

STATE OF NEW YORK
DEPARTMENT OF LABOR

Governor W. Averell Harriman
State Office Building Campus
Albany, New York 12240



JOHN E. SWEENEY
Commissioner of Labor

November 10, 1995

Mr. Neil Stark
Abat Printed Novelties
Division of APN Corporation
130 West 29th Street
New York, New York 10001

Dear Mr. Stark:

I appreciate receiving your letter of October 6, 1995, regarding the Department of Labor's (DOL) requirement for advertising specialty businesses that perform custom imprinting of apparel to obtain an Apparel Industry registration certificate pursuant to Article 12-A of the Labor Law.

Based on your letter and telephone conversations with Charles Horwitz, a Senior Attorney in Counsel's Office, it appears that Abat Printed Novelties (APN) sells advertising services which includes the custom printing of tee shirts and caps for private companies and charitable and government organizations. Perhaps three or five percent of these items are sold by your customers to individuals and the rest are given away without charge.

Section 340 (c) of the Labor Law defines "apparel industry" to mean "the making...or otherwise producing...any...apparel...designed to be worn by any individual which is to be sold or offered for sale.." (emphasis added). Webster's Third New Dictionary (1967) defines "produce" to mean "to cause to have existence...or make [something] economically valuable..." Section 340 (d) (ii) defines "manufacturer" as any person who "cuts, sews...or otherwise produces in New York state any...apparel, designed or intended to be worn by any individual which is to be sold or offered for sale..." (emphasis added). As printing advertisements onto tee shirts and caps adds to their economic value, such activity falls within the definition of the term "producing." Insofar as APN produces apparel which is intended to be worn by individuals and is offered for sale, it is a manufacturer for purposes of Section 340 (d) (ii) and must therefore comply with the registration requirements of Article 12-A.

