



# FTC Green Packaging Workshop

The Federal Trade Commission's (FTC) public workshop on "green" packaging claims held April 30, 2008 provided an opportunity for packaging and advertising associations, trade associations, suppliers and retailers, consumer and environmental groups, and government agencies to share views on the topic. The workshop was the second held as part of the FTC's ongoing review of its Guides for the Use of Environmental Marketing Claims (16 C.F.R. § 260, available at: <http://www.ftc.gov/bcp/grnrule/guides980427.htm>).

There was a general view that the Guides would benefit from more examples, should cover new claims, and should be reviewed more frequently than once every ten years. There also was considerable discussion on the need for more education and the role of enforcement, including through possible tools such as use of warning letters. Other highlights include the following.

- Most commenters agreed that the Green Guides remained a source of useful guidance, but had not kept pace with new claims, including claims related to new materials used in products. Some participants discussed the need to focus on environmental impacts of processes, not just materials.
- Stagnating recycling rates suggest the need for a new look at ways to communicate environmental information, *e.g.*, claims about materials that may be recyclable but in a limited way. Participants from all sectors suggested that the Internet might be a vehicle through which consumers could locate more information (*e.g.* on available recycling or composting facilities).
- Growth in new materials, including bio-based materials, has resulted in new claims and technical questions about different tests to measure "degradability."
- Several participants referenced the Society of the Plastics Industry (SPI) Resin Identification Code (RIC); misperceptions continue about its use. The RIC is required by law to appear on rigid plastic containers in many states, and is intended to help identify the predominant polymers used in packaging. Industry has consistently urged the FTC to address inappropriate use of the RIC in conjunction with an unsubstantiated environmental claim. Additional education may be needed on appropriate use of the RIC.
- Life-cycle analyses and single-attribute claims generated discussion. Some participants suggested that ASTM should get involved in developing a scientific standards-based framework against which consumers can assess life cycle issues as well as competing environmental benefits and tradeoffs. Although some speakers pointed to the benefits of self-regulation, voluntary audits and self-initiated claims, some groups urge mandatory third-party certification procedures, and urge restrictions on linking a

single benefit claim to a broader environmental benefit claim (e.g., “Sustainable! Made from 100% renewable resources!).

- Discussions of “sustainability” do not always appear in an advertising context. The FTC was urged to recognize distinctions between corporate statements of commitment to sustainability and on-pack or similar claims related to products.

This complex subject will continue to generate debate and interest, and it is expected that the FTC will take a greater interest in false and misleading environmental claims. Transcripts and presentation slides from the workshop are available at:

[http://htc-01.media.globix.net/COMP008760MOD1/ftc\\_web/FTCindex.html#April30\\_08](http://htc-01.media.globix.net/COMP008760MOD1/ftc_web/FTCindex.html#April30_08). The FTC will continue to accept comments until May 19.

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