

What potentially unfair or deceptive environmental marketing claims, if any, are not covered by the Guides?

There is currently packaging on the market that is being promoted as being able to “grow” plants from embedded seeds or packaging that “can be planted in your garden”. The claims that the packaging can support plant life, we believe, may be misleading to the consumer.

The implication of the messaging around the packaging is that it biodegrades into a humus that can support plant life. This message implies that the package is compostable. According to the ASTM D6400/D6868 definition, a material must satisfy the following criteria in order to be certified compostable:

- The biodegradability of the material is compared to a control (pure cellulose) and must biodegrade to a minimum of 90% of the control level.
- Constituents of the packaging material >1% by weight must be measured individually, and also biodegrade to a minimum of 90% of the control level.
- Constituents <1% by weight are exempted, but the sum of such constituents must not compromise biodegradation.
- Biodegradation must take place within 180 days.
- Pilot composting is carried out on the material.
- Heavy metal tests are also required.

Unless the package is labeled to say that it meets a recognized compostable standard, such as the ASTM, the implication that the package can grow plants or be planted is misleading.

Marketers may be promoting the idea that “it’s biodegradable therefore it’s good”. We know from the ASTM standards of compostability, that this is not necessarily the case. A biodegraded product, plus its additives (if greater than 1% of the weight) must break down in a reasonable time, be proven to support plant life through pilot composting and have heavy metals tests performed and compared to established norms in order to be considered compostable.

We believe that there needs to be a greater distinction made in the FTC Guidelines between biodegradability and compostability.