



FOODSERVICE PACKAGING
INSTITUTE



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Federal Trade Commission
Office of the Secretary
Room H-135 (Annex B)
600 Pennsylvania Avenue N.W.
Washington, D.C. 20580

Reference Green Guides Regulatory Review, 16 CFR part 260, Comment, Project P54501

These comments are made on behalf of the members of the Foodservice Packaging Institute, celebrating 75 years as the material-neutral trade association for manufacturers and suppliers of single-use foodservice packaging. Products produced by Institute manufacturers include single-use cups, plates, bowls, platters, cutlery, domed containers, hinged containers, wraps, meat trays, egg cartons and table top place mats and coverings.

Institute members manufacture finished products in 45 states and distribute products throughout the U.S., Canada, and globally, with estimated sales at \$12-15 billion annually.

Since the publication of the original FTC Environmental Marketing Guidelines more than a decade ago, **two events** have occurred that give credence to the need for FTC issuance guidance for of at least one new environmental marketing term: "Sustainable."

The first event referenced above was the development of Alternative Materials for foodservice packaging applications. Such materials include composites (combining a number of materials such as fiber, starches and calcium carbonates), non-tree cellulose (made from grasses or plants), and biopolymers (corn, or beet and cane sugars that are chemically enhanced and turned into non-petroleum-based "plastics").

Companies that produce these new Alternative Materials tout their compostability and/or biodegradability, and advocate their use as an "environmentally-preferable" single-use packaging material

The second milestone that occurred during the 10 years since the FTC's Environmental Marketing Guidelines were issued, has been the evolution of scientific consensus around global warming. The call for people to change their consumption and use of green house

gas-producing products, and green house gas-producing activities created a recognition that all human activity and commerce leaves a “carbon footprint.”

In the foodservice packaging industry these two events – the invention of Alternative Materials and awareness of carbon footprinting – have morphed into a new term: “Sustainable,” as in, “sustainable packaging” produced by “sustainable manufacturing” and offered by “sustainable corporations.”

Since there is no consensus on what “Sustainable” means when describing materials, processes and corporate entities, marketers have been free to make up their own definitions. **This undefined and unsubstantiated term, “Sustainable,” is ripe for address by the FTC in its updating of its Environmental Marketing Guidelines.**

At the Foodservice Packaging Institute we think about “Sustainability” as that promoted by the United Nations and the Environmental Law Institute’s *Sustainability Handbook*:

“Sustainability is a concept describing mankind’s ability to create a world for humans and non-humans that environmentally, socially and economically provides for a current population’s needs without damaging the ability of future generations to take care of themselves.”

Under that definition, for a product, process, or corporation to be deemed “Sustainable” it must be demonstrative of all three of the Criteria for Sustainability: environmental care, economic performance and social betterment.

The Institute has observed a rising number of companies touting “sustainable” foodservice packaging, meaning that the product is made from a renewable material. But using the definition of the UN/ELI, and many other global organizations, a truly “sustainable” package has to be one that contributes three ways: environmentally, economically and socially. That is very difficult to demonstrate. And because it is difficult, the term is being used, and abused, at a rising rate.

[It is not unusual for an amorphous environmental term to develop a life of its own. Case in point: the FTC’s own “Environmental Marketing Guides” of the mid-1990s are now referenced by the Agency as “Green Guides,” whatever the term “Green” means.]

It may turn out, given the complexity of the inputs required as proof, that establishing a definition for use of the term “Sustainable” is too difficult. In that case the Agency may wish to issue a “Let the Buyer Beware” warning when that adjective is used to describe a product, process, or corporation. That would be a significant contribution to trade in and of itself.

In closing, there is one other service that the FTC could render to U.S. trade and commerce: coming up with a generally recognized and agreed upon method of determining the “Carbon Footprint” of a product or service, and a uniform manner for a company to compute and measure its carbon footprint.

This daunting task may be one for a multi-agency approach involving the FTC and the U.S. Environmental Protection Agency. By virtue of its public hearing on Carbon Offsets and Renewable Energy Certificates, the FTC obviously recognizes that carbon emissions are a major issue that U.S. corporations are being required to address today.

The Foodservice Packaging Institute sees a time in the near future when companies will be touting their carbon footprint in the same way that they are touting their "Sustainability" today. The sooner the FTC can bring order to claims of sustainability and carbon footprinting the better.

Another challenge that would seem to require a multi-Federal-agency approach is that of harmonizing the ecolabel standards of the International Standards Organization (ISO). The ISO 14020 series generally reflects the FTC's Environmental Marketing Guidelines. However, there are some differences between the ISO's wording/definitions and those of the FTC's Environmental Marketing Guidelines. Some of our Institute members have raised the question of whether their products labeled in conformance with the ISO 14021 international standard would be acceptable (to the FTC) in the U.S. market if those products were imported. An FTC response to this issue is needed.

Thank you for your consideration of our views. If they raise any questions or concerns you would like to discuss, please do not hesitate to contact us.

John R. Burke
President