



Northwest Region

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
SEATTLE, WA 98174

The staff of the Federal Trade Commission is concerned about environmental claims for [Company]'s line of "biodegradable" or "compostable" dog waste bags. The FTC enforces the Federal Trade Commission Act, 15 U.S.C. § 45, which prohibits deceptive advertising. In 2012, the FTC issued its updated Guides for the Use of Environmental Marketing Claims (Green Guides), 16 C.F.R. Part 260, which give the business community detailed information about how to make non-deceptive environmental claims. The claims made by your company and other sellers of pet waste bags described as "biodegradable" and "compostable" fail to conform to the Green Guides and are likely deceptive, in violation of the FTC Act.

We reviewed your website and product description pages from online retailers and found potentially deceptive statements. Here are some of the claims that raise concerns:

- [Biodegradable Claims]
- [Compostable Claims]

FTC staff hasn't determined whether your claims violate the law. However, we urge you to review your marketing materials, both on your website and in any other medium, with the following points in mind:

Degradable Claims

To say your product is "degradable" or "biodegradable," without qualification, you need competent and reliable scientific evidence that it will degrade in most landfills within the claimed time period or, if you don't specify a time period, within one year. For your dog waste bags, you need competent and reliable scientific evidence that the entire product will completely break down and return to nature – in other words, decompose into elements found in nature – within a reasonably short period of time after customary disposal. To describe your product as biodegradable, you must have evidence that a substantial majority of consumers won't dispose of them in a landfill or incineration facility since materials thrown away in that fashion don't biodegrade. Furthermore, a disclaimer that isn't clear and conspicuous won't cure the potential for deception. For instance, a disclaimer on a different portion of the product packaging, or even on the same panel if not adjacent to the claim, may not be sufficient to change the consumer's net impression. For more information, please read Section 260.8 of the Green Guides, which I've enclosed.

Compostable Claims

To say your product is “compostable,” without qualification, you need competent and reliable scientific evidence that all the materials in the item will break down into safe and usable compost in a timely manner – in other words, in about same time as the materials with which it’s composted -- in an appropriate composting facility, or in a home compost pile or device. For your dog waste bags, you need competent and reliable scientific evidence that the bag and its contents will completely break down into safe soil-conditioning material in about the same time as the materials with which it will be composted. Given the nature of dog waste, you should clearly and prominently qualify your compostable claims: 1) if your bags can’t be composted safely, timely, and easily in a home compost pile or device; 2) if your compostable claim is likely to mislead consumers about the environmental benefit when the bags are disposed of in a landfill; or 3) if composting facilities that accept dog waste aren’t available to a substantial majority of consumers or communities where the bags are sold. Please see Section 260.7 of the Green Guides for additional information.

For more information about making environmental claims, please visit <http://www.ftc.gov/tips-advice/business-center/environmental-claims-summary-green-guides>.

Once you have reviewed your marketing materials, please let us know how you intend to remove or revise your claims. If you don’t intend to remove or revise your claims, please let us know why. You may call FTC attorney [] at [] or investigator [] at [] if you have questions or to follow up on this letter.

Sincerely yours,

Charles A. Harwood
Regional Director

Enclosure