

United States Senate

WASHINGTON, DC 20510-3905

The Hon. William E. Kovacic
The Hon. Pamela Jones Harbour
The Hon. Jon Leibowitz
The Hon. J. Thomas Rosch
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

November 21, 2008

Dear Commissioners,

I write regarding the Federal Trade Commission's (FTC) revision of its *Guides for the Use of Environmental Marketing Claims*, known as the "Green Guides." It is my understanding that the Green Guides are currently under much-needed review and that the FTC plans to issue new guidelines at an unspecified date in the future. I strongly urge that this process be completed as expeditiously as possible. The Green Guides are vital documents for advertisers: they provide safe, stable definitions for key environmental concepts and terms and allow the government to regulate the otherwise nebulous world of environmental claims.

There is no doubt that the landscape of environmental marketing has changed in the 10 years since the "Green Guides" were last updated. Advances in environmental technology, new green terminology, and the expansion of the marketplace as a whole have rendered the previous guidelines obsolete and ineffective. In an arena as innovative as this, the FTC must keep pace with industry efforts to mislead consumers regarding the environmental impacts of its products, or risk relinquishing its role as a champion of informed consumer choice.

Increasingly, consumers are making purchasing decisions based upon perceptions related to the environment and global climate change. According to a 2008 survey conducted by Cone Marketing and the Boston College Center for Corporate Citizenship, 39% of Americans are "preferentially buying products they believe to be 'environmentally sensitive.'" This is a promising trend, but one that is meaningless if manufacturers' claims of environmental sensitivity cannot be trusted. I fear that too many consumers are attracted to products that purport to be "green," but in fact are little different from standard products. The FTC must ensure that environmentally-focused consumers can trust the claims made by manufacturers and sellers if those consumers are to have their preferences reflected in the marketplace, and if these preferences are to lead to real progress on the environment.

The above-referenced survey also indicates that advertising regarding products' environmental impacts has already misled a significant portion of the American public. Forty-eight percent of those surveyed reported that they were under the impression that buying a "green" product produces a net positive impact to the environment. Only 18% understood that the term "green" means less environmentally damaging rather than environmentally beneficial. It is clear that, in the absence of strict regulation, the advertising sector has already implanted dangerously misleading information in the minds of the American public.

I applaud the work you are doing to revise the Green Guides: it is a vital first step to combating destructive misinformation on one of the most critical issues facing our country (and our planet). This process should not be delayed and I urge you to establish new guidelines as rapidly as feasible.

Sincerely,



SHELDON WHITEHOUSE
United States Senator