

In response to a message about the proposed revisions in the Green Guides, the Commission received well over 5,000 identical comments, and a representative copy of those comments is found below.

William Barnes

December 10, 2010

Donald S. Clark FTC Secretary 600 Pennsylvania Avenue, NW Washington, DC 20009

Dear Donald Clark:

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.

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.

I am particularly concerned with 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.

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!

Sincerely,

William Barnes