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Federal Trade Commission  
Office of the Secretary  
Room H-135 (Annex J)  
600 Pennsylvania Avenue, NW  
Washington DC 20580

Re: Proposed Revisions to Guidelines; Guides for the Use of Environmental Marketing Claims, 75 Federal Register 63552, October 15, 2010

Dear Sir/Madam:

MeadWestvaco (MWV) is pleased to submit our comments to the FTC's proposed revisions to the Guides for the Use of Environmental Marketing Claims. MWV provides packaging solutions to many of the world's recognized brands in the healthcare, beauty and personal care, food, beverage, home and garden, tobacco, and commercial print industries. The company's businesses also include Consumer & Office Products, Specialty Chemicals, and the Community Development and Land Management Group. MWV manages all of its forestlands in accordance with internationally recognized forest certification standards, and has been named to the Dow Jones Sustainability World Index for the seventh consecutive year.

In general, MWV agrees with and supports the comments submitted by the American Forest & Paper Association (AFPA) and the Sustainable Forestry Initiative (SFI). Some specific areas for endorsement:

#### A. General environmental benefits claims

- We support AF&PA's request for additional examples relating to combined qualified environmental benefit and particular attribute claims. We have seen numerous claims of "## trees saved" or "saving trees" where no qualification of either the basis for the claim or extent of environmental benefit is made.

#### B. Certifications and Seals

- While we support AF&PA's comments relating to material connections to seals and certifications, MWV feels strongly that such connections should be disclosed unless the criteria under which the seal or certification is given were developed in a recognized, consensus-based approach open to public review and comment.
- We also agree with SFI that third party certification should not constitute an endorsement when "there is a clear separation between the standards setting organization and independent certification bodies and a marketer is not using the name, logo, or seal of approval of the third-party certifier."
- In some circumstances, award of a seal or certification is based on, or limited to, receipt of other seals or certification instead of specific desired criteria. We have experienced difficulty with third-party auditors, who are aligned with a specific certification scheme, subjecting our product to extraordinary review and criticism on criteria not related to that scheme simply because our product was not certified by their preferred system.



#### C. Compostability

- No additional comments.

#### D. Recyclability

- MWV appreciates the FTC decision to provide specific percentage thresholds for claims of recyclability.

#### E. Recycled Content

- MWV agrees with AF&PA that the distinction between post- and pre-consumer material is not significant and supports FTC adoption of the ISO definition of post-consumer. Confusion currently exists on whether clippings from box cuttings or trim from envelope manufacturers are considered post-consumer based on who is defined as the "consumer." MWV has taken the position in our claims that this type of material is considered post-industrial or pre-consumer. This puts us at a global commercial disadvantage to international companies that do claim this material as post-consumer under the ISO definition.
- MWV also agrees with the SFI that volume credit should be recognized as an acceptable method for calculating recycled content.

#### F. Free-of and Non-toxic Claims

- MWV recommends that the FTC recognize that qualification of a "non-toxic" should rely on scientifically defensible data, and exposure/risk assessment methodologies.
- The FTC guidance/requirements regarding "non-toxic claims" should require the qualifying assessments consider the criteria defined in the Globally Harmonized System (GHS) for Classification and Labelling of Chemicals as is/will be adopted by the US EPA, OSHA, CPSC, DOT and other federal agencies. The Globally Harmonized System (GHS) of Classification and Labelling of Chemicals is a worldwide initiative to promote standard criteria for classifying chemicals according to their health, physical and environmental hazards. The GHS provides a helpful framework of criteria for evaluating and classifying the potential human and environmental effects of chemical substances. The criteria include definitions, concentrations and a rationale for decision making for single substances and mixtures regarding human and environmental health.

#### G. Source Reduction Claims and

#### H. Sustainable Claims

- No additional comments

#### I. Renewable Material Claims

- MWV agrees with AF&PA's concerns that the extensive qualification is not needed for products readily considered renewable, such as trees and cotton.
- MWV is concerned that the FTC, through examples, attempts to tie qualification of a renewable material claim to that of recyclability, recycled content or biodegradation. We agree with AF&PA that this approach will only serve to further confuse consumers as they read: "This product is made with 100% renewable materials, but is neither recyclable, nor does it contain recycled content, nor is it biodegradable."
- MWV is also concerned that the FTC did not address potential consumer confusion in the discussion of the USDA's certified biobased materials claim. The current proposal would not require qualification that "biobased" materials are those solely derived from new market sources and not existing markets, such as paper



or wood products. Disclosure that the definition is limited should be part of the label. MWV has also commented on the USDA proposal.

J. Renewable Energy Claims and  
K. Carbon offsets

- No additional comments

In summary, MWV agrees with and supports the comments submitted by AF&PA and the SFI. We have also added additional information where appropriate. We appreciate the Federal Trade Commission's commitment to development of a clear and workable system to assess environmental marketing claims and formally submit our comments to further this process.

Respectfully,

[signed]

Laura A. Rowell  
Director, Sustainable Packaging  
MeadWestvaco