



DCCAS

“Offering Professional
Dry Cleaning Dispute
Solutions”

DRY CLEANING COMPLAINTS ARBITRATION SERVICES

Having Your Day In Court

It is a fact of drycleaning life that despite your best efforts, from time to time disputes may arise. Oftentimes a drycleaner can satisfy a Customer's needs in respect of explaining a problem, area of liability, and where necessary providing recompense or liaising with a manufacturer or retailer.

Sometimes, though, all of your best efforts at explaining why an unsatisfactory outcome is not your responsibility or fault come to nil and you have an unhappy Customer who heads for the Small Claims Tribunal.

How clearly the Magistrate presiding over your appearance at a Small Claims Tribunal is able to understand where you are coming from as a drycleaner is vital to achieving a fair outcome. It is generally acknowledged that a Customer has a small advantage over a business – and when a tearful young lady and her wedding dress is the subject of the Claim, you had better have your facts clear and well presented.

Recently when a Queensland drycleaner was faced with this problem he took his problem to Steve Pyott at Dry Cleaning Complaints Arbitration Services. Steve Pyott's credentials are well known to readers across Australia through his regular contributions to these pages.

The Customer and the Drycleaner are not named in this article, but it does not detract from the lesson.

Following you will see the note to me from Steve Pyott enclosing paperwork, two examples of IFI (now known as DLI) TABS, which are freely available to those subscribing to DLI Membership in the USA.

If you need more information on that body, please see our contact details box within this article. Also is a 'no names, no pack drill' letter from the drycleaner concerned after the event, and his view of how valuable Steve's testimony was in the case.

Shirley Naylor
Editor

Hi Steve

I just wanted to let you know that your report was read and noted by the Magistrate yesterday and she was highly complimentary of that report.

Whilst I know that you do write many reports on a monthly basis and a great number possibly do not get as far as the courts, your reports do resolve a lot of these matters.

In summing up this case yesterday the judge made particular mention as to your qualifications, your detailed report and her belief that you were a person that she was satisfied was truly independent.

Credibility was a large part of my defence in this matter and your report was crucial to demonstrating that.

I appreciate your efforts and you can take a big "pat on the back" in this case.

Kind Regards

(The Drycleaner Involved)

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Hi Shirley,

Here is the Stat Dec report you requested. I have removed dry cleaner identification details although you already know who it is. I would prefer it if this information is not divulged.

I have also attached the two TABS referred to in the report. Can you let me know what further information you may require. Note that the report is in the form of a statutory declaration which is not always formally required by Small Claims Tribunals but this format can be very helpful as a form of evidence, particularly as it includes full details of my qualifications and professional experience, which provides excellent credentials for the acceptance of the technical report by a court or a tribunal.

Cheers,

Steve

The following three pages are given over to Steve Pyott's actual testimony in this case. The two TABS at right were attachments to his expert opinion.

The name of the Customer and Drycleaner have been removed from this article.

TABS

INTERNATIONAL FABRICARE INSTITUTE BULLETIN

BEVERAGE STAINS

No. 299

WHAT IS THE PROBLEM?

Sometimes after drycleaning, yellow, tan, or brown stains mysteriously appear on a garment that nobody remembers seeing before.

WHAT DOES IT LOOK LIKE?

When these stains eventually show up they simply look like accidental spillage spots. They can range from very faint yellow up to an intense rust or brown color depending upon the staining substance, time on the fabric, and the type of fabric.

WHAT CAUSED IT?

These stains originate from accidental contact with soft drinks, tea, coffee, juices, beer, wine, fruits, candy, or any other foods or beverages that contain sugars or tannin. After any moisture evaporates from the substances only an invisible residue remains. Over a period of time in storage this residue will attract oxygen from the air and oxidize, eventually becoming yellowish and noticeable. This type of staining is often referred to as "invisible stains." Since these stains are basically water soluble, they are not readily removed by drycleaning. Subsequently, the heat of tumble drying and/or steam pressing after drycleaning accelerates oxidation of the residue and causes the stains to become much more visible.

CAN IT BE PREVENTED?

In order to prevent invisible stains from appearing later in storage or after cleaning, the residue must be flushed from the fabric soon after contact. This needs to be done before oxidation begins. The safest procedure is to take the garment to the professional cleaner as soon as possible and point out the location of the spill and identify the type of substance causing the stain.



These stains became noticeable after cleaning when the residue from a sugar-bearing liquid in the fabric oxidized.

WHO IS RESPONSIBLE?

The responsibility rests with the person that originally came into contact with the staining substance and failed to take fast action to remove the residue. Unfortunately, many times the owner of the garment doesn't know about the contact or simply forgets because the remaining residue may remain invisible for a period of time. When the staining begins to oxidize and appears after awhile or after cleaning, the memory of the spillage is long gone.

IS THERE A REMEDY?

Professional cleaners have special agents and procedures that can reduce or remove some of these stains, but after oxidation begins complete removal is very difficult. On some fabrics, such as silk and wool, oxidized stains from tannins and sugars are almost always permanent.

TABS—299 May 2002

Written by Jim Kirby, IFI Textile Analyst

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TABS

International Fabricare Institute Bulletin

FUZZY SILK

No. 344

WHAT IS THE PROBLEM?

Sometimes smooth, lustrous silk fabric develops tiny lint-like balls on the surface after professional cleaning. This is a form of "pilling" of the fibers.

WHAT DOES IT LOOK LIKE?

Pills are small balls of entangled fibers still anchored to the yarns of the fabric by one or more fibers in the fabric structure. This type of damage is commonly seen on satin weave fabrics made from very fine silk yarns. It can also occur on other types of silk constructions. These pills change the fabric's appearance and texture, creating a fuzzy, lint-like effect.

WHAT CAUSED IT?

Yarns with long, continuous fibers in a tight twist normally will not form pills. Yarns used in the fabric that contain relatively short fibers and/or have a low twist can develop pilling rather quickly from normal wear or the gentle agitation of cleaning. Any agitation necessary for cleaning will cause these very short fibers to break loose and work to the surface forming pills. This occurrence is caused by some chemical and/or physical misprocessing of the yarns during initial spinning at the mill, thus allowing rapid pilling during use and care.

CAN IT BE PREVENTED?

This fabric damage can only be prevented by better quality controls in manufacture using longer fibers in a higher twist, as well as better chemical finishes. There is no method of preventing this damage in use or cleaning on this type of silk fabric.

WHO IS RESPONSIBLE?

Professional drying and wet cleaning are total immersion processes that subject the entire garment and all components to the same treatment. It is impossible for



After cleaning, the short staple fibers in this silk satin dress appear as lint all over the surface.

a cleaner to predict or prevent pilling of poorly constructed silk. The gentle motion of any cleaning process can result in pilling of poorly constructed silk fabric. The manufacturer should be held responsible for this type of fabric defect.

IS THERE A REMEDY?

Although garment care specialists may be able to temporarily improve some fabrics with pills through special tedious procedures, when pills form on silk fabric like this, there is no restoration. ☐

TABS—344 May 2006

Written by Jim Kirby, IFI Textile Analyst

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STATUTORY DECLARATION

I, Steven Donald Pyott of 7 Tuffley Court, Kallangur in the State of Queensland do solemnly and sincerely declare as follows:

- That I hold a Bachelor of Science degree in Food Science (Leeds University, UK, 1969) and that my graduate qualifications in Science and at least ten years' professional experience as a tertiary educator and consultant in Textile Science and Technology were recognised by the international professional body for textiles and clothing, The Textile Institute, as providing full exemption for the requirements of the qualification of 'Associate of the Textile Institute' (A.T.I.) which was formally awarded in a ceremony at the international Textile Institute Conference held in Sydney in 1988 and which also confers the title and status of Chartered Textile Technologist (CText.)
- That I hold a Graduate Certificate in Education (Leeds University, 1972), which is a teacher training qualification specifically designed for TAFE/Technical Teachers, an Advanced Diploma in Science Education (Brunel University, UK, 1981) and a Master of Science degree in the field of Science and Technology in Society (Griffith University, Qld, 1991).
- That I have been a full time tertiary lecturer and senior lecturer in Textile Science and Technology in the United Kingdom from 1973 until 1980 for various undergraduate courses in Home Economics, a full time tertiary lecturer in Textile Science in Australia from 1981 until 1992 and a part time University lecturer in Textile Science at various times from 1993 until 1999, during which period I was primarily involved in teaching the Textile Science components of the Diploma of Teaching (Home Economics), Bachelor of Education (Home Economics), Bachelor of Applied Science (Home Economics) and Bachelor of Health Sciences (Family and Consumer Studies) at the institution that eventually became part of the Queensland University of Technology
- That in 1982 I established the Textile Testing Laboratories and an associated Textile Testing Service at the then Kelvin Grove College of Advanced Education in the Department of Home Economics, which eventually became part of Brisbane College of Advanced Education in 1984 and finally the Kelvin Grove Campus of Queensland University of Technology in 1991
- For background information, I took an early health-related retirement from my full time tenured lecturer's position at the Queensland University of Technology in December, 1992 due to serious injuries received and resulting permanent disability sustained to my left hip and leg, in a severe head-on motor accident which was the fault of the other driver going out of control
- That I am the author of a senior school Home Economics/Textiles studies and TAFE textiles textbook entitled 'Textile Care and the Consumer' published by Longman Cheshire, Melbourne, 1985, which I believe has been widely used in schools and TAFE colleges around Australia
- That I have written and taught the basic science component of an industry traineeship course developed for the dry cleaning industry which was run at Gateway College of TAFE in 1995
- and that I have also given various guest presentations and courses on textile science to Fashion students in Queensland and NSW TAFE institutions
- That I worked for three years from 2005 until 2007 as a part time Teacher of Textile Science and Technology at the Mt Gravatt Campus of the Metropolitan South Institute of TAFE (MSIT), Queensland's lead institution for training in Textiles, Clothing and Fashion, teaching the final year Textile Testing subject in the Associate Diploma/Diploma in Textiles, Clothing and Footwear in this campus's well-equipped textile testing laboratories.
- That since 1982 I have been acting as a Consulting Textile Technologist (since 1988 as a Consulting Chartered Textile Technologist) to the apparel manufacturing industries, wholesale organisations, retail organisations, the professional textile care industries, including the dry cleaning industry, and individual consumers who either consult me directly or who are referred to me by other agencies
- That this role has involved me in writing many hundreds of technical reports on textile and garment problem analyses, particularly associated with textile care treatments, especially those associated with dry cleaning processes, as well as developing and presenting short courses on textiles and textile science, textile testing and the analysis of textile problems
- That my technical reports on textiles and textile problems have been accepted as evidence in both the Queensland and New South Wales Small Claims Tribunals and the Queensland Supreme Court
- That I have been a member of both the Standards Association of Australia Technical Committee (TX/20) on Textile Testing and the Standards Association of Australia Technical Committee (CS/4) on Textile Labelling
- That I am an Assessor of Textile Laboratories for the Australian national laboratory accreditation system – NATA – the National Association of Testing Authorities
- That I currently act as an independent Consulting Chartered Textile Technologist through my own consultancy businesses 'TCS Textile Consultancy Services' and 'Dry Cleaning Complaints Arbitration Services' for a range of clients including the garment manufacturing industries, wholesalers and retailers, the laundering and dry cleaning industries and all their customers
- That I have established the web site Dry Cleaning Complaints Arbitration Services (<http://www.drycleaningcomplaints.com>) which provides general information and access to technical consultancy services to assist in the resolution of disputes arising out of problems occurring in the course of professional and consumer textile and apparel cleaning treatments
- I was commissioned by the Dry Cleaner to provide technical comment on the matter of the changes to the 'Toscano' white silk wedding dress, arising out of a dry cleaning treatment carried out by the dry cleaner, indicated as Annexure A, is my technical report on the matter.

And I make solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the 'Oaths Act of 1900-1953'

STEVEN DONALD PYOTT

Subscribed and declared at _____, this _____ day of _____, 2010 before me:

Full name of Justice of the Peace in Block Capitals

PROBLEM

The development of surface pilling in a 'Toscano' white silk wedding dress following recommended dry cleaning – the claim against the dry cleaner was considered by the Queensland Small Claims Tribunal and was not upheld on the basis of this Technical Report

ENQUIRY

The dry cleaner submitted a white silk wedding dress, labelled 'Toscano', for examination and report. The purpose of the enquiry was to comment on the most likely cause of the development of the surface pilling throughout the outer shell fabric and residual yellow-brown staining around the hem, which the customer believes have only become apparent after recent dry cleaning.

The dry cleaner reported that the wedding dress was placed in a mesh bag and then dry cleaned in in-line refrigerated perchlorethylene, charged with a proprietary soap product, using a very short 2 minute cycle process that was intended to correspond with the more restrictive requirements of the underlined, circled P dry cleaning symbol .

This treatment was used to exercise additional caution with this silk wedding dress and its attached trim, even though the care labelling only stipulated the less restrictive requirements of the non-underlined circled P dry cleaning symbol , and no other separate stain removal procedures were used either before or after dry cleaning.

LABELLING

- Designer/Manufacturer: Toscano
- Fibre Content Labelling: 100% silk, trims not included
- Care Labelling: Dry Clean Only , Do Not Wash, Cool Iron
- Size Labelling: Nil
- Country of Origin: Australia

EXAMINATION

The dress was examined under standard white lighting conditions and fine pilling was clearly evident across most of the surface of the outer shell fabric, in particular, with some lighter pilling evident on some parts of the inner fabric surfaces. Pilling is the development of small balls of tangled fibres on the surfaces of the yarns and consequently the fabric itself. The pilling on the outer shell fabric was particularly visible when the fabric was viewed across its surface with a light source shining behind it.

The wedding dress was also examined under UV conditions in order to investigate the fluorescence characteristics of the fabric. This UV examination showed particular fluorescence characteristics, which indicated that the wedding dress had clearly not received a wet cleaning treatment in a laundry product that contains optical brightening agents (OBAs).

There was also a small area of residual yellow-brown staining in one part of the hem, which, from its appearance, is most likely to have been caused by the oxidation of organic residues from an accidental food or beverage spillage.

DISCUSSION

The care labelling stipulates Dry Clean Only , which means that any normal dry cleaning treatment in perchlorethylene would fully comply with this requirement. In this case, however, the dry cleaner has reported exercising a much greater degree of caution by using a mesh bag and a very short cycle dry cleaning process. This means that there is no way that the dry cleaner could not have complied with the requirements of the attached care labelling.

Despite this degree of caution, the surface of the outer shell has developed fine pilling extensively over its surface. This problem is primarily caused by the structure of the silk yarns being unstable to the effects of the even the limited mechanical agitation that would occur during the course of the short cycle dry cleaning process.

The normal reason for this problem is that silk yarns have been made from short fibres and/or the yarns have a low degree of twist, which allows shorter lengths of fibres to separate from the yarn structure and work to the surfaces of the fabric in the course of abrasion during use and wear and the agitation of the cleaning process, and, therefore, as small tangled balls, which is what is then referred to as pilling.

The development of such extensive pilling after a single wearing and a single dry cleaning treatment indicates that the fabric used for this dress has low serviceability to the recommended method of care. Attached to this report is a copy of the technical bulletin TABS-344 Fuzzy Silk, prepared by the International Fabricare Institute (I.F.I.), now known as the Drycleaning and Laundry Institute (D.L.I.), which provides further information on the nature, appearance, causes and responsibility for this problem.

The yellow-brown staining on the hem of the wedding dress clearly has the appearance of having been caused by the dress hem having come into contact with an accidental food or beverage spillage during the course of use and wear. This contact has then caused a residue of sugars and/or acids in the dress hem are which have dried clear and are, therefore, not evident to the dry cleaner.

The heat associated with the dry cleaning process, particularly during drying, may then have caused these organic residues to have become oxidised and, therefore, change from being invisible to becoming yellow-brown in colour. This why this type of staining is often not noticeable before dry cleaning and then becomes apparent afterwards. This type of staining, once it occurs, is difficult, if not impossible, to remove.

Attached to this report is a copy of the technical bulletin TABS-299 Beverage Stains, prepared by the International Fabricare Institute (I.F.I.), now known as the Drycleaning and Laundry Institute (D.L.I.), which provides further information on the nature, appearance, causes and responsibility for this problem.

CONCLUSIONS

The extensive pilling throughout the surface of the outer shell fabric of the wedding dress has been caused by the silk fabric having a low degree of serviceability to wear and use and the only method care stipulated on its attached care labelling – Dry Clean Only – and cannot reasonably be considered to be the responsibility of the dry cleaner.

In regard to this matter, the customer should be encouraged to return the wedding dress to where it was originally purchased, along with a copy of this report, in order to receive appropriate redress for her loss.

The yellow-brown staining on the hem area of the dress has almost certainly been caused by the after-effects of an accidental

food or beverage spillage during the course of use and wear, and also cannot reasonably be considered to be the responsibility of the dry cleaner.

Steven Pyott

B.Sc., M.Sc., CText A.T.I., Grad.Cert.Ed., Adv.Dip.Ed.

Consulting Chartered Textile Technologist

DRY CLEANING COMPLAINTS ARBITRATION SERVICES

CERTIFICATE

I, Steven Donald Pyott, do hereby certify that to the best of my knowledge and belief, the above information is accurate. Being an Associate of the Textile Institute, I have agreed to be bound by the terms of the Institute's Royal Charters, By-laws and Professional Code of Conduct for the time being in force. The Textile Institute accepts no responsibility for the information contained in this reply to your enquiry.

Steven Pyott