

B. Claims Regarding Organically Grown and Natural Textile Products

(1) Should the Guides be revised to include guidance regarding environmental claims for organically grown textile products? If so, why, and what guidance should be provided? If not, why not?

(a) What evidence supports making your proposed revision(s)? Please provide this evidence.

(b) What evidence is available concerning consumer understanding of the term “organic” when used to describe a textile product? Please provide this evidence.

(c) What evidence constitutes a reasonable basis to support an organic textile claim? Please provide this evidence.

Response:

Better for Babies, Inc., supports the revision of the Guides to provide guidance specific to textiles, which would include but should not be limited to organically labeled textiles. This guidance should involve collaboration between the FTC and the USDA National Organic Program (NOP) incorporating the Global Organic Textile Standards (GOTS).

At the time of FTC workshop, recall that the NOP did not address certification of the textile product, only the raw fibers. In sessions 1 and 2, Rhea Pepper, executive director of the Organic Exchange, and Grace Gershuny, OTA’s representative on the technical committee of the Global Organic Textile Standards (GOTS), respectively, do a great job at summarizing this issue.

Rhea Pepper, discussed both the USDA's National Organic Program (NOP) and the FTC's regulations regarding labelling textiles, pointing out: "All claims must be true. The wording of the labels can't be misleading to consumers. The percentages the fiber content must be given. And the organic fiber must be certified by an accepted standard by the national organic program. And so regardless of where this cotton is grown around the world it has to be accredited by certification groups that [are] credited by the national organic program [if] it's going to be sold here in the United States." She goes on to speak of the differentiation between making a claim about the product and the fiber in the product.

Grace Gershuny elaborates on the above point explaining that "the national organic program does not address process textile products. [It] only addresses raw fibers." Likewise, in regards to labelling, the FTC allows "the word 'organic' to modify the fiber content on a label."

Now, it is very ironic that Grace Gershuny goes on to say, "one of the things that we have requested is that the national organic program consult with the FTC. So when those folks

from the other Ireland in the archipelago come over and talk to you about organic labeling claims, don't shoot, they are your friends. (Island). Let's see, there's a real possibility about consumer confusion on a textile product that's labelled organic. That we need to have a little bit of agreement, a mutual discussion about how to regulate that."

Just seven days later, the USDA released a new NOP fact sheet "Labeling of Textiles Under National Organic Program (NOP) Regulations" which explicitly speaks of the certification of textile products: "All operations producing, handling, processing and manufacturing the final product must be certified."

The new NOP labeling regulations does not single out one certification standard. But given a little more time, I think this will change. The International Working Group on Global Organic Textile Standard (comprised of 4 leading organic textile standard organizations), has spent 6 years of collaboration and hard work on developing the GOTS. And in that time, they have transformed it, unequivocally, into the foremost organic textile processing standard. Seeing as the major certification agencies are all adopting the Global Organic Textile Standard, it makes sense that the NOP should also utilize this valuable standard: "The aim of [which] is to define requirements to ensure organic status of textiles, from harvesting of the raw materials, through environmentally and socially responsible manufacturing up to labelling in order to provide a credible assurance to the end consumer." ("Global Organic Textile Standard: Version 2.0", International Working Group on Global Organic Textile Standard, <http://www.global-standard.org>)

(2) Should the Guides be revised to include guidance regarding environmental claims for so-called "natural" textile products? If so, why, and what guidance should be provided? If not, why not?

(a) What evidence supports making your proposed revision(s)? Please provide this evidence.

(b) What evidence is available concerning consumer understanding of the term "natural" when used to describe a textile product? Please provide this evidence.

(c) What evidence constitutes a reasonable basis to support a natural textile claim? Please provide this evidence.

Response:

Better for Babies, Inc concurs with the OTA that it may be appropriate to distinguish fiber content that is derived from petrochemicals, and is therefore synthetic, from fiber that is derived from an agricultural source. We think this is an important distinction that our customers repeatedly utilize in making a choice to purchase natural products from our store. We also concur with OTA's statement that while a textile that consists of all organic fibers could be considered to be "natural," the Guides should clearly counter the perception that a "natural" claim bears any resemblance to an organic claim.

(3) Are there claims regarding organically grown or natural textiles in the marketplace that are misleading? If so, please describe these claims and provide any evidence that supports your answer.

Response:

We have noticed that the word organic is being tossed around to liberally. And, without a standard like GOTS, companies can use the word organic (when their products are not even 70% organic) for a distinct marketing advantage. As such, it can be very misleading to consumers.

With GOTS and the new NOP labeling regulations, consumers familiar with national organic food standards will quickly recognize the parallel subdivision in textile standards for “organic” and “made with organic”.

To provide a misleading organic claim in the marketplace, I think it is helpful to look at Cotton Babies new BumGenius Organic One-Size cloth diaper. The diaper sports the same waterproof synthetic outer of their top-selling BumGenius One-Size cloth diaper but with a new organic cotton inside. When reading the details of the diaper on the website, nowhere does it say the fabric composition of the outer layer. It is obvious to persons in the industry that the diaper is not 95% organic, and it is very doubtful whether it is even 70% organic such that Cotton Babies could say ‘made with x% organic materials. (At www.cottonbabies.com , go to http://www.cottonbabies.com/product_info.php?cPath=98&products_id=1481 .)

(4) To the extent not addressed in your previous answers, please explain whether and how the Guides should be revised to prevent consumer deception, provide business guidance, and/or reduce costs that following the Guides may impose on businesses, particularly small businesses, with respect to environmental claims for organically grown or natural textiles. Please provide any evidence that supports your answer.

Response:

With the new NOP regulations requiring certification at the manufacturing level, I think it is important to remember that many work at home moms and dads (WAHMs/WAHDs) and other small to medium sized sewing businesses will no longer be allowed to use the word “organic” in their product name.

Many will not be aware of the new regulations. How will the FTC get word out? Many are going to be resistant to this idea. They will ask: ‘Why can there not be a GOTS and a USDA logo for fully certified products and no logo for non-certified small businesses?’ How are the Guides going to respond to these people and this huge shift in the organic garment industry?

How long will non-certified businesses have to change their product names on their websites versus changing product labels on packaging? I think that the websites should be required to change in 2 to 3 months as it is an easier and cheaper change than changing labels on product packaging. Additionally, I think it is important for companies going through with certification to be rewarded for their efforts.

Lastly, how long will non-certified businesses have to change labels on product packaging. In my brief research on the FTC website, I saw in one document that companies have 18 months to change labels on packaging. I think 12 to 18 months is a fair and reasonable time frame so that small businesses do not get stuck with the costly expense of changing labels if they already have a year or more supply.