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December 10, 2010

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

RE: FR Doc. 2010-25000; Proposed, Revised Green Guides, 16 CFR Part 260, Project No. P954501; Request for comment.

Dear Mr. Clark,

The Natural Products Association (NPA), is submitting the following comments in response to a request from the Federal Trade Commission (FTC) for input into the Proposed, Revised Green Guides, 16 CFR Part 260, Project No. P954501 of October 6, 2010.

The NPA was founded in 1936 to promote and protect the unique values and shared interests of retailers and suppliers of natural nutritional foods and natural products. The NPA is a non-profit 501(c)(6) association whose mission is to unite a diverse membership, from the smallest health food store to the largest natural products supplier. We champion consumers' freedom of choice in our marketplace and we work with retailers and suppliers in building strong markets to fuel industry growth. We are the oldest and largest trade association in the Natural Products industry representing over 10,000 members. In addition to the comments submitted by the Green Chemistry Alliance (which bears our signature), we would like to offer the following comments specific to our position as a non-profit organization that has been representing the natural products industry for almost 75 years. We appreciate the opportunity to comment.

In light of the NPA's own certification programs, we felt it necessary to discuss the following areas regarding the proposed revisions to the FTC Green Guides:

NPA supports FTC decision not to address Natural Claims in the Current Green Guides

The term "natural" can be applied to any number of consumer products and the definition for each category of products differs, both in the opinion of federal regulators as well as the consumer. Because federal agencies (i.e., FDA, FTC, and USDA) have administered statutes defining the term "natural" in specific contexts, the NPA supports the FTC in not addressing natural claims under the current Green Guides. The FTC is correct that providing a general guidance on the use of the term "natural" would be impossible because it is used in numerous contexts and conveys different meanings depending on these contexts. Additionally, NPA wholeheartedly agrees with FTC that prohibiting the use of natural claims should not be considered. As the FDA, FTC and USDA have all provided contextual definitions of "natural," the Green Guides should not prohibit the use of natural claims as they are not, by and large, deceptive to consumers. NPA believes that natural claims can be appropriately qualified; one example of which would be a third-party certification or seal qualifying a product as natural.

NPA supports the additional guidance re: Certifications and Seals of Approval FTC has provided in the Current Green Guides

NPA appreciates the emphasis by the FTC not to use unqualified seals or certifications. Unfortunately, this strategy is commonplace for manufacturers trying to outflank their competition; however, when the FTC requires substantiation for this "certification," additional consumer confusion deriving from this unqualified certification can be prevented. Moreover, NPA is pleased that FTC has clarified that third-party certifications constitute adequate substantiation for claims, specifically in reference to topics FTC does not address, such as natural. Finally, NPA values FTC specifying the connection between Green Guides and Endorsement Guides concerning third-party certifications; yet, requests further clarification on appropriate methods for declaring material connections between trade association certifications and member companies marketing this certification.

Regarding the questions FTC offered for comment, NPA doesn't believe additional guidance is necessary to address organic claims for non-agricultural products. The USDA National Organic Program (NOP) has been successful in marketing their seal for truly organic products;

due to this, NPA believes consumers expect the USDA NOP seal to adequately substantiate organic claims on all types of products. Additionally, NPA believes consumers are satisfied with a third-party certification for natural claims. In fact, the NPA has launched a program for the certification of natural personal care products and natural home care products - this is a product specific seal that requires an evaluation and third-party audit of products to be determined as natural according to the Natural Standard for each category. The NPA launched this program in response to our members, natural product retailers, requesting a definition or a clarification of the term natural when applied to personal care products and home care cleaning products. The NPA Natural Seal program is limited to claims of natural because we saw this as an area of consumer confusion that can be addressed with definitive criteria. NPA used survey results from a 2007 Yankelovich study and a 2009 Braun Research study that articulated compelling results that consumers want a certification for natural personal care products and home care products. These studies concluded:

- 78% think Natural Personal Care is currently regulated while 97% think it should be
- 86% agree that there should be a symbol to certify a natural personal care product
- 78% said there should be regulations/standards for natural home care products
- 73% are more likely to purchase a home care product if they knew it was certified as natural

The NPA Natural Standard is written by a committee of natural product manufacturers, suppliers and retailers - and through the retailer opinion, the consumer-perspective is expressed. However, once the standard is written, it is administered by the NPA as a separate entity from industry. The Natural Standard criteria for certification is publicly available; while this is not required by the FTC, we feel it increases our transparency and strengthens our credibility. Each certified product has been evaluated by a qualified, independent auditor who submits an audit report to NPA recommending certification. Once certified, the seal displayed on product labels or marketing materials directs consumers to the NPA website where the Natural Standard clearly defines the criteria for certification as "natural" in lieu of a general environmental benefit claim. The NPA supports the FTC decision not to require third-party certification to substantiate claims. As a voluntary program, the NPA Natural Seal offers an excellent opportunity for manufacturers to effectively self-regulate, and thus promises a higher standard of reliability.

Finally, we recognize the FTC is concerned about the appropriate marketing of consumer products respective of general and specific environmental claims. If an opportunity arises, NPA would be more than willing to meet with FTC to partner on third-party certifications and natural claims. We and our members would be delighted to join forces in implementing changes toward marketing truly natural consumer products.

Thank you for your time and consideration of NPA's comments.

Best regards,

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