

### 260.3 General Principles Example 2

I do not consider this proposed example to be a good example. As further explained in my comments on “260.12 Recycled Content Claims,” I argue that the label “recycled” is considered by consumers as a generic, vague term used to mislead consumers. The FTC should consider using a different example for section 260.3, example 2.

### 260.4 General Environmental Benefit Claims. Example 2

I do not consider this proposed example to be a good example. As further explained in my comments on “260.12 Recycled Content Claims,” I argue that the label “recycled” is considered by consumers as a generic, vague term used to mislead consumers. I propose the FTC revise the example to state “A claim, such as ‘Eco-Friendly: made with 100% recycled materials,’ would not be deceptive if the statement ‘made with 100% recycled materials’ is clear and....”

### 260.12 Recycled Content Claims. (c)

I believe the FTC should advise marketers not to use unqualified claims of recycled content. I find that the term “recycled” used by itself is a vague claim. As part of my job responsibilities I educate consumers about identifying “green” products, and from this experience I see a couple of ways that the term “recycled,” like general environmental claims explained in 260.4, is “difficult to interpret and likely to convey a wide range of meanings”. First, consumers with some education about identifying “green” products have expressed that they view the term “recycled” as a marketing ploy intended to make a product sound better than it is. They would expect a manufacturer that truly has a product made from 100% recycled materials to say exactly that, and not use the “recycled” term by itself. Second, consumers with little or no education about identifying “green” products have expressed confusion as to what it means, saying that it could mean any percent remanufactured, reused, or made with recycled content. I do not think it is valid to assume that consumers would reasonably believe the term “recycled” used by itself means made with 100% recycled materials. Rather, I would like to see the FTC advise marketers to always “clearly and prominently qualify” a recycled claim.

### REQUEST FOR COMMENT QUESTIONS

- A. Yes. In my observations of providing education about “green” products to consumers, if a product claim states “Eco-Friendly: Made with 50% recycled material”, then the consumer likely assumes that recycled vs non-recycled is the only way that type of product can be “Eco-Friendly” and consequently, the rest of the product materials are benign (or that there is a net environmental benefit), which may not be the case.
  - B. Yes, but per above, I argue that a qualified-general environmental claim is deceptive if any part of the product presents a reasonable ecological or human health concern. For example, if a hand lotion product stated “Eco-Friendly: Made with 10% organic oils”, but also contained a chemical that is considered a known carcinogen by regulatory agencies, I consider the use of the qualified general claim to be deceptive. I propose that the FTC advise against the use of general claims, even if they are qualified. Rather, marketers should just use the qualifying statement for their claim.
- I propose that the FTC advise marketers not to use unqualified or qualified general environmental claims. However, if the FTC keeps the advice on using qualified general environmental claims, then yes, the Guides should illustrate a qualified general environmental claim that is nevertheless deceptive.

3. Yes.
4. My observation is that for unqualified degradable claims of a liquid substance, a consumer rarely assigns a timeframe – rather, they just assume that there is a known timeframe (either regulatory or industry best practice) that a product must abide by in order to use the term “degradable”. Yes. The FTC should provide guidance concerning an acceptable time period as it relates to the use of the term “degradable”.
5. No comment.
6. No comment.
7. No comment.
8. No comment.
9. No comment.
10. No comment.
11. No comment.
12. In my experience in providing consumer education on identifying “green” products, consumers are not aware that manufacturers are no longer permitted to use CFCs in their products and they assume that a no-CFC claim means that other products contain CFCs.
13. In my experience in providing consumer education on identifying “green” products, consumers assume “free-of” claims mean that either previous versions of the same product contained the now banned ingredient or that competitor products contain the “free-of” ingredient. I propose the FTC provide guidance to marketers not to use “free-of” claims in situations where the identified ingredient has never been associated with a product category.
14. I propose the FTC advise marketers to only use organic claims for agricultural products (per FDA rules) or for agricultural ingredients in otherwise non-agricultural products (like shampoo). I propose the FTC advise that any organic agricultural ingredients of non-agricultural products be certified organic and follow FDA rules about the use of the organic term. If a non-agricultural product contains certified organic ingredients, then marketers should explicitly state the percent use of certified organic ingredients and list which ingredients are certified organic in the ingredients list.
15. “Made with renewable materials” claims should be qualified. The proposed qualification requirements are adequate.
16.
  - a. No comment
  - b. Yes. I propose that marketers qualify “made with renewable energy claim” with a percentage and by stating which phase of the product’s or service’s life cycle is made with (x%) renewable energy.
17. I find there is a lot of confusion about the terms “carbon offset” and “carbon neutral”. Many consumers just do not understand what the terms represent or know what they mean – it is too abstract. I find this same confusion when talking about renewable energy credits (RECs).
18. No comment.