



## **FTC to Study How Consumers See “Green” Marketing**

by [Lexy Payne, Advertising Attorney](#)

On May 12, 2009, the Federal Trade Commission ("FTC") announced plans to conduct a study on consumer perception of environmental advertising claims (74 Fed. Reg. 22395-22399) in connection with its review of the Guides for the Use of Environmental Marketing Claims, 16 C.F.R. § 260.1, *et seq.* ("Green Guides"). The FTC's Green Guides represent interpretations of laws administered by the FTC. Further, the Green Guides specifically address environmental advertising and marketing practices and provide the basis for voluntary compliance with such laws by industry members. Specifically, the Green Guides provide guidance on making claims such as biodegradable, compostable, recyclable, recycled content, and ozone safe, while discouraging broad, unqualified environmental claims, such "eco-friendly."

The FTC's anticipated study was likely prompted by the increased use of environmental marketing and its effect on the consuming public. It is expected that the FTC will use this opportunity to evaluate and implement more stringent guidelines for "green" marketing campaigns. This development serves as a reminder that legal clearance for environmental claims is integral as the FTC's scrutiny of such claims is expected to increase. The FTC will accept [public comment](#) on the proposed study through June 11, 2009.

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