



The Nature of Water.

December 10, 2010

By Electronic Submission

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

Re: Proposed, Revised Green Guides, 16 CFR Part 260, Project No. P954501

Dear Sir or Madam:

FIJI Water Company LLC is a bottled water company headquartered in Los Angeles, California that markets and sells a premium bottled water product, FIJI Natural Artesian Water. FIJI Natural Artesian Water is bottled from a pristine artesian source in a remote part of the island of Viti Levu, the largest island in the Republic of Fiji. FIJI Natural Artesian Water is one of the best-selling imported bottled water brands in the United States and is sold in over 40 countries across the world. Our company has voluntarily undertaken several major environmental initiatives, including a \$5 million investment in the Sovi Basin Rainforest, the largest lowland rainforest in Fiji. This investment, in partnership with Conservation International, will protect the rainforest from deforestation threats, invasive species and socioeconomic pressures. Other initiatives include an extensive reforestation project and numerous, growing community-based initiatives related to local recycling programs and waste clean-up programs. Furthermore, FIJI Water Company is a member of "1% For the Planet", a growing global movement of more than 1,300 companies which pledge to donate 1% of sales to a network of environmental organizations worldwide.

FIJI Water Company supports the right of marketers to make true and honest marketing claims in order to educate consumers about the products they are purchasing and the environmental initiatives they are further supporting via their purchase decisions. Our company advocates sound regulatory practices and supports responsible efforts by regulatory bodies to provide guidance intended to improve communication between marketers and consumers. Furthermore, our company supports the FTC's ("Commission") efforts to promote accurate consumer perception of environmental claims made on product labels and marketing materials, provided these efforts incentivize companies to continue to invest in environmental improvement projects in

the United States and worldwide. As such, we submit the following comments in response to the Commission's "Proposed Revisions to the Green Guides".

Changes in Technology or Economic Conditions

The Commission has considered allowing claim qualifications to refer to websites, where additional information regarding environmental benefit claims can be provided. Unfortunately, the Commission has suggested in the Federal Register Notice that additional information located on a website would not mitigate the possible consumer deception caused by potential varying interpretations of the claims because it would not be available to consumers at the point-of-purchase. We strongly disagree with the opinion of the Commission as new portable technology provides consumers with ready access to the internet and to qualifying information provided on websites at the point of purchase which consumers can use to influence their purchasing decisions. We do agree that qualifying information will help to reduce misinterpretation of environmental benefit claims; however given the complexity of environmental works, as aptly illustrated in the Commission's discussion of the proposed changes to the Green Guides, we do not agree that qualifiers alone will sufficiently serve the consumer's interests. Allowing companies to make simple, qualified claims in their advertising materials, along with the website at which a consumer may access additional details, will not only allow companies to more accurately and descriptively present the information associated with the claim, but will allow consumers to have a more thorough understanding of the companies and processes they support through purchasing activities.

Qualifying Carbon offset claims

We agree with the Commission's findings to provide only limited guidance regarding carbon offsets. This is a relatively new, highly technical area in environmental marketing, with several approaches for estimating carbon offsets and new, more accurate solutions being developed as the science moves forward. If the Commission was to specifically regulate carbon offset marketing, it would run the risk of stifling the progression of new techniques in this field or potentially having regulations which require constant revisions to keep up, neither of which is an appropriate regulatory situation. One of the greatest challenges facing industry and the Commission is how to effectively communicate the benefits of carbon offset activities without misleading consumers. The Commission has proposed requiring marketers to qualify the timing of emission reductions, if the emission reductions will not occur within two years. The problem with establishing a timeline, which may confuse and deter environmentally-minded consumers, is that long term investment projects may be deemed less valuable than short-term projects or projects which have already been completed.

For example, FIJI Water Company has voluntarily led several projects which provide carbon-offset benefits, including an extensive reforestation project. The reforestation project was started in early 2009, covering over 2,000 acres of degraded land, and is intended to repair affected forest areas and restore biodiversity and critical watersheds in the region. Though some carbon offset benefits are realized immediately, the majority will not be seen until the forest ecosystem reaches maturity, which can take decades. By marketing the value of the future offsets provided by projects such as

reforestation, consumers are able to support investment in long-term environmental protection. Offsets that are appropriately substantiated provide the same benefit, whether now or in the future. We do not agree that declaring the expected timing of the emission offsets is necessary for a claim to be truthful and not misleading. The important aspect to consider is whether a project can reasonably be expected to provide the claimed environmental benefits. Although we support the Commission's efforts to promote transparency and discourage claims which mislead consumers, we believe that if the Commission requires marketers to qualify the carbon offset claims regarding the timing of the emission offsets, consumers will likely misinterpret the value of the offsets, whether current or future, and companies will be discouraged from investing in environmental projects which provide substantial environmental benefits but simply take more time to bring to fruition.

Summary

We recognize and support the Commission's intent to provide consumers with the information required to make informed decisions as they pertain to environmental benefits, provided the Commission does not restrict a company's ability to market truthfully the environmental benefits of its products and/or processes. We support increased responsibility in environmental advertising through Federal and self-regulatory activities and consider the Green Guides a beneficial tool to establish general guidance to aide marketers in developing their marketing materials to provide accurate information to consumers. In further developing the Green Guides, it is imperative for the Commission to consider the impact qualifying language may have on a consumer's ability to understand the nature of the claim. We do not support any guideline or regulation that is unnecessarily restrictive or requires extensive or prescriptive qualifying language, such as the declaration of timing for carbon offsets, which can confuse or mislead consumers by inaccurately communicating the value of the intended environmental benefit. We strongly encourage the Commission to allow qualification of environmental claims to be made by reference to relevant websites, thereby allowing companies to more thoroughly educate consumers regarding environmentally-responsible practices. By allowing companies to truthfully and accurately communicate with consumers, the Commission will encourage companies and consumers to continue to invest projects to protect the environment.

Sincerely,

John Cochran
President
FIJI Water Company LLC