

FTC Requests Public Comment on Refresh of Green Guides, Including Feedback on “Organic” and “Sustainable”

Article By:

Christopher Hanson

The [Federal Trade Commission](#) (“FTC” or the “Commission”) is [seeking](#) public comments on potential updates to its [Guides for the Use of Environmental Marketing Claims](#) (“Green Guides” or “Guides”). The Green Guides are administrative interpretations of Section 5 of the FTC Act (15 U.S.C. § 45(a)) regarding unfair or deceptive environmental advertising and labeling claims.

What are the Green Guides?

First published in 1992, the Green Guides provide industry guidance on environmental marketing claims. Guidance includes how consumers are likely to interpret environmental claims and ways in which marketers can substantiate or qualify claims to avoid deceiving consumers. The Guides, which are not themselves enforceable, outline general principles regarding environmental claims and offer specific guidance on commonly used claims, such as “*recyclable*,” “*compostable*,” and “*degradable*.” The Commission last revised the Guides in 2012 and now wishes to update them based on increased consumer interest in buying environmentally-friendly products.

What feedback is the FTC requesting?

The FTC requests comments on general issues regarding the Green Guides, such as: consumer perceptions of environmental claims, the continuing need for and economic impact of the Guides, and the interaction of the Guides with other domestic and international marketing regulations. The Commission also invites comments as to whether it should consider rulemaking to establish independently enforceable requirements related to unfair and deceptive environmental marketing claims.

In addition to general comments, the FTC also invites comments on specific issues related to potential updates to the Green Guides, such as guidance provided for claims containing the following terms:

- “*Carbon offset*,” “*climate change*,” and renewable energy claims.
- “*Recyclable*,” including comments on the current thresholds required to make an unqualified recyclable claim and guidance for products that are collected curbside by recycling programs

but are ultimately not recycled.

- “*Recycled content*,” including consumer understanding of these claims and the ways in which recycled content claims could be substantiated.
- Other commonly used environmental terms, such as “*compostable*,” “*degradable*,” “*ozone-friendly*,” and claims regarding energy use and energy efficiency.

Importantly, in the 2012 version of the Guides, the FTC declined to issue guidance on the terms, “*organic*” (for non-agricultural products) and “*sustainable*.” Now, the Commission is specifically requesting comment on whether the FTC should revisit these determinations.

How can I submit a comment?

The FTC encourages all interested parties to submit comments regarding potential updates to the Green Guides on or before February 21, 2023. Comments can be submitted online to Docket Number FTC-2022-0077 at www.regulations.gov/ and should include “Green Guides Review, Matter No. P954501” in the comment.

Paul Clowes, Law Clerk in the Greenville office, contributed to the drafting of this post.

Copyright ©2025 Nelson Mullins Riley & Scarborough LLP

National Law Review, Volume XIII, Number 4

Source URL: <https://natlawreview.com/article/ftc-requests-public-comment-refresh-green-guides-including-feedback-organic-and>