

# FTC Guides for the Use of Environmental Marketing Claims

## Overview

The guides address application of Section 5 of the FTC Act which regulates environmental advertising and marketing practices and specifically makes unlawful deceptive acts and practices in or affecting commerce. Although the guides themselves do not have legal implications, conduct inconsistent with them may result in action by the Commission under Section 5. The guides do not preempt any federal or state law, however it is possible to follow current law and be subject to enforcement action under Section 5.

More detailed information and extensive examples authored by the FTC can be found online at: <http://www.ftc.gov/bcp/grnrule/guides980427.htm>

## Generally

Any marketer making an express or implied claim about the environmental attribute of a product, package or service must possess and rely upon competent and reliable data substantiating the claim. This includes scientific evidence based on expertise in the field using generally accepted testing and analytical practices.

Any necessary qualifications or disclosures regarding the environmental impact of a product, package or service must be conspicuously displayed and in easily understandable terms. Furthermore, a marketer must distinguish whether the claim concerns the product, the package, the service or any one component of each. In general, the claim may be made about the product as a whole where only incidental and minor components are not subject of the claim.

Finally, marketers should not overstate the environmental claim and should be clear about the basis of comparative statements. Marketers may not imply significant environmental benefits where the benefit is negligible. When making comparative statements, marketers should clearly represent whether the statement concerns the marketer's preceding product or a competitor's product.

## Specific Environmental Claims

General Environmental Benefit: Because general claims of environmental benefits are difficult to interpret and may be deceptive, these claims should be qualified. Unless the marketer can substantiate the general, wide reaching environmental benefit, the marketer should refrain from implying general environmental statements.

Degradable/biodegradable/photodegradable/compostable: A general claim of any of these must be substantiated by evidence that the entire product or package will break down and

return to nature. Qualifications to these claims are necessary when only part of the product will degrade or only some communities have facilities participating in that process. Furthermore, where one aspect of the product will prevent the degradation of the degradable parts, the marketer cannot claim it is degradable. If a marketer claims a product is compostable, it must qualify that claim if the product is not compostable in home made composts or in a general compost facility available to a majority of communities.

Recyclable: A product should not be marked as recyclable unless it can be collected, separated or otherwise recovered for reuse or use in the manufacture or assembly of another product through an established recycling program. The recyclable claim will be assumed to be made about the entire product, unless it is qualified or unless only incidental, minor parts of the product are non-recyclable. However, if a minor part is not recyclable and presents an obstacle to recycling the entire product, the claim should not be made.

Recycled content: Unqualified recycled content claims may only be made for products that are entirely made from materials diverted from solid waste stream. If only a portion of the product or a portion of the materials are recycled, the marketer must include information regarding the content ratio of recycled and non-recycled material.

Source reduction/Refillable/Ozone safe or friendly: All claims that a product, package or service has been reduced in weight, volume or toxicity must be substantiated. If a product is labeled as refillable, the company must have a process to refill and reuse or the consumer must be able to refill the package themselves with readily available products. A claim that a product is ozone safe or friendly must be substantiated by evidence that it will not harm the ozone.