

FTC Releases 2012 Green Guides

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The **Federal Trade Commission** has [released](#) the final version of its revised **Guides for the Use of Environmental Marketing Claims**, commonly known as the **Green Guides**. The first Green Guides were issued in 1992, and the updated 2012 Green Guides were finalized in October, nearly two years after they were first proposed by the FTC. The new Green Guides provide additional clarification regarding claims that a product is "environmentally friendly," "biodegradable," or "recyclable."

The 2012 Green Guides also contain a new section on environmental "seals" and "certifications." The FTC concluded that seals and certifications that use broad, general environmental terms can falsely imply far-reaching environmental benefits. Therefore, the Green Guides provide that seals should convey, through their names, the specific environmental benefits that are being certified, or, contain a disclosure of the basis of the certification.

The new Green Guides also address the following environmental claims:

- that a product is "free of" certain materials or "non-toxic";
- life cycle assessments;
- carbon offsets; and
- "renewable energy" and "renewable materials."

The 2012 Green Guides, however, did not provide any guidance on two common terms used in environmental claims: "sustainable" and "natural." The FTC concluded that the term "sustainable" had different meanings outside of the environmental context -- including a claim that a product was "strong," "durable," or "long-lasting." Similarly, the FTC concluded that the term "natural" had different meanings depending on the context and therefore declined to provide general guidance. However, there are several pending lawsuits challenging use of the term "natural," and the outcome of those cases could provide guidance in the absence of any statement from the FTC.

The text of the 2012 Green Guides can be found [here](#).

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