



Bureau of Consumer Protection  
Division of Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, DC 20580

February 23, 2016

Andrea C. Levine, Esq.  
Senior Vice President, Director  
National Advertising Division  
112 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

Re: NAD Referral of Advertising Claims for Hefty Slider Bags

Dear Ms. Levine:

In December 2015, you referred to the FTC a series of advertising claims made by Reynolds Consumer Products, comparing Reynolds's Hefty Slider bags with Ziploc plastic bags. The referral followed an initial NAD decision in 2012 and four compliance proceedings, the last occurring in November 2015. In its initial decision, NAD held that Hefty did not have substantiation to support a "2x Stronger Seal" claim, but did have a reasonable basis—lab testing—for a "stronger seal" claim relating to certain situations, *i.e.*, when the bags are shaken, dropped, or stacked. In the 2015 compliance proceedings, NAD found that subsequent Hefty advertising contained visual imagery that did not reflect the NAD-approved claim. In particular, NAD found that the imagery used in Hefty's ads made it appear, incorrectly, that Ziploc bags were liable to break open during ordinary use. After the fourth such compliance proceeding, NAD referred the matter to the FTC.

The FTC fully supports the NAD's self-regulatory process, and staff shares NAD's concern that Hefty continued to make advertising claims that NAD deemed non-compliant with its decisions. After careful review of the NAD record, additional internal marketing directives, and meeting with the advertiser, we have determined not to take additional action at this time. Our examination led us to conclude that the various changes Hefty made to its advertising reflected a good faith, even if incorrect, understanding of what the NAD decisions allowed it to say and show. Moreover, Reynolds has informed us that Hefty has ceased all comparative advertising between its bags and Ziploc's, and does not plan to resume any of the disputed claims in the future. Accordingly, it appears that no additional FTC action is warranted at the time. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

Mary K. Engle

Associate Director for Advertising Practices