

FTC news

Federal Trade Commission Washington, D.C. 20580 (202) 326-2180

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LEPAGE'S AGREES TO SETTLE FTC ALLEGATIONS OF MISLEADING ENVIRONMENTAL CLAIMS FOR "BIODEGRADABLE" TRANSPARENT TAPE

LePage's, Inc., a Pittsburgh, Pennsylvania manufacturer of glues and adhesive tapes, has agreed to settle Federal Trade Commission charges that it made unsubstantiated biodegradable claims for an adhesive tape labeled "Biodegradable Transparent Tape" and false recyclable claims for its plastic tape dispenser and paperboard backcard. Under the proposed settlement agreement, LePage's would be prohibited from making these or other unsubstantiated environmental claims in the future.

This case is another in a series of FTC challenges to allegedly deceptive environmental marketing claims.

LePage's Biodegradable Transparent Tape is a cellophane tape made from wood pulp and adhesive material. The tape product is sold with a hard, clear non-foam polystyrene plastic dispenser. The tape and dispenser are attached to a non-corrugated paperboard backcard for sale to the public.

According to the FTC complaint detailing charges in this case, the package for the tape contained the following statements:

"BIODEGRADABLE TRANSPARENT TAPE"

"DEGRADES RAPIDLY" and

"ENVIRONMENTALLY SAFE."

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The FTC charged that by using such statements, LePage's represented without a reasonable basis that its Biodegradable Transparent Tape:

-- will completely break down and return to nature within a reasonably short period of time after customary disposal, and

-- compared to other transparent tape, offers a significant environmental benefit after customary disposal.

The complaint also alleged that packaging for LePage's tape contained the statements: "RECYCLABLE DISPENSER," "Recyclable Package" and "DISPENSER IS RECYCLABLE IN COMMUNITIES WHICH HAVE P.S. RECYCLING FACILITIES." Also depicted on the packaging was the three chasing arrow symbol. By using such statements and depiction, the FTC charged, LePage's falsely represented that its plastic tape dispenser and paperboard backcard are recyclable.

In fact, according to the FTC, although the tape dispenser and the backcard are capable of being recycled, the vast majority of consumers cannot recycle them because there are only a few collection facilities nationwide that will accept the non-foam polystyrene tape dispenser or the non-corrugated paperboard backcard for recycling. In light of this, the FTC charged that the recyclable representations are false.

The proposed consent agreement to settle these charges, announced today for public comment, would prohibit LePage's from making unsubstantiated claims that its products or packages are degradable, biodegradable or photodegradable or provide any environmental benefits when consumers dispose of them as trash that is buried in a sanitary landfill.

In addition, LePage's would be prohibited from misrepresenting that any product or package is capable of being recycled, or the extent to which recycling collection programs for them are available.

The proposed settlement would permit LePage's to truthfully claim in the future that any non-foam polystyrene or non-corrugated paperboard product or package is recyclable, as long as it discloses clearly and prominently certain information about the limited availability of recycling facilities, and as long as such plastic products or packages bear a clear identification of the specific plastic resin from which they are made. When making such recyclable claims, LePage would be required to disclose either:

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-- that such products or packaging is recyclable in the few communities with recycling collection programs for such materials; or

-- the approximate number or percentage of U.S. communities, or the approximate percentage of the U.S. population, with access to recycling collection programs for such materials.

In addition, LePage's would be prohibited from making any unsubstantiated representation that any product or package it markets offers any environmental benefit.

Finally, the proposed settlement contains provisions that would assist the FTC in monitoring compliance with the settlement.

The vote to accept the proposed consent agreement for public comment was 5-0. It will be published in the Federal Register shortly and will be subject to public comment for 60 days, after which the Commission will decide whether to make it final. Comments should be addressed to the FTC, Office of the Secretary, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTE: A consent agreement is for settlement purposes only and does not constitute an admission of a law violation. When the Commission issues a consent order on a final basis, it carries the force of law with respect to future actions. Each violation of such an order may result in a civil penalty of \$10,000.

Copies of the complaint and proposed consent agreement, an analysis of the agreement to assist the public in commenting, and the FTC's Guidelines for Environmental Marketing Claims, are available from the FTC's Public Reference Branch, Room 130, at the above address; 202-326-2222; TTY for hearing impaired 202-326-2502.

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