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**Via Electronic Submission and  
Federal Express Priority Overnight**

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

**RE: GREEN PACKAGING WORKSHOP—COMMENTS  
PROJECT NO. P084200**

Dear Sir/Madam:

Unilever United States, Inc. appreciates having the opportunity to submit comments in connection with the FTC's review of its Guidelines for Environmental Marketing Claims and to have participated in the FTC's April 30<sup>th</sup> workshop on green packaging claims.

Unilever's comments are as follows:

***Claims of general environmental benefit.*** Claims of general environmental benefit, including terms, logos, and vignettes (e.g., "eco-friendly," "green," and logos that imply such general claims) should not be permitted until the FTC establishes criteria that must be met in order for a product to be described with such general claims.

1. An "eco-friendly" type of claim can be reasonably interpreted by consumers as meaning that the product as a whole offers a material environmental benefit and presents no significant environmental risk. If any significant risk were presented, this type of claim would be misleading.
2. The FTC should develop a set of criteria as the basis for an environmentally friendly claim. These criteria should include at least four components: a product's production, packaging, formula/ingredients and disposability. Each criterion should have eligibility standards. These standards should be drawn with some specificity yet contain some flexibility or optional behaviors to take into

account numerous product types, e.g., cars, laundry detergents, personal care products.

In the alternative, we support a coalition initiative (comprised of industry representatives, academics, NGOs, the scientific community, government representatives and other interested parties) to develop such criteria and standards and hope that the FTC would support this coalition's efforts.

An environmentally friendly claim that meets the standard for each of the four components (product production, packaging, formula/ingredients and disposability) should be permitted. Alternatively, a claim that does not meet the standard for each of the four components but satisfies at least three out of four criteria may also be permitted as long as the criterion that is not satisfied is clearly and accurately disclosed (*ie.*, if an "environmentally friendly" claim is made, the fact that the product is not recyclable must be clearly disclosed).

3. Until the FTC (and/or the coalition) develops a full set of rules delineating the terms, accompanying graphics and criteria to be satisfied, an environmentally friendly claim or claims which imply such a message should be prohibited.
4. This proposed approach differs from current FTC policy.
  - a. Currently, FTC permits "eco-friendly"-type claims if they are qualified to explain a specific benefit. Example 5 under §260.7(a) states that a globe icon with the text "earth smart" would be acceptable if accompanied by "clear and prominent qualifying language limiting the environmental superiority representation to the particular product attribute or attributes for which they could be substantiated, provided that no other deceptive implications were created by the context." The FTC does not clearly prohibit such claims if the product is not "earth smart" in some way (although the agency's reference to "the context" gives it the option of doing so).
  - b. The FTC also does not establish criteria for substantiating "eco-friendly"-type claims beyond the substantiation required for the particular product attribute identified in accompanying text. As a result, neither manufacturers nor consumers have guidelines for substantiating claims that convey that products present no environmental risks.
5. Requiring that general claims take into consideration the product as a whole, including manufacturing, packaging, product content and disposability would

provide consumers with more accurate information about the environmental impact of the products available on the market. Requiring manufacturers to support such claims would provide an incentive for developing products and packaging that meet these gold standard criteria.

- a. FDA's mandatory criteria to make a "healthy" claim on food labeling (21 CFR 101.65(d)) provides a model for the type of approach Unilever is recommending for "eco-friendly"-type claims.

FDA defines "healthy" by restricting its use to foods that are: a) low in fat (3 grams or less per reference amount); b) low in saturated fat (1 gram or less per reference amount and not more than 15% of calories from saturated fat); c) 60 mg or less cholesterol per reference amount and per serving; d) 480 mg or less sodium per reference amount and per serving; and e) contain at least 10 percent of the DV per reference amount of one or more of Vitamin A, Vitamin C, calcium, iron, fiber and protein.

Furthermore, the current Keystone initiative in the U.S. provides another precedent. This initiative hopes to provide an industry wide front-of-pack logo signaling those foods that are aligned with U.S. dietary guidelines. The agreed logo will replace numerous varying logo programs in the U.S. that are used front-of-pack that represent different nutritional criteria, have different names and different graphic messaging.

- A. ***Specific claims of environmental benefit.*** Specific claims of environmental benefit (e.g., "biodegradable," "recyclable") are useful and communicate accurate information when qualified appropriately. Unilever therefore generally supports such claims so long as they are specific and carefully defined.
- B. ***Qualifying language.*** Qualifying language should be clarified and provide more useful information to consumers.
  1. For example, language specifying the proportion of communities with appropriate recycling programs is informative but does not help consumers determine a plan of action.
  2. Information accompanying environmental claims should provide information to consumers in terms of what proactive measures are necessary to take advantage of the claimed environmental benefit (for example, "Recyclable – This package can be recycled in any community plastic recycling program").

C. ***Recyclable vs. recycled content.***

1. Use of these terms can be confusing to consumers. It may be unclear, for example, whether the product is made from recycled goods or is recyclable or both.
2. FTC should consider alternative terms or phrases to distinguish and clarify when the product is itself recyclable and/or when made of recycled goods. For example, if a package is made from recycled material, the claim might state "Made from 50% recycled paper fiber."

D. ***Terms used in environmental claims.*** In general, Unilever recommends the use of fewer synonyms be permitted to make environmental claims, to reduce consumer confusion. By permitting fewer synonymous terms, claims will be simpler and easier for consumers to understand.

E. ***Consider new environmental claims.*** Where there is a need, consider defining new terms such as "recoverable." This term may be used when products (although not recyclable) contain packaging materials or formula/ingredients that are used for some other post-life purpose (e.g., rubber from tires used as insulation for home). Qualifications must be appropriately conveyed so as to identify how it will be used and the action required by the consumer to make it happen.

F. ***Logos.*** Environmental logos (whether referring to specific benefits, such as "recyclable," or general benefits, such as "eco-friendly") should be treated as claims and should be qualified accordingly.

Again, Unilever appreciates the opportunity to comment.

Very truly yours,

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