

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 deceptive environmental claims, including through environmental certifications and seals of approval.

After reviewing your website and those of online retailers displaying 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 based, multi-attribute standards. See Section 260.6, Example 7.

The “_____” logo may deceptively convey that businesses offer general environmental benefits because it does not convey the basis for the certification. The logo is not accompanied by clear and prominent qualifying language that 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 _____ for more information, the logo itself is not likely an effective hyperlink label leading to the necessary disclosures. As the FTC staff guidance document “Disclosure” 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](https://www.ftc.gov/system/files/documents/plain)