

## FTC Guides for Jewelry, Precious Metals and Pewter Industries

### § 23.18 Definition of various pearls.

As used in these guides, the terms set forth below have the following meanings:

- (a) Pearl: A calcareous concretion consisting essentially of alternating concentric layers of carbonate of lime and organic material formed within the body of certain mollusks, the result of an abnormal secretory process caused by an irritation of the mantle of the mollusk following the intrusion of some foreign body inside the shell of the mollusk, or due to some abnormal physiological condition in the mollusk, neither of which has in any way been caused or induced by humans.
- (b) Cultured Pearl: the composite product created when a nucleus (usually a sphere of calcareous mollusk shell) planted by humans inside the shell or in the mantle of a mollusk is coated with nacre by the mollusk.
- (c) Imitation Pearl: A manufactured product composed of any materials that simulate in appearance a pearl or cultured pearl.
- (d) Seed Pearl: A small pearl, as defined in (a), that measures approximately two millimeters or less.

### § 23.19 Misuse of the word "pearl"

- (a) It is unfair or deceptive to use the unqualified word "pearl" or any other word or phrase of like meaning to describe, identify, or refer to any object or product that is not in fact a pearl, as defined in §23.18 (a).
- (b) It is unfair or deceptive to use the word "pearl" or describe, identify, or refer to a cultured pearl unless it is immediately preceded, with equal conspicuousness, by the word "cultured" or "cultivated", or by some other word or phrase of like meaning, so as to indicate definitely and clearly that the product is not a pearl.
- (c) It is unfair or deceptive to use the terms "pearl" to describe, identify, or refer to an

imitation pearl unless it is immediately preceded, with equal conspicuousness, by the word “artificial”, “imitation”, or “simulated”, or by some other word or phrase of like meaning, so as to indicate definitely and clearly that the product is not a pearl.

(d) It is unfair or deceptive to use the terms “faux pearl”, “fashion pearl”, “Mother of Pearl”, or any other such term to describe or qualify an imitation pearl product unless it is immediately preceded, with equal conspicuousness, by the word “artificial”, “imitation”, or “simulated”, or by some other word or phrase of like meaning, so as to indicate definitely and clearly that the product is not a pearl.

**§ 23.20 Misuse of terms such as “cultured pearl”, “seed pearl”, “Oriental pearl” “natura”, “kultured” “real”, “gem”, synthetic”, and regional designations.**

(a) It is unfair or deceptive to use the term “cultured pearl”, “cultivated pearl”, or any other word, term, or phrase of like meaning to describe, identify, or refer to any imitation pearl.

(b) It is unfair or deceptive to use the term “seed pearl” or any word, term, or phrase of like meaning to describe, identify, or refer to a cultured or an imitation pearl, without using the appropriate qualifying term “cultured” (e.g. “cultured seed pearl”) or “simulated”, or “imitation” (e.g. “imitation seed pearl”).

(c) It is unfair or deceptive to use the term “Oriental pearl” or any word, term, or phrase of like meaning to describe, identify, or refer to any industry product other than a pearl taken from a salt water mollusk and of the distinctive appearance and type of pearls obtained from mollusks inhabiting the Persian Gulf and recognized in the jewelry trade as Oriental pearls.

(d) It is unfair or deceptive to use the word “Oriental” to describe, identify, or refer to any cultured or imitation pearl.

(e) It is unfair or deceptive to use the word “natura”, “natural”, “nature’s” or any word, term, or phrase of like meaning to describe, identify, or refer to a cultured or imitation pearl. It is unfair or deceptive to use the term “organic” to describe, identify, or refer to an imitation pearl, unless the term is qualified in such a way as to make clear that the product is not a natural or cultured pearl.

(f) It is unfair or deceptive to use the term “kultured”, “semi-cultured”, “cultured-like”, “part-cultured”, “pre-mature cultured pearl”, or any word, term, or phrase of like meaning to describe, identify, or refer to an imitation pearl.

(g) It is unfair or deceptive to use the term “South Sea pearl” unless it describes, identifies, or refers to a pearl that is taken from a salt water mollusk of the Pacific Ocean South Sea Islands, Australia, or Southeast Asia. It is unfair or deceptive to use the term “South Sea cultured pearl” unless it describes, identifies, or refers to a cultured pearl formed in a salt water mollusk of the Pacific Ocean South Sea Islands, Australia, or Southeast Asia.

(h) It is unfair or deceptive to use the term “Biwa cultured pearl” unless it describes, identifies, or refers to cultured pearls grown in fresh water mollusks in the lakes and rivers of Japan.

(i) It is unfair or deceptive to use the word “real”, “genuine”, “precious”, or any word, term, or phrase of like meaning to describe, identify, or refer to any imitation pearl.

(j) It is unfair or deceptive to use the word “gem” to describe, identify, or refer to a pearl or cultured pearl that does not possess the beauty, symmetry, rarity, and value necessary for qualification as gem.

Note to paragraph (j): Use of the word “gem” with respect to cultured pearls should be avoided since few cultured pearls possess the necessary qualifications to properly be termed “gems”. Imitation pearls should not be described as “gems”

(k) It is unfair or deceptive to use the word “synthetic” or similar terms to describe cultured or imitation pearls.

(l) It is unfair or deceptive to use the terms “Japanese Pearls”, “Chinese Pearls”, “Mallirca Pearls”, or any regional designation to describe, identify, or refer to any cultured or imitation pearl, unless the term is immediately preceded, with equal conspicuousness, by the word “cultured”, “artificial”, “imitation”, or “simulated”, or by some other word or phrase of like meaning, so as to indicate definitely and clearly that the product is a cultured or imitation pearl.

**§ 23.21 Misrepresentation as to cultured pearls.**

It is unfair or deceptive to misrepresent the manner in which cultured pearls are produced, the size of the nucleus artificially inserted in the mollusk and included in cultured pearls, the length of time that such products remained in the mollusk, the thickness of the nacre coating, the value and quality of cultured pearls as compared with the value and quality of the pearls and imitation pearls, or any other material matter relating to the formation, structure, properties, characteristics, and qualities of cultured pearls.