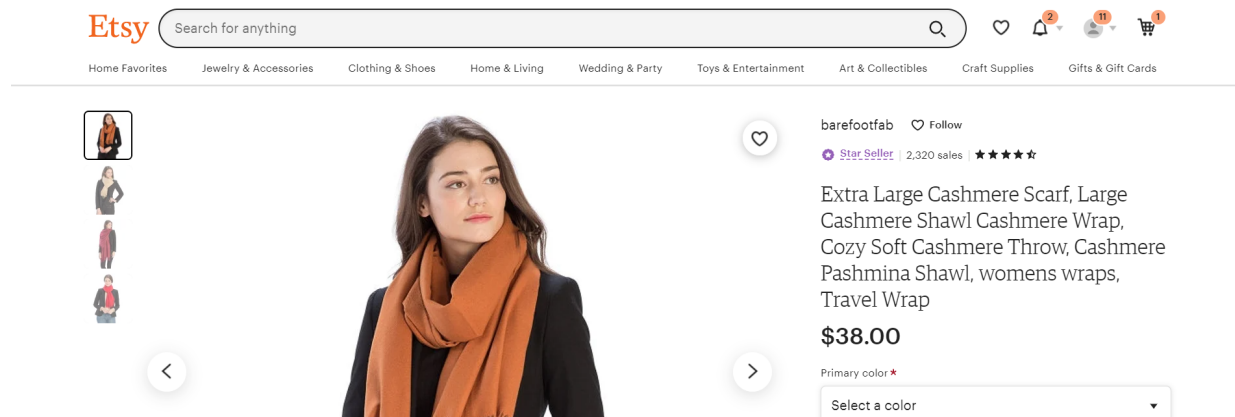
The screenshot shows the Etsy website header with the search bar and navigation links. Below the header is a blue banner for the Etsy Purchase Protection program. The banner features the Etsy logo and the text: "Shop confidently with Etsy's Purchase Protection program" and "Get a full refund if your item doesn't arrive, arrives damaged, or isn't as described." Below the banner, there is a section titled "Etsy Purchase Protection" with a description: "Easily get help in the rare case that something goes wrong when shopping from a small business." This is followed by a list of what is eligible for the program:

- Your order doesn't match the item description or photos
- Your item arrived damaged
- Your item didn't arrive or was lost in the mail

To the right of the text is an illustration of a person sitting on the floor next to a yellow box with a green checkmark on it, suggesting a successful purchase or delivery.

24. The reasons that the above-quoted representations are false and misleading include the fact that, as Etsy is well aware, (i) consumers have no ability to determine on their own that the garment they purchase in response to this Etsy advertisement “isn’t as described” – *i.e.* is not Cashmere – without laboratory testing that most would have no ability to obtain, and would have no reason to seek based on Etsy’s simultaneous representation that such problems are “rare”; (ii) as discussed further below, it is not “rare” that “something goes wrong” in the form of Etsy falsely describing non-Cashmere goods as “Cashmere” in its advertisements, it is a common and widespread Etsy practice; and (iii) Etsy currently provides no “Protection” whatsoever to its customers against such false advertising and deception.

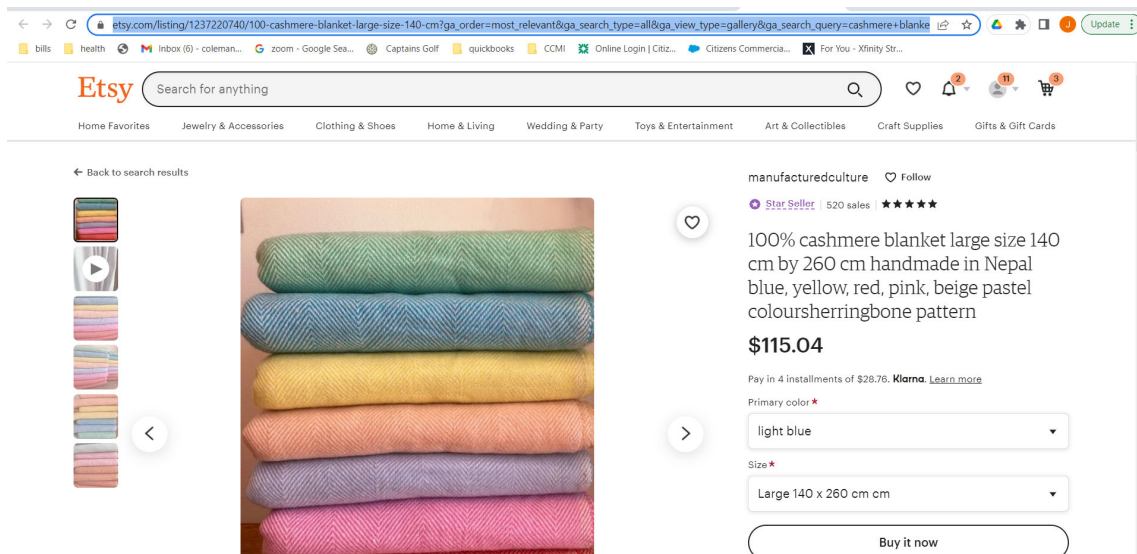
25. Another example of Etsy’s false and misleading advertising, and its aiding and abetting of and conspiring with others to accomplish it, is Etsy’s advertising of a type of scarf designated CCMI 22.109-CA-US, which is 100% polyester, as “Cashmere” below:



along with the same series of additional false and deceptive advertising misrepresentations by Etsy that accompanied Etsy’s advertisement of the above-referenced CCMI 22.108-CA-US CCMI – including that purchasers of this purported Cashmere product can “[s]hop confidently,” that it is only “in the rare case” that “something goes wrong,” and that the consumers have “Protection” if the item they order “isn’t as described” – all of which are false and deceptive in

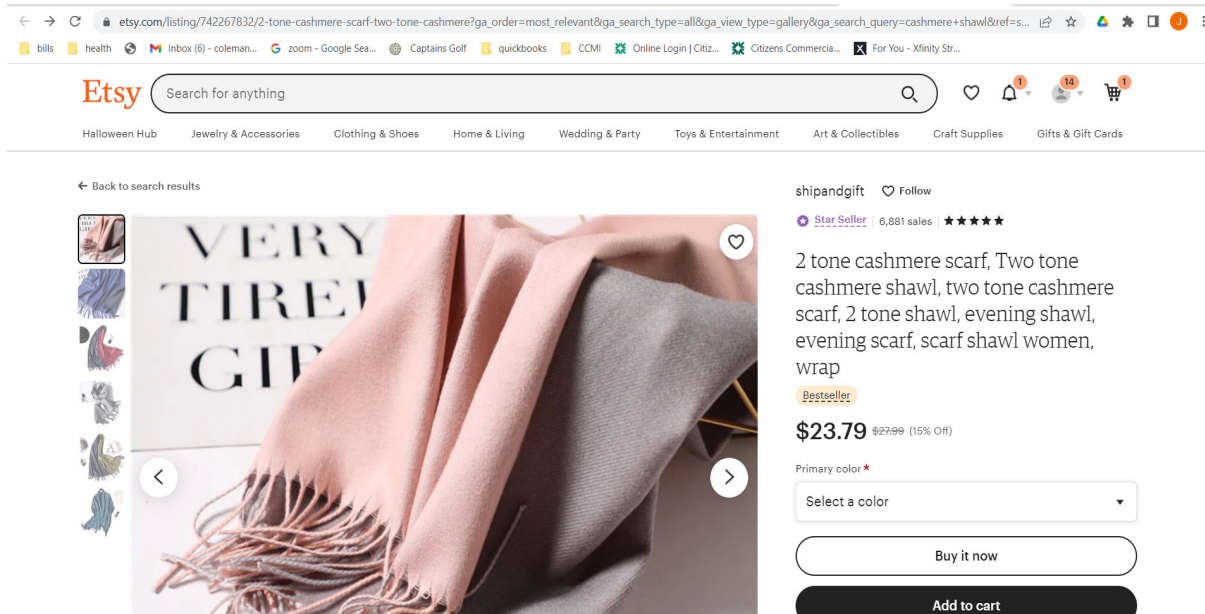
part for the same reasons as the ones used in Etsy's advertisement of CCMI 22.108-CA-US.

26. Another example of this false and misleading advertising by Etsy, and its aiding and abetting of and conspiring with others to accomplish it, is Etsy's advertising of a type of blanket, designated as CCMI 22.111-CA-US, which testing shows is 81% nylon and 19% wool, with no Cashmere, that is falsely advertised by Etsy as "100% Cashmere" as follows:



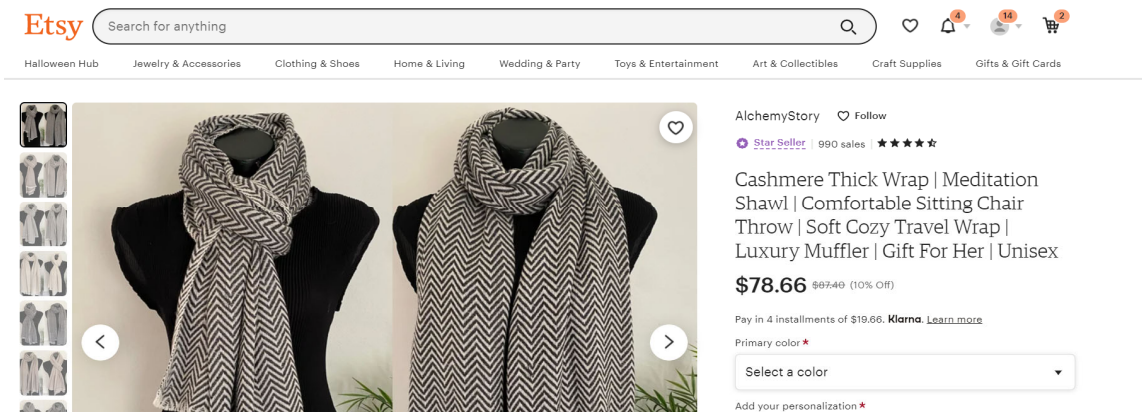
Again, in this same advertisement Etsy assures consumers that they can rely on the above information, and that Etsy wants them to rely on that information, by deceptively misrepresenting that consumers of this purported Cashmere product being advertised by Etsy can "[s]hop confidently," that it is only "in the rare case" that "something goes wrong," and that the consumers have "Protection" if the item they order "isn't as described" – even though Etsy is aware that average consumers have no ability to determine on their own, without laboratory testing that they would have no practical ability to obtain, and no reason to seek based on Etsy's assurance that problems are "rare," that the garment they have purchased in response to this Etsy advertisement "isn't as described" – in that it is not Cashmere.

27. Another example of this false and misleading advertising by Etsy, and its aiding and abetting of and conspiring with others to accomplish it, is Etsy's advertising of a type of scarf, designated by CCMI as CCMI 22.112-CA-US, which testing shows is 100% synthetic and rayon, that is falsely advertised by Etsy multiple times as "Cashmere" as follows:



along with the same series of additional false and deceptive misrepresentations by Etsy that accompanied Etsy's advertisement of CCMI 22.108-CA-US CCMI – including that purchasers of this purported Cashmere product can "[s]hop confidently," that it is only "in the rare case" that "something goes wrong," and that the consumers have "Protection" if the item they order "isn't as described" – all of which are false and deceptive in part for the same reasons as the ones used in Etsy's advertisement of CCMI 22.108-CA-US are false and deceptive.

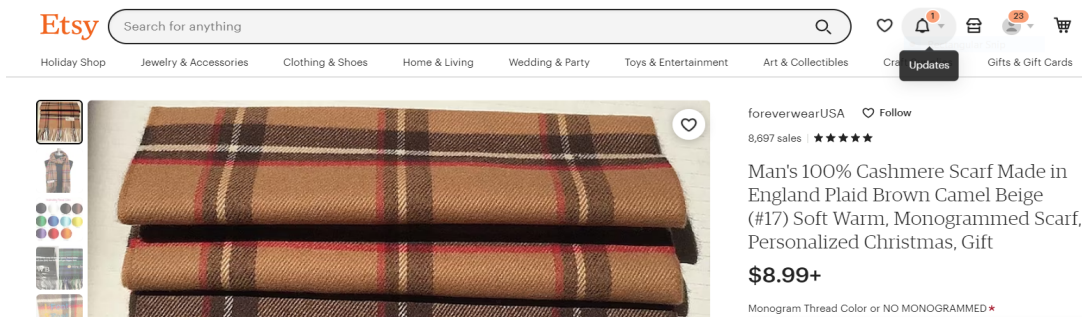
28. Another example of this false and misleading advertising by Etsy, and its aiding and abetting of and conspiring with others to accomplish it, is Etsy's advertising of a type of shawl, designated by CCMI as CCMI 22.115-CA-US, which testing shows is 83% synthetic and no Cashmere, falsely advertised by Etsy as "Cashmere" follows:

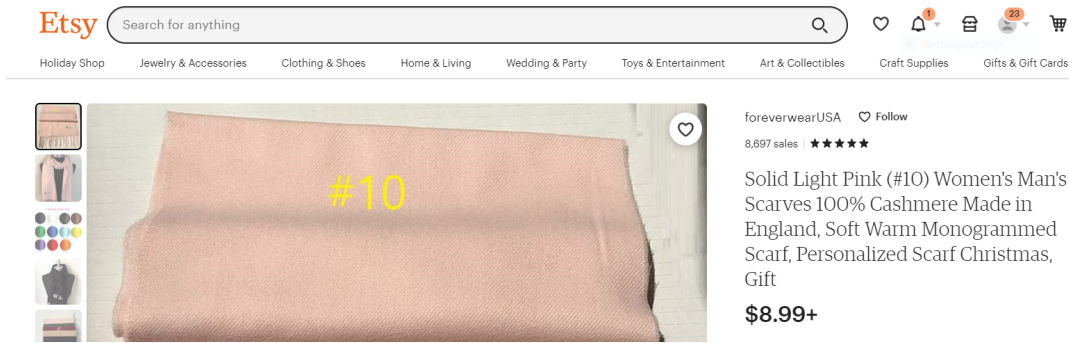
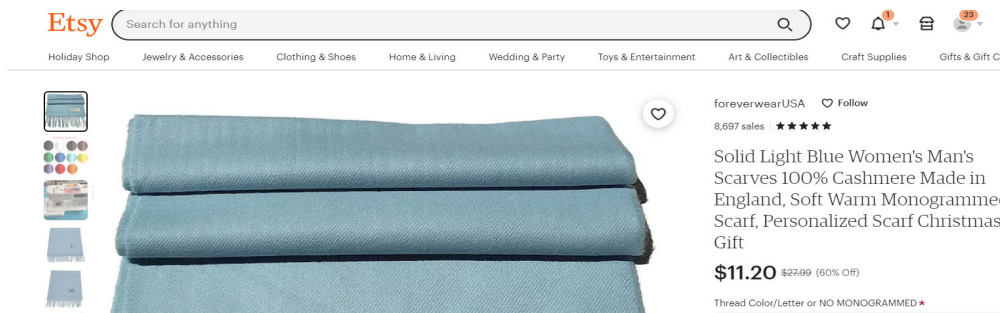


along with the same series of additional false and deceptive advertising misrepresentations by Etsy that accompanied Etsy’s advertisement of the above-referenced CCMI 22.108-CA-US CCMI – including that purchasers of this purported Cashmere product can “[s]hop confidently,” that it is only “in the rare case” that “something goes wrong,” and that the consumers have “Protection” if the item they order “isn’t as described” – all of which are false and deceptive in part for the same reasons as the ones used in Etsy’s advertisement of CCMI 22.108-CA-US.

29. Another example of this false and misleading advertising by Etsy, and its aiding and abetting of and conspiring with others to accomplish it, is Etsy’s advertising of a type of wrap/scarf, of which CCMI purchased three (3) samples, designated CCMI 22.126-CA-US (brown-black-red-white plaid colored), CCMI 22.127-CA-US (pink), and CCMI 22.128-CA-US (light blue), which testing shows is 100% acrylic – which is being falsely advertised by Etsy as “100% Cashmere” as shown below:

CCMI 22.126-CA-US

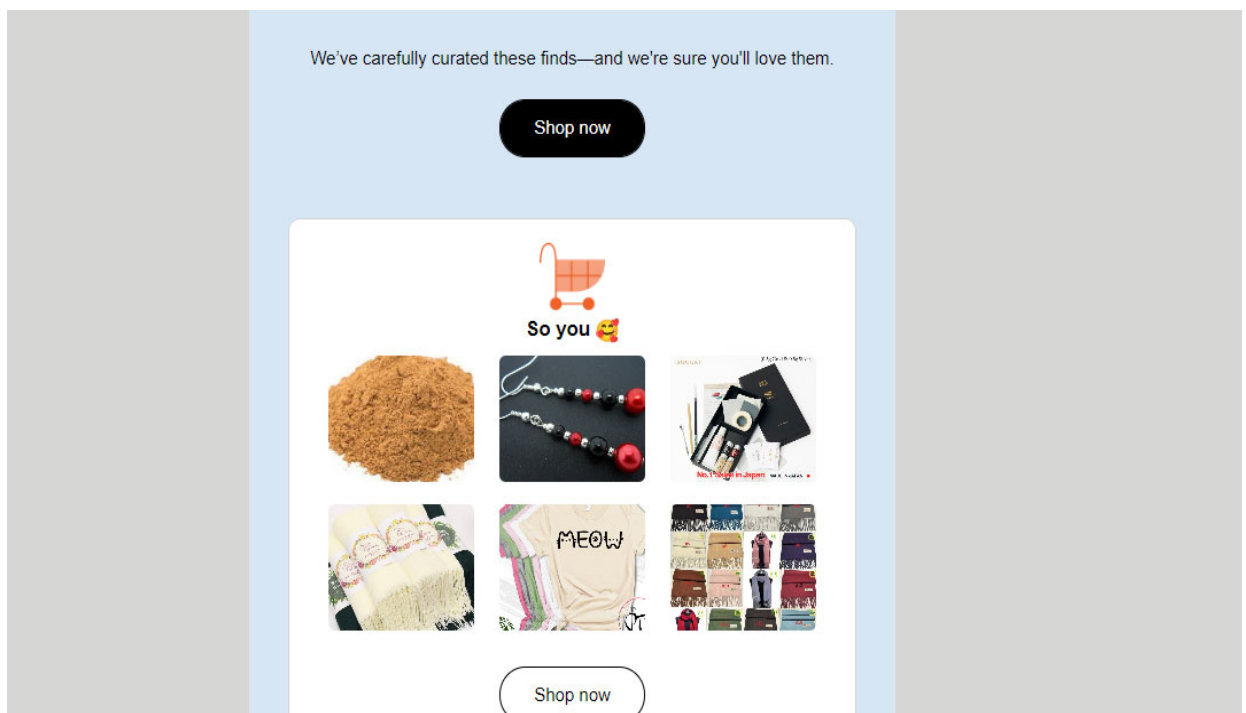
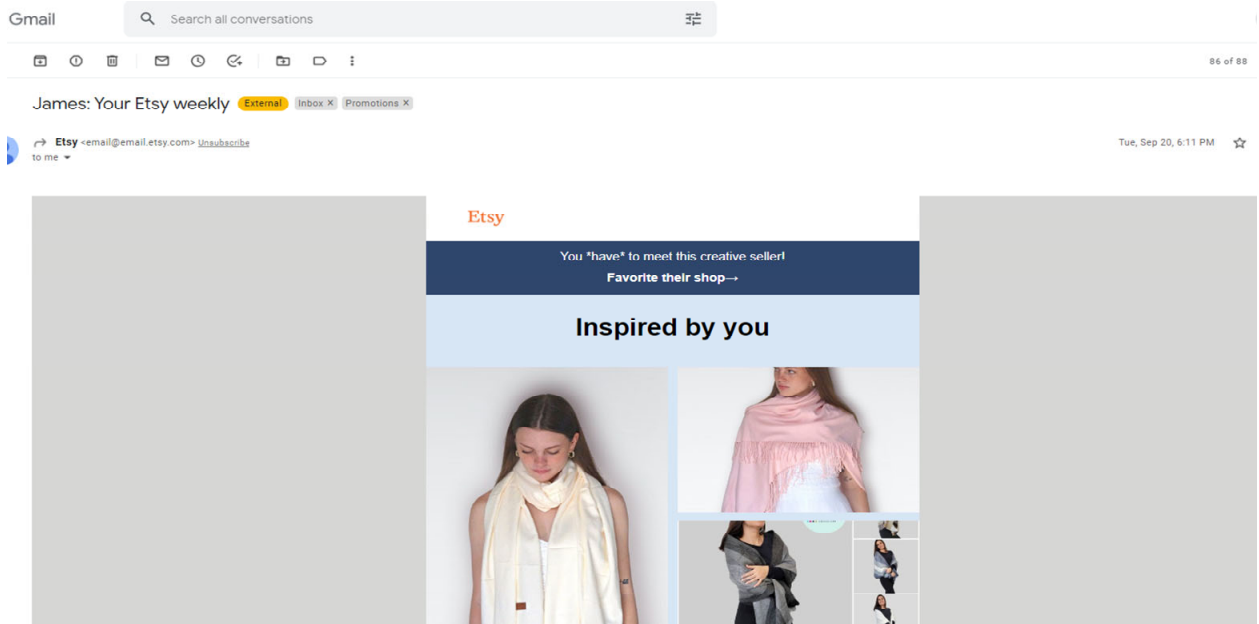


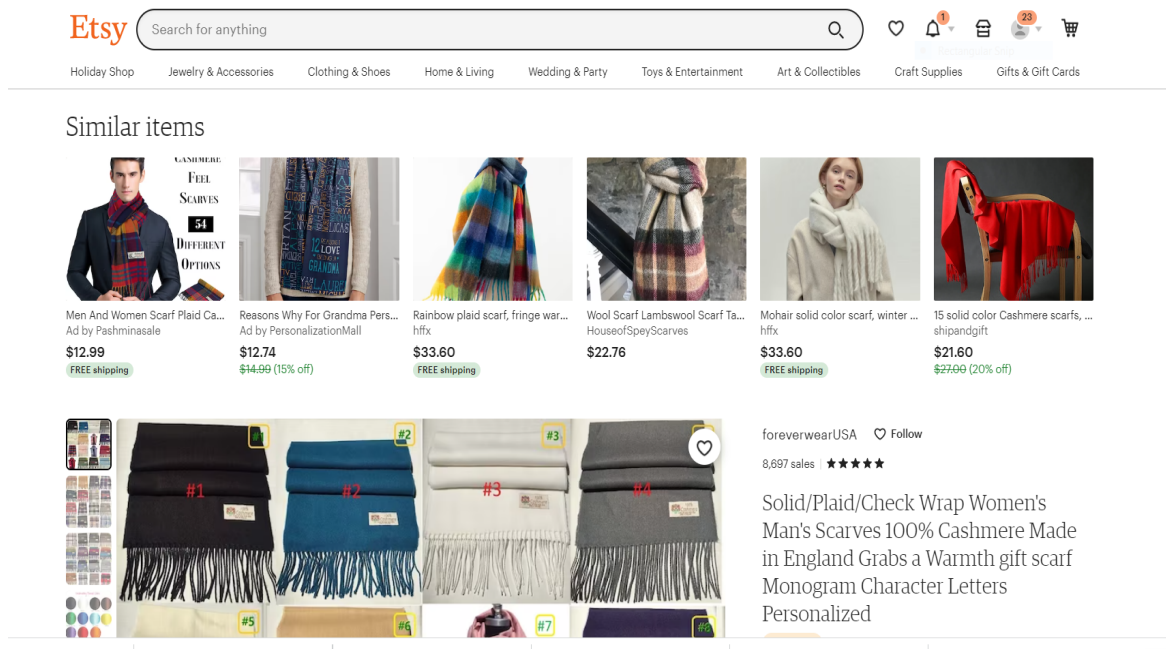
CCMI 22.127-CA-USCCMI 22.128-CA-US

Each of the above Etsy advertisements also included the same series of additional false and deceptive advertising misrepresentations by Etsy that accompanied Etsy's advertisement of the above-referenced CCMI 22.108-CA-US CCMI – that purchasers of this purported Cashmere product can "[s]hop confidently," that it is only "in the rare case" that "something goes wrong," and that the consumers have "Protection" if the item they order "isn't as described" – all of which are false and deceptive for the same reasons as the ones used in Etsy's advertisement of CCMI 22.108-CA-US, and the other garments identified above, are.

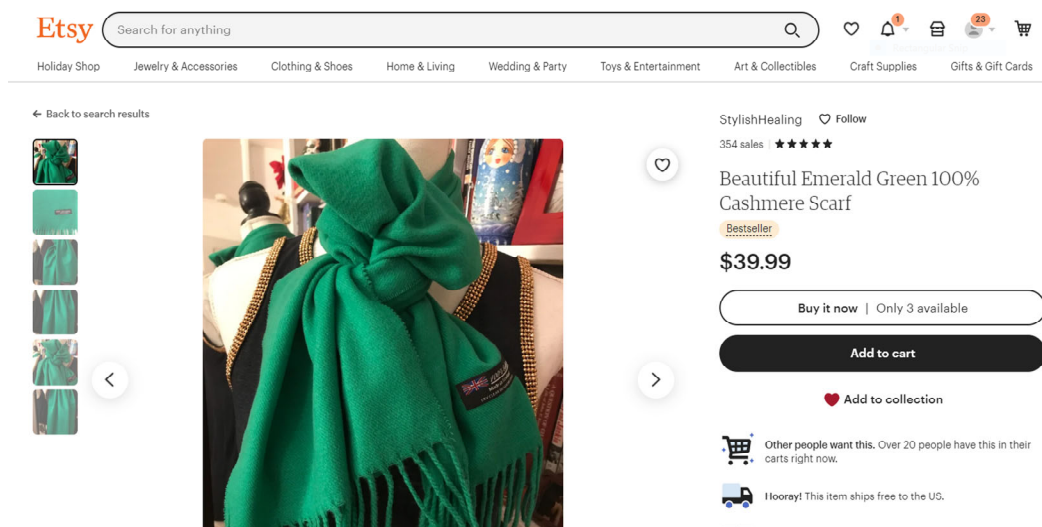
30. Etsy also falsely represented to CCMI official James Coleman that CCMI 22.126-CA-US, CCMI 22.127-CA-US, and CCMI 22.128-CA-US were Cashmere in an unsolicited email he received from Etsy on Sept. 20, 2022, which was not posted anywhere on the internet, but rather was a private communication just to Mr. Coleman, again falsely representing that the

Purported Cashmere Garments are “100% Cashmere” or “Cashmere,” and further representing that Etsy had “carefully curated these finds” for Mr. Coleman, who had previously purchased Purported Cashmere Garments on the site, and “is sure you’ll love them,” as follows:





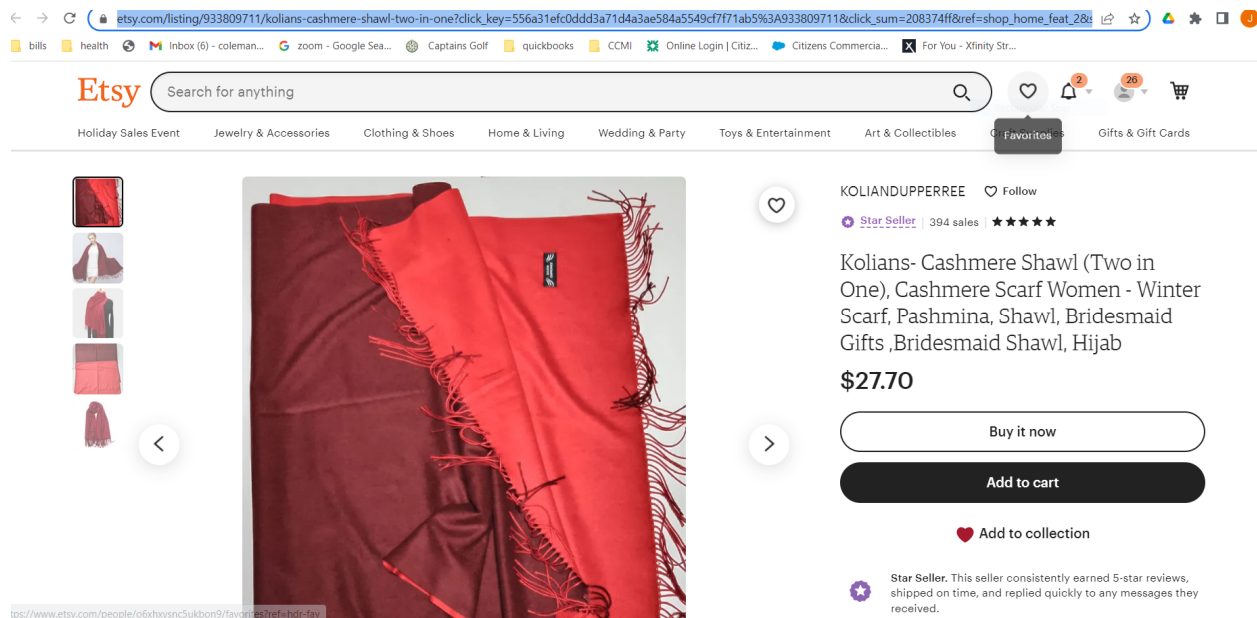
31. Another example of this false and misleading advertising by Etsy, and its aiding and abetting of and conspiring with others to accomplish it, is Etsy's advertising of a type of scarf marked by me as CCMI 22.159-CA-US, which testing shows is also 100% acrylic, but is advertised by Etsy as follows:



along with the same series of additional false and deceptive advertising misrepresentations by Etsy that accompanied Etsy's advertisement of the above-referenced CCMI 22.108-CA-US

CCMI – including that purchasers of this purported Cashmere product can “[s]hop confidently,” that it is only “in the rare case” that “something goes wrong,” and that the consumers have “Protection” if the item they order “isn’t as described” – all of which are false and deceptive in part for the same reasons as the ones used in Etsy’s advertisement of CCMI 22.108-CA-US, and the other garments identified above, are false and deceptive.

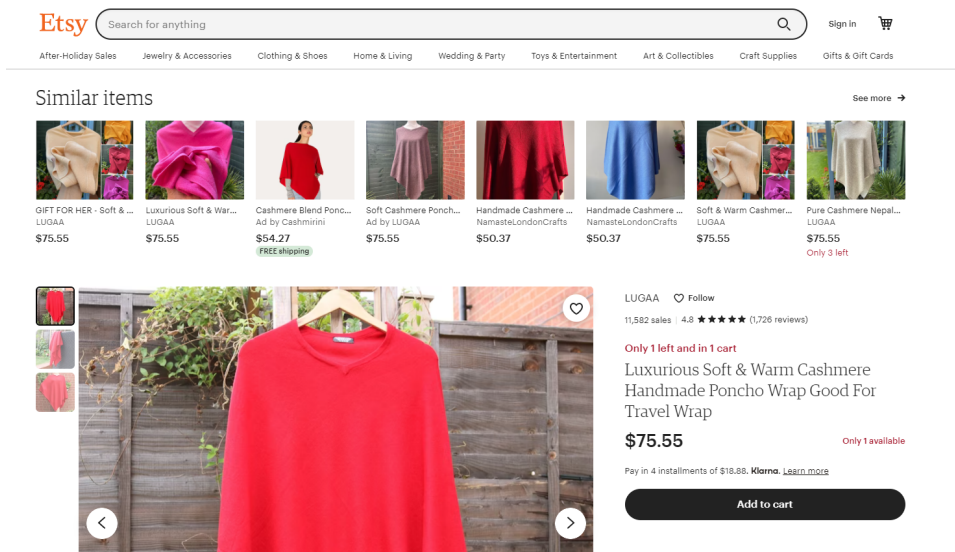
32. Another example of this false and misleading advertising by Etsy, and its aiding and abetting of and conspiring with others to accomplish it, is its advertising of a type of scarf, designated by me as CCMI 22.160-CA-US, which testing shows is 100% synthetic, but is falsely advertised by Etsy as follows:



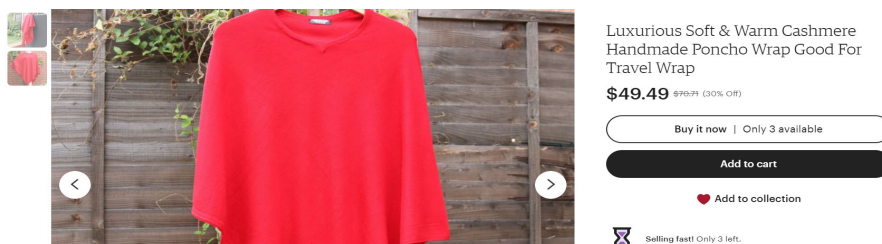
along with the same series of additional false and deceptive advertising misrepresentations by Etsy that purchasers of this purported Cashmere product can “[s]hop confidently,” that it is only “in the rare case” that “something goes wrong,” and that the consumers have “Protection” if the item they order “isn’t as described” – all of which are false and deceptive in part for the same reasons as the ones used in Etsy’s advertisement of CCMI 22.108-CA-US, and the other garments identified above, are false and deceptive.

33. As Etsy is well aware, (i) consumers have no ability to determine on their own that the garment they purchase in response to this Etsy advertisement “isn’t as described” – *i.e.* is not Cashmere – without laboratory testing that most would have no ability to obtain, and would have no reason to seek based on Etsy’s simultaneous representation that such problems are “rare”; (ii) as discussed further below, it is not “rare” that “something goes wrong” in the form of Etsy falsely describing non-Cashmere goods as “Cashmere” in its advertisements, it is a common and widespread Etsy practice; and (iii) Etsy currently provides no “Protection” whatsoever to its customers against such false advertising and deception.

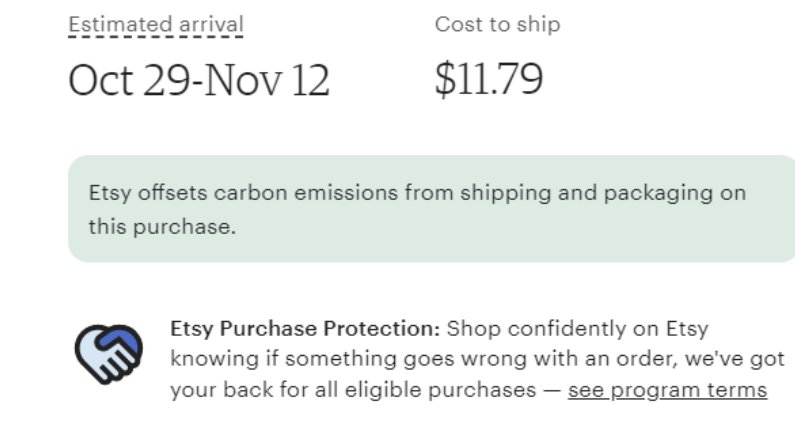
34. Another example of this false and misleading advertising by Etsy, and its aiding and abetting of and conspiring with others to accomplish it, is Etsy’s advertising of type of scarf, designated by me as CCMI 22.161-CA-US, which testing shows is a counterfeit item consisting of 65% synthetic (nylon and rayon) and 35% ordinary wool, and not Cashmere, but is falsely advertised by Etsy as “Cashmere” as follows:



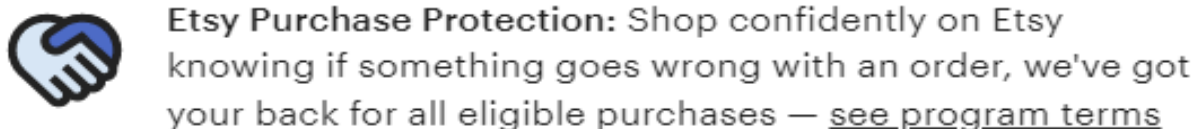
When CCMI purchased this item in October 2022, as shown below, Etsy’s advertisement priced it at \$49, also represented it as “Cashmere” as shown below:



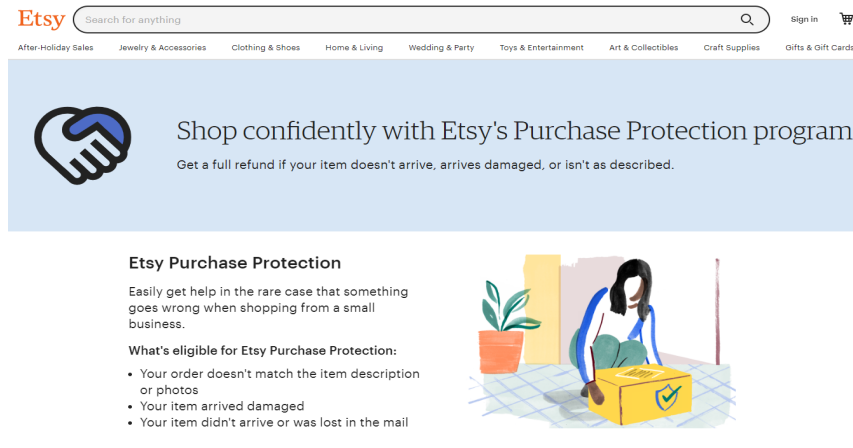
and as with the other advertisements discussed above, assured consumers that they could rely on that information, and that Etsy intended them to rely on that information, by stating, right underneath the shipping arrival dates that most consumers of garments looks at when ordering online, as shown below, that I could “shop confidently on Etsy” and had “Purchase Protection” if “something goes wrong”:



That representation by Etsy, as shown below, was accompanied by a link “see program terms”

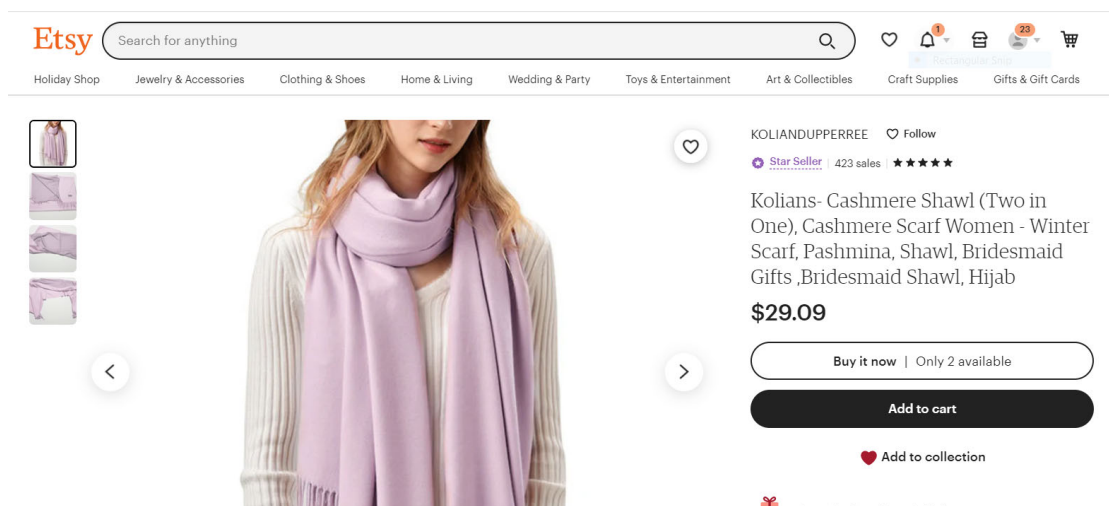


which when clicked led to a page where Etsy further misrepresented that consumers of Cashmere can “[s]hop confidently,” that is only “in the rare case that something goes wrong,” and that the consumers have “Protection” if the item they order “isn’t as described”:



In fact, the above statements by Etsy, made in connection with its advertising of purported “Cashmere” products, are both false and deceptive for the reasons described above, and Etsy is providing no “Protection” against its widespread false advertising of synthetic garments as “Cashmere” and “100% Cashmere.”

35. Another example of this false and misleading advertising by Etsy, and its aiding and abetting of and conspiring with others to accomplish it, is its advertising of a type of scarf, designated by CCMI as CCMI 22.162-CA-US, which testing shows is 100% synthetic, but is falsely advertised by Etsy as follows:



along with the same series of additional false and deceptive advertising misrepresentations by

Etsy that accompanied Etsy’s advertisement of the above-referenced CCMI 22.108-CA-US CCMI – including that purchasers of this purported Cashmere product can “[s]hop confidently,” that it is only “in the rare case” that “something goes wrong,” and that the consumers have “Protection” if the item they order “isn’t as described.”

36. In the case of each of the above examples, CCMI purchased the relevant garment, marked it for identification with its CCMI number, and sent it for testing to a testing laboratory known by CCMI to be reliable and capable of testing garments for their textile content, including whether they are Cashmere or contain Cashmere. The fabric in the immediately above CCMI 22.162-CA-US, for example, was obtained in November 2022 and first sent for testing to the KE’KEN Textile Testing and Certification Center in Japan, a highly qualified testing laboratory, and was reported not to be Cashmere, which reported it to be 100% synthetic material (specifically a blend of polyester and rayon).

37. The following is a copy of the photograph of the garment designated CCMI 22.162-CA-US, showing where the test sample was taken from it:




and the following is a copy of the test report KE’KEN Textile Testing and Certification Center in Japan where CCMI sent the sample for testing, reporting that it is not Cashmere, but rather is 100% synthetic material, specifically a blend of polyester and nylon:

No. CB 22-10060 TA

CERTIFICATE OF TESTDate : November 18, 2022Messrs. CASHMERE AND CAMEL HAIR
MANUFACTURERS INSTITUTE

We certify that under attached specimen have been tested by the KE'KEN
Textile Testing & Certification Center, and result of test as follows.

Specimen	Items	Result of Test	
	Composition (JIS L 1030-2)	Polyester	69.1 %
		Rayon	30.9 %

< #22.162-CA-US >
C/# ---

----- Leave this space blank -----

JWIFSigned : T. Kato**Chubu Inspection Office**

KE'KEN Textile Testing

& Certification Center



38. In early December 2022, CCMI also sent a sample of the same garment, CCMI
22.162-CA-US, to an expert retained by CCMI in connection with this case, Dr. Martin Bide,

whose affidavit has been filed in this case. He also reported that the garment is not Cashmere, but rather is a 100% blend of synthetic fiber, polyester or nylon, and rayon.

39. As with the above CCMI 22.162-CA-US, upon its receipt of each of the above Purported Cashmere Garments in the Fall of 2022, CCMI assigned and labeled it with a unique number (*e.g.* CCMI 22.108-CA-US, CCMI 22.108-CA-US, etc.). The numbers that CCMI assigned to these garments and samples were CCMI 22.108-CA-US, CCMI 22.109-CA-US, CCMI 22.111-CA-US, CCMI 22.112-CA-US, CCMI 22.115-CA-US, CCMI 22.116-CA-US, CCMI 22.126-CA-US, CCMI 22.127-CA-US, CCMI 22.128-CA-US, CCMI 22.159-CA-US, CCMI 22.160-CA-US, CCMI 22.161-CA-US, and CCMI 22.162-CA-US. In each case, CCMI cut a sample from the garment and sent it for testing, with its identifying CCMI number attached to it, to the KE'KEN Textile Testing and Certification Center in Japan or Intertek Testing Services in China.

40. In October 2022, CCMI received a reports from Intertek Testing Services reporting that the actual content of CCMI 22.108-CA-US was 83% polyester and 17% rayon, not Cashmere; that CCMI 22.109-CA-US was 100% polyester, not Cashmere; that CCMI 22.111-CA-US was 81% nylon and 19% wool, not Cashmere; and that CCMI 22.126-CA-US, CCMI 22.127-CA-US, CCMI 22.128-CA-US were all 100% acrylic, a flammable petroleum-based synthetic fiber, not Cashmere. Also in October 2022, CCMI received reports from the KE'KEN Textile Testing and Certification Center reporting that the actual content of CCMI 22.112-CA-US was 81.1% polyester and 18.9% rayon, not Cashmere; that the actual content of CCMI 22.115-CA-US was 67.5% nylon, 15.1% rayon, and 17.4% wool, not Cashmere.

41. Then in November 2022, CCMI received reports from the KE'KEN Textile Testing and Certification Center reporting that the actual content of CCMI 22.159-CA-US was

100% acrylic, not Cashmere; that CCMI 22.160-CA-US was 70.7% polyester and 29.3% rayon, not Cashmere; that CCMI 22.161-CA-US was 40.1% nylon, 29.5% rayon, and 30.4 % wool, not Cashmere; and that CCMI 22.162-CA-US was 69.1% polyester and 30.9% rayon, not Cashmere.

42. In December 2022, CCMI cut, labeled with their CCMI number, and sent samples of all of the above garments to Dr. Martin Bide, Ph.D for further fiber content analysis for this case, and he confirmed the results reported by both the KE'KEN lab in Japan and the Intertek Lab in China as to the above CCMI samples, stating in his affidavit in this case, which I have read, that CCMI 22-108-CA-US is a blend of synthetic and rayon fibers, not Cashmere; that CCMI 22-109-CA-US, is 100% synthetic fiber, and is also not Cashmere; that CCMI 22-111-CA-US is a blend of approximately 80% synthetic fibers (polyester or nylon) and 20% wool, and is not Cashmere; that CCMI 22-112-CA-US, is composed of a blend of synthetic and rayon fibers, and is not Cashmere; that CCMI 22-115-CA-US, is a blend of approximately 80% synthetic fiber (such as polyester or nylon) and rayon, and approx. 20% ordinary wool, and is not Cashmere; that CCMI 22-126-CA-US, CCMI 22-127-CA-US, CCMI 22-128-CA-US, and CCMI 22-159-CA-US, are each 100% acrylic, and are not Cashmere; that CCMI 22-160-CA-US is a synthetic blend (polyester and nylon); that CCMI 22-161-CA-US is a blend of approx. 65% synthetic fiber and rayon, and approx. 35% wool, not Cashmere; and that CCMI 22-162-CA-US is a blend of synthetic and rayon fibers, and is not Cashmere.

43. As noted below, CCMI has been repeatedly advising Etsy for almost nine months now, both in writing and in a discussion earlier this year, that it is falsely advertising and falsely representing garments and other textile products as Cashmere when they are not Cashmere, that it is causing serious harm, and that it is illegal and must stop. In each case, CCMI has supported its claims with test results proving that Etsy's advertising and factual representations are false,

and that it has a major problem in that it is falsely advertising huge quantities of counterfeit Purported Cashmere Garments. As a result, Etsy is fully aware, and has been aware for months, that it is engaged in unlawful false advertising, and is trafficking in falsely described goods in violation of federal and state laws, with respect to the above products, because CCMI has repeatedly informed Etsy of this fact in multiple written communications sent to it over the past nine (9) months, and in a discussion earlier this year.

44. Attached hereto as Exhibit A, for example, is a letter dated April 18, 2022 that CCMI sent on that date to Joshua Silverman, the CEO of Etsy, expressly informing him of this fact, and providing him with the factual and legal basis for CCMI's claims -- including reliable test reports from Intertek (a lab that has demonstrated its reliability in CCMI round trials) showing that multiple garments purchased by CCMI this year (and not included in the above examples), that were advertised by Etsy on www.etsy.com as "100% Cashmere," including garments designated by me as CCMI #'s 22.048-CA-US, 22.049-CA-US, 22.054-CA-US, 22.055-CA-US, 22.056-CA-US, were in fact not Cashmere, but rather were 100% synthetic (*e.g.* polyester, acrylic, nylon, etc), or in one case 89% synthetic (nylon) and 11% wool.

45. In addition, attached hereto as Exhibit B is an email dated May 26, 2022 that CCMI sent on that date to an Etsy official named "Gideon," in which CCMI informed the Etsy official that although he claimed that the items identified in CCMI's letter of April 18, 2022 had been removed from sale, this was not the case, and in which CCMI identified other types and categories of synthetic and synthetic blend garments, such as CCMI #22.048-CA-US and CCMI #22.068-CA-US, that were still being falsely advertised by Etsy as "100% Cashmere."

46. In that same Exhibit B correspondence, in response to the suggestion in the Etsy official Gideon's May 3, 2022 email to CCMI that Etsy had no responsibility for its false

advertising of these products, CCMI notified Etsy that

... the disclaimers in the last paragraph of your letter suggesting that Etsy is nothing more than a group of sellers “who run their own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the law” **are not correct.** Etsy itself earns its income from marketing and selling these falsely advertised products. **In doing so, it is engaging in unfair competition, infringing on the intellectual property and commercial rights of legitimate cashmere manufacturers, and violating both Massachusetts and federal law.** Moreover, it is not just a “marketplace” provider repeating statements given to it by others; rather, **it is acting as the retailer of the purported cashmere garments in issue here, is making its own false representations about them,** for which it is fully responsible.

Please advise within seven (7) days if Etsy will take the corrective actions requested above. Thank you.

(emphasis added)

47. Thereafter, in an email dated June 9, 2022 that CCMI sent to Etsy on that date, a copy of which is attached hereto as Exhibit C, CCMI identified additional Purported Cashmere Garments that Etsy was falsely advertising, and again reiterated that Etsy was responsible and was required to stop doing so:

... [N]one of the items purchased on the Etsy platform ... contain any cashmere although they are represented as 100% Cashmere. The purchase confirmations and test reports for all the items are attached..

Finally, once again we reiterate our position as stated in our email of May 26, 2022:

“the disclaimers in the last paragraph of your letter suggesting that Etsy is nothing more than a group of sellers “who run their own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the law” are not correct. Etsy itself earns its income from marketing and selling these falsely advertised products. In doing so, it is engaging in unfair competition, infringing on the intellectual property and commercial rights of legitimate cashmere manufacturers, and violating both Massachusetts and federal law. Moreover, it is not just a “marketplace” provider repeating statements given to it by others; rather, it is acting as the retailer of the purported cashmere garments in issue here, is making its own false representations about them, for which it is fully responsible.”

(emphasis in original).

48. In response to the above, CCMI received several emails from someone at Etsy, copies of which are attached hereto as Exhibit D, who said he was “Sascha at Etsy’s Content Moderation Team.” On June 28, 2022, he informed CCMI that some of the falsely advertised items CCMI had identified had been removed from sale, but that

before we can take additional action on other listings in the shop, we will need you to provide one of the following:

- Listing URL’s for any additional listings that are non-compliant
- Direct contact information to your organization we can provide the seller should they have questions regarding the compliance of their items.

Once we receive this information from you, we can move forward with the rest of your request.

Etsy already had CCMI’s “direct contact information” to provide to anyone it chose, however; and what it was suggesting – that CCMI should in effect “police” Etsy’s website and its suppliers to identify products falsely advertised by Etsy as Cashmere, instead of Etsy taking steps to stop falsely advertising these products itself – was not a proper request, nor was it lawful for Etsy to demand that CCMI agree to this before taking “additional action” to stop its own rampant false advertising of the Purported Cashmere Garments. Nevertheless, this continued to be Etsy’s position in communications and conferences with CCMI on the subject of its false advertising in the months that followed.

49. During those months that followed, massive quantities of products falsely advertised by Etsy as “Cashmere” and “100% Cashmere” continued to be, and now also continue to be, advertised, promoted and sold by Etsy, both through direct ad emails to consumers not posted to the internet, and on Etsy’s multiple websites, which accept and process payment for all those falsely advertised goods, keep a significant share of each purchase price paid for each of

them, and charges additional fees for its advertising and promotion of them – to the point where its annual revenues are well in excess of \$2 Billion.

50. In this regard, Defendant Etsy is itself an information content provider that created and developed, in whole or in part, the aforesaid false and misleading commercial information that has been and is being transmitted to the public in the Etsy Ads for the Purported Cashmere Garments. Etsy is also the effective retailer of the Purported Cashmere Garments. Among other things, in return for profiting from each sale of the Purported Cashmere Garments, which it does, Etsy provides, in connection with the advertising and sale of the Purported Cashmere Garments, many of the services traditionally provided by retailers. It accepts and processes orders and payments for the Purported Cashmere Garments as a retailer does. It offers various satisfaction guarantees and price discounts concerning them as a retailer does, and it directs consumers who evidence an interest in Cashmere to the Purported Cashmere Garments in an effort to increase sales of the Purported Cashmere Garments, as a retailer does, and it uses its worldwide reputation to increase and promote those sales.

51. On October 7, 2022, after all CCMI's prior efforts to persuade Etsy to take responsible action to address the problem of its epidemic-level false advertising of cheap synthetic and synthetic-wool blends as "Cashmere" and "100% Cashmere" on websites and in emails all over the world, CCMI sent a further demand letter to Etsy's CEO Joshua Silverman, attaching still more examples of Etsy's false advertising of products as "Cashmere" when they are not, and Etsy is aware they are not. In that letter, CCMI informed Etsy's CEO that:

... We have written to you before, and spoken to your colleagues at Etsy, about the problem of Etsy falsely advertising and selling products that are misrepresented as "Cashmere" when in fact they are not Cashmere, but rather are made of synthetic material (such as nylon, rayon, polyester, etc.), or synthetic material blended with small quantities of ordinary wool. Earlier this year, as part of its routine industry testing activities, CCMI began purchasing

garments advertised and offered for sale on Etsy as “Cashmere” and/or “100% Cashmere,” and having them tested to determine their textile content.

As we reported to you in my letter of April 18, 2022, none of the purported “Cashmere” garments that we purchased on Etsy at that time were actually Cashmere. Instead they were made either entirely of synthetic material (such as nylon, rayon, polyester, etc.), or synthetic material blended with small quantities of wool. We therefore complained to Etsy and asked that it cease and desist from continuing to falsely advertise products as “Cashmere” when in fact they were not Cashmere. Etsy has not done so, however, and is continuing to advertise and sell thousands of these falsely labeled products on its website, and to make substantial amounts of money doing so.

In August, 2022, for example, I again purchased several items advertised as Cashmere on Etsy, **as shown in the attached document collecting our photographs and test reports on them**, and had them tested for content. After receiving the items, and assigning each of them a CCMI number, I personally cut samples from the purchased items, labeled them with the following CCMI reference numbers and sent them to KE’KEN Textile Testing and Certification Center (“KE’KEN”), a highly qualified textile testing laboratory, for testing to determine their actual fiber content. The results prove that **none of them contains any Cashmere**. Specifically, as shown in the attached document, KE’KEN has reported that:

CCMI # 22.102-CA-US is **not** Cashmere, but rather is 90.8% synthetic nylon material blended with 9.2% ordinary wool.

CCMI # 22.103-CA-US is **not** Cashmere, but rather is 88.6% synthetic material (consisting of 73% Nylon and 15.6% Rayon), and 11.4% ordinary wool; and

CCMI # 22.104-CA-US is **not** Cashmere, but rather is 100% synthetic material consisting entirely of Polyester.

All of these products are therefore being falsely advertised and sold by Etsy in violation of the Lanham Act, 15 U.S.C. §1125(a), which prohibits false and deceptive advertising, and the Wool Products Labeling Act of 1939, ...

Etsy’s marketing and sale of that are falsely advertised as “Cashmere” and do not identify their true fiber content is a violation of the above statutes, and is harmful to Members of CCMI. Further, these articles are also illegally labeled as none of the items are labeled with the required RN number with the Federal Trade Commission database identifying the maker or importer.

CCMI hereby demands that Etsy immediately remove from sale, and/or correctly describe as to their fiber content, all items labeled as or represented to be “Cashmere” on Etsy websites, and immediately stop advertising as “Cashmere” any textile products that are not Cashmere -- regardless of whether

CCMI has specifically identified them as falsely advertised or not -- because it is Etsy's obligation to do so.

At this point, having given Etsy ample notice of this problem, CCMI respectfully reserves the right to take appropriate legal action against Etsy without further notice if it fails to promptly remedy this situation, which the evidence suggests is both serious and widespread. CCMI is currently testing multiple additional samples of textile products that Etsy is advertising and selling as "Cashmere," and will rely on the results of its tests of those products as well in seeking a legal remedy for this problem.

(emphasis and boldfacing in original), and also stated that CCMI was prepared to take legal action without further notice if Etsy failed to remedy this problem. The test results on the falsely advertised items referred in that letter, which were CCMI #'s 22.102-CA-US, 22.103-CA-US, and 22.104-CA-US, are also attached as part of Exh. E hereto.

52. In response, on October 13, 2022, CCMI received the email attached hereto as Exhibit F from an individual at Etsy who identified himself as "Fabio Tarud, Director, Assistant General Counsel, Intellectual Property & Litigation" of Etsy. In it, he stated that he believed Etsy's actions in removing certain advertisements for which CCMI had provided test reports showing that the items were not Cashmere, and were falsely advertised, "far exceed our legal obligations," and that "[w]e plan to provide a fuller response to the points in your [October 7] letter shortly." Neither he nor Etsy ever provided such a "fuller response," however, and the epidemic level false advertising of cheap synthetic and synthetic/wool blend goods by Etsy as "Cashmere" and "100% Cashmere" has continued, as evidenced by the multiple new examples identified above in this Complaint, all currently advertised and purchased and tested within the last several months.

53. The aforesaid unlawful acts and omissions of Defendant Etsy have caused and are causing actual, substantial, and irreparable harm and injury to CCMI, its Members, the Cashmere market, and the general public. This harm includes the reduced sales suffered and being suffered

by legitimate Cashmere fabric and garment manufacturers, such as the current Members of the Cashmere Institute, whose names are currently listed on its website, www.cashmere.org (the “CCMI Members”), when their prices are undercut by the advertising and sale of the Purported Cashmere Garments currently being advertised by Etsy – which can be produced at only a fraction of the cost of real Cashmere products, and therefore can be offered for sale and sold at much lower prices.

54. This harm to CCMI Members, and to CCMI itself, from Etsy’s aforesaid unlawful acts and omissions also includes the fact that the reputation of Cashmere as a fine fiber and fabric, and the reputation of Cashmere garments – which includes that they are uniquely soft, elastic, durable, lightweight, warmer than wool, breathable, moisture wicking (making them comfortable in all climates, even warm ones), non-scratchy, wrinkle-resistant, elegant in appearance (because of their natural draping due to their light weight and wrinkle resistance), hypoallergenic, and fire resistant – is sullied and diminished by fake garments like the Purported Cashmere Garments falsely advertised by Etsy as Cashmere when they are actually not Cashmere, which are made of cheaper, less desirable clothing materials such as 100% acrylic or polyester-rayon-nylon blends which do not perform as well as real Cashmere products do.

55. In this regard, acrylic is a less warm, petroleum-based, synthetic fiber which is more flammable than Cashmere, is not self-extinguishing (*i.e.* it will burn continuously once set alight, unlike Cashmere which will self-extinguish when removed from flame), and is made with fossil fuel-based chemicals that can be absorbed through the skin. Polyester, in contrast to Cashmere, is not as breathable, tends to stick to perspiring skin and hold odors more, is temperature sensitive, is subject to dye migration, and can cause skin irritation. Nylon, in contrast to Cashmere, can melt easily when exposed to heat, does not absorb moisture, and is

made of petrochemicals, formaldehyde, and other chemicals . Rayon, in contrast to Cashmere, is weak when wet, wrinkles easily unless treated, is susceptible to mildew, stretches, and is made with regenerated cellulose, such as wood pulp, using carbon disulphide in the manufacturing process.

56. The continued false advertising of the Purported Cashmere Garments by Etsy, and the continued false advertising of them as “100% Cashmere” and “Cashmere” when they are not, has already caused and is causing all of the above continuing harm – which is virtually impossible to quantify in terms of monetary damages but is serious and irreparable – both to the Members of the Cashmere Institute and to CCMI itself, which depends on the good name and reputation of Cashmere in order to maintain its own good name and reputation, and in order to be effective in providing the services it provides both to the public and its Members.

57. The Defendant’s aforesaid and hereinafter-described false and deceptive representations, false and deceptive advertising, false and deceptive designations of origin, and misuse of the “Cashmere” “100% Cashmere” brand names and marks in connection with the marketing and sale of the Purported Cashmere Garments (hereinafter referred to, collectively, as “Unlawful Acts”) have proximately caused, are proximately causing, and unless stopped will continue to proximately cause significant, immediate, and irreparable harm to the Members of the Cashmere Institute (the “CCMI Members”) in part by reducing demand for their legitimate but necessarily more expensive competing real Cashmere products, which include competing Cashmere scarves, because the material used to make the counterfeit Purported Cashmere Garments is far less expensive than real Cashmere, can be produced at only a fraction of the cost of real Cashmere products, and therefore can be offered for sale and sold at much lower prices which divert potential consumers away from purchasing CCMI Members’ products.

58. The continued marketing and sale of the Purported Cashmere Garments, and the false advertising and promotion of them as “100% Cashmere” has already caused and is causing all of the above continuing harm – which is virtually impossible to quantify in terms of monetary damages but is serious and irreparable – both to the Members of the Cashmere Institute and to CCMI itself, which depends on the good name and reputation of Cashmere in order to maintain its own good name and reputation, and in order to be effective in providing the services it provides both to the public and its Members.

59. The Defendant’s Unlawful Acts have also caused, are causing, and unless stopped will continue to cause significant, immediate, and irreparable harm to the Cashmere Institute itself, and its commercial interests, by counteracting and undermining the commercial services it offers, counteracting and undermining its commercial efforts to preserve and protect the good name, reputation and integrity of Cashmere as a high quality fine specialty fiber, and undermining its commercial efforts to promote the use of Cashmere fiber, fabric, and garments notwithstanding their greater cost, and to safeguard the commercial interests of CCMI Members, the Cashmere industry, and the general public.

60. The Defendant’s Unlawful Acts have also caused, are causing, and unless stopped will continue to cause significant and irreparable harm to the Cashmere Institute itself and its commercial interests by damaging CCMI’s good name and reputation, its credibility in the marketplace, and its ability to provide its commercial services effectively (since many of them depend on the voluntary cooperation of third parties), and by diluting, blurring and tarnishing its famous name and trademark, and that of “Cashmere” itself.

CAUSES OF ACTION

COUNT I

(Violation of the Lanham Act, 15 U.S.C. §1125(a))

61. CCMI hereby incorporates by reference, as though fully set forth herein, all of the allegations set forth in all of the other paragraphs of this Complaint.

62. The Defendant's Unlawful Acts as described hereinabove constitute the use in commerce, in connection with goods and services, including the Purported Cashmere Garments, of literally false and misleading statements, and literally false and misleading descriptions and representations of fact, that are likely to deceive, and do in fact deceive, the public into believing, falsely, that the Purported Cashmere Garments are actually Cashmere, 100% Cashmere, or in some part Cashmere, which they are not, causing competitive injury and commercial detriment to CCMI and its Members, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

63. The Defendant's Unlawful Acts as described hereinabove also constitute the use in commerce, in connection with goods and services, including the Purported Cashmere Garments, of literally false and misleading statements, and literally false and misleading descriptions and representations of fact, that are likely to deceive, and do in fact deceive, the public into believing, falsely, that prospective purchasers of the Purported Cashmere Garments can "[s]hop confidently," that is only "in the rare case that something goes wrong," and that they have "Protection" if the Purported Cashmere Garment they order "isn't as described" – causing competitive injury and commercial detriment to CCMI and its Members, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

64. The statements quoted in the previous paragraph are literally false and/or false and misleading in part because, as Etsy is well aware, (i) consumers typically have no ability to determine on their own that a Purported Cashmere Garment they purchase in response to the

Etsy advertisement “isn’t as described” – *i.e.* is not Cashmere – without laboratory testing that most would have no ability to obtain, and would have no reason to seek based on Etsy’s simultaneous representation that such problems are “rare”; (ii) as discussed further below, it is not “rare” that “something goes wrong” in the form of the Purported Cashmere Garments not being “as described” in the Etsy advertisements, it is extremely common, as evidenced by the testing CCMI has done of the Purported Cashmere Garments; and (iii) Etsy currently provides no “Protection” whatsoever to its customers against such false advertising and deception, and in fact has refused to do so, which is why injunctive relief is needed.

65. The Defendant’s Unlawful Acts as described hereinabove also constitute the use by each Defendant, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), of words, terms, names, symbols, and devices, and false designations of origin, false and misleading descriptions of fact, and false and misleading representations of fact, which are likely to cause confusion, or to cause mistake, and/or to deceive as to the affiliation, connection, or association of the Purported Cashmere Garments with CCMI and its legitimate Cashmere manufacturer and distributor Members, and/or as to the origin, sponsorship, or approval of the Purported Cashmere Garments by CCMI and its legitimate Cashmere manufacturer and distributor Members, and/or their goods, services, or commercial activities.

66. The Defendant’s Unlawful Acts as described hereinabove also constitute the unlawful use by the Defendant, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), of words, terms, names, symbols, and devices, and false designations of origin, false and misleading descriptions of fact, and false and misleading representations of fact, which, in commercial advertising or promotion, misrepresent the nature, characteristics, qualities, or geographic origin of its or another’s goods, services, or commercial activities.

67. The Defendant's Unlawful Acts as described hereinabove have caused, are causing, and unless enjoined will continue to cause immediate and irreparable harm to the Cashmere Institute and its Members, and when committed outside the U.S. are having a substantial adverse effect on U.S. commerce. The enforcement of U.S. laws prohibiting Defendants Unlawful Acts will not conflict any foreign law applicable to the Defendant.

68. In the course of committing the Defendant's Unlawful Acts as described hereinabove, Etsy is making false and misleading descriptions of fact or representations of fact in commercial advertisements about its own or another's product that were and are material in that they are likely to influence the purchasing decision of consumers. Each such misrepresentation actually deceives or has the tendency to deceive a substantial segment of its audience; and Etsy has placed the false or misleading statements in interstate commerce.

69. Plaintiff CCMI's Members are selling products honestly that compete with the Purported Cashmere Garments being falsely advertised by Etsy, and have been and are likely to be injured as a result of the Defendants aforesaid false and misleading descriptions and representations of fact, either by direct diversion of sales or by a lessening of goodwill associated with their products.

70. The Defendant's Unlawful Acts as described hereinabove described were knowing, willful, and egregious, and have continued despite the Defendant's knowledge that they were illegal. Among other things, Defendant Etsy is knowingly trafficking in falsely described and falsely advertised goods, and is knowingly engaging in, participating in, and promoting the sale of the falsely advertised and described Purported Cashmere Garments, and financially benefiting therefrom, and simply disclaiming all responsibility for the counterfeiting — all to the serious detriment of CCMI and its Members, and to the general consuming public.

71. Notwithstanding Etsy's refusal to accept responsibility for the above-described epidemic of falsely advertised and counterfeit Purported Cashmere Garments that it is misleadingly and deceptively presenting on Etsy websites throughout Massachusetts and elsewhere, it is legally responsible for this commercial misconduct, and is profiting enormously from it in violation of the Lanham Act – to the detriment of CCMI and its Members.

72. Wherefore, CCMI is entitled to and hereby requests declaratory and injunctive relief pursuant to Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), enjoining Defendant Etsy from continuing to commit the Defendant's Unlawful Acts as described hereinabove, and enjoining it from continuing to make the aforesaid untrue, deceptive and misleading assertions, representations and statements regarding the Purported Cashmere Garments, and the recovery of CCMI's costs, including reasonable attorneys fees, in prosecuting this action under federal law, including Sections 34 and 35 of the Lanham Act, 15 U.S.C. §1116, 1117.

COUNT II
Violation of M.G.L. c. 266, § 91
("Untrue and misleading advertisements; prohibitions")

73. CCMI hereby incorporates by reference, as though fully set forth herein, all of the allegations set forth in all of the other paragraphs of this Complaint.

74. Section 91 of Massachusetts General Laws chapter 266 provides that

Any person who, with intent to sell or in any way dispose of merchandise, ... offered by such person, directly or indirectly, to the public for sale or distribution, or who, with intent to increase the consumption of or demand for such merchandise ... makes ..., an advertisement of any sort regarding merchandise, ... which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, and which such person knew, or might on reasonable investigation have ascertained to be untrue, deceptive or misleading, shall be punished by a fine of not less than one thousand nor more than two thousand dollars; provided, that this section shall not apply to any owner, publisher, printer, agent or employee of a newspaper or other publication, periodical or circular, or to any agent of the advertiser who in good faith

and without knowledge of the falsity or deceptive character thereof publishes, causes to be published, or participates in the publication of such advertisement.

Whoever violates the provisions of this section may be enjoined therefrom by a petition in equity brought by ... any aggrieved party.

(emphasis added).

75. The Defendant's Unlawful Acts as described hereinabove constitute the intentional making of untrue, deceptive and misleading assertions, representations and statements regarding the Purported Cashmere Garments in violation of the above-quoted law, M.G.L. c. 266, §91. CCMI and its Members have been and are being irreparably harmed by Etsy's actions in this regard, and are therefore aggrieved parties within the meaning of M.G.L. c. 266, §91.

76. CCMI is therefore entitled to, and hereby requests, declaratory and injunctive relief enjoining Defendant Etsy from continuing to commit the Defendant's Unlawful Acts as described hereinabove, and from continuing to make the aforesaid untrue, deceptive and misleading representations in connection with the Purported Cashmere Garments, pursuant to M.G.L. c. 266, §91, and to recover its costs, including reasonable attorneys fees, herein.

COUNT III **(Common Law Unfair Competition)**

77. CCMI hereby incorporates by reference, as though fully set forth herein, all of the allegations set forth in all of the other paragraphs of this Complaint.

78. The Defendant's Unlawful Acts as described hereinabove constitute common law unfair competition in violation of Massachusetts intellectual property laws,⁴ including in the

⁴ See *Holyoke Mut. Ins. Co. v. Vibram USA, Inc.*, 2016 Mass. Super. LEXIS 298, *13-17, 33 Mass. L. Rep. 564 (2016), citing "Black's Law Dictionary 813 (7th ed. 1999)(**defining intellectual property as follows**: "A category of intangible rights protecting commercially valuable products of the human intellect. The category comprises primarily trademark, copyright, and patent rights, but also includes trade-secret rights, publicity rights, moral rights, **and rights against unfair competition.**" (emphasis added)).

form of false and deceptive advertising and promotion of the Purported Cashmere Products, illegal “palming off,” trademark and trade dress dilution, that has caused, is causing, and absent the injunctive relief requested herein will continue to cause irreparable harm to the Cashmere Institute and its Members.

79. The Defendant’s Unlawful Acts as described hereinabove also constitute common law unfair competition in violation of Massachusetts intellectual property law in the form of “palming off” — to wit trying to pass off goods that are not made of Cashmere as “Cashmere, and to pass off goods that are not 100% Cashmere as “100% Cashmere” in violation of Massachusetts law.

80. The Defendant’s Unlawful Acts as described hereinabove also constitute common law unfair competition in violation of Massachusetts intellectual property law in the form of false and deceptive advertising and promotion of the Purported Cashmere Products using confusingly similar trade dress to the services and products of CCMI and its Members in violation of Massachusetts and federal law.

81. The Defendant’s Unlawful Acts as described hereinabove also constitute common law unfair competition in violation of Massachusetts intellectual property law in the form of false and deceptive advertising and promotion of the Purported Cashmere Products using the confusingly similar name and mark “Cashmere” that is used by CCMI and its Members to market their good and services in violation of Massachusetts and federal law, resulting in consumer confusion and dilution of the value of that mark.

82. The Defendant’s Unlawful Acts as described hereinabove also constitute common law unfair competition in violation of Massachusetts intellectual property law in the form of wrongful use of a portion of CCMI’s and its Members’ distinctive names in a manner that

creates confusion as to the source, authenticity, and association of their goods -- in violation of Massachusetts law.

83. CCMI is therefore entitled to, and hereby requests, declaratory and injunctive relief enjoining Defendant Etsy from continuing to commit the Defendant's Unlawful Acts as described hereinabove, and from continuing to make the aforesaid untrue, deceptive and misleading assertions, representations and statements regarding the Purported Cashmere Garments, and to recover its costs, including reasonable attorneys fees, in prosecuting this action.

COUNT IV
(Violation of M.G.L. c. 110H, § 13 (Anti-Dilution))

84. CCMI hereby incorporates by reference, as though fully set forth herein, all of the allegations set forth in all of the other paragraphs of this Complaint.

85. Over the course of more than thirty-five (35) years, the name of the Cashmere Institute has become a distinctive trade name and mark and has acquired secondary meaning and distinctive quality in the relevant Cashmere market within the meaning of the Massachusetts Anti-Dilution Statute, M.G.L. c. 110H, § 13.

86. The Defendant's Unlawful Acts as described hereinabove, including their use of the mark "Cashmere" have actually deceived and are likely to deceive the public into believing, falsely, that Defendant's falsely labeled Purported Cashmere Garments are those of, sponsored or approved or permitted by, or are in some way connected with, the Cashmere Institute or its Members, all to the irreparable injury of the Cashmere Institute's trade and goodwill and to the injury of the public.

87. The Defendant's Unlawful Acts as described hereinabove, including their use of the mark "Cashmere" have diluted the Cashmere Institute Name by tarnishment and/or blurring, and have created a likelihood of such dilution by tarnishment and/or blurring in the future. This

has resulted in, and unless enjoined will continue to cause reduction of the value of the CCMI Name caused by actual or potential confusion, injury resulting from Defendant's Unlawful Acts that tarnishes the reputation associated with the plaintiff's name; and diminution in the uniqueness and individuality of the CCMI Name.

88. The Massachusetts Anti-Dilution Statute, M.G.L. c. 110H, §13, provides that "Likelihood of injury to business reputation or of dilution of the distinctive quality of ... a trade name valid at common law, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services.

89. CCMI is therefore entitled to, and hereby requests, declaratory and injunctive relief under M.G.L. c. 110H, §13 enjoining Defendant Etsy from continuing to commit the Defendant's Unlawful Acts as described hereinabove, and from continuing to make the aforesaid untrue, deceptive and misleading assertions, representations and statements regarding the Purported Cashmere Garments, and to recover its costs, including reasonable attorneys fees, in prosecuting this action.

COUNT V
(Civil Conspiracy)

90. CCMI hereby incorporates by reference, as though fully set forth herein, all of the allegations set forth in all of the other paragraphs of this Complaint.

91. In committing the hereinabove-described Defendant's Unlawful Acts, Defendant Etsy acted in concert with the suppliers of the Purported Cashmere Garments pursuant to a common design, and each gave substantial assistance and encouragement to the other knowing that the conduct of the other constituted a breach of duty under the applicable laws prohibiting Defendant's Unlawful Acts, and that substantial assistance and encouragement was a substantial factor in causing the resulting Defendant's Unlawful Acts.

92. In providing that substantial assistance and encouragement, Etsy and its suppliers each had unlawful intent, consisting of both knowledge that each other's conduct was in violation of the applicable laws prohibiting Defendant's Unlawful Acts, and intent to substantially assist or encourage that conduct by the other.

93. Specifically, among other things, for example, as alleged hereinabove, Etsy was repeatedly informed in writing by CCMI in 2022, was presented with actual evidence proving, and therefore had actual knowledge of, that it was committing the Defendant's Unlawful Acts, and provided that information to suppliers of the Purported Cashmere Garments, but nevertheless continued to commit and assist its suppliers in committing the Defendant's Unlawful Acts.

94. Each Defendant provided the aforesaid substantial assistance and encouragement to the other pursuant to agreements to do so that were entered into with aforesaid knowledge and intent, and thereafter each Defendant continued to implement and perform under those agreements knowing that such implementation and performance was causing and enabling Defendant's Unlawful Acts by the other Defendant.

95. By virtue of the aforesaid, the Defendants have engaged and engaged in a concerted action conspiracy to violate federal and Massachusetts state laws prohibiting Defendant's Unlawful Acts.

96. That conspiracy has caused and is causing irreparable harm to CCMI, its Members, the reputation of Cashmere, the integrity of the Cashmere garment market, and the general public. That harm is not adequately compensable in money damages, and requires injunctive relief to alleviate.

97. CCMI is therefore entitled to, and hereby requests, declaratory and injunctive relief enjoining Defendant Etsy from continuing to commit the Unlawful Acts described

hereinabove, and from continuing to make the aforesaid untrue, deceptive and misleading assertions, representations and statements regarding the Purported Cashmere Garments, and to recover its costs, including reasonable attorneys fees, in prosecuting this action.

COUNT VI
(Vicarious Liability)

98. CCMI hereby incorporates by reference, as though fully set forth herein, all of the allegations set forth in all of the other paragraphs of this Complaint.

99. During the period in which the Defendant's Unlawful Acts have occurred and are occurring, Defendant Etsy has had, and now has, contracts with its suppliers that give Etsy the ability and the right to control certain activities of those suppliers, and that make each the agent of the other in certain respects, including ordering and payment activities, and that in certain respects constitute, relate to, and/or are necessary to, the commission of the Unlawful Acts.

100. As a result, Etsy and its suppliers of the Purported Cashmere Garments are each vicariously liable, and jointly and severally responsible, for the Unlawful Acts, including their relevant intellectual property violations, which include unfair competition, false advertising, and trademark dilution, as aforesaid, and the aforesaid irreparable harm being caused to CCMI and its Members, and the general public.

101. CCMI is therefore entitled to, and hereby requests, declaratory and injunctive relief enjoining Defendant Etsy from continuing to commit the Unlawful Acts described hereinabove, and from continuing to make the aforesaid untrue, deceptive and misleading assertions, representations and statements regarding the Purported Cashmere Garments, and to recover its costs, including reasonable attorneys fees, in prosecuting this action.

COUNT VII
(Contributory Liability)

102. CCMI hereby incorporates by reference, as though fully set forth herein, all of the allegations set forth in all of the other paragraphs of this Complaint.

103. Etsy and its suppliers of the Purported Cashmere Garments have each induced, caused or materially contributed to the others commission of the Unlawful Acts, and are each contributorily liable for them, and Etsy's aforesaid misconduct and Unlawful Acts have been, and continue to be, knowing and willful.

104. As a direct and proximate result of Defendant's Unlawful Acts, CCMI has suffered and, unless Defendant Etsy is properly enjoined, will continue to suffer actual, substantial, and irreparable harm as aforesaid.

105. CCMI is therefore entitled to, and hereby requests, declaratory and injunctive relief enjoining Defendant Etsy from continuing to commit the Unlawful Acts described hereinabove, and from continuing to make the aforesaid untrue, deceptive and misleading assertions, representations and statements regarding the Purported Cashmere Garments, and to recover its costs, including reasonable attorneys fees, in prosecuting this action.

COUNT VIII
(Aiding and Abetting Liability)

106. CCMI hereby incorporates by reference, as though fully set forth herein, all of the allegations set forth in all of the other paragraphs of this Complaint.

107. Defendant Etsy aided and abetted its suppliers of the Purported Cashmere Garments in also committing the Unlawful Acts, knew and knows that their conduct constituted a breach of duty under the applicable laws prohibiting the Unlawful Acts, knew and knows that they had a substantial role in an unlawful enterprise, and provided and continues to provide

substantial assistance and encouragement to them knowing that such assistance and encouragement was and is causing and enabling their also committing the Unlawful Acts – to the degree that each cannot reasonably be held to have acted in good faith.

108. In addition to its own Unlawful Acts as aforesaid, Etsy's aiding and abetting of the suppliers of the Purported Cashmere Garments in their also committing the Unlawful Acts is causing and will continue to cause irreparable harm to CCMI and its Members as aforesaid.

109. CCMI is therefore entitled to, and hereby requests, declaratory and injunctive relief enjoining Defendant Etsy from continuing to commit, from continuing to aid and abet the suppliers of the Purported Cashmere Garments in continuing to commit, the Unlawful Acts described hereinabove, and continuing to make the aforesaid untrue, deceptive and misleading assertions, representations and statements regarding the Purported Cashmere Garments, and to recover its costs, including reasonable attorneys fees, in prosecuting this action

COUNT IX
**(Unfair and Deceptive Trade Practices
in Violation of M.G.L. c. 93A)**

110. CCMI hereby incorporates by reference, as though fully set forth herein, all of the allegations set forth in all of the other paragraphs of this Complaint.

111. The Defendant's Unlawful Acts as aforesaid are and constitute unfair and deceptive trade practices in violation of the Massachusetts Unfair and Deceptive Trade Practice Act, M.G.L. c. 93A.

112. CCMI is therefore entitled to, and hereby requests, declaratory and injunctive relief enjoining Defendant Etsy from continuing to commit, from continuing to aid and abet the suppliers of the Purported Cashmere Garments in continuing to commit, the Unlawful Acts described hereinabove, and continuing to make the aforesaid untrue, deceptive and misleading

assertions, representations and statements regarding the Purported Cashmere Garments, and to recover its costs, including reasonable attorneys fees, in this action under M.G.L. c. 93A.

PRAYER FOR RELIEF

WHEREFORE, plaintiff CCMI respectfully requests that the Court, preliminarily enjoin, and thereafter enter final judgment in its favor against the Defendants granting it:

1. permanent declaratory and injunctive relief requiring the Defendants to cease the Defendant's Unlawful Acts, including, *inter alia*, that they cease and desist from, and stop:

(a) advertising or misrepresenting any garments or products not made of Cashmere as, or advertising or representing them to be, "100% Cashmere," or "Cashmere" in any amount;

(b) advertising or representing garments or products that are made of synthetic material (such as acrylic, rayon, polyester, or any other synthetic) as, or advertising or representing them to be, "100% Cashmere," or "Cashmere" in any amount;

(c) representing that prospective purchasers of the Purported Cashmere Garments can "[s]hop confidently," that it is only "in the rare case that something goes wrong," and that they have "Protection" if the Purported Cashmere Garment they order "isn't as described,"

(d) advertising or representing any garments or products as "100% Cashmere," or "Cashmere" in any amount or portion, unless and until their textile fiber content is properly and truthfully represented, advertised and labeled; and

(e) such other an further injunctive relief as is necessary to prevent the Defendant from making further misrepresentations in connection with Purported Cashmere Products;

2. the reasonable attorneys' fees, expert witness expenses, and other costs incurred by CCMI in preparing and pursuing this action; and

3. such other and further relief as this Court may deem just and proper, or as to which CCMI may show it is entitled.

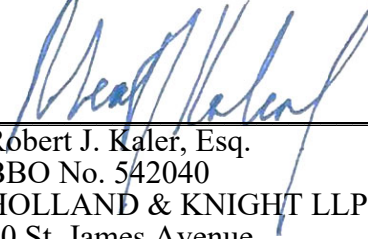
JURY CLAIM

Plaintiff CCMI hereby claims its right to trial by jury as to all claims hereinabove as to which it has a right to trial by jury.

Respectfully submitted,

CASHMERE AND CAMEL HAIR
MANUFACTURERS INSTITUTE

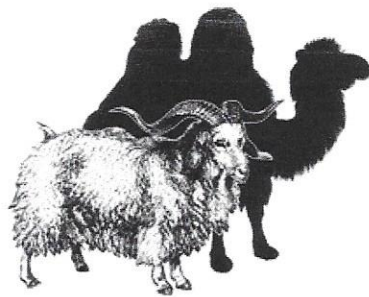
By its attorneys,

A handwritten signature in blue ink, appearing to read "Robert J. Kaler", is written over a horizontal line.

Robert J. Kaler, Esq.
BBO No. 542040
HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116
Telephone: (617) 854-1443
Facsimile: (617) 523-6850
robert.kaler@hklaw.com

Dated: December 30, 2022

EXHIBIT A



CCMI
CASHMERE AND CAMELHAIR
MANUFACTURERS INSTITUTE

Headquarters - Administration
10 St. James Avenue
Boston MA 02116 USA

North American Operations
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Mobile: +1 774-217-1714
E-mail: jcoleman@cashmere.org

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3-17-18-501 Jiyugaoka Meguro-ku
152-0035 Tokyo Japan
Mobile: +81 03 3723 9629
E-mail: kshimizu@cashmere.org

www.cashmere.org

April 18, 2022

Mr. Joshua G. Silverman,
CEO
Etsy
117 Adams St
Brooklyn, NY 11201

Dear Mr. Silverman

I am the U.S. Representative of the Cashmere and Camel Hair Manufacturers Institute (CCMI), which is an international trade association that representing some of the world's leading processors and producers of cashmere, fine wool, and camel hair fiber, yarn, garments and accessory products. CCMI was established in 1984 to protect the interests of its members by promoting the accurate labeling of cashmere, camel hair and superfine wool products, and by educating the public about, and helping to ensure industry compliance with, national and international standards governing the labeling of such fine wool, cashmere and camel hair fiber, yarn, garments and accessory products. As part of CCMI's mission, we cooperate with US Customs and Border Control as well as the Federal Trade Commission, and pursue legal remedies of our own where necessary, to combat the problem of mislabeled cashmere, camel hair and superfine wool products offered for sale anywhere in the world.¹

As part of CCMI's routine industry testing activities, I recently purchased five items advertised as 100% Cashmere on Etsy on February 22, 2022. After receiving the items, and assigning each of them a CCMI number, I personally cut samples from the purchased items, labeled them with the CCMI reference numbers and sent them to Intertek Testing Services, a testing lab highly qualified lab for testing the actual fiber content of textiles. Evidence of the purchases is shown below, along with copies of the laboratory test report from Intertek Testing Service reporting that **none of them contains any cashmere**. Specifically, Intertek reports that:

CCMI # 22.048-CA-US is not Cashmere, but rather is 100% synthetic material consisting of approx. 89% Nylon/11% Wool.

¹ See, e.g. *Cashmere & Camel Hair Mfrs. Inst. v. Saks Fifth Ave.*, 284 F.3d 302 (1st Cir. 2002); *Camel Hair & Cashmere Inst. of Am., Inc. v. Associated Dry Goods Corp.*, 799 F.2d 6 (1st Cir. 1986); *Cashmere & Camel Hair Mfrs. Inst. v. Amazon.com, Inc. and CS Accessories, LLC*, Case No. 1:21-cv-11872 (D. Mass. 2021).

CCMI # 22.049-CA-US is not Cashmere, but rather is 100% synthetic material consisting of approx. 31% Rayon 30% Polyester 21% Acrylic and 18% Nylon.

CCMI # 22.054-CA-US is not Cashmere, but rather is 100% synthetic material consisting entirely of Polyester.

CCMI # 22.055-CA-US is not Cashmere, but rather is 100% synthetic material consisting entirely of Polyester.

CCMI # 22.056-CA-US is not Cashmere, but rather is 100% synthetic material consisting entirely of Polyester.

Consequently, all of these products being marketed and sold by Etsy "100% Cashmere" are mislabeled and are in violation of the Lanham Act, 15 U.S.C. §1125(a), which prohibits false and deceptive advertising, and the Wool Products Labeling Act of 1939, which provides that : "The introduction, or manufacture for introduction, into commerce, or the sale, transportation, or distribution, in commerce, of any wool product which is misbranded within the meaning of this Act or the Rules and regulations hereunder, is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who shall manufacture or deliver for shipment or ship or sell or offer for sale in commerce, any such wool product which is misbranded within the meaning of this Act and the rules and regulations hereunder is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act."

Section 4 of the Wool Products Labeling Act of 1939 [15 U.S.C. 68b]

"(a) A wool product shall be misbranded...

"(2) If a stamp, tag, label, or other means of identification, or substitute therefor under section 68c of this title, is not on or affixed to the wool product and does not show -

"(A) the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) recycled wool; (3) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (4) the aggregate of all other fibers . . ."

Section 43(a) of the United States Lanham Trade-Mark Act [15 U.S.C. 1125]

"Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact which-

"(B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities, shall be liable in a civil action by any person who believes that he or she is likely to be damaged by such act."

Also, they are in violation of The Federal Trade Commission Rules and Regulations Under the Wool Products Labeling Act of 1939 (16 CFR Part 303) because the label does not provide the information with respect to textile fiber products that is required to be shown and displayed upon the label shall be that which is required by the Act and Regulations, including the following:

The relevant regulation is found at 16 CFR 303.16, which states:

"§300.16 Arrangement and Disclosure of Information on Labels.

"(2) The name or registered identification number issued by the Commission, of the manufacturer or of one or more persons marketing or handling the textile fiber product.

Etsy's marketing and sale of these products, which are illegally labeled as "100% Cashmere" and do not identify their true fiber content, violates the above statutes, and is harmful to members of CCMI, not to mention the consumers who purchase the products. Further, these articles are also illegally labeled as none of the items are labeled with the required RN number with the Federal Trade Commission database identifying the maker or importer. Accordingly, CCMI hereby demands that Etsy immediately remove these mislabeled items from sale and stop advertising them on Etsy. If there is an intention to offer them again for sale, Etsy must ensure that the items are legally labeled with their true fiber content, and, that the RN number of the maker, importer or responsible party otherwise identified with the Federal Trade Commission also appears on the articles, as required by law.

Furthermore, the CCMI hereby requests that Etsy describe the policies it will employ to ensure that other falsely labeled items do not appear for sale on the Etsy Platform again.

We look forward to a written response.

Sincerely,

Jim Coleman
US Representative, CCMI

cc Ms. Jili Simeone
Chief Legal Officer

https://www.etsy.com/listing/1136771974/cashmere-sweater-women-winter-thick?transaction_id=2895079898

Etsy

Order #2387919519



Purchased from
[analiasboutiques](#) on Feb 22, 2022



Cashmere sweater women winter thick pullover

Price

\$44.99

Color: pink **Size:** XL

Transaction #2895079898

Quantity: 1

Payment Method

Visa ending in 9714

Paid on Feb 22, 2022

Your credit card information was not shared with this shop.

Item Total

\$44.99

Shipping

\$6.95

Order Total

\$44.99

This item was part of a \$221.99 purchase from multiple shops on Feb 22, 2022

Note from Analia's Boutique

https://www.etsy.com/listing/1105692061/cashmere-cropped-hooded-zip-up-sweater?transaction_id=2895079888

Etsy

Order #2389059226



Purchased from
MOVEFORWARDFIRST on Feb 22, 2022



Cashmere Cropped Hooded Zip Up Sweater

Price

\$78.00

CASHMERE HOODIE: BLACK LARGE

Transaction #2895079888

Quantity: 1

Payment Method

Visa ending in 9714

Paid on Feb 22, 2022

Your credit card information was not shared with this shop.

Item Total

\$78.00

Shipping

\$4.98

(USPS First-Class Mail)

Order Total

\$78.00

This item was part of a \$221.99 purchase from multiple shops on Feb 22, 2022

Order Notes

Note from William

https://www.etsy.com/your/purchases/2389059226?ref=from_order_confirm_drawer_receipt_modal

https://www.etsy.com/listing/1136771974/cashmere-sweater-women-winter-thick?transaction_id=2895079898

Etsy

Order #2387919519



Purchased from
[analiasboutiques](#) on Feb 22, 2022



Cashmere sweater women winter thick pullover

Price

\$44.99

Color: pink **Size:** XL

Transaction #2895079898

Quantity: 1

Payment Method

Visa ending in 9714

Paid on Feb 22, 2022

Your credit card information was not shared with this shop.

Item Total

\$44.99

Shipping

\$6.95

Order Total

\$44.99

This item was part of a \$221.99 purchase from multiple shops on Feb 22, 2022

Note from Analia's Boutique

https://www.etsy.com/listing/893914582/drapberry-cashmere-scarf-women-winter?transaction_id=2897451147

Etsy

Order #2389025318



Purchased from
DrapberryScarves on Feb 22, 2022



Drapberry Cashmere Scarf Women - Winter Scarf,
Pashmina, Shawl, Blanket Scarf, Knit Scarf, Blanket
Scarf, Gift for Her

Color: Navy

Transaction #2897451147

Quantity: 1

Price

\$29.95



Drapberry Cashmere Scarf Women - Winter Scarf,
Pashmina, Shawl, Blanket Scarf, Knit Scarf, Blanket
Scarf, Gift for Her

Color: Gray

Transaction #2897451145

Quantity: 1

Price

\$29.95

Price

\$29.95



Drapberry Cashmere Scarf Women - Winter Scarf, Pashmina, Shawl, Blanket Scarf, Knit Scarf, Blanket Scarf, Gift for Her

Color: Black

Transaction #2895033886

Quantity: 1

Payment Method

MasterCard ending in 5884

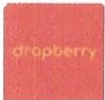
Paid on Feb 22, 2022

Your credit card information was not shared with this shop.

Item Total	\$89.85
Shipping (USPS Priority Mail)	\$12.66

Order Total	\$89.85
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Order Notes



Note from Drapberry

There's no note from Drapberry



Your note to Drapberry

You did not add a note

Shop policies

Shop policies

Last updated on Nov 19, 2020



NUMBER : TSNT01474010

Applicant : Cashmere And Camel Hair Manufacturers Institute

Date : Mar 21, 2022

Attn : Jim Coleman

Sample Description As Declared :

No. Of Sample : Five
Fibre Content : -
Material : Fabric Swatches
Finishing : -
End Uses : -
Colour : -
Style No. : (A)USA22.048-CA-US (B)USA22.049-CA-US (C)USA22.054-CA-US
(D)USA22.055-CA-US (E)USA22.056-CA-US
Order No./PO No. : -
Buyer's Name : -

Applicant's Provided Care Instruction/Label : -

Date Received/Date Test Started : Mar 15, 2022

Tests Conducted:

As Requested By The Applicant, For Details Refer To Attached Page(S)

Conclusion:

Sample A Should Be Labelled As : "89% Nylon 11% Wool".
Sample B Should Be Labelled As : "31% Rayon 30% Polyester 21% Acrylic 18% Nylon".
Sample C,D And E Should Be Labelled As : "100% Polyester".

Authorized By :
For Intertek Testing Services
(Tianjin) Ltd.

Patrick Gong
General Manager



NUMBER : TSNT01474010

Tests Conducted:

1. Fibre Identification/Composition (AATCC TM20-2021/AATCC TM20A-2021)

Based On Moisture Regain Weight

Sample(A) 89.1% Nylon
10.9% Wool

Based On Moisture Regain Weight

Sample(B) 30.7% Rayon
30.0% Polyester
21.4% Acrylic
17.9% Nylon

Sample(C) 100% Polyester

Sample(D) 100% Polyester

Sample(E) 100% Polyester

Remark : Moisture Regain Of Wool 13.6% Rayon 11% Polyester 0.4% Acrylic 1.5% Nylon 4.5%
(Based On ASTM D1909- 13(Reapproved2020)e1)

This report is made solely on the basis of your instructions and/or information and materials supplied by you. It is not intended to be a recommendation for any particular course of action. Intertek does not accept a duty of care or any other responsibility to any person other than the Client in respect of this report and only accepts liability to the Client insofar as is expressly contained in the terms and conditions governing Intertek's provision of services to you. Intertek makes no warranties or representations either express or implied with respect to this report save as provided for in those terms and conditions. We have aimed to conduct the Review on a diligent and careful basis and we do not accept any liability to you for any loss arising out of or in connection with this report, in contract, tort, by statute or otherwise, except in the event of our gross negligence or wilful misconduct.

EXHIBIT B

From: **Jim Coleman** <jcoleman@cashmere.org>
Date: Thu, May 26, 2022 at 11:17 AM
Subject: Re: Important Message from Etsy
To: Etsy Inquiries <inquiries@etsy.com>

Dear Gideon,

Thank you for your email of May 3, 2022 responding to CCMI's attached letter of April 18, 2022 identifying products that Etsy is falsely advertising and marketing as cashmere, when in fact they are not cashmere. Although you claim that Etsy has removed these products from sale, this is not the case. Our reference # 22.048-CA-US, for example, is still being falsely advertised and offered for sale on Etsy, and CCMI again demands that Etsy cease and desist from doing so, and withdraw from sale all other products similarly mislabeled as to their cashmere content.

In this regard, when one color and style of a listed product is found to be falsely advertised as to its cashmere content, CCMI has consistently found that the other colors and styles of that garment are also falsely advertised as to their cashmere content, and that those other colors and styles must be removed as well if the false advertising is to be eliminated. In this case, the same mislabeled cashmere product on Etsy that appeared at the following internet location:

100% Cashmere|Poncho|Knit|"Hoodie" Design|Handloomed|Tibetan|High Quality|B+|Himalayan
Cashmere Yarn)

and

100% Cashmere|Poncho|Knit|"Boat Neck" Design|Handloomed|Tibetan|High Quality|B+|Himalayan
Cashmere Yarn| Solid: Turquoise |1 Size|N222.8501

are also being advertised and offered for sale on Etsy under the name "cashmerebyneela" in dozens of other colors and styles. Those other colors and styles of this product must also be removed from sale absent proof that they actually contain the represented amount of cashmere, such as fiber content tests for the offered products, conducted by a reputable testing lab qualified to test fiber blends, establishing that in fact they are made of cashmere.

Etsy is also falsely advertising purported cashmere products under the name "MOVEFORWARDFIRST" that contain no cashmere, including some described as 100% cashmere and contain no cashmere at all. Since submitting the original evidence, I've tested another item purchased on the Etsy platform as per the attached confirmation. We assigned ID number 22.068-

CA-US to this purchase. Also attached is the test report showing that this product contained no cashmere at all and is made from 100% synthetic fibers. Again, CCMI again demands that Etsy cease and desist from doing so, and withdraw from sale all other products similarly mislabeled as to their cashmere content.

In this regard, the disclaimers in the last paragraph of your letter suggesting that Etsy is nothing more than a group of sellers “who run their own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the law” are not correct. Etsy itself earns its income from marketing and selling these falsely advertised products. In doing so, it is engaging in unfair competition, infringing on the intellectual property and commercial rights of legitimate cashmere manufacturers, and violating both Massachusetts and federal law. Moreover, it is not just a “marketplace” provider repeating statements given to it by others; rather, it is acting as the retailer of the purported cashmere garments in issue here, is making its own false representations about them, for which it is fully responsible.

Please advise within seven (7) days if Etsy will take the corrective actions requested above. Thank you.

Jim Coleman

US Representative

Cashmere and Camel Hair Manufacturers Institute

Jim Coleman

jcoleman@Cashmere.org

On Tue, May 3, 2022 at 12:28 PM Etsy Inquiries <inquiries@etsy.com> wrote:

Hello,

Thank you for reaching out about the CCMI’s concerns about wool and cashmere products on Etsy. This is Gideon, I’m a Marketplace Integrity Agent here at Etsy.

We have removed the listings specified in your letter and contacted the member(s) of our service regarding the issue you cited.

If there are additional listings you would like us to remove in accordance with these regulations please don’t hesitate to contact us and provide us with information about the listings in question so that we may further assist you.

Etsy is a global marketplace for unique and creative goods. Etsy is made up of individual third-party sellers who run their own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the law. We provide a venue, but Etsy does not manufacture goods, hold physical inventory, or ship items on behalf of our third-party sellers. The content uploaded on Etsy’s marketplace is generated by independent sellers, who are not employees, agents, or representatives of Etsy.

Thank you for your attention to this.

Best,
Gideon
Etsy Inquiries
<https://www.etsy.com/help>

This message is a private conversation between you and Etsy. Please respect this confidentiality and refrain from distributing this communication without permission from Etsy. If you feel this message was sent to you in error, please delete it and let us know. Please note that feedback or ideas you share with us are non-confidential and non-proprietary to you. You can read more in Etsy's Terms of Use (Section 6).

If you live in North America or South America, this email is sent by Etsy, Inc., 117 Adams Street, Brooklyn, NY 11201, USA; if you live elsewhere, this email is sent by Etsy Ireland UC, a subsidiary of Etsy, Inc., 66/67 Great Strand Street, Dublin 1, D01 RW84, Ireland having company registration number 495696 and VAT registration number IE9777587C. All rights reserved.



NUMBER : TSNT01484999

Applicant : Cashmere And Camel Hair Manufacturers Institute

Date : Apr 22, 2022

Attn : Jim Coleman

Sample Description As Declared :

No. Of Sample : One
Fibre Content : -
Material : Fabric Swatches
Finishing : -
End Uses : -
Colour : -
Style No. : USA22.068-CA-US
Order No./PO No. : -
Buyer's Name : -

Applicant's Provided Care Instruction/Label : -

Date Received/Date Test Started : Apr 19, 2022

Tests Conducted:

As Requested By The Applicant, For Details Refer To Attached Page(S)

Conclusion:

The Sample Should Be Labelled As : "50% Rayon 30% Polyester 20% Nylon".

Authorized By :
For Intertek Testing Services
(Tianjin) Ltd.

Patrick Gong
General Manager



NUMBER : TSNT01484999

Tests Conducted:

1. Fibre Composition (AATCC TM20A-2021)

Based On Moisture Regain Weight

50.0% Rayon
30.1% Polyester
19.9% Nylon

Remark:

Moisture Regain Of Rayon 11% Polyester 0.4% Nylon 4.5%


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3/10/22, 7:51 AM


Order #2387919519 on Feb 22, 2022



Order #2387919519



Purchased from
[analiasboutiques](#) on Feb 22, 2022



Cashmere sweater women winter thick pullover

Color: pink

Size: XL

Transaction #2895079898
Quantity: 1

Price

\$44.99

Payment Method

Visa ending in 9714

Paid on Feb 22, 2022

Your credit card information was not shared with this shop.

Item Total

Shipping

Order Total

\$44.99

\$6.95

\$44.99

This item was part of a \$221.99 purchase from multiple shops on Feb 22, 2022

Order Notes

Note from Analia's Boutique

https://www.etsy.com/your/purchases/2387919519?ref=from_order_confirm_drawer_receipt_modal

1/2

3/10/22, 7:51 AM

Order #2387919519 on Feb 22, 2022



There's no note from Analia's Boutique



Your note to Analia's Boutique

You did not add a note

EXHIBIT C

From: **Jim Coleman** <jcoleman@cashmere.org>

Date: Thu, Jun 9, 2022 at 11:45 AM

Subject: Re: Important Message from Etsy

To: Etsy Inquiries <inquiries@etsy.com>, Fabio Garzena <fgarzena@cashmere.org>, Kenneth Shimizu <kshimizu@cashmere.org>

Hello Gideon,

Thank you for your email of May 31 in response to my email of May 26.

First I must correct an error on my part where I crossed our reference numbers for two of the items purchased on the Etsy platform. The two reference numbers crossed were 22.048-CA-US and 22.068-CA-US.

Item 22.048-CA-US was purchased on your platform on February 22, 2022 under order # 2389059222 from "cashmerebyneela".

Item 22.068-CA-US was purchased on your platform on the same day, February 22, 2022 under order # 2387919519 from "analiasboutiques"

My error was the identification of our reference # 22.048-CA-US in my letter of April 18 and including the test report for that item yet mistakenly including the order confirmation for item "analiasboutique" item 22.068-CA-US. Although these two items were purchased on the same day, the aliasboutique item # 22.068-CA-US was not received until a later and was subsequently separately later sent for testing and the results issue on a separate report.

In the end of the day, the results are still the same, **none of the items purchased on the Etsy platform from Drapberry, Move Forward First, Cashmere by Neela or Analias Boutiques contain any cashmere although they are represented as 100% Cashmere.** The purchase confirmations and test reports for all the items are attached.

Three of the four offending sellers seem to have been removed from your platform. The one still listed is Cashmere by Neela. The link for the item purchased and tested is:

<https://www.etsy.com/listing/1167194414/100-cashmereponchoknithoodie?ref=cart>

We know that this particular item contains no cashmere, but we have strong reason to believe all items advertised as cashmere by this seller are also falsely represented as most of them listed the same quality of yarn,

"Design|Handloomed|Tibetan|High Quality|B+|Himalayan Cashmere Yarn"

All of this seller's items should be removed from sale until the seller can provide reliable independent test reports stating their true fiber content and are otherwise legally labeled with country of origin and RN number. Links to **a few of the dozens of other items** offered by this seller on the Etsy platform that are likely to be falsely represented are shown below.

https://www.etsy.com/listing/1004428935/100-cashmereponchoknitboat-neck?click_key=e2026c710e559cbf1d2c17d6b90cc1fa74cb8a43%3A1004428935&click_sum=d415a66e&ref=shop_home_recs_3&pro=1&frs=1

https://www.etsy.com/listing/990398136/100-cashmereponchoknitboat-neck?click_key=73f0e968142143045576fed7109c809ed6b128ff%3A990398136&click_sum=c770b126&ref=shop_home_feat_4&pro=1&frs=1

https://www.etsy.com/listing/1212641115/100-cashmere-throw-hand-loomed-himalayan?click_key=a8b59ba3f8a682122969c1ef5961df7b4f114bb5%3A1212641115&click_sum=681f29a7&ref=shop_home_active_3&frs=1

Finally, once again we reiterate our position as stated in our email of May 26, 2022

“the disclaimers in the last paragraph of your letter suggesting that Etsy is nothing more than a group of sellers “who run their own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the law” are not correct. Etsy itself earns its income from marketing and selling these falsely advertised products. In doing so, it is engaging in unfair competition, infringing on the intellectual property and commercial rights of legitimate cashmere manufacturers, and violating both Massachusetts and federal law. Moreover, it is not just a “marketplace” provider repeating statements given to it by others; rather, it is acting as the retailer of the purported cashmere garments in issue here, is making its own false representations about them, for which it is fully responsible.”

Jim Coleman

[Jcoleman@Cashmere.org](mailto:jcoleman@Cashmere.org)

On Tue, May 31, 2022 at 4:47 PM Etsy Inquiries <inquiries@etsy.com> wrote:

Dear Jim,

Thank you for your follow-up regarding the CCMI's concerns about wool and cashmere products on Etsy. We take your concerns seriously and are ready to take appropriate action with respect to content posted on Etsy's marketplace by third-party sellers using our marketplace.

As mentioned, Etsy is a pure third-party marketplace, and does not manufacture goods, hold physical inventory, or ship items on behalf of our third-party sellers. We do not have physical possession of any of our sellers' goods and all of our sellers are responsible for complying with our policies as well as all legal and regulatory requirements.

In response to your letter dated April 18, 2022, we removed the listings specified and contacted the sellers about this concern. This includes:

- Listing: <https://www.etsy.com/listing/1136771974/> from Order #2387919519 from seller analiasboutiques;
- Listing: <https://www.etsy.com/listing/1105692061/> from Order #2389059226 from seller MOVEFORWARDFIRST;
- Listing: <https://www.etsy.com/listing/893914582/> from Order #2389025318 from seller DrapberryScarves.

In your more recent email on May 26, 2022, you refer to poncho items by a seller cashmerebyneela. However, your initial letter dated April 18 does not seem to include any notification regarding cashmerebyneela or any of the poncho items in the shop. If there are items that should be removed from that shop, please specify what listings are at issue by providing URLs/links to the content.

We also note that two Etsy shops, DrapberryScarves and analiasboutiques, are currently no longer active as sellers on Etsy.

We are happy to cooperate with the CCMI to remove all non-compliant items from the Etsy sellers' shops, upon specific identification (such as by specific URLs/links) of the items at issue. As mentioned, as a pure third-party marketplace, we do not have physical possession of the goods sold by our sellers or offer any fulfillment services, and our sellers are solely responsible for compliance. We do not have access to the goods to test or assess physically. However, we can remove the listings that the CCMI identifies as not compliant.

Please let us know if you have any questions.

Best,
Gideon
Etsy Inquiries
<https://www.etsy.com/help>

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On May 26, 2022, Jim Coleman <jcoleman@cashmere.org> wrote:

Dear Gideon,

Thank you for your email of May 3, 2022 responding to CCMI's attached letter of April 18, 2022 identifying products that Etsy is falsely advertising and marketing as cashmere, when in fact they are not cashmere. Although you claim that Etsy has removed these products from sale, this is not the case. Our reference # 22.048-CA-US, for example, is still being falsely advertised and offered for sale on Etsy, and CCMI again demands that Etsy cease and desist from doing so, and withdraw from sale all other products similarly mislabeled as to their cashmere content.

In this regard, when one color and style of a listed product is found to be falsely advertised as to its cashmere content, CCMI has consistently found that the other colors and styles of that garment are also falsely advertised as to their cashmere content, and that those other colors and styles must be removed as well if the false advertising is to be eliminated. In this case, the same mislabeled cashmere product on Etsy that appeared at the following internet location:

100% Cashmere|Poncho|Knit|"Hoodie" Design|Handloomed|Tibetan|High
Quality|B+|Himalayan Cashmere Yarn)

and

100% Cashmere|Poncho|Knit|"Boat Neck" Design|Handloomed|Tibetan|High
Quality|B+|Himalayan Cashmere Yarn| Solid: Turquoise |1 Size|N222.8501

are also being advertised and offered for sale on Etsy under the name "cashmerebyneela" in dozens of other colors and styles. Those other colors and styles of this product must also be removed from sale absent proof that they actually contain the represented amount of cashmere, such as fiber content tests for the offered products, conducted by a reputable testing lab qualified to test fiber blends, establishing that in fact they are made of cashmere.

Etsy is also falsely advertising purported cashmere products under the name "MOVEFORWARDFIRST" that contain no cashmere, including some described as 100% cashmere and contain no cashmere at all. Since submitting the original evidence, I've tested another item purchased on the Etsy platform as per the attached confirmation. We assigned ID number 22.068-CA-US to this purchase. Also attached is the test report showing that this product contained no cashmere at all and is made from 100% synthetic fibers. Again, CCMI again demands that Etsy cease and desist from doing so, and withdraw from sale all other products similarly mislabeled as to their cashmere content.

In this regard, the disclaimers in the last paragraph of your letter suggesting that Etsy is nothing more than a group of sellers "who run their own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the law" are not correct. Etsy itself earns its income from marketing and selling these falsely advertised products. In doing so, it is engaging in unfair competition, infringing

on the intellectual property and commercial rights of legitimate cashmere manufacturers, and violating both Massachusetts and federal law. Moreover, it is not just a “marketplace” provider repeating statements given to it by others; rather, it is acting as the retailer of the purported cashmere garments in issue here, is making its own false representations about them, for which it is fully responsible.

Please advise within seven (7) days if Etsy will take the corrective actions requested above. Thank you.

Jim Coleman

US Representative

Cashmere and Camel Hair Manufacturers Institute

Jim Coleman

Jcoleman@Cashmere.org

On Tue, May 3, 2022 at 12:28 PM Etsy Inquiries <inquiries@etsy.com> wrote:

Hello,

Thank you for reaching out about the CCMI’s concerns about wool and cashmere products on Etsy. This is Gideon, I’m a Marketplace Integrity Agent here at Etsy.

We have removed the listings specified in your letter and contacted the member(s) of our service regarding the issue you cited.

If there are additional listings you would like us to remove in accordance with these regulations please don’t hesitate to contact us and provide us with information about the listings in question so that we may further assist you.

Etsy is a global marketplace for unique and creative goods. Etsy is made up of individual third-party sellers who run their own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the law. We provide a venue, but Etsy does not manufacture goods, hold physical inventory, or ship items on behalf of our third-party sellers. The content uploaded on Etsy's marketplace is generated by independent sellers, who are not employees, agents, or representatives of Etsy.

Thank you for your attention to this.

Best,

Gideon

Etsy Inquiries

<https://www.etsy.com/help>

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3/10/22, 9:28 AM

Order #2389025318 on Feb 22, 2022

Etsy

Order #2389025318



Purchased from
[DrapberryScarves](#) on Feb 22, 2022



**Drapberry Cashmere Scarf Women - Winter Scarf,
Pashmina, Shawl, Blanket Scarf, Knit Scarf, Blanket
Scarf, Gift for Her**

Price

\$29.95

Color: Navy

Transaction #2897451147

Quantity: 1



**Drapberry Cashmere Scarf Women - Winter Scarf,
Pashmina, Shawl, Blanket Scarf, Knit Scarf, Blanket
Scarf, Gift for Her**

Price

\$29.95

Color: Gray

Transaction #2897451145

Quantity: 1

Price

\$29.95

<https://www.etsy.com/your/purchases/2389025318>

1/4

3/10/22, 9:28 AM

Order #2389025318 on Feb 22, 2022



Drapberry Cashmere Scarf Women - Winter Scarf, Pashmina, Shawl, Blanket Scarf, Knit Scarf, Blanket Scarf, Gift for Her

Color: Black

Transaction #2895033886

Quantity: 1

Payment Method

MasterCard ending in 5884

Paid on Feb 22, 2022

Your credit card information was not shared with this shop.

Item Total

\$89.85

Shipping

~~\$12.66~~

(USPS Priority Mail)

Order Total

\$89.85

Order Notes



Note from Drapberry

There's no note from Drapberry



Your note to Drapberry

You did not add a note

Shop policies

Shop policies

Last updated on Nov 19, 2020

<https://www.etsy.com/your/purchases/2389025318>

2/4

3/10/22, 9:28 AM

Order #2389025318 on Feb 22, 2022

Shipping

Processing time

The time I need to prepare an order for shipping varies. For details, see individual items.

Estimated shipping times

United Kingdom: 3-6 business days

United States: 3-6 business days

I'll do my best to meet these shipping estimates, but cannot guarantee them. Actual delivery time will depend on the shipping method you choose.

Customs and import taxes

Buyers are responsible for any customs and import taxes that may apply. I'm not responsible for delays due to customs.

Payment options

Secure options



Accepts Etsy Gift Cards and Etsy Credits

Etsy keeps your payment information secure. Etsy shops never receive your credit card information.

Returns & exchanges

I gladly accept returns and exchanges

Contact me within: 30 days of delivery

Ship items back within: 45 days of delivery

3/10/22, 9:28 AM

Order #2389025318 on Feb 22, 2022

I don't accept cancellations

But please contact me if you have any problems with your order.

The following items can't be returned or exchanged

Because of the nature of these items, unless they arrive damaged or defective, I can't accept returns for:

- Perishable products (like food or flowers)
- Digital downloads
- Intimate items (for health/hygiene reasons)

Conditions of return

Buyers are responsible for return shipping costs. If the item is not returned in its original condition, the buyer is responsible for any loss in value.

3/10/22, 7:51 AM

Order #2387919519 on Feb 22, 2022

Etsy

Order #2387919519

Purchased from
[analiasboutiques](#) on Feb 22, 2022

**Cashmere sweater women winter thick pullover**

Price

\$44.99

Color: pink**Size:** XL

Transaction #2895079898

Quantity: 1

Payment Method

Visa ending in 9714

Paid on Feb 22, 2022

Your credit card information was not shared with this shop.

Item Total

\$44.99

Shipping

~~\$6.95~~**Order Total****\$44.99**

This item was part of a \$221.99 purchase from multiple shops on Feb 22, 2022

Order Notes**Note from Analia's Boutique**https://www.etsy.com/your/purchases/2387919519?ref=from_order_confirm_drawer_receipt_modal

1/2

3/10/22, 7:51 AM

Order #2387919519 on Feb 22, 2022



There's no note from Analia's Boutique



Your note to Analia's Boutique

You did not add a note

https://www.etsy.com/listing/1105692061/cashmere-cropped-hooded-zip-up-sweater?transaction_id=2895079888

Etsy

Order #2389059226



Purchased from
MOVEFORWARDFIRST on Feb 22, 2022



Cashmere Cropped Hooded Zip Up Sweater

Price

\$78.00

CASHMERE HOODIE: BLACK LARGE

Transaction #2895079888

Quantity: 1

Payment Method

Visa ending in 9714

Paid on Feb 22, 2022

Your credit card information was not shared with this shop.

Item Total

\$78.00

Shipping

~~\$4.98~~

(USPS First-Class Mail)

Order Total

\$78.00

This item was part of a \$221.99 purchase from multiple shops on Feb 22, 2022

Order Notes

Note from William



There's no note from William



Your note to William

You did not add a note

Shop policies

Shop policies

Last updated on Jan 13, 2022

Shipping

Processing time

The time I need to prepare an order for shipping varies. For details, see individual items.

Customs and import taxes

Buyers are responsible for any customs and import taxes that may apply. I'm not responsible for delays due to customs.

Payment options

Secure options



Accepts Etsy Gift Cards and Etsy Credits

Etsy keeps your payment information secure. Etsy shops never receive your credit card information.

Returns & exchanges

I gladly accept returns and exchanges

Contact me within: 3 days of delivery

Ship items back within: 7 days of delivery

I don't accept cancellations

But please contact me if you have any problems with your order.

The following items can't be returned or exchanged

Because of the nature of these items, unless they arrive damaged or defective, I can't accept returns for:

- Custom or personalized orders
- Perishable products (like food or flowers)
- Digital downloads
- Intimate items (for health/hygiene reasons)
- Items on sale

Conditions of return

Buyers are responsible for return shipping costs. If the item is not returned in its original condition, the buyer is responsible for any loss in value.

[Read the privacy policy for MOVEFORWARDFIRST](#)

Etsy

Order #2389059222


Purchased from
CashmerebyNeela on Feb 22, 2022



**100% Cashmere|Poncho|Knit|"Hoodie"
Design|Handloomed|Tibetan|High
Quality|B+|Himalayan Cashmere Yarn| Solid: |1 Size|
Lead Blue | N70.1300**

Price **\$99.00**

Transaction #2895079882
Quantity: 1

Payment Method

Visa ending in 9714
Paid on Feb 22, 2022
Your credit card information was not shared with this shop.

Item Total **\$99.00**

Shipping **~~\$8.00~~**

Order Total \$99.00

This item was part of a \$221.99 purchase from multiple shops on Feb 22, 2022

Order Notes

Note from Neela

We are a new branch of Tribal Designs by Neela on Etsy....you can read our reviews on tribaldesignsbyneela on Etsy....many Tribal pieces are available....such as Hemp Back Packs, Turquoise, Coral & Lapis Jewelry [Belt Buckles | Bracelets | Necklaces], Banjara Bags, Silk Shawls, Boiled Yak & Sheep Wool [Plain | Stitched Embroidery | Faux Fur | Fox Fur] plus much more....check us out...Neela


Your note to Neela

You did not add a note

Shop policies
Shop policies

Last updated on Jun 3, 2022

Shipping

See item details for estimated arrival times.

Customs and import taxes

Buyers are responsible for any customs and import taxes that may apply. I'm not responsible for delays due to customs.

Payment options

Secure options



Accepts Etsy Gift Cards and Etsy Credits

Etsy keeps your payment information secure. Etsy shops never receive your credit card information.

Returns & exchanges

I gladly accept returns, exchanges, and cancellations

Contact me within: 3 days of delivery

Ship items back within: 14 days of delivery

Request a cancellation within: 1 hour of purchase

The following items can't be returned or exchanged

Because of the nature of these items, unless they arrive damaged or defective, I can't accept returns for:

- Custom or personalized orders
- Perishable products (like food or flowers)
- Digital downloads
- Intimate items (for health/hygiene reasons)
- Items on sale

Conditions of return

Buyers are responsible for return shipping costs. If the item is not returned in its original condition, the buyer is responsible for any loss in value.

Questions about your order?

Please contact me if you have any problems with your order.



NUMBER : TSNT01474010

Applicant : Cashmere And Camel Hair Manufacturers Institute

Date : Mar 21, 2022

Attn : Jim Coleman

Sample Description As Declared :

No. Of Sample	: Five
Fibre Content	: -
Material	: Fabric Swatches
Finishing	: -
End Uses	: -
Colour	: -
Style No.	: (A)USA22.048-CA-US (B)USA22.049-CA-US (C)USA22.054-CA-US (D)USA22.055-CA-US (E)USA22.056-CA-US
Order No./PO No.	: -
Buyer's Name	: -

Applicant's Provided Care Instruction/Label : -

Date Received/Date Test Started : Mar 15, 2022

Tests Conducted:

As Requested By The Applicant, For Details Refer To Attached Page(S)

Conclusion:

Sample A Should Be Labelled As : "89% Nylon 11% Wool".
Sample B Should Be Labelled As : "31% Rayon 30% Polyester 21% Acrylic 18% Nylon".
Sample C,D And E Should Be Labelled As : "100% Polyester".

Authorized By :
For Intertek Testing Services
(Tianjin) Ltd.

Patrick Gong
General Manager



NUMBER : TSNT01474010

Tests Conducted:

1. Fibre Identification/Composition (AATCC TM20-2021/AATCC TM20A-2021)

Based On Moisture Regain Weight

Sample(A) 89.1% Nylon
10.9% Wool

Based On Moisture Regain Weight

Sample(B) 30.7% Rayon
30.0% Polyester
21.4% Acrylic
17.9% Nylon

Sample(C) 100% Polyester

Sample(D) 100% Polyester

Sample(E) 100% Polyester

Remark : Moisture Regain Of Wool 13.6% Rayon 11% Polyester 0.4% Acrylic 1.5% Nylon 4.5%
(Based On ASTM D1909- 13(Reapproved2020)e1)

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Intertek Testing Services (Tianjin) Ltd.

No. 7 Guiyuan Road, Huayuan Hi-Tech Park, Tianjin, 300384, P. R. China

天津华苑高新技术产业园区桂苑路7号 邮编 300384

Tel: +86 22 8371 2202 Fax: +86 22 8371 2205

Attention is drawn to the terms and conditions printed



NUMBER : TSNT01484999

Applicant : Cashmere And Camel Hair Manufacturers Institute

Date : Apr 22, 2022

Attn : Jim Coleman

Sample Description As Declared :

No. Of Sample : One
Fibre Content : -
Material : Fabric Swatches
Finishing : -
End Uses : -
Colour : -
Style No. : USA22.068-CA-US
Order No./PO No. : -
Buyer's Name : -

Applicant's Provided Care Instruction/Label : -

Date Received/Date Test Started : Apr 19, 2022

Tests Conducted:

As Requested By The Applicant, For Details Refer To Attached Page(S)

Conclusion:

The Sample Should Be Labelled As : "50% Rayon 30% Polyester 20% Nylon".

Authorized By :
For Intertek Testing Services
(Tianjin) Ltd.

Patrick Gong
General Manager



NUMBER : TSNT01484999

Tests Conducted:

1. Fibre Composition (AATCC TM20A-2021)

Based On Moisture Regain Weight

50.0% Rayon
30.1% Polyester
19.9% Nylon

Remark:

Moisture Regain Of Rayon 11% Polyester 0.4% Nylon 4.5%

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EXHIBIT D

From: **Etsy Trust & Safety** <trust-and-safety@etsy.com>
Date: Tue, Jun 28, 2022 at 10:01 AM
Subject: Re: Important Message from Etsy
To: Jim Coleman <jcoleman@cashmere.org>

Hello James,

This is Sascha from Etsy's Content Moderation Team.

I'm following up with you regarding your recent request to remove items from the CashmerebyNeela account. At this time, we have removed the following listing that you reported:

- 100% Cashmere|Poncho|Knit|"Hoodie" Design|Handloomed|Tibetan|High Quality|B+|Himalayan Cashmere Yarn| Solid: |1 Size| Lead Blue | N70.1300

However, before we can take additional action on other listings in the shop, we will need you to provide one of the following:

- Listing URLs for any additional listings that are non-compliant
- Direct contact information to your organization we can provide the seller should they have questions regarding the compliance of their items.

Once we receive this information from you, we can move forward with the rest of your request.

We look forward to hearing back from you soon.

Best,
Sascha
Etsy Trust & Safety
<https://www.etsy.com/help>

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If you live in North America or South America, this email is sent by Etsy, Inc., 117 Adams Street, Brooklyn, NY 11201, USA; if you live elsewhere, this email is sent by Etsy Ireland UC, a subsidiary of Etsy, Inc., 66/67 Great Strand Street, Dublin 1, D01 RW84, Ireland having company registration number 495696 and VAT registration number IE9777587C. All rights reserved.

On June 23, 2022, Etsy Trust & Safety <trust-and-safety@etsy.com> wrote:

Hello James,

This is Sascha from Etsy's Content Moderation team. We recently reached out to you requesting more information regarding your request. We are reaching out again as we have not heard back from you.

In order to fulfill your request, please provide the following information:

- Preferred contact information to which sellers may contact the Cashmere and Camel Hair Manufacturers Institute (CCMI) with questions if needed

Please let us know if you have any questions in the meantime.

Best,
Sascha
Etsy Trust & Safety
<https://www.etsy.com/help>

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On June 14, 2022, Etsy Trust & Safety <trust-and-safety@etsy.com> wrote:

Hello James,

Thank you for reaching out. My team is currently reviewing your previous request.

However, we will need some additional information from you at this time.

In order to fulfill your request, please provide the following information:

- Preferred contact information to which sellers may contact the Cashmere and Camel Hair Manufacturers Institute (CCMI) with questions if needed

Thank you for your help on this matter.

Best,
Sascha
Etsy Trust & Safety
<https://www.etsy.com/help>

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On June 10, 2022, Etsy Trust & Safety <trust-and-safety@etsy.com> wrote:

Hello,

Thank you for reaching back out to us with your concerns. We've received your email and will respond shortly, usually within 2 business days.

Please let us know if there's anything else we can help you with in the meantime.

Best,
Sascha
Etsy Trust & Safety
<https://www.etsy.com/help>

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On June 9, 2022, Jim Coleman <jcoleman@cashmere.org> wrote:

Hello Gideon,

Thank you for your email of May 31 in response to my email of May 26.

First I must correct an error on my part where I crossed our reference numbers for two of the items purchased on the Etsy platform. The two reference numbers crossed were 22.048-CA-US and 22.068-CA-US.

Item 22.048-CA-US was purchased on your platform on February 22, 2022 under order # 2389059222 from "cashmerebyneela".

Item 22.068-CA-US was purchased on your platform on the same day, February 22, 2022 under order # 2387919519 from "analiasboutiques"

My error was the identification of our reference # 22.048-CA-US in my letter of April 18 and including the test report for that item yet mistakenly including the order confirmation for item "analiasboutique" item 22.068-CA-US. Although these two items were purchased on the same day, the analisasboutique item # 22.068-CA-US was not received until a later and was subsequently separately later sent for testing and the results issue on a separate report.

In the end of the day, the results are still the same, **none of the items purchased on the Etsy platform from Drapberry, Move Forward First, Cashmere by Neela or Analias Boutiques contain any cashmere although they are represented as 100% Cashmere.** The purchase confirmations and test reports for all the items are attached.

Three of the four offending sellers seem to have been removed from your platform. The one still listed is Cashmere by Neela. The link for the item purchased and tested is:

<https://www.etsy.com/listing/1167194414/100-cashmereponchoknithoodie?ref=cart>

We know that this particular item contains no cashmere, but we have strong reason to believe all items advertised as cashmere by this seller are also falsely represented as most of them listed the same quality of yarn,

"Design|Handloomed|Tibetan|High Quality|B+|Himalayan Cashmere Yarn"

All of this seller's items should be removed from sale until the seller can provide reliable independent test reports stating their true fiber content and are otherwise legally labeled with country of origin and RN number. Links to **a few of the dozens of other items** offered by this seller on the Etsy platform that are likely to be falsely represented are shown below.

https://www.etsy.com/listing/1004428935/100-cashmereponchoknitboat-neck?click_key=e2026c710e559cbf1d2c17d6b90cc1fa74cb8a43%3A1004428935&click_sum=d415a66e&ref=shop_home_recs_3&pro=1&frs=1

https://www.etsy.com/listing/990398136/100-cashmereponchoknitboat-neck?click_key=73f0e968142143045576fed7109c809ed6b128ff%3A990398136&click_sum=c770b126&ref=shop_home_feat_4&pro=1&frs=1

https://www.etsy.com/listing/1212641115/100-cashmere-throw-hand-loomed-himalayan?click_key=a8b59ba3f8a682122969c1ef5961df7b4f114bb5%3A1212641115&click_sum=681f29a7&ref=shop_home_active_3&frs=1

Finally, once again we reiterate our position as stated in our email of May 26, 2022

“the disclaimers in the last paragraph of your letter suggesting that Etsy is nothing more than a group of sellers “who run their

own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the law” are not correct. Etsy itself earns its income from marketing and selling these falsely advertised products. In doing so, it is engaging in unfair competition, infringing on the intellectual property and commercial rights of legitimate cashmere manufacturers, and violating both Massachusetts and federal law. Moreover, it is not just a “marketplace” provider repeating statements given to it by others; rather, it is acting as the retailer of the purported cashmere garments in issue here, is making its own false representations about them, for which it is fully responsible.”

Jim Coleman

Jcoleman@Cashmere.org

On Tue, May 31, 2022 at 4:47 PM Etsy Inquiries

<inquiries@etsy.com> wrote:

Dear Jim,

Thank you for your follow-up regarding the CCMI’s concerns about wool and cashmere products on Etsy. We take your concerns seriously and are ready to take appropriate action with respect to content posted on Etsy’s marketplace by third-party sellers using our marketplace.

As mentioned, Etsy is a pure third-party marketplace, and does not manufacture goods, hold physical inventory, or ship items on behalf of our third-party sellers. We do not have physical possession of any of our sellers’ goods and all of our sellers are responsible for complying with our policies as well as all legal and regulatory requirements.

In response to your letter dated April 18, 2022, we removed the listings specified and contacted the sellers about this concern. This includes:

- Listing:
<https://www.etsy.com/listing/1136771974/>

from Order #2387919519 from seller
analiasboutiques;

- Listing:
<https://www.etsy.com/listing/1105692061/>
from Order #2389059226 from seller
MOVEFORWARDFIRST;
- Listing:
<https://www.etsy.com/listing/893914582/>
from Order #2389025318 from seller
DrapberryScarves.

In your more recent email on May 26, 2022, you refer to poncho items by a seller cashmerebyneela. However, your initial letter dated April 18 does not seem to include any notification regarding cashmerebyneela or any of the poncho items in the shop. If there are items that should be removed from that shop, please specify what listings are at issue by providing URLs/links to the content.

We also note that two Etsy shops, DrapberryScarves and analiasboutiques, are currently no longer active as sellers on Etsy.

We are happy to cooperate with the CCMI to remove all non-compliant items from the Etsy sellers' shops, upon specific identification (such as by specific URLs/links) of the items at issue. As mentioned, as a pure third-party marketplace, we do not have physical possession of the goods sold by our sellers or offer any fulfillment services, and our sellers are solely responsible for compliance. We do not have access to the goods to test or assess physically. However, we can remove the listings that the CCMI identifies as not compliant.

Please let us know if you have any questions.

Best,
Gideon
Etsy Inquiries
<https://www.etsy.com/help>

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you share with us are non-confidential and non-proprietary to you. You can read more in Etsy's Terms of Use (Section 6).

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On May 26, 2022, Jim Coleman
<jcoleman@cashmere.org> wrote:

Dear Gideon,

Thank you for your email of May 3, 2022 responding to CCMI's attached letter of April 18, 2022 identifying products that Etsy is falsely advertising and marketing as cashmere, when in fact they are not cashmere. Although you claim that Etsy has removed these products from sale, this is not the case. Our reference # 22.048-CA-US, for example, is still being falsely advertised and offered for sale on Etsy, and CCMI again demands that Etsy cease and desist from doing so, and withdraw from sale all other products similarly mislabeled as to their cashmere content.

In this regard, when one color and style of a listed product is found to be falsely advertised as to its cashmere content, CCMI has consistently found that the other colors and styles of that garment are also falsely advertised as to their cashmere content, and that those other colors and styles must be removed as well if the false advertising is to be eliminated. In this case, the same mislabeled cashmere

product on Etsy that appeared at the following internet location:

100%

Cashmere|Poncho|Knit|"Hoodie
"

Design|Handloomed|Tibetan|High
Quality|B+|Himalayan
Cashmere Yarn)

and

100%

Cashmere|Poncho|Knit|"Boat
Neck"

Design|Handloomed|Tibetan|High
Quality|B+|Himalayan
Cashmere Yarn| Solid:

Turquoise |1 Size|N222.8501

are also being advertised and offered for sale on Etsy under the name "cashmerebyneela" in dozens of other colors and styles. Those other colors and styles of this product must also be removed from sale absent proof that they actually contain the represented amount of cashmere, such as fiber content tests for the offered products, conducted by a reputable testing lab qualified to test fiber blends, establishing that in fact they are made of cashmere.

Etsy is also falsely advertising purported cashmere products under the name "MOVEFORWARDFIRST" that

contain no cashmere, including some described as 100% cashmere and contain no cashmere at all. Since submitting the original evidence, I've tested another item purchased on the Etsy platform as per the attached confirmation. We assigned ID number 22.068-CA-US to this purchase. Also attached is the test report showing that this product contained no cashmere at all and is made from 100% synthetic fibers. Again, CCMI again demands that Etsy cease and desist from doing so, and withdraw from sale all other products similarly mislabeled as to their cashmere content.

In this regard, the disclaimers in the last paragraph of your letter suggesting that Etsy is nothing more than a group of sellers "who run their own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the law" are not correct. Etsy itself earns its income from marketing and selling these falsely advertised products. In doing so, it is engaging in unfair competition, infringing on the intellectual property and commercial rights of legitimate cashmere manufacturers, and violating both Massachusetts and federal law. Moreover, it is not just a "marketplace" provider repeating statements given to it by others; rather, it is acting as the retailer of the purported cashmere garments in issue here, is making its own false representations about them, for which it is fully responsible.

Please advise within seven (7) days if Etsy will take the corrective actions requested above. Thank you.

Jim Coleman

US Representative

Cashmere and Camel Hair
Manufacturers Institute

Jim Coleman

Jcoleman@Cashmere.org

On Tue, May 3, 2022 at 12:28 PM

Etsy Inquiries

<inquiries@etsy.com> wrote:

Hello,

Thank you for reaching out about the CCMI's concerns about wool and cashmere products on Etsy. This is Gideon, I'm a Marketplace Integrity Agent here at Etsy.

We have removed the listings specified in your letter and contacted the member(s) of our service regarding the issue you cited.

If there are additional listings you would like us to remove in accordance with these regulations please don't hesitate to contact us and provide us with information about the listings in question so that we may further assist you.

Etsy is a global marketplace for unique and creative goods. Etsy is made up of individual third-party sellers who run their own shops, create their own policies, and are responsible for their inventory, shipments, and complying with the

law. We provide a venue, but Etsy does not manufacture goods, hold physical inventory, or ship items on behalf of our third-party sellers. The content uploaded on Etsy's marketplace is generated by independent sellers, who are not employees, agents, or representatives of Etsy.

Thank you for your attention to this.

Best,
Gideon
Etsy Inquiries
<https://www.etsy.com/help>

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EXHIBIT E



10 St James Street
Boston, MA 02116

Sent by FEDEX 10-7-22

October 7, 2022

Mr. Joshua G. Silverman, CEO
Etsy
117 Adams St
Brooklyn, NY 11201

Dear Mr. Silverman:

As you know, I am the U.S. Representative of the Cashmere and Camel Hair Manufacturers Institute (CCMI), which is an international trade association representing some of the world's leading processors and producers of cashmere, fine wool, and camel hair fiber, yarn, garments and accessory products. CCMI was established in 1984 to protect the interests of its members by promoting the accurate labeling of cashmere, camel hair and superfine wool products, and by educating the public about, and helping to ensure industry compliance with, national and international standards governing the labeling of such cashmere, fine wool, and camel hair fiber, yarn, garments and accessory products. As part of CCMI's mission, we cooperate with US Customs and Border Control as well as the Federal Trade Commission, and pursue legal remedies of our own where necessary,¹ to combat the problem of mislabeled Cashmere, camel hair and superfine wool products offered for sale anywhere in the world.

We have written to you before, and spoken to your colleagues at Etsy, about the problem of Etsy falsely advertising and selling products that are misrepresented as "Cashmere" when in fact they are not Cashmere, but rather are made of synthetic material (such as nylon, rayon, polyester, etc.), or synthetic material blended with small quantities of ordinary wool. Earlier this year, as part of its routine industry testing activities, CCMI began purchasing garments advertised and offered for sale on Etsy as "Cashmere" and/or "100% Cashmere," and having them tested to determine their textile content.

As we reported to you in my letter of April 18, 2022, none of the purported "Cashmere" garments that we purchased on Etsy at that time were actually Cashmere. Instead they were made either entirely of synthetic material (such as nylon, rayon, polyester, etc.), or synthetic material blended with small quantities of wool. We therefore complained to Etsy and asked that it cease and desist from continuing to falsely advertise products as "Cashmere" when in fact they were not Cashmere. Etsy has not done so, however, and is continuing to advertise and sell thousands of these falsely labeled products on its website, and to make substantial amounts of money doing so.

In August, 2022, for example, I again purchased several items advertised as Cashmere on Etsy, **as shown in the attached document collecting our photographs and test reports on them**, and had them tested for content. After receiving the items, and assigning each of them a CCMI number, I personally cut samples from the purchased items, labeled them with the following CCMI reference numbers and sent them to KE'KEN Textile Testing and Certification Center ("KE'KEN"), a highly qualified textile testing

¹ See, e.g. *Cashmere & Camel Hair Mfrs. Inst. v. Saks Fifth Ave.*, 284 F.3d 302 (1st Cir. 2002); *Camel Hair & Cashmere Inst. of Am., Inc. v. Associated Dry Goods Corp.*, 799 F.2d 6 (1st Cir. 1986); *Cashmere & Camel Hair Mfrs. Inst. v. Amazon.com, Inc. and CS Accessories, LLC*, Case No. 1:21-cv-11872 (D. Mass. 2021).

laboratory, for testing to determine their actual fiber content. The results proven that **none of them contains any Cashmere**. Specifically, as shown in the attached document, KE'KEN has reported that:

CCMI # 22.102-CA-US is **not** Cashmere, but rather is 90.8% synthetic nylon material blended with 9.2% ordinary wool.

CCMI # 22.103-CA-US is **not** Cashmere, but rather is 88.6% synthetic material (consisting of 73% Nylon and 15.6% Rayon), and 11.4% ordinary wool; and

CCMI # 22.104-CA-US is **not** Cashmere, but rather is 100% synthetic material consisting entirely of Polyester.

All of these products are therefore being falsely advertised and sold by Etsy in violation of the Lanham Act, 15 U.S.C. §1125(a), which prohibits false and deceptive advertising, and the Wool Products Labeling Act of 1939, which provides that : "The introduction, or manufacture for introduction, into commerce, or the sale, transportation, or distribution, in commerce, of any wool product which is misbranded within the meaning of this Act or the Rules and regulations hereunder, is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who shall manufacture or deliver for shipment or ship or sell or offer for sale in commerce, any such wool product which is misbranded within the meaning of this Act and the rules and regulations hereunder is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act."

In this regard, Section 4 of the Wool Products Labeling Act of 1939 [15 U.S.C. 68b] states:

"(a) A wool product shall be misbranded...

"(2) If a stamp, tag, label, or other means of identification, or substitute therefor under section 68c of this title, is not on or affixed to the wool product and does not show -

"(A) the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) recycled wool; (3) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (4) the aggregate of all other fibers . . ."

Section 43(a) of the United States Lanham Trade-Mark Act [15 U.S.C. 1125] further provides that:

"Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof; or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact which-

"(B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities, shall be liable in a civil action by any person who believes that he or she is likely to be damaged by such act."

Also, they are in violation of The Federal Trade Commission Rules and Regulations Under the Wool Products Labeling Act of 1939 (16 CFR Part 303)

because the label does not provide the information with respect to textile fiber products that is required to be shown and displayed upon the label shall be that which is required by the Act and Regulations, including the following:

The relevant regulation is found at 16 CFR 303.16, which states: "§300.16 Arrangement and Disclosure of Information on Labels. ... (2) The name or registered identification number issued by the Commission, of the manufacturer or of one or more persons marketing or handling the textile fiber product.

Etsy's marketing and sale of that are falsely advertised as "Cashmere" and do not identify their true fiber content is a violation of the above statutes, and is harmful to members of CCMI. Further, these articles are also illegally labeled as none of the items are labeled with the required RN number with the Federal Trade Commission database identifying the maker or importer.

CCMI hereby demands that Etsy immediately remove from sale, and/or correctly describe as to their fiber content, all items labeled as or represented to be "Cashmere" on Etsy websites, and immediately stop advertising as "Cashmere" any textile products that are not Cashmere -- regardless of whether CCMI has specifically identified them as falsely advertised or not -- because it is Etsy's obligation to do so.

At this point, having given Etsy ample notice of this problem, CCMI respectfully reserves the right to take appropriate legal action against Etsy without further notice if it fails to promptly remedy this situation, which the evidence suggests is both serious and widespread. CCMI is currently testing multiple additional samples of textile products that Etsy is advertising and selling as "Cashmere," and will rely on the results of its tests of those products as well in seeking a legal remedy for this problem.

Please feel free to contact me with any questions

Sincerely,

Jim Coleman
U.S. Representative

Cc: Ms. Jill Simeone
Chief Legal Officer

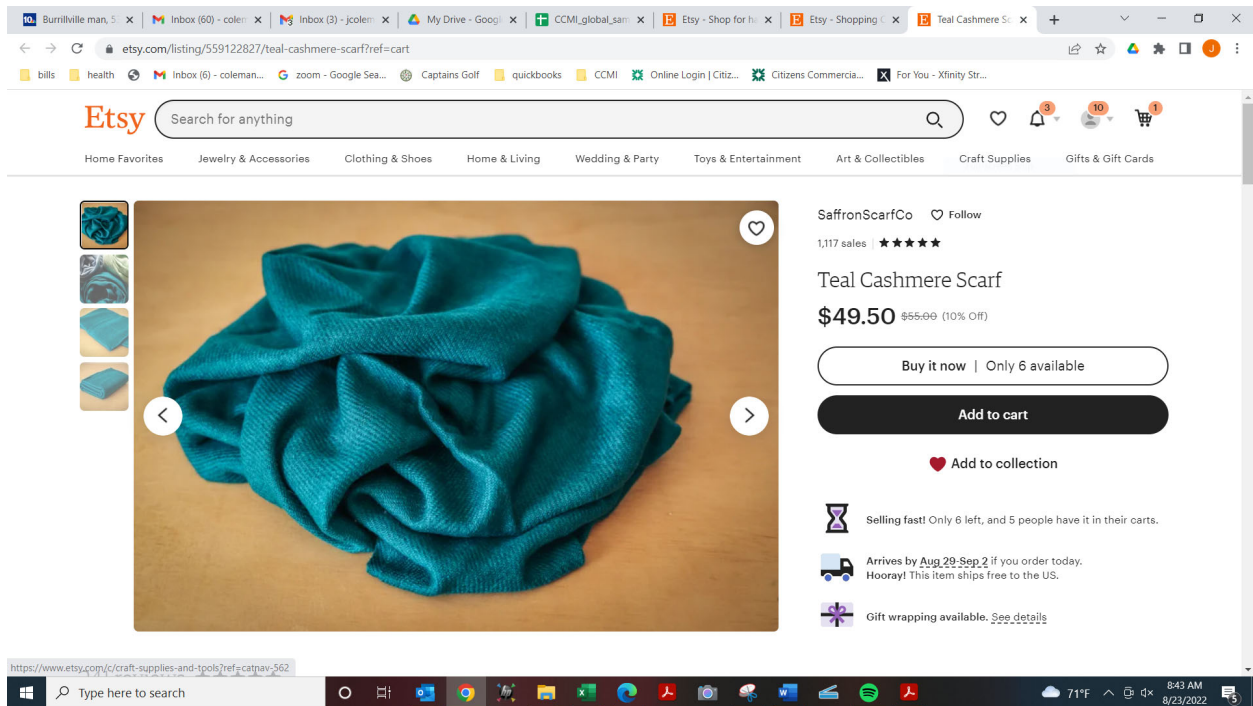
**PRODUCTS
FALSELY
ADVERTISED
ON ETSY AS
“CASHMERE”
(in August 2022)**

CCMI 22.102-CA-US

8-15-22

22.102-CA-US 8-15-22

https://www.etsy.com/listing/559122827/teal-cashmere-scarf?ga_order=most_relevant&ga_search_type=all&ga_view_type=gallery&ga_search_query=saffron+cashmere+scarf&ref=sr_gallery-1-3&pro=1&frs=1&organic_search_click=1



etsy.com/listing/559122827/teal-cashmere-scarf?ref=cart

Reviews for this item 19 Reviews for this shop 241

Sort by: Recommended

★★★★☆
So soft and wonderful! Only negative is where the tag was sewn in made a small hole. I was able to gently remove the tag and rework the threads to smooth it out.
Purchased item: [Teal Cashmere Scarf](#)
 Anna White Jan 3, 2022
Helpful?

★★★★★
Gorgeous, soft and the color is magnificent! Shipped right away, had a small glitch but the seller was super and remedied right away. Would recommend.
Purchased item: [Teal Cashmere Scarf](#)
 Cathy Thomas Mar 12, 2021
1 Helpful

★★★★★
Incredibly soft and the color is gorgeous! Ordered one for my mom and sister for Christmas and I know they'll love them.
Purchased item: [Teal Cashmere Scarf](#)
 Paige Welborn Dec 22, 2021

Highlights

- Handmade
- Materials: cashmere
- Width: 26 inches
- Length: 77 inches

Description

Luxury cashmere for practical people.

These scarves are beautiful and practical. They are warm and delightfully cozy and soft. They are lightweight and can be packed small into a purse or travel bag. Neutral colors are dye-free and natural—they are the same color as the goats that were sheared to make them.

This scarf is 100% cashmere, made in Nepal. It is about 77 x 26in.

Cashmere comes in varying levels of quality. This cashmere blend has been selected for its warmth and soft texture.

My husband and I lived in Nepal for a few years. During our time there I bought an incredible cashmere scarf

Type here to search

71°F 8:46 AM 8/23/2022



Test Result

On This Sample

ORIGINAL


No. CB 22-10035 TA

CERTIFICATE OF TEST

Date : September 2, 2022

Messrs. CASHMERE AND CAMEL HAIR
MANUFACTURERS INSTITUTE

We certify that under attached specimen have been tested by the KE'KEN
Textile Testing & Certification Center, and result of test as follows.

Specimen	Items	Result of Test	
	Composition	Nylon	90.8 %
	(JIS L 1030-2 Light microscopic method)	Wool	9.2 %
< #22.102-CA-US > ----- Leave this space blank -----			

JWIF

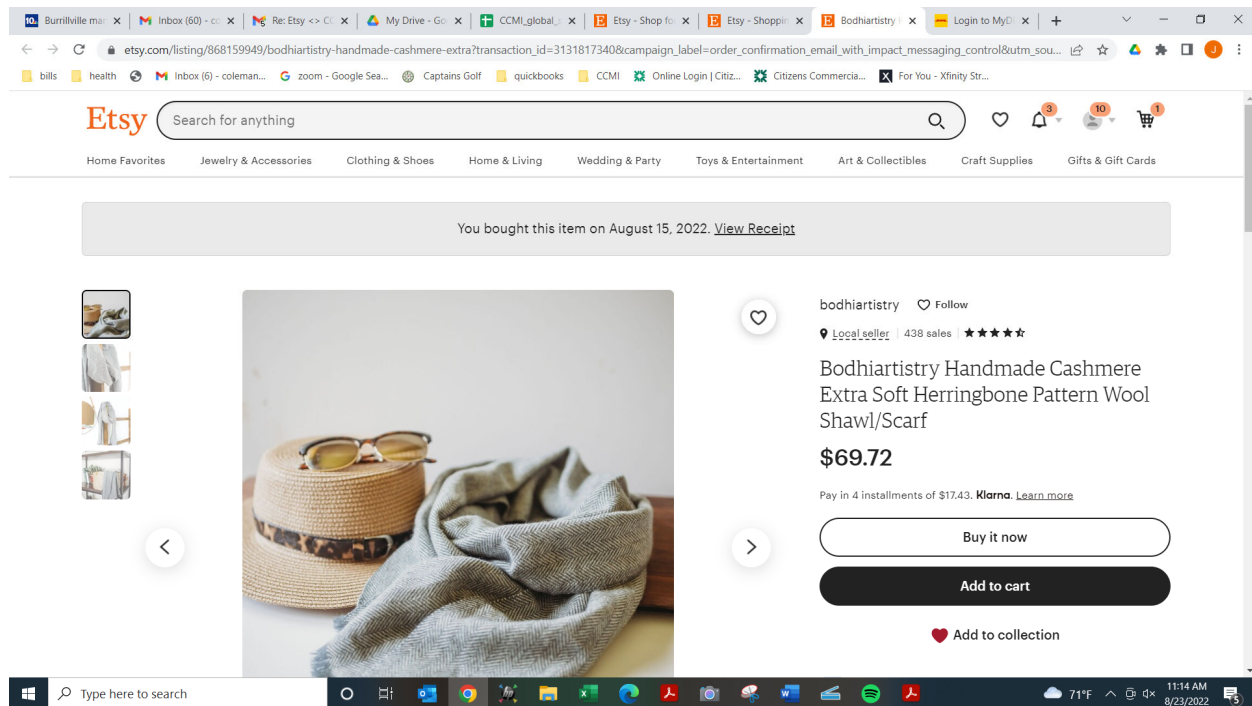
Signed : 
Animal Fiber Research Institute
KE'KEN Textile Testing
& Certification Center

CCMI 22.103-CA-US

8-15-22

22.103-CA-US 8/15/2022

https://www.etsy.com/listing/868159949/bodhiartistry-handmade-cashmere-extra?transaction_id=3131817340&campaign_label=order_confirmation_email_with_impact_messaging_control&utm_source=transactional&utm_campaign=order_confirmation_email_with_impact_messaging_control_010170_1075975793447_0_0&utm_medium=email&utm_content=&email_sent=1660570065&euid=vjwuFEntRI7RRE9f25AO-BLIEt6M&eaid=962530912532&x_eaid=4fcd1b2b2d



88 shop reviews ★★★★★

Sort by: Recommended ▼

★★★★★
I could not be more in love with this bowl. It is perfection. I was very happy that I could sample the sound before buying. The tone of this bowl is absolutely divine and is quite deep for a smaller bowl. It has so much character and beauty. The metal is so smooth. It came wit...
Purchased item: *Antique Deep sounding Healing Singing Bowl A Chakra 4.2" ID...*
Reviewed by Inactive Nov 18, 2020
3 Helpful

★★★★★
This blanket is prettier and softer than I imagined! The turquoise blue on it is a beautiful pop of color. The blanket is lightweight, yet provides perfect warmth on chilly days. I love it so much I'm savin...
Purchased item: *Bodhiartistry Extra Soft Yak Wool Blend Blanket/Throw - Made i...*
Christa Stewart Nov 24, 2020
1 Helpful

★★★★★
So soft and cozy, and the colors are beautiful! It is lightweight, perfect for wrapping around my shoulders while working at my desk. I am surprised something so thin could be so warm. My cat is already trying to claim it for his own so I may have to order another.
Purchased item: *Bodhiartistry Extra Soft Yak Wool Blend Blanket/Throw - Made i...*

Ships from a small business in Massachusetts
Materials: cashmere, wool

Description

This luxurious cashmere wool blend scarf with classic herringbone pattern is hand woven by local artisan of Nepal with extra care and love. The natural wool comes from the underbelly of Himalayan goat (capra hircus) living 14000 ft above sea level. Its neutral tone of grey and white complement most any fashion. This classic and cozy shawl/scarf is well-suited for fall, winter and spring and is perfect for gifts for yourself or your loved ones and friends with best intentions. Wrap it around yourself for its luxurious coziness and warmth and it sure will become the must have essential in your wardrobe.

Luxuriously soft and warm Cashmere shawl with classic herringbone pattern hand-woven by local artisan of Nepal.
This classic yet cozy shawl is perfect for gift to yourself or your loved ones that expresses your best intentions. Light weight, warm and cozy shawl/scarf features a neutral color to match any fashion
Care: Dry Clean. It can also be hand washed in cold

1 2 3 4 5 6 7 8 9

About bodhiartistry

Sales: 438 On Etsy since 2016

Instagram

Production partners

Chuisse Textile Co. P. Ltd
Kathmandu, Nepal

Chuisse Textile is a small manufacturing company that manufacture handmade cashmere product using sustainable textile. It also employ mostly women and local artisan that have expertise in handling and crafting cashmere textile and it help sustaining the economic growth of the artisans.

Colours Handicraft
Kathmandu, Nepal

Colours Handicraft make wide variety of handmade felt products. They help us in production after we provide them our designs. Their main mission is to support and empower local women artisans to live independent life and sustain by providing for themselves.

[More production partners](#)

Shop policies
Last updated on

Accepted payment methods




Test Result

On This Sample

ORIGINAL

No. CB 22-10036 TACERTIFICATE OF TESTDate : September 2, 2022Messrs. CASHMERE AND CAMEL HAIR
MANUFACTURERS INSTITUTE

We certify that under attached specimen have been tested by the KE'KEN
Textile Testing & Certification Center, and result of test as follows.

Specimen	Items	Result of Test	
	Composition (JIS L 1030-2 Light microscopic method)	Nylon	73.0 %
		Rayon	15.6 %
		Wool	11.4 %
< #22.103-CA-US >		----- Leave this space blank -----	

JWIF

Signed :



Animal Fiber Research Institute
KE'KEN Textile Testing
& Certification Center

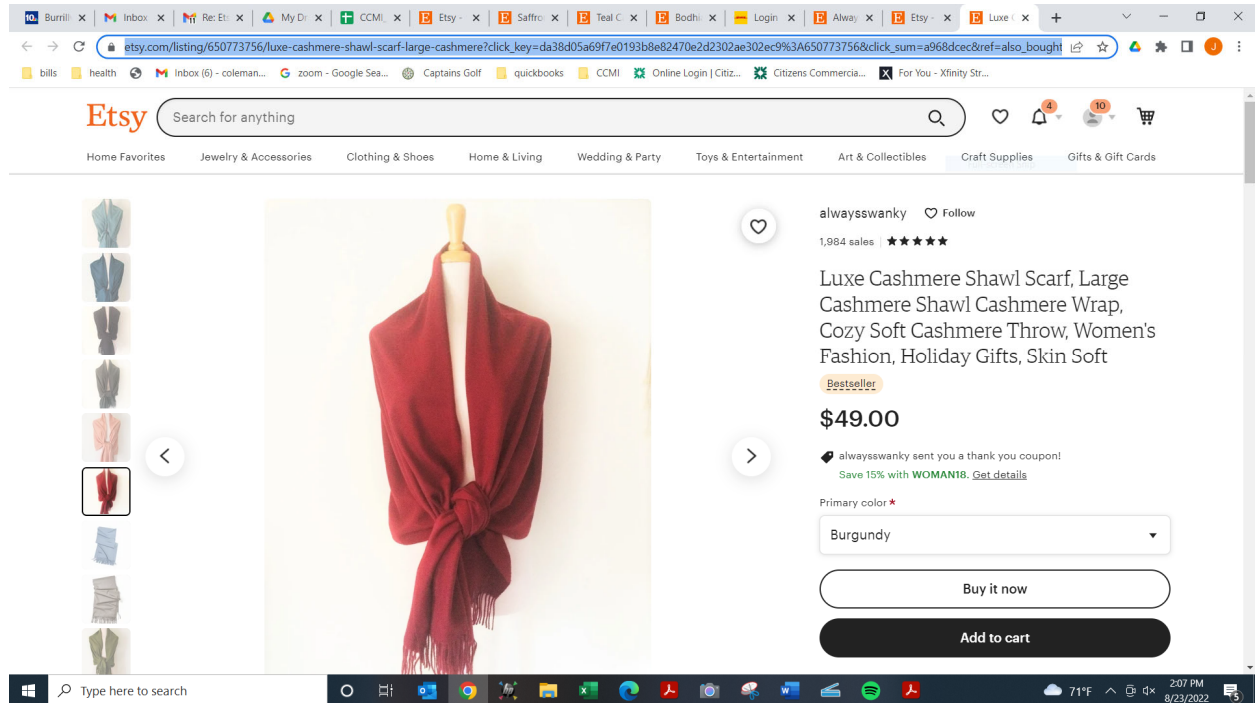


CCMI 22.104-CA-US

8-15-22

22.104-CA-US 8/15/22

https://www.etsy.com/listing/650773756/luxe-cashmere-shawl-scarf-large-cashmere?click_key=da38d05a69f7e0193b8e82470e2d2302ae302ec9%3A650773756&click_sum=a968dcec&ref=also_bought-1&variation0=995669223



Reviews for this item 47 Reviews for this shop 349

Sort by: Recommended ▼

★★★★★
Love, love, love the quality and softness of this shawl. I now have two different colored one. I needed them for wraps for winter weddings and they were perfect!
Color: Light Grey
toarr377 Feb 15, 2022
Helpful?

★★★★★
The shawl is beautiful! So soft! I was worried that it was going to be more of a jewel tone green since it was called Emerald Green, but it looks exactly like the picture, which is what I was hoping. Thank you!
Color: Emerald green
Julie Culppepper Nov 13, 2021
Helpful?

★★★★★
I was thrilled with this purchase! The quality was much better than I expected and such a reasonable price. I wore it to a wedding in February and now wear it to work! I love that it can be dressy and casual!
Color: Blush
Less

Highlights

- Handmade
- Materials: cashmere, cashmere travel wrap, c...

Description

this skin soft luxe cashmere scarf, shawl and cozy blanket all in one, is your must-have item for the season or to give as a gift.. Beautiful neutral colors. Fringed ends. Solid medium weight. Perfect for anytime, from casual to dress up, day to night, work to happy hour. Great for traveling and much more. You may want to buy it in every color:)

76" Long x 28" Wide - 4" fringe

thank you for visiting my shop


peace and love <3

*i donate 30% of all sales to St Jude children's research hospital.

★★★★★
Thank you so much for the beautiful shawl. My friend was thrilled and I am so happy to keep him warm in the cold NJ winter.
Color: Charcoal
karen.chaplin Feb 7, 2022
Helpful?

1 2 ... 12

Photos from reviews



More from this shop [Follow](#) [See more](#)

\$6.00 **Accepted**

Etsy offsets carbon emissions from shipping and packaging on this purchase.

Deliver to United States, 02631 ▼
Ships from Lambertville, NJ

View shop policies

Meet your seller

Vee
Owner of alwaysswanky

[Message Vee](#)

This seller usually responds within 24 hours.

alwaysswanky made this item with help from The Knit Shop, Philadelphia, PA



Test Result

On This Sample

ORIGINAL


No. CB 22-10037 TA

CERTIFICATE OF TEST

Date : September 2, 2022

Messrs. CASHMERE AND CAMEL HAIR
MANUFACTURERS INSTITUTE

We certify that under attached specimen have been tested by the KE'KEN
Textile Testing & Certification Center, and result of test as follows.

Specimen	Items	Result of Test	
	Composition (JIS L 1030-2)	Polyester	100 %
----- Leave this space blank -----			

JWIF

Signed : 
Animal Fiber Research Institute
KE'KEN Textile Testing
& Certification Center 

EXHIBIT F

From: **Fabio Tarud** <ftarud@etsy.com>

Date: Thu, Oct 13, 2022 at 7:24 PM

Subject: Re: Demand Letter Sent to Joshua Silverman and Jill Simeone by FEDEX October 7, 2022

To: Jim Coleman <jcoleman@cashmere.org>

Cc: <jlkelly@etsy.com>, <cjackman@etsy.com>, Fabio Garzena <fgarzena@cashmere.org>, Kenneth Shimizu <kshimizu@cashmere.org>

Dear Mr. Coleman:

We are in receipt of your letter dated October 7, 2022 regarding CCMI's concerns about mislabeling of wool and cashmere products by third party sellers on Etsy.

As we did in response to your prior notice, we have promptly removed the specific listings for which you provided test reports and have contacted the affected sellers regarding the issue you have identified. In addition, for those specific shops, we also removed listings marketed by those sellers as "cashmere," in an abundance of caution. In each case, we believe these actions far exceed our legal obligations. Nevertheless, Etsy remains willing to collaborate with you to address your concerns regarding other items that may be allegedly mislabeled with cashmere.

We plan to provide a fuller response to the points in your letter shortly.

Regards,
Fabio Tarud



Fabio Tarud

Director, Assistant General Counsel, Intellectual Property & Litigation
ftarud@etsy.com | www.etsy.com

On Sun, Oct 9, 2022 at 11:42 AM Jim Coleman <jcoleman@cashmere.org> wrote:

Dear Attorney Traud,

Attached please find copies of the Demand Letter and relevant documentation sent by FEDEX to Joshua Silverman, Etsy CEO and Jill Simeone, Etsy Chief Legal Officer on Friday October 7, 2022.

Jim Coleman

USA Representative

Cashmere & Camel Hair Manufacturers Institute

774-217-1714

jcoleman@cashmere.org

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CASHMERE AND CAMEL HAIR MANUFACTURERS INSTITUTE

(b) County of Residence of First Listed Plaintiff Suffolk
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

ROBERT J. KALER, ESQ., Holland & Knight LLP, 10 St. James Avenue, Boston, MA 02116, (617) 854-1443

DEFENDANTS

ETSY, INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

False Advertising, Trademark, Unfair Competition, Breach of Contract, Lanham Act 15 USC, Sec. 1051, et seq.

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

December 30, 2022

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) CASHMERE AND CAMEL HAIR MANUFACTURERS INSTITUTE V. ETSY, INC.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

☐

I. 160, 400, 410, 441, 535, 830*, 835*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.

☒

II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.

☐

III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐NO ☒7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES ☐NO ☒A. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☐Central Division ☐Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☒Central Division ☐Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Robert J. KalerADDRESS HOLLAND & KNIGHT LLP, 10 St. James Avenue, Boston, MA 02116TELEPHONE NO. (617) 854-1443