

FEDERAL TRADE COMMISSION DECISIONS

Findings, Opinions, and Orders

IN THE MATTER OF

FIRST BRANDS CORPORATION

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION
OF SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-3358. Complaint, Jan. 3, 1992 -- Decision, Jan. 3, 1992

This consent order prohibits, among other things, the Connecticut manufacturer of Glad plastic bags from representing that any of its plastic bags offer any environmental benefits when disposed of as trash in a sanitary landfill, unless the respondent has a reasonable basis consisting of competent and reliable scientific evidence that substantiates such representations.

Appearances

For the Commission: *Michael Dershowitz.*

For the respondent: *William Blumenthal and Michael L. Denger, Sutherland, Asbill & Brennan, Washington, D.C.*

COMPLAINT

The Federal Trade Commission, having reason to believe that First Brands Corporation, a corporation, hereinafter sometimes referred to as respondent, has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, alleges:

PARAGRAPH 1. Respondent First Brands Corporation is a Delaware corporation with its office and principal place of business located at 83 Wooster Heights Road, Danbury, Connecticut.

PAR. 2. Respondent has advertised, offered for sale, sold, and distributed plastic trash bags to the public under such trade names as Glad Bags.

PAR. 3. The acts or practices of respondent alleged in this complaint have been in or affecting commerce.

PAR. 4. Respondent has disseminated or has caused to be disseminated advertisements and promotional materials for Glad Bags, including, but not necessarily limited to, the attached Exhibits A, B, and C.

The aforesaid package labeling includes one or all of the following statements on the front of the package:

IMPROVED
DEGRADABLE
SAFE FOR THE ENVIRONMENT

The aforesaid package labeling includes the following statements on the bottom of the package:

SAFE FOR THE ENVIRONMENT
GLAD Bags are well suited for their role in the environment. ... And now GLAD Bags are more photodegradable than ever, thanks to a new additive that promotes degradation without sacrificing strength.

GLAD Bags are photodegradable thanks to an additive that promotes degradation without sacrificing strength.

Are degradable in the sunlight.

Act as a non-contaminating inert material in a landfill.

PAR. 5. Through the statements referred to in paragraph four and others in package labeling not specifically set forth herein, respondent has represented, directly or by implication, that:

1. Compared to untreated plastic bags, Glad Bags offer a significant environmental benefit when consumers dispose of them as trash; and
2. Glad Bags will completely break down, decompose, and return to nature in a reasonably short period of time after consumers dispose of them as trash.

PAR. 6. Through the statements and representations referred to in paragraphs four and five, and others not specifically set forth herein, respondent has represented, directly or by implication, that at

the time it made such representations, respondent possessed and relied upon a reasonable basis for such representations.

PAR. 7. In truth and in fact, at the time respondent made such representations, respondent did not possess and rely upon a reasonable basis for such representations. Therefore, the representation set forth in paragraph six was, and is, false and misleading.

PAR. 8. The acts and practices of respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

Commissioner Yao not participating.

