



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Bureau of Consumer Protection
Division of Enforcement

[date]

VIA EXPRESS MAIL

[CERTIFIER]

Dear _____:

The FTC enforces the Federal Trade Commission Act, 15 U.S.C. § 45, which prohibits deceptive advertising. In 2012, the FTC issued updated Guides for the Use of Environmental Marketing Claims (Green Guides), 16 C.F.R. Part 260 (enclosed). These Guides provide marketers with detailed information about how to make non-deceptive environmental claims, including through environmental certifications and seals of approval.

After reviewing your website and those of online retailers displaying your certification (samples enclosed), we are concerned that your environmental certification “_____” fails to conform to the Green Guides and therefore may be deceptive, in violation of Section 5 of the FTC Act. FTC staff has not determined whether your environmental claims violate the law. However, we recommend that you review your marketing materials, both on your website and in any other medium, with the following in mind:

The Green Guides caution marketers that unqualified general environmental benefit claims likely convey a wide range of meanings, including that a product has specific and far-reaching environmental benefits and that an item has no negative environmental impact. Section 260.4(b). The Guides further state: “Because it is highly unlikely that marketers can substantiate all reasonable interpretations of these claims, marketers should not make unqualified general environmental benefit claims.”

Additionally, the Green Guides state that environmental certifications or seals of approval may imply a general environmental benefit claim. Specifically, they state: “A marketer’s use of an environmental certification or seal of approval likely conveys that the product offers a general environmental benefit (*see* §260.4) if the certification or seal does not convey the basis for the certification or seal” Section 260.6(d). They further caution:

Because it is highly unlikely that marketers can substantiate general environmental benefit claims, marketers should not use

environmental certifications or seals that do not convey the basis for the certification.

The Guides advise marketers that they may prevent deception by accompanying the seal with “clear and prominent qualifying language that clearly conveys that the certification or seal refers only to specific and limited benefits.” Section 260.6(e). They also provide guidance on how to effectively qualify a certification based on broad-based, multi-attribute standards. *See* Section 260.6, Example 7.

The “_____” logo may deceptively convey that businesses offer a general environmental benefit because it does not convey the basis for the certification. The logo is not accompanied by clear and prominent qualifying language that limits the claim to a specific benefit or benefits. Moreover, although your website provides information to marketers regarding your logo’s use, it does not appear to instruct marketers to use qualifying language.

Although in some cases consumers may click on the _____ logo for more information, the logo itself is not likely an effective hyperlink label leading to the necessary disclosures. As the FTC staff guidance document “.com Disclosures” states, “[a] symbol or icon might not provide sufficient clues about why a claim is qualified or the nature of the disclosure. It is possible that consumers may view a symbol as just another graphic on the page.” *See* <https://www.ftc.gov/system/files/documents/plain-language/bus41-dot-com-disclosures-information-about-online-advertising.pdf>. The guidance specifies that “[e]ven if a website explains that a particular symbol or icon is a hyperlink to important information, consumers might miss the explanation, depending on where they enter the site and how they navigate through it.” *Id.* at 12.

To assist you in ensuring that certified marketers properly qualify your logo, you also may find the following information helpful: The Green Guides Statement of Basis and Purpose, available at <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-issues-revised-green-guides/greenguidesstatement.pdf>.

Please advise us by _____ of the steps you are taking to ensure that marketers displaying your certification are in compliance.

Please note that our review of your website was limited to the adequacy of the qualifications to the _____ logo. We did not attempt to determine whether the website might be deceptive in other respects. The opinions expressed in this letter are those of the staff and not necessarily those of the Commission or of any Commissioner.

Thank you for your attention to this matter. If you have any questions, please call me at _____.

Sincerely,