

Eight Educated Questions to Ask About Environmental Claims

1. Is the Advertiser Able to Substantiate All of the Express or Implied Environmental Claims Appearing in Their Advertisement?

Advertisers who make express or implied claims about the attributes of their product, package or service must be able to substantiate their advertising claims. When it comes to environmental claims, this means that the advertiser may be required to have competent and reliable scientific evidence (e.g., tests, analyses, research, studies) to back up such claims. You might see mention of such tests in the ad itself (if it's in print or on the Internet). You might consider writing the advertiser or calling them to ask if such information is available for you to read. If you've done your homework and you still believe that the advertiser cannot substantiate its green advertising claims, such claims should be considered suspect.

2. Are You Able to Tell If the Green Advertising Claim Refers to the Product, the Packaging or Both?

As you read a green advertising claim, you should be able to figure out whether the advertiser is talking about the product, the packaging or both. If not, chances are the claim is false or deceptive. Here's an example: Let's say a cereal box is labeled "recycled package." The package consists of a paperboard box with a wax paper bag inside holding the cereal. But what does the advertiser mean by this claim? Does it refer to the box only? Does it refer to only the bag? Or does it refer to both? This type of claim is ambiguous. And the claim is deceptive if only the box is recycled. If the box alone were recycled, a non-deceptive claim would have qualified so as to say, for example, "recycled box."

3. Does the Ad Exaggerate or Overstate Environmental Attributes or Benefits?

Say you come across a banner ad on a calendar publisher's website that says, "Our Calendars now contain 50% more recycled content than before." This sounds like a great environmental benefit. Maybe it is the tipping point factor that leads you to buy their calendars over another publisher's calendars. However, the publisher increased the recycled content of its calendars from 2% recycled material to 3% recycled material. So the claim is technically correct. However, the banner advertisement is likely to convey the false impression that the use of recycled material was increased significantly.

4. Are there Comparative Environmental Claims in the Ad?

Let's use the same calendar publishing company example as above. However, this time the company puts this statement on the front of its 2014 calendar: "50% more recycled content." Once again, it sounds like the calendar offers a significant environmental benefit. But this claim is ambiguous as there's no way to tell if the claim is a comparison to the publisher's 2013 calendar or to a competitor's calendar. To eliminate this ambiguity, the advertiser should have made the basis for the comparison clear, by saying, for example, "50% more recycled content than our 2013 calendar"

5. Does the Product Label Contain Eco-Seals, Seals-of-Approval, or Certifications?

Examine the product that you intend to purchase for environmental seals-of-approval, eco-seals and certifications from third-party organizations. These seals and certifications imply that a product is environmentally superior to other products. However, be aware that such broad superiority claims aren't easy for advertisers to substantiate. So you should look for information accompanying the seal-of-approval that explains the basis for the award. If the seal-of-approval implies that a third party has certified the product, make sure that the certifying party is truly independent from the advertiser and has professional expertise in the area being certified.

6. Does the Product Make any "Degradable," "Biodegradable", or "Photodegradable" Claims?

Such claims mean that the materials will break down and return to nature within a reasonably short time after customary disposal. What a "reasonably short time" is depends on where the product is disposed. For example, in landfills, where most garbage is taken, materials degrade very slowly, if at all. Accordingly, it's difficult to substantiate a claim that a product normally disposed of in a landfill is "biodegradable," "degradable" or "photodegradable."

But biodegradable claims for products that go down the drain, like detergents and shampoos, may be substantiated if the product will degrade in wastewater treatment systems. A "reasonably short period of time" for biodegradability of products like detergents and shampoos that go into the wastewater treatment systems would be about the same time that it takes for sewage to be processed in the wastewater treatment systems.

7. Does the Ad Make any "Compostable" Claims?

Such "compostable" claims are appropriate on products or packages that will break down, or become part of usable compost (e.g., mulch), in a safe and timely manner in home compost piles. For composting, a "timely manner" is approximately the same time that it takes organic compounds, like leaves, grass, and food stuff, to compost. Claims for a product that is "compostable" in a municipal or institutional composting facility - but that won't break down quickly enough to be compostable in home compost piles - may need to be qualified to avoid deception about the limited availability of municipal or institutional composting facilities. Consumers are likely to understand "compostable" claims to mean that the product can be composted at home or in their community. If it isn't, the "compostable" claim should be accompanied by an explanation.

8. Are "Recyclable" Claims Being Made on the Labels or Ads?

These advertising claims mean the products can be collected, separated or recovered from the solid waste stream and used again, or reused in the manufacture or assembly of another package or product through an established recycling program. A claim of recyclability should make clear to consumers whether it refers to the product, the package, or both. Unless the entire product or package is recyclable, the claim ought to specifically indicate which parts of the product or package are recyclable. If only minor or incidental components are not recyclable, the claim needn't be qualified.

To obtain this factsheet in an alternative format, please contact the Office of Consumer Protection at 410-313-6420 (voice/relay) or email us at consumer@howardcountymd.gov.