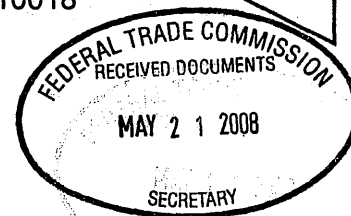


**NATIONAL ADVERTISING REVIEW COUNCIL**

70 West 36th Street, New York, NY 10018



**NARC PARTNERS**

The Honorable Donald S. Clark  
Federal Trade Commission/Office of the Secretary  
600 Pennsylvania Avenue, N.W.  
Room H-135 (Annex B)  
Washington, DC 20580

**Green Packaging Workshop – Comment, Project No.P084200**

May 19, 2008

Dear Mr. Clark,

The National Advertising Review Council (NARC) appreciated the opportunity to have the National Advertising Division of the Council of Better Business Bureaus participate in the Federal Trade Commission's (FTC) second workshop on Guides for the Use of Environmental Marketing Claims (Guides).

The National Advertising Division of the Council of Better Business Bureaus is the investigative arm of the U.S. advertising industry's self-regulatory process. NAD seeks to ensure that claims made in national advertising are truthful, accurate and not misleading. It requires that objective product performance claims made in advertising be supported by competent and reliable evidence. NAD cases can be initiated through staff monitoring of advertising claims or through "challenges" to advertising claims filed by competitors, consumers, or public interest groups.

NAD has issued nearly 30 decisions involving a wide range of environmental or "green" marketing claims, often requiring that the claims be modified or discontinued. These decisions provide valuable guidance to companies making environmental marketing claims.

Each NAD case involves evaluation of the claims made in the advertising and labeling and the supporting evidence provided by the advertiser. Compliance with NAD decisions is voluntary. Nevertheless, NAD enjoys a high rate of compliance. Advertisers that either refuse to participate in the self-regulatory process or do not implement the NAD's recommendations are referred to the government.

Attached to this letter is a summary of NAD decisions that have examined advertising involving "green marketing" or related environmental claims.

Sincerely,

C. Lee Peeler  
President and CEO, National Advertising Review Council  
EVP, National Advertising, Council of Better Business Bureaus

phone: 212-705-0100 • fax: 212-705-0138 • [www.narcpartners.org](http://www.narcpartners.org)

## **Green Packaging Workshop – Comment, Project No.P084200**

### **National Advertising Division of the Council of Better Business Bureaus Environmental Claims Digest – 1988-2008**

**Church & Dwight Co., Inc.**

**Arm & Hammer Essentials Liquid Laundry Detergent**

*Case # 4805 (05/16/08)*

Comparative performance and environmental claims made in print, broadcast, Internet, free standing insert and point of sale advertising by Church & Dwight Co., Inc. for its Essentials Liquid Laundry Detergent were challenged by The Procter & Gamble Company.

Claims at issue included:

- *"Harnessing the Power of Nature" .....to deliver cleaner, fresher laundry while being better for you and your family, more sensible for the environment."*
- *"The only detergent that combines boosted ARM & HAMMER® baking soda with renewable plant-based soaps to deliver powerful cleaning and fresher clothes."*
- *"Now all of your laundry will be whiter and brighter, every load cleaner and fresher than before, because only Essentials™ gives you the powerful combination of Baking Soda and 100% plant-based soaps..."*
- *"100% Naturally Derived Surfactants"*
- *"No Petroleum-Based Cleaners"*
- *"It's today's way of caring for your family and the environment."*
- *"More sensible for you, your family and the environment."*

NAD determined that consumers could reasonably interpret the claims "100% Naturally Derived Surfactants" and "100% Percent Plant Based Soaps" to mean that the final product was in whole or substantial part "natural," a message the evidence in the record did not support. NAD recommended the advertiser discontinue the claims and remove the reference to "naturally" in the claim "Naturally Cleaner & Fresher!."

NAD noted that the advertiser provided a reasonable basis for the claim "Harnessing the Power of Nature" because the surfactants are created from plant-based sources but cautioned the advertiser to avoid utilizing the claim with elements (claims and/or visuals) that may give rise to an unsupported message that the product is natural, in whole or in substantial part. NAD further recommended that the advertiser discontinue the "more sensible for the environment" claim and avoid conveying the unsupported message that the Essentials product is good, or better than competing products, for the environment.

**Nestle Purina Pet Care Company**

**Pet Promise Dog & Cat Food**

*Case #4801 (05/16/08)*

Advertising claims made in print on packaging for Natural Pet Nutrition's Pet Promise Cat & Dog Food, marketed by Nestle Purina Petcare Company were reviewed by NAD as part of its routine monitoring program. NAD requested that Nestle Purina provide substantiation for the following claims.

- *"We promise only pure and natural ingredients – made without animal byproducts, rendered meat or chicken meals or anything artificial."*
- *"Our most plentiful ingredient is a pure protein source like naturally raised chicken or beef."*
- *"Chicken or beef sourced from U.S. family farmers and ranchers committed to eco-friendly practices and the humane treatment of farm animals"*

In its decision, NAD noted that "eco-friendly" advertising claims "send an attractive message to consumers who, in increasing numbers, are concerned about the impact their purchasing decisions may have on the environment."

In this case, NAD noted, the advertising reviewed by NAD was specific insofar as it directly refers to "family farmers and ranchers committed to eco-friendly practices."

As additional support for that commitment, the advertiser provided information regarding the participating suppliers' practices including energy conservation, recycling of bedding and manure and participation in nonprofit organizations that work to improve and preserve the environment. NAD determined that the company provided reasonable support for the claims at issue.

On the basis of the evidence in the record, NAD determined that the advertiser provided a reasonable basis for its "natural" and "pure" claims and the claims that Pet Promise uses chicken or beef sourced from U.S. family farmers and ranchers committed to eco-friendly practices and the humane treatment of farm animals."

**Brammo Motorsports**  
**Enertia-brand motorcycle**  
*Case #4828 (4/16/2008)*

Advertising claims made by Brammo Motorsports, LLC, in a press release and Podcast from Green Talk Radio for its Enertia-brand motorcycle were challenged by Vectrix Corporation, the maker of Vectrix electric motorcycle.

Claims at issue included, "the world's first production zero-emission battery powered plug-in electric motorcycle" and "the World's First Production Electric Motorcycle."

NAD, in its decision, noted that the rise of the "green" movement has resulted in an influx of new products and product innovations created by companies that wish to tout their green efforts. Such claims, NAD said, are increasing in popularity and can be both useful and valuable to consumers when making purchase decisions. In this case, however, NAD determined that the evidence in the record did not support Brammo's claims and recommended Brammo discontinue the claims.

**Panasonic Corporation of North America**  
**Large-screen plasma display panel televisions**

*Case #4697 (07/16/07)*

Print and Website advertising claims by Panasonic Corporation of North America for its large-screen plasma display panel televisions were challenged by Sony Electronics, Inc., a manufacturer of large-screen flat panel liquid crystal display televisions.

Claims at issue included:

- *Panasonic Plasmas are environmentally friendly. No lead. No mercury. No worries. Most LCD TVs have mercury.*

NAD, referencing the FTC's Environmental Marketing Guidelines, recommended that the advertiser discontinue claiming that its televisions are affirmatively "environmentally friendly." NAD noted that while it was true that the advertiser's televisions do not contain lead or mercury, plasma televisions consume significant amounts of power, according to the decision, more power than comparably sized LCD televisions. However, NAD determined that the advertiser was free to tout the fact that its televisions do not contain lead or mercury, and free to note the fact that most LCD TVs do contain mercury.

**SEVENTH GENERATION, INC.**  
**Seventh Generation household cleaning products**

*Case #4488 (05/08/2006)*

A challenge to health and safety and environmental claims made in Internet advertising and product packaging by Seventh Generation, Inc. for its household cleaning products included the claim:

- *Seventh Generation household cleaning products are "as gentle on the planet as they are on people."*
- Seventh Generation urges consumers to avoid "chlorine" products because chlorine is bad for the environment.

NAD determined that the claim Seventh Generation household cleaning products are "as gentle on the planet as they are on people" is puffery. NAD noted that the advertiser's products constitute an "environmentally friendly alternative" to traditional household cleaners, but recommended that the advertiser discontinue claims that exaggerated hazards associated with household bleach and other risks to the environment.

**COLUMBIA FOREST PRODUCTS, INC.**

*Hardwood and related products*

*Case #4528 (07/18/06)*

NAD reviewed performance claims made by Columbia Forest Products

Inc., manufacturer of hardwood and related products, in print advertising. The advertising featured comparisons to competitive plywood containing Formaldehyde including the following claims:

- *"Formaldehyde preserves things. Or, in the case of air quality, causes them to deteriorate."*
- *"True, formaldehyde is quite beneficial. Unless you happen to still be breathing."*
- *"Introducing PureBond, the formaldehyde-free hardwood plywood."*
- *"Formaldehyde-free"*
- *"Introducing PureBond, the cost-competitive...hardwood plywood."*

Implied Claim:

- *PureBond significantly improves indoor air quality and, by necessary implication, formaldehyde-bound plywood significantly harms indoor air quality.*

NAD determined that the advertiser could legitimately tout formaldehyde-free wood products but noted that its advertising exaggerated the health risks posed by wood products that do contain formaldehyde in negligible amounts. NAD recommended that the advertiser substantially modify its advertisements to avoid any express or implied references to health risks or environmental dangers from formaldehyde as used in urea formaldehyde bonded hardwood plywood. NAD also recommended that the advertiser discontinue any express or implied claims concerning the improved air quality from the use of PureBond hardwood plywood. NAD further recommended that the advertiser immediately cease labeling its hardwood plywood products that use urea formaldehyde resin in the core and soy resin on the front and back panels as PureBond or discontinue "formaldehyde-free" as to the PureBond product line.

**Johns Manville  
Formaldehyde-Free Insulation  
Case #4395 (10/3/05)**

Comparative claims about health and safety formed the basis of a challenge to print advertising from Johns Manville, for fiber glass insulation products.

- *"Formaldehyde-free"*
- *"We got rid of formaldehyde in the insulation. So now all you have to worry about is getting rid of the monsters under the bed."*
- *"[T]he only full line of fiber glass insulation that passes the strictest indoor air quality test with no detection of toxin or pollutants (California ES3150.) That means you'll breathe easier, and so will your homeowners."*
- *"On June 15, 2004, the International Agency for Research on Cancer ("IARC") Designated formaldehyde as a known human carcinogen (cancer causing),"*
- *The advertiser "[a]nticipat[ed] the trend toward healthier and more environmentally smart building products."*

NAD found that the advertiser provided a reasonable basis for its "formaldehyde-free" tag-line. NAD found, however, that certain advertising claims made by the advertiser go beyond the formaldehyde-free message and exaggerate the healthy risks associated with formaldehyde-bonded fiberglass.

NAD further recommended that the advertiser discontinue the claim as it appears in its various forms that it offers "the only complete line that passes the country's strictest indoor

air quality test with no detection of pollutants." Finally, NAD recommended that the advertiser discontinue its claim that "on June 15, 2004, the International Agency for Research on Cancer (IARC) designated formaldehyde as a known human carcinogen (Cancer causing)."

**Nuclear Energy Institute**

**Nuclear Energy**

*Case # 3508 (11/01/98)*

A challenge to print advertising for nuclear energy, placed by the Nuclear Energy Institute in major newspaper nationwide, focused on the following claims:

- *"Nuclear plants are the largest energy source that produces no greenhouse gas emissions, so they help protect the environment."*
- *"Environmentally Clean – Nuclear power plants don't burn anything to produce electricity, so they don't pollute the air."*
- *"And by providing electricity to run homes and factories – without producing greenhouse gas emissions – nuclear energy plants enable us to maintain that quality of life into the next century without polluting the environment."*
- *"Environmentally Clean – Nuclear Energy generates electricity without polluting the air and water."*

NAD determined that the characterization of electricity produced by nuclear energy as "Environmentally Clean" or is produced "without polluting the environment" is problematic. NAD determined that consumers could reasonably interpret the claim to mean that electricity generated by nuclear power is produced without any negative impact on the environment. NAD determined that because of the complexity of the environment issues surrounding energy, and because, as a general rule, consumers cannot judge the truthfulness and accuracy of environmental claims for themselves, energy advertisers should be as specific as possible about the environmental impact of their product and avoid overly broad or vague environmental claims. NAD concluded that it is inaccurate to make an unqualified claim that nuclear electricity does not "pollute the air".

NAD recommended that the advertiser modify its water pollution claims to make it clear that the nuclear power plants meet government standards under the Clean Water Act, if that is the case, rather than state such plants do not pollute the environment.

**Norcold, Inc**

**Norcold Refrigerators**

*Case #3416 (10/1/97)*

The advertiser marketed its recreational vehicle refrigerators as "environmentally conscious" and equipped with "CFC-free" and "environmentally friendly" insulation.

NAD noted that the issues were the extent of the environmental benefit that would be provided by the substitution of hydro chlorofluorocarbons (HCFC) for chlorofluorocarbons (CFC) and whether message regarding the substitution was clearly communicated to consumers. NAD noted that clear and complete explanatory or qualifying language is a useful means by which marketers can maximize the potential of their promotional materials to provide sufficient consumer information and to minimize the potential for consumer misunderstanding.

In an effort to avoid any possibility of consumer confusion or misinformation, the advertiser willingly qualified its "CFC-free", "environmentally friendly" and "environmentally responsible" claims with the following language: "CFC-free insulation reduces ozone depleting potential by 95%."

NAD further recommended that the advertiser also incorporate an additional modification to its promotional materials that discloses the existence of HCFCs in the product's system.

**Safe Brand Corporation**  
**Sierra Antifreeze**  
Case #3100 (4/1/94)

In a television commercial for Sierra antifreeze, there is claim that says "and its biodegradable". This claim is in close proximity to a comparative claim.

NAD found that the advertiser's claim of biodegradability is literally truthful but, in the context of the advertisements, deceptive in that the implication is that only Sierra is biodegradable. While NAD noted that it is clearly beneficial for a product to be biodegradable, and certainly it is beneficial to promote a product as being such, it is materially misleading to consumers who might focus on biodegradability as a selling point to lead them to believe that biodegradability is exclusive to Sierra. NAD, therefore, recommended that the advertisement be modified to more clearly convey the point that biodegradability is not limited to Sierra antifreeze.

The advertiser appealed, arguing that there is no implication of exclusivity or comparability with respect to the claim of biodegradability. A panel of the National Advertising Review Board found that, in the context of the advertising in question, the claim was an absolute claim about a truthful product characteristic.

**Sekisui TA Industries, Inc.**  
**Supreme Brand and Cohere Brand Sealing Tapes**  
Case #3057 (10/1/93)

Claims related to Sekisui's Supreme Brand and Cohere Sealing Tape, made in print advertising, were challenged before NAD. Claims at issue included:

- *"Avoiding the unnecessary use of noxious materials is perhaps the simplest, most direct way to protecting the environment. That's why more and more packaging users are abandoning hot melt adhesives in favor of water borne acrylic adhesives."*
- *"And that's why Sekisui TA Supreme brand tapes are user-friendly and environmentally friendly, clean, clear and non-toxic."*

The advertiser did not present any data to support its claims, but informed the NAD that upon receipt of the inquiry it reviewed its advertising copy and decided to discontinue the advertising claims in question.

**Andex Corporation**  
**Gourmay Premium Filters & Disposable Basket Type Coffee Filters**  
Case # 2974 (8/1/92)

NAD examined label claims for Andex Corp.'s Gourmay Brand Premium and Disposable Basket Type Coffee Filters. Label claims included:

- "Oxygen Whitened Paper."
- "These filters are 100% biodegradable and recyclable."
- "They make each cup of coffee clean and clean, without acids, oils or sediments".  
"Environmentally friendly. Oxygen White Paper."

Packaging claims included: "The carton is made from recycled material." "It is 100% biodegradable and is recyclable."

NAD noted that coffee filters described as biodegradable are generally used once, thrown away and deposited in landfills where the conditions are not appropriate for biodegradation. NAD recommended that the biodegradability claims be discontinued.

NAD found that the "environmentally friendly" claim was appropriately qualified, but recommended modification of the "recycled material" claim to include the percentage of recyclable material used.

**The Sherwin-Williams Company**  
**Krylon Rust Tough Spray Paint**  
Case #2970 (8/1/92)

NAD requested substantiation for the environmental claim "no chlorofluorocarbons." The advertiser stated its *propellants* are hydrocarbons, not chlorofluorocarbons. NAD noted the current propellants are not classified as ozone-depleting chemicals. NAD agreed the claim was substantiated.

**A.V. Olsson Trading Company, Inc.**  
**If You Care Coffee Filters**  
Case #2957 (6/1/92)

NAD examined packaging claims that included

- "Environment Friendly Products."
- "100% Unbleached."
- "What's an environmentally friendly cup of coffee? It's one made with If You Care premium quality, unbleached, beige coffee filters. As no chloride is used to bleach them, no chlorine is dumped into our lakes and streams."
- "If You Care coffee filters won't affect the taste of your coffee, but using them will have a positive effect on our environment."

NAD determined the company could support the claim that its products were 100 percent unbleached. However, NAD questioned the accuracy of broadly stated claims for positive environmental benefits. Manufacture and use of the product must, by necessity, have some adverse environmental consequences including depletion of natural resources, energy consumption, and addition to solid waste. In NAD's view, the materials in the case record would only support specific claims for advantages such as a reduction in pollutants produced during the manufacturing process. NAD recommended the claims be modified or discontinued.

The advertiser appealed NAD's decision on the "Environmental Friendly Products" and "... using them will have a positive effect on the environment" claims.



A panel of the National Advertising Review Board, the appellate body for advertising industry self-regulation, was satisfied that the claim "environmental friendly," followed by a reference to the fact that the filters are 100% unbleached, was truthful and not misleading. The panel questioned the advertiser's claim that its product had a "positive" effect on the environment and recommended that such claims be discontinued.

### **3M**

#### **Scotch-Brite NO Rust Wool Soap Pads**

Case #2955 (5/1/92)

NAD examined labeling claims that included:

- *"All detergents used in these Scotch-Brite pads are biodegradable."*
- *"0.0% Phosphorus"*
- *"Packaging made with Recycled Paper and Paper Board."*

The biodegradability of the detergents and absence of phosphorus was established by product data sheets and suppliers' documentation for each ingredient. The source of the board stock was established by data from the supplier stating it contains 90% post-consumer waste. NAD agreed the environmental claims were substantiated.

### **Confab, Inc.**

#### **Today's Choice Paper Towels**

Case #2952 (5/1/92)

NAD examined label claims that included:

- *"This product is made from 100% recycled fiber."*
- *"Environmentally Friendly. Today you have a choice."*
- *"No new trees were destroyed to create this product."*
- *"We add no inks, dyes, perfumes or chlorine bleaching agents that can pollute the atmosphere."*
- *"Even this wrapping is recyclable."*

At the outset, the advertiser said it would discontinue claims that its products are "Environmentally Friendly," "Even this wrapping is recyclable," and "agents that can pollute the atmosphere" from new labels. NAD determined that the remaining claims were substantiated.

### **Fort Howard Corporation**

#### **Green Forest Paper Towels**

Case #2948 (4/1/92)

Label claims examined by NAD included:

- *"Green Forest Paper Towels are made to our highest standards from 100% recycled paper fibers, including a minimum of 10% post-consumer content."*
- *"Even the core is made from 100% recycled fibers, including a minimum a 10% post-consumer paper content."*
- *"Green Forest products help the environment in two ways: precious natural resources are saved and paper is recycled instead of entering landfills."*
- *"This wrapper may be recycled where plastic film recycling facilities exist."*

NAD determined that all claims were substantiated except for the claim that "this wrapper may be recycled where plastic film recycling facilities exist."

**Statler Industries, Inc./The Tree-Free Company**  
**Bathroom Tissue**

Case #2945 (4/1/92)

NAD reviewed label claims, including:

- *Made From 100% Recycled Paper.*
- *The Tree-Free Co. has been recognized by Earth Day-NYC as having the lowest toxic emissions of any integrated tissue paper mill in the country.*
- *No elemental chlorine is added in the manufacturing process to whiten our product.*

NAD determined that the claims at issue were substantiated.

**Sunshine Makers, Inc.**  
**Simple Green Cleaner**

Case #2940 (3/1/92)

NAD examined broadcast and print advertising and label claims that touted the "biodegradable" nature of the product, as well general environmental claims.

NAD concluded the evidence submitted did not substantiate the biodegradability claims and recommended the claims be discontinued pending the completion of more thorough testing. NAD expressed concern that the general claims of environmental benefit were confusing and did not permit consumers to make meaningful comparisons between products. NAD recommended that the advertiser discontinue the broad environmental claims in future advertising.

**Stone Container Corporation**  
**Yard Master Lawn & Refuse Bags**

Case #2932 (2/1/92)

Label claims reviewed by NAD included:

- *"Environmentally safe. All natural paper bags. Biodegradable and recyclable paper, lawn and refuse bags. Paper, the natural package: recyclable, biodegradable, reusable, renewable. Compost - The Yard Master' Refuse Bag will biodegrade along with its green contents."*

The advertiser stated that its bags were made of Kraft paper, derived from trees. NAD concluded that the use of timber as the principal source material was not sufficient to substantiate the claims, in view of the chemical and physical treatments applied during manufacturing and the incorporation of chemical additives into the bags strengthening aids.

Further, NAD recommended the advertiser qualify the "biodegradable" claim to inform consumers that the bag would not biodegrade, except when composted. NAD recommended that the claims at issue be modified or discontinued to avoid consumer confusion. The advertiser appealed the decision and an NARB panel which determined that the biodegradability and recyclable claims should be discontinued unless clearly modified to indicate that the product degrades only when used as part of a composting program.

**Sebastian International, Inc.**  
**Hair Cosmetics**

Case #2931(1/1/92)

NAD examined label claims for a line of shampoos, cream rinses and styling gels sold through beauty salons. Claims included:

- *"HDPE" (adjacent to The Society of the Plastics Industry (5 P1) Code 2 symbol)*
- *"Environmentally friendly product."*
- *"Recyclable."*
- *"Biodegradable."*
- *"Not tested on animals."*
- *"This product does not contain any CFCs and will not harm the ozone layer."*

NAD recommended the advertiser modify or discontinue the claims at issue.

**Mr. Coffee, Inc.**  
**Mr. Coffee Filters**

Case #2925 (12/1/91)

NAD examined environmental claims that included:

- *"Environmentally friendly: This paper is cleaned and whitened using a process that has virtually eliminated harmful byproducts created by chlorine bleach methods."*
- *"Save Trees: The paper manufacturing process wastes less of the wood fiber, consuming fewer trees."*
- *"Recycled: This carton is made of recycled paper and printed with soy ink which improves biodegradability."*

Following its review of the evidence, NAD determined that the claims relating to the cleaning and whitening process, the elimination of harmful byproducts, and saving in consumption of trees were substantiated. NAD recommended claim "environmentally friendly" be modified and that the "recycled" claim be qualified to state the percentage of post-consumer waste in the total. NAD recommended the claim related to soy ink be discontinued.

**Rockline, Inc.**  
**Natural Brew Coffee Filters**

Case #2918 (11/1/91)

NAD identified three principal issues associated with the environmental claims on the advertiser's labels.

- *No bleach added.*
- *Then a few years ago I began working ... to develop a new kind of coffee filter, a natural brown one that hasn't been bleached white.*
- *Environmentally friendly product and packaging.*

NAD determined that the "no bleach" claim was substantiated, but questioned the general nature of the "environmentally friendly" claim. NAD noted that "generalized claims of environmental benefit are difficult to interpret since the consumer is not given specific information. NAD suggested that the principal environmental benefits of this product and its packaging concern reduction in the use of natural resources and this could be stated in specific terms. NAD recommended that modifications in the label be implemented as soon as is economically feasible. "

**Ringer Corporation**  
**Ringer Law Restore Natural Fertilizer**  
Case #2891 (8/1/91)

NAD examined television advertising that featured the following claims:

- **Regarding chemical lawn fertilizer:** *"These are the chemicals that go into the lawns that go into the rain water that goes into the streams that go into the lakes that go into the fish that go into the people who put the chemicals on the lawn in the first place. When they should have used all-natural Ringer Restore. Nothing goes into it that could hurt anything it eventually goes into."*
- *"It's the soil that makes grass healthy, but chemical fertilizers treat grass not soil so the roots suffer and eventually so does the grass. Which is why Ringer Restore natural fertilizer treats soil which makes for healthy roots and healthy grass."*

NAD recommended that comparative claims and the environmental claim be expressly limited to hazards associated with fertilizers and recommended the advertiser modify or discontinue claims that suggested chemical fertilizers produce more leaching of nitrates than Restore. NAD further recommended that claims related to root or grass damage be discontinued.

**Creative Technologies Group, Inc.**  
**Woodfinisher's Pride Paint-Stripping/Varnish-Stripping Gels**  
Case #2862 (4/1/91)

NAD examined claims that included:

- *"Woodfinisher's Pride, biodegradable paint and varnish removers that are stronger, faster and safer than the strippers you're selling now. They work in 30 minutes without dangerous methylene chloride or ineffective dibasic esters."*

This advertisement was challenged by Minnesota Mining and Manufacturing Company (3M), the maker of a competing product. NAD expanded the scope of the inquiry to include environmental claims in the advertising and labeling including: "Biodegradable. All packaging recyclable."

NAD agreed the claims to be substantiated.

**Colgate-Palmolive Company**  
**Palmolive Dishwashing Liquid**  
Case #2912 (11/1/91)

NAD examined label claims that included:

- *"New Bottle! With 20% recycled plastic... reduces environmental waste."*
- *"Palmolive is the only dishwashing liquid made with 20% previously used plastic in our most popular bottle sizes to help keep plastic out of landfills."*
- *"These new Palmolive bottle are made from P.E.T. plastic offering a new recycling use for plastics such as soft drink containers."*
- *"We want to increase our recycled content levels to 100% but need your help. The bottom of this bottle is coded (1), for recycling where community facilities exist."*

Label claims relating to the liquid contents included: "Palmolive is fully committed to caring for our environment. It has always contained ingredients that are "Biodegradable, Phosphate-free, pH-balanced."

A newspaper insert advertisement in September 1991 included the claims: "New PET bottles contain 20% previously used plastic from other products such as soft drink bottles, keeping millions of bottles out of landfills each year." "Formula has been biodegradable and phosphate free for years."

NAD concluded that in the absence of formal, objective data, the exclusivity claim was not substantiated and recommended the label claim be discontinued, but found the claim related to recycled content was substantiated. NAD determined that the claim regarding the product's phosphate-free composition was substantiated, but recommended the claim related to pH-balance be discontinued.

**Lever Brothers Company**  
**Sunlight Hand Dishwashing Liquid**  
*Case #2909 (11/1/91)*

NAD examined the following label claims:

- *"Support plastic recycling"*
- *"...encourage recycling in your community."*
- *"We...can include recycled plastic... at levels between 25% and 35%."*
- *"...biodegradable and contains no phosphorous."*

NAD determined that the advertiser provided the support necessary to substantiate the claims at issue.

**Archer Daniels Midland Co.**  
**Ethanol-Blended Fuels**  
*Case #2635 (10/17/88)*

NAD reviewed a series of four television commercials promoted the advantages of ethanol blends of gasoline.

NAD agreed with the advertiser that the advertising could claim with accuracy that ethanol blends replace lead as an octane enhancer and determined that negative features associated with evaporative emissions should not invalidate well-established claims for the lowering of carbon monoxide levels. However, NAD expressed concern that consumer might conclude that a switch to ethanol blends would achieve benefits equivalent to "having one-third fewer cars on the road," which would be untrue. NAD recommended the advertiser modify the claim.