



April 16, 2008

Federal Trade Commission
Office of the Secretary
Room H-135 (Annex B)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Green Packaging Workshop – Comment, Project No.P084200

Dear Sir or Madam:

The basic principles of the Green Guides are important to maintain and extend to the current plethora of “green” claims appearing in the US market.

- Claims need to be technically accurate and supported by scientific data.
- Claims should not be misleading to the consumer insofar as they imply environmental benefit that is not and/or cannot be substantiated.

Several current marketing claims are violating these basic standards and need enforcement and publicity from the FTC to ensure consumers receive good information on which to base purchases. In addition to comments filed on project P954501, the following comments are provided for your consideration on packaging claims:

1. “Sustainable” should not appear as a product or package descriptor on a package. The term is ill-defined and made up of several factors, often specific to a particular product or manufacturer. Similarly, “cradle to cradle” and “life cycle” are not terms amenable to understanding on a package label. At most, packages may make an informational reference to obtaining further information about company programs regarding sustainability via a website, phone number or address.
2. “Biodegradable, photodegradable, degradable” have no place on solid products or packaging. At most it can be accurate in describing liquids that will be sewerred. Landfilled sold wastes are minimally degradable; compostable would be the preferred claim (see #3). Implying that it is preferable to litter so that the product or package will degrade is unacceptable.
3. “Compostable” should be reserved for those products that can be composted in a typical home composting process. If a community or business offers composting options, additional information and descriptions of what can be accepted by the composting operation will be provided to consumers. B2B

communications can handle identification without relying on product packaging, especially if that package can be sold at retail.

4. “Eco-“ and “Green” names and graphics are equivalent to using the term “environmentally friendly” which the FTC has correctly identified as misleading and impossible to technically support. Given the all-pervasiveness of this kind of terminology however, it may be impossible to eliminate at this stage. A practical alternative may be to require labeling that provides a website, phone number or address to obtain information that explains the environmental attributes that are being used in support of such a claim. FTC should solicit challenges (often from competitors) and initiate its own reviews of the supporting information to see if there is a substantive basis for the use of such names and graphics. There should be material improvements (e.g., >10%) in more than one environmental attribute over previous generations or competitive products. Attributes can include: reduced raw material use, reduced energy use in manufacture or use, recyclability, renewable resource use, reduced toxicity, etc.
5. “Source reduction” is not likely to have meaning to the general consumer as a stand-alone claim. See comment #1 and 4.
6. “Bio-based” is not well-defined. Petroleum is bio-based, albeit made from long deceased biological organisms. In current usage, the term is intended to refer to use of renewable agricultural and forestry products as feedstocks vs petroleum. Deriving feedstocks from coconut tree plantations planted in former tropical forests may or may not be environmentally preferable. Bio-fuels based on corn are now under serious scrutiny for net impacts on the environment. The FTC should not support faddism. It should support sincere efforts by companies to move toward the idea of sustainability and reduced impact on the environment – efforts that seldom can be described in a starburst on a package. Again, see comments #1 and 4.
7. “Recycled content” differences between pre- and post-consumer are probably lost on the general consumer. The base claim is that waste was diverted (temporarily) from disposal to make the product. Insofar as companies can document that fact, it probably doesn’t matter to the consumer. However, as long as there are generally accepted standards by which companies are judged (federal and state) they may need to be continued.
8. “Ozone friendly” “Ozone safe” – given the universal ban on ozone depleting substances there really is no reason to continue use of this claim. However, all products should cease using it by some date, otherwise the implication is that an unlabeled product does harm the ozone layer.
9. Third party certification: certifiers should file copies of their criteria for certification with the FTC for potential review for substantiation and consistent with ISO 14021 standards. Packages using such logos should provide a reference source (website, phone number, address) for further information about the certification program.

FTC should bring enforcement action against egregious violators and should educate members of the public on the merits of marketing claims and how they can obtain valid information to support their purchasing decisions.

Sincerely,

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