

Minutes of meeting of Institute of Packaging Professionals (IoPP)

Organized by the IoPP's Sustainable Packaging Technical Committee (SPTC)

November 2, 2010 2 pm

McCormick Center, Chicago, site of concurrent PackExpo trade show

Purpose of meeting: to prepare an official response to the FTC's proposed "Green Guides"

Reference: http://www.ftc.gov/bcp/edu/microsites/energy/about_guides.shtml

Attendees chose to be identified by title, not by name, to provide an expedient response. Specific identity would trigger their corporate legal and executive team review, and cloud the process.

Attendees:

Head of global packaging development for a major consumer products company
President of a leading packaging-specific executive recruiting firm
Head of a woman-owned consortium of branding and packaging experts
Senior Packaging Engineer for a multi-location distributor and fabricator of packaging solutions
Senior Product Development Engineer for a manufacturer of food packaging in the ready-to-eat market
Manager of Beverage Packaging for a prominent beverage manufacturer
Packaging Manager for manufacturer of tabletop products for foodservice and consumer markets
Division Packaging Engineer for a manufacturer of frozen ready-to-serve bakery products
President of flexible packaging materials manufacturer: film, foil, pouch
Director of Business Development, Ecologic, LLC, manufacturer of an organic additive that aids in biodegradability of plastic packaging
Executive Director of an association of packaging materials recyclers
Senior Packaging Engineer, packaging consulting and design firm
Principal Packaging Engineer, well-known health care products manufacturer
Account Executive, packaging graphic design, illustration, labeling

1. Do consumers interpret general environmental claims, when qualified by a particular attribute, to mean that the particular attribute provides the product with a net environmental benefit? Please provide any relevant consumer perception evidence. Should the Commission advise marketers that a qualified-general environmental claim is deceptive if a particular attribute represents an environmental improvement in one area, but causes a negative impact elsewhere that makes the product less environmentally beneficial than the product otherwise would be? Why or why not?	No comment

2. Would it be helpful to include an example in the Guides illustrating a qualified general environmental claim that is nevertheless deceptive? For example, a marketer advertises its product as “Eco-friendly sheets – made from bamboo.” Consumers would likely interpret this claim to mean that the sheets are made from a natural fiber, using a process that is similar to that used for other natural fibers. The sheets, however, are actually a man-made fiber, rayon. Although bamboo can be used to make rayon, rayon is manufactured through a process that uses toxic chemicals and releases hazardous air pollutants. In this instance, the advertisement is deceptive.	Yes
3. The Commission’s consumer perception study found that 27 percent of respondents interpreted the claims “green” and “eco-friendly” as suggesting that a product has no (rather than “some”) negative impact. Viewing this finding alone, would it be deceptive for a product to be advertised with an unqualified general environmental benefit claim if the product had a negligible environmental impact? Please provide any relevant consumer perception evidence.	Although not necessarily deceptive, we feel such a claim would be unwise for the product. On this issue, we concur current guidance of FTC.
4. If a marketer makes an unqualified degradable claim for a liquid substance (or dissolvable solid), how long do consumers believe the substance will take to completely degrade? Please provide any relevant consumer perception evidence. Should the Commission provide guidance concerning this time period in the Guides? Why or why not?	No comment
5. The Commission proposes adopting a maximum period of one year for complete decomposition of solid materials marketed as degradable without time qualification. Would this guidance lead to deceptive claims in circumstances where consumers would expect a material to degrade in less than one year?	Claims of degradability must be defined. The FTC should not define a time limit in its definition of degradability.
6. Should the Commission quantify the “substantial majority” threshold in the recyclable section of the Guides? If so, how? If not, why not?	Yes
7. Should the Commission quantify the “significant percentage” threshold in the recyclable section of the Guides? If so, how? If not, why not?	Yes

<p>8. What changes, if any, should the Commission make to its guidance on pre-consumer recycled content claims? How do consumers interpret such claims? Please provide any relevant consumer perception evidence.</p> <ul style="list-style-type: none"> a. If the Commission should retain its guidance that pre-consumer recycled materials be diverted from the solid waste stream: (1) should the Commission continue to consider “reuse in the original manufacturing process” and “significant reprocessing” to determine if material is diverted from the solid waste stream; (2) what factors should the Commission consider to determine whether material was diverted from the solid waste stream; and (3) when processes that divert material from the waste stream become standard practice in an industry, do consumers continue to consider that material recycled content? b. If materials have historically been diverted from the solid waste stream and reused for one purpose (<i>e.g.</i>, fiber fill in toys), but now may be reused for other higher purposes (<i>e.g.</i>, as raw fiber for textiles), do consumers still consider that material to be recycled content even though the material was already being diverted from the solid waste stream? 	<p>We concur with the current guidance of FTC on this issue.</p>
<p>9. Do consumers understand the difference between pre-consumer and post-consumer recycled content? Please provide any relevant consumer perception evidence.</p>	<p>No, the consumer does not understand the difference.</p>
<p>10. Should the Commission continue to advise marketers that recycled content claims may be based on the annual weighted average of recycled content in an item? If so, why? If not, why not? Are recycled content claims based on this method likely to mislead consumers? Would qualifying the claim avoid that deception? If so, please describe what the disclosure should be, and why. Please also provide any relevant consumer perception evidence.</p>	<p>The FTC should continue to advise marketers of its interpretation of “recycled content”</p>
<p>11. If a product is advertised as “made with recycled materials,” either in whole or in part, should the Commission advise marketers to qualify that claim to indicate that the product is</p>	<p>Marketers should differentiate their claims regarding the difference between “made with recycled materials” and the product itself which may qualify as “recyclable”</p>

not recyclable if it is not? Why or why not? If a disclosure is needed, please describe what the disclosure should be, and why.	
12. Are consumers aware that manufacturers are no longer permitted to use CFCs in their products? Do no-CFCs claims imply that other products still contain CFCs? Please provide any relevant consumer perception evidence.	No comment
13. What guidance, if any, should the Commission provide concerning free of claims based on substances which have never been associated with a product category? How do consumers understand such claims? Please provide any relevant consumer perception evidence.	The Commission should offer no guidance on this issue
14. What guidance, if any, should the Commission provide concerning organic claims about non-agricultural products? How do consumers interpret organic claims for nonagricultural products? Do consumers understand such claims as referring to the products' ingredients, manufacturing, or processing, or all three? Please provide any relevant consumer perception evidence.	No comment
15. How should marketers qualify "made with renewable materials" claims, if at all, to avoid deception? Does disclosing the type of material, how the material was sourced, and the reason the material is renewable adequately qualify the claim? Why or why not? Are there other disclosures that would adequately qualify a "made with renewable materials" claim? Please describe such disclosures. Please also provide any relevant consumer perception evidence.	The Commission should offer guidance for the claim "Made with renewable materials".

<p>16. How, and under what circumstances, should marketers qualify “made with renewable energy” claims to avoid deception?</p> <ul style="list-style-type: none"> a. Does disclosing the source of the renewable energy adequately qualify the claim and prevent deceptive implications that the advertised product is made with renewable or recycled materials? Why or why not? Are there other disclosures that would adequately qualify a “made with renewable energy” claim? Please describe such disclosures. Please also provide any relevant consumer perception evidence. b. Should the Commission advise marketers to qualify a “made with renewable energy” claim if the advertised product is not made entirely with renewable energy? If so, should marketers qualify such claims if all or virtually all significant processes used in making a product are powered by renewable energy? Why or why not? Please provide any relevant consumer perception evidence. 	<p>a: Yes b: Yes c: Yes</p>
<p>17. How do consumers understand “carbon offset” and “carbon neutral” claims? Is there any evidence of consumer confusion concerning the use of these claims? Please provide any relevant consumer perception evidence.</p>	<p>Consumers do NOT understand carbon claims.</p>
<p>18. How should marketers qualify carbon offset claims, if at all, to avoid deception about the timing of emission reductions? Should marketers disclose if their offsets reflect emission reductions that are not scheduled to occur in two years? Should marketers make a disclosure if emission reductions are not scheduled to occur in some other time period? If so, what time period, and why? Would such a disclosure adequately qualify an offset claim to avoid deception? Please provide any relevant consumer perception evidence about this issue or on carbon offsets, generally.</p>	<p>We have no opinion on a time period related to carbon offset claims.</p>