



**Part 2: Comments of Consumers Union on Proposed Guides for Use of Environmental Marketing Claims, 16 CFR Part 260, Notice of the Federal Trade Commission
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December 10, 2010**

Consumers Union (CU) would like to raise one additional issue to our previously submitted comments on the proposed **Guides for the Use of Environmental Marketing Claims, 16 CFR Part 260**.

While we commend the FTC for elevating the scrutiny of the "non-toxic" claim, we believe that this claim is in fact very difficult for marketers to substantiate and for consumers to verify for themselves. We believe that the marketplace would be better served with specific claims of how a product contains less toxic or no toxic materials rather than using a "non-toxic" claim. This is a common claim found on cleaning products, where ingredients are not required to be and are often not disclosed, especially preservatives, fragrances and dyes. In these cases, it is virtually impossible for a consumers to know if "non-toxic" claims are really true.

We received a complaint by one manufacturer after a cleaning story this past year complaining about our general advice regarding the "non-toxic" claim-- that it had no government standards behind it and was not a verified claim. The company submitted reams of documentation to us about how they self-certify their "non-toxic" claim. Their own documentation revealed the use of a carcinogen, albeit in small amounts.

We do not believe this is a claim that can easily be addressed by marketers. Consumers Union recommends that the Commission consider "non-toxic" as a general claim that is difficult to substantiate and should discourage its use in favor of more specific claims.

Sincerely,

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