

## Federal Trade Commission Announces Workshop on Environmental Claims for Green Buildings and Textiles

*The Federal Trade Commission (“FTC”) just announced that it will be holding a third public workshop as part of its regulatory review of the “Guides for the Use of Environmental Marketing Claims” (“Green Guides”).*<sup>1</sup>

This workshop will be held on July 15, 2008 and will examine developments in environmental claims for “green” buildings and textiles as well as the consumer perception of such claims. Businesses are encouraged to participate through the workshop itself or through written comments, as contributions to this and future workshops will help develop policy on the use of “green” advertising claims and may help to guide FTC enforcement actions.

In the building market, “green” claims are prevalent for a wide range of building products, including flooring, carpeting, paint, wallpaper, insulation, and windows, according to the notice.<sup>2</sup> Likewise, the Commission indicated that there is an increased focus on developing “green” buildings.

In the textile area, the Commission has noted an increase in the use of environmental claims to sell products made from organic cotton and bamboo fiber. In addition to these new claims, the FTC has also noticed an increase in environmental claims based on seals of approval and third-party certifications, and has expressed its interest

in reviewing consumer perception and substantiation issues related to these types of claims.

As with all of its guides, the FTC periodically reviews the Green Guides. In November 2007, it announced that it would review the guides a year ahead of schedule, due to the increase in environmental product and packaging features by businesses, and the use of new types of “green” advertising claims, such as “sustainable” and “renewable,” which are not currently covered by the Green Guides.<sup>3</sup>

### TOPICS THAT WILL BE DISCUSSED AT THE WORKSHOP

The FTC has suggested the following specific topics of discussion for the workshop:

- Consumer perception of environmental claims for buildings and textile products;
- The state of substantiation for “green” building and textile claims; and
- The need for additional or updated FTC guidance in these areas.

### CONCLUSION

Businesses will benefit from paying close attention to the developments at the FTC as it considers revisions to its environmental marketing policies. We encourage marketers engaged in green advertising or interested in marketing their building products and textiles with

<sup>1</sup> See FTC, Press Release, FTC Announces Workshop on ‘Green Guides’ and Environmental Claims for Building and Textiles, at <http://www.ftc.gov/opa/2008/02/greenguides.shtm>.

<sup>2</sup> See *id.*

<sup>3</sup> See 72 Fed. Reg. 66091 (Nov. 27, 2007).

environmental benefits to participate in the FTC's review of these issues. Comments are due no later than July 1, 2008 to inform discussion at the workshop, and comments will be accepted after the workshop until August 15, 2008. Although not required, the FTC offers individuals the opportunity to pre-register for the workshop by e-mailing their name and affiliation to [buildingandtextilesworkshop@ftc.gov](mailto:buildingandtextilesworkshop@ftc.gov).

Please be advised that attorneys in Kelley Drye & Warren's Advertising Law Practice Group have broad experience at the FTC, the offices of state attorneys general, the National Advertising Division ("NAD"), and the networks; substantive expertise in the areas of advertising, promotion marketing and privacy law, as well as consumer class action defense; and a national reputation for excellence in advertising litigation and NAD proceedings. We are available to assist clients with developing strategies to address issues contained in this Advisory.

**For more information about this  
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