

Thursday, December 9, 2010

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

Subject: Guides for the Use of Environmental Marketing Claims; Project No. P954501

Dear FTC Secretary Donald Clark,

I am please to have the opportunity to submit comments on the FTC's proposed "Guides for the Use of Environmental Marketing Claims," Project No. P954501. As an environmentally-conscious consumer, I appreciate that the Federal Trade Commission (FTC) is taking steps to address rampant green-washing in the U.S. marketplace.

"Do not suffer your good nature, when application is made, to say 'Yes' when you should say 'No'. Remember, it is a public not a private cause that is to be injured or benefited by your choice."
-- George Washington

I am concerned about cosmetics and personal care products—like shampoos, body washes and make-up—that claim to be organic, but which are not certified to "USDA Organic" standards.

I want the FTC to know that the misleading of consumers through "organic" claims made in the labeling and advertising of personal care products is a very serious problem. Companies are labeling as "organic" products the main cleansing and moisturizing ingredients of which are simply not made from organic agricultural material at all.

With this problem in mind, I would like to address this question (#14) posed by the FTC:

"What guidance, if any, should the Commission provide concerning organic claims about non-agricultural products? How do consumers interpret organic claims for non-agricultural 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."

If a product is labeled "Organic," that in itself is necessarily a claim that the product is made from certified organic agricultural materials and manufactured and processed in accordance with USDA Organic standards. If a product claims to be organic, but contains non-agricultural ingredients, then clearly consumers are being misled and the "organic" claim is a fraud.

Fake “organic” brands fool consumers by:

- * advertising only the organic, agricultural ingredients on their front labels
- * masking the petrochemical and synthetic ingredients by claiming that they are derived from agricultural ingredients, even though, under USDA organic standards, agricultural ingredients that have undergone a chemical change through contact with a non-organic substance are classified as synthetic and are disallowed
- * using a large number of organic ingredients in small amounts or counting the water content of organic ingredients to making it appear that the non-agricultural ingredients are minor or make up a small percentage of the total product, when, in fact, the non-agricultural ingredients are the main active ingredients and the organic ingredients are used only to provide scent or water content

As a consumer I just want to know if the product complies with the USDA National Organic Program standards. It is clearly deceptive to call a product “organic” if it contains non-agricultural ingredients.

To illustrate my point, take the two examples of lotions below:

“Organic” Lotion #1 - Main moisturizing ingredients are agricultural but not organic:

Water

Organic aloe vera (99% water)

Organic lavender, grapefruit, geranium, and orange extracts

Coconut Oil (non-organic but agricultural)

Olive Oil (non-organic but agricultural)

Natural but Non-organic Saponin to Emulsify

“Organic” Lotion #2 - Main moisturizing ingredients are not agricultural in the first place:

Water

Organic aloe vera (99% water)

Organic lavender, grapefruit, geranium, and orange extracts

Dimethicone (pure synthetic silicone moisturizer)

Mineral Oil (pure petroleum moisturizer)

Glyceryl Stearate

In both cases the organic product claim is meant to convey either that the entire product or that its main moisturizing ingredients—the ingredients that make a lotion function—are made not only from AGRICULTURAL material but from ORGANIC agricultural material. “Organic” is clearly not intended to mean “Organic Petro-Chemistry Product.” As a consumer I do not want to be deceived by such label claims.

Businesses that fully comply with organic standards are harmed when those who fail to comply are not subject to enforcement action. If the standards are not enforced, dishonest competitors can put honest businesses out of business simply by continuing to deceive customers while avoiding the expenses incurred by honest competitors who do produce truly organic products.

In the proposed revised Green Guides, the FTC emphasizes that any given "green" claim must be specific and qualified. Applying that principle, when a personal care product contains minimal organic agricultural content but is labeled as if the entire product or at least the main ingredient is "Organic," that labeling is exactly the kind of fraud that FTC is trying to address. Please do address these types of claims immediately!

I also understand that you have made a preliminary decision to not address "natural" claims in your revised "Green Guides." I urge you to change that by forbidding any company that uses products derived from genetically modified organisms (GMOs) from referring to its ingredients as "natural." GMOs are clearly NOT natural. They swap genes across species and kingdoms creating new combinations that could never naturally occur. As a consumer, it is reasonable and normal to interpret "natural" as being without GMOs. Claims to the contrary are clearly misleading.

Likewise, the GMOs on the market are certainly not "Green" and should never be allowed to be greenwashed as such. They use hundreds of millions of pounds more herbicide, damage soil ecology, harm beneficial insects, pollute waterways and the water supply, and cross pollinate with wild relatives. Moreover, their self-propagating genetic pollution can persist in the environment permanently, outlasting the effects of global warming and nuclear waste.

"Our duty to the whole, including to the unborn generations, bids us to restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose and method."
-- Theodore Roosevelt, 1916

Thank you for requiring honest marketing claims that will not confuse products containing petrochemicals and GMOs with natural, organic, green, or eco-friendly products. Thank you for your consideration of my comments. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources.

Sincerely,
Christopher Lish