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Comment Letter: FTC Should Strengthen Environmental Marketing Standards

Attorney General Brown and Coalition Call for Higher Benchmarks for Green Guides Standards on Environmental Advertising to Prohibit Deceptive Marketing to Consumers

BALTIMORE, MD (April 25, 2023) – Maryland Attorney General Anthony G. Brown today joined a multistate coalition in submitting [comments](#) urging the Federal Trade Commission (FTC) to strengthen its Guides for the Use of Environmental Marketing Claims, or “Green Guides,” which Maryland and other states use to hold marketers accountable and protect consumers. In a letter sent today to FTC Chair Lina Khan, Attorney General Brown joined 16 Attorneys General in calling for updates to the federal Green Guides to bolster consumer protection laws against advertising that overstates environmental benefits, often called “greenwashing.”

The Green Guides were first developed in 1992 by the FTC to hold marketers accountable for deceptive marketing claims under state consumer protection laws. The Green Guides are an essential tool in public and private efforts to address critical environmental issues by helping to ensure that consumers are not misled when making purchasing decisions based on products and services’ environmental benefits.

The states recommend continuing to publish, clarify, and strengthen the Green Guides. The multistate coalition advises the FTC to expand the scope of the Green Guides to consider how the standards for each environmental marketing claim could be clarified and strengthened to better ensure they are supported by tangible environmental benefits. Additionally, the states argue that the Green Guides should not preclude states and localities from enacting stronger standards.

More specifically, the states advise that the following be included in updated guidance:

- Voluntary carbon offsets should ensure a reduction in GHG emissions that is additional to any reduction that would likely have occurred without the purchase of the offset;

- The definition of “compostable” should incorporate both scientific standards and the known practical limitations of composting at scale;
- FTC should make explicit that “recyclable” means what the FTC has intended it to mean and what consumers understand it to mean: namely, that when the consumer properly disposes of a “recyclable” item, it is actually recycled as a matter of course; and
- A renewable energy claim should be underwritten by actual environmental benefit, wherein marketers who make renewable energy claims must actually procure and use renewable energy.

In filing the comment letter, Attorney General Brown joined the Attorneys General of California, Connecticut, Delaware, the District of Columbia, Illinois, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

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