



**RE: FTC GUIDES FOR THE USE OF ENVIRONMENTAL MARKETING CLAIMS**

16 CFR Part 260

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Green Building and Textiles Workshop—Comment, Project # P084203

OTA is pleased to provide the following comments in response to the FTC's call for public comment concerning Green Textile Claims, as requested in its Federal Register notice of June 10, 2008.

***Claims Regarding Organically Grown and Natural Textile Products***

*(1) Should the Guides be revised to include guidance regarding environmental claims for organically grown textile products? If so, why, and what guidance should be provided? If not, why not?*

*(a) What evidence supports making your proposed revision(s)? Please provide this evidence.*

*(b) What evidence is available concerning consumer understanding of the term "organic" when used to describe a textile product? Please provide this evidence.*

*(c) What evidence constitutes a reasonable basis to support an organic textile claim? Please provide this evidence.*

**RESPONSE:**

OTA supports the revision of the Guides to provide guidance specific to textiles, which would include but should not be limited to organically labeled textiles. This guidance should reference the USDA National Organic Program (NOP) for information about organic production standards, and discuss the distinction between process standards, which describe the methods by which the product is produced, and product standards, which refer to specific qualities of the product. While the organic label represents the methods by which the raw fiber was produced, including methods required to protect soil and water resources, it does not make a specific claim about environmental impact or other qualities of the product. This revision is supported by the implementation in 2002 of the National Organic Program, which regulates the use of the word "organic" on the label of any agricultural product.

This discussion should also explain that the word "organic" to modify the type of fiber on the content label may only be used if the raw fiber has been produced and certified in compliance with the NOP. It should further clarify that this claim refers only to the raw fiber content, and does not address the methods used to manufacture the textile product.

Evidence in support of an organic textile claim consists of documentation of third party certification of the textile product under a credible organic standard. The National Organic Program does not at present address the processing methods for textile production, only production methods of the raw fiber. The Global Organic Textile Standard (GOTS) is an example of a credible private, voluntary standard for

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organic textile processing that can be considered a reasonable basis to support an organic claim on a textile product.

- (2) Should the Guides be revised to include guidance regarding environmental claims for so-called “natural” textile products? If so, why, and what guidance should be provided? If not, why not?*
- (a) What evidence supports making your proposed revision(s)? Please provide this evidence.*
- (b) What evidence is available concerning consumer understanding of the term “natural” when used to describe a textile product? Please provide this evidence.*
- (c) What evidence constitutes a reasonable basis to support a natural textile claim? Please provide this evidence.*

RESPONSE:

OTA does not believe that the term “natural” has a clear meaning with regard to a textile product, which has necessarily undergone significant transformation from the raw materials it contains. However, it may be appropriate to distinguish fiber content that is derived from petrochemicals, and is therefore synthetic, from fiber that is derived from an agricultural source. We note that the NOP does not use the term “natural” in contradiction to synthetic, but rather refers to “nonsynthetic” substances. While a textile that consists of all organic fibers could be considered to be “natural” under some informal definitions, the Guides should clearly counter the perception that a “natural” claim bears any resemblance to organic certification. Unlike the term “organic” which is defined in the Organic Foods Production Act of 1990 (OFPA) and its implementing regulations that define the use of the term for all “organic agricultural ingredients” including fibers, the term “natural” has only rarely been used as a term of art in the United States by the U.S. Congress or any U.S. regulatory agency as far as OTA is aware.

- (3) Are there claims regarding organically grown or natural textiles in the marketplace that are misleading? If so, please describe these claims and provide any evidence that supports your answer.*

RESPONSE:

Because the use of an organic label on a textile product is not addressed by the NOP or regulated by the FDA, it is understandable that some organic claims found on textile product labels may be misleading. There is considerable potential for confusion by textile manufacturers and distributors as to acceptable labeling claims for products that include some organically produced fiber content. As noted by the Consumer Reports and Good Housekeeping panelists, consumers likely perceive the organic claim on a textile label as referring to the textile’s manufacturing methods, not just its raw fiber content. We do not have examples of such claims, and do not believe that such claims are, for the most part, deliberately misleading.

OTA urges the FTC to confer with the NOP concerning regulatory oversight of textile products that make an organic claim. The NOP has recently issued a guidance paper at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5070818&acct=nopgeninfo> entitled “Labeling of Textiles Under National Organic Program (NOP) Regulations,” which clarifies the NOP policy concerning regulated organic fiber and final product claims. However, there remain concerns about potential consumer misperceptions that a claim that a product labeled “made with organic” fibers implies that the product is processed in compliance with the NOP. We would also request additional clarification concerning the various possible textile labeling mechanisms (e.g., sewn



in labels and hang tags) where claims may be made, and how they distinguish between the fiber content of a product and an attribute claimed for the product as a whole.

*(4) To the extent not addressed in your previous answers, please explain whether and how the Guides should be revised to prevent consumer deception, provide business guidance, and/or reduce costs that following the Guides may impose on businesses, particularly small businesses, with respect to environmental claims for organically grown or natural textiles. Please provide any evidence that supports your answer.*

We would urge FTC to collaborate with the USDA/NOP concerning regulation of the word “organic” on a textile product. Current FTC rules allow “organic” to be used to modify the fiber content, but do not address how the product was manufactured. While the NOP addresses use of the word “organic” on food product labels, as well as some non-food products that are compliant with the regulations, it does not include standards specific to textile processing. Until such time as there is a regulation that governs the organic label on a textile product, we suggest that GOTS certification be recognized as a credible substantiation of “organic” to describe a textile product.

GOTS presents a voluntary worldwide system of certification for a product line not yet covered by the U.S. government on a regulated basis. It is a model of systematic and stringent oversight that can give consumers assurance of the standards used to grow and process their garments, linens and other textiles. With rapidly expanding worldwide demand for organic textile products, recognition of this voluntary system by regulatory agencies is an important means for consumers to be assured that such a claim is truthful.

### ***Third-Party Certifications and Seals***

*(1) How effective have the Guides’ provisions regarding third-party certifications and seals been in preventing consumer deception and providing business guidance with respect to environmental claims for textiles, building products, or buildings? Please provide any evidence that supports your answer.*

RESPONSE:

There is little information in the Guides concerning standards and requirements for third-party certifications and seals, and OTA considers this to be an important gap that needs correcting. Organic farmers and processors are required to prepare an organic systems plan for all aspects of growing, processing and manufacturing a product, which is then subjected to stringent certification by a USDA accredited certifier. The terms for this certification and its accreditation are defined in USDA regulations. Because organic agriculture is based on following certified procedures, we would like to see general information provided for consumers about how to evaluate the credibility of any third party certification of a seal or claim that is process-based, as opposed to claims that can be verified through analytical testing. Examples of process-based claims that may appear on textile products, in addition to the regulated organic label, include “humanely raised,” “fair trade,” “reduced pesticide,” and “no sweatshop.” Some of these are well founded and regulated by private certification programs, while others are not.

Criteria for evaluating such claims should include how well founded the standards are, and whether they have been developed through a transparent multi-stakeholder process; credentials of the certifying body (i.e., accreditation by a competent authority as defined by ISO); periodic auditing and transparency of

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the supply chain; and effective enforcement of standards and requirements by the certifying body or regulatory authority (in the case of organic claims).

*(2) Has there been a change in consumer perception claims using third party certifications and seals for textiles, building products, or buildings since the Guides were revised (1998)?*

*(a) If so, please describe this change and provide any evidence that supports your answer.*

*(b) Should the Guides be revised to address any such change? If so, how?*

RESPONSE:

Implementation of the NOP, which became effective in 2002, has had a major impact on consumer perceptions and expectations concerning the organic label on an agricultural product. Figures on growth of the organic industry are widely available, including frequent media coverage and expanded access to organic products through diverse retail venues.

*(3) What criteria are third-party certifiers using to substantiate claims made with third-party certification or seals for textiles, building products, or buildings? Are those criteria appropriate? Please provide any evidence that supports your answers.*

OTA considers organic claims on textile products that are certified according to GOTS to be appropriate and credible. GOTS provides detailed criteria and standards for certification of textile products that can be labeled as “organic” or “made with organic fiber,” which must be verified by an approved GOTS certifying body that is accredited under ISO 65. GOTS standards and requirements for certification can be found at: [www.global-standard.org](http://www.global-standard.org).

In addition, it might be possible to make a simple garment entirely from organic fiber, without the use of non-organic processing aids, and sewn with only organic fiber threads, in which case the USDA organic label might be legally applied if the operation were certified. At this time it is improbable that such products would move in major commercial channels.

*(4) Are there environmental claims for textiles, building products, or buildings using third-party certifications and seals in the marketplace that are misleading? If so, please describe these claims and provide any evidence that supports your answer.*

*(5) To the extent not addressed in your previous answers, please explain whether and how the Guides should be revised to prevent consumer deception, provide business guidance, and/or reduce costs that following the Guides may impose on businesses, particularly small businesses, with respect to environmental claims using third-party certifications and seals for textiles, building products, and buildings. Please provide any evidence that supports your answer.*

NO COMMENT.

*Green Building and Textiles Claims Currently Not Addressed by the Green Guides*

*(1) Should the Guides be revised to include guidance regarding “sustainable” or “renewable” claims for textiles and building products? If so, why, and what guidance should be provided? If not, why not?*

*(a) What evidence supports making your proposed revision(s)? Please provide this evidence.*

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*(b) What evidence is available concerning consumer understanding of the terms “sustainable” or “renewable” with respect to textiles and building products? Please provide this evidence.*

*(c) What evidence constitutes a reasonable basis to support a “sustainable” or “renewable” claim with respect to textiles and building products? Please provide this evidence.*

OTA believes that “sustainable” claims are inherently vague, and consequently unenforceable. Until such time as a credible, multi-stakeholder standards-setting process for “sustainable” fiber sources and textile processing methods has been implemented, along with a credible third party verification process for such claims, we would oppose allowing any undifferentiated claim for a “sustainable” textile product.

*(2) Should the Guides be revised to include guidance regarding life cycle claims for building products?*

NO COMMENT

*(3) Are there other environmental claims concerning textiles or building products not currently addressed by the Guides, and if so what are they? Please provide any evidence that supports your answer.*

*(a) Should the Guides be revised to include guidance regarding these claims? If so, why, and what guidance should be provided? If not, why not?*

*(b) What evidence is available concerning consumer understanding of these claim(s)? Please provide this evidence.*

*(c) What evidence constitutes a reasonable basis to support these claim(s)? Please provide this evidence.*

Other process-based claims that should be addressed in the guides include the term “green” as an environmental claim, as well as the terms “humanely raised,” “fair trade,” “no sweatshop,” and similar claims concerning treatment of animals raised for fiber, and treatment of small farmers and textile workers. Many, but not all, of these claims are backed up by credible transparent standards and third party certification programs, as described above, which should be mentioned to assist consumers in evaluating similar claims.

