



Biotechnology Innovation Organization
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VIA REGULATIONS.GOV

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Bureau of Consumer Protection,
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: Green Guides Review, Matter No. P954501

The Biotechnology Innovation Organization (BIO) is pleased to respond to the Federal Trade Commission's (FTC's) request for comment on its Guides for the Use of Environmental Marketing Claims (Green Guides or Guides).

BIO represents more than 1,000 members in a biotech ecosystem with a central mission – to advance public policy that supports a wide range of companies and academic research centers that are working to apply biology and technology in the agriculture, energy, manufacturing, and health sectors to improve the lives of people and the health of the planet. BIO is committed to speaking up for the millions of families around the globe who depend upon our success.

BIO's members develop products capable of meeting the challenges of a changing climate and sustainably increasing production to feed a growing world. To meet these challenges, we must incentivize the adoption of innovative, sustainable technologies and practices. The adoption of biotechnology in agriculture and the development of biobased technologies has already made significant contributions to a more sustainable and secure food system and climate change solutions, and led to significant and widespread environmental benefits.

BIO appreciates the work the FTC has done to provide guidance to stakeholders regarding the applicability of Section 5 of the FTC Act, 15 U.S.C. § 45(a), to environmental advertising and labeling claims to ensure that marketing and labeling claims that confront consumers are truthful and not misleading. In connection with that work, and the FTC's ongoing consideration of its guides, BIO asks that the FTC continue the Guides, given the increasing proliferation of environmental advertising and labeling claims in the marketplace. In addition, as part of a modernization effort, BIO asks the agency to consider additional opportunities to provide guidance on claims applied to agricultural products and products produced using biobased technologies to ensure that those claims meet the requirements of the FTC Act.



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First, BIO asks that the FTC provide guidance regarding the term “organic” and its use on non-agricultural products, so that product developers and marketers have concrete standards to follow in applying the term “organic” to products that either have no non-organic counterpart (e.g., water, salt), are not squarely regulated under USDA’s National Organic Program (e.g., cosmetics, body care, and personal care products)¹, or both. This will ensure that marketing claims that use the term “organic” are truthful and not misleading. In particular, claims like “organic” and “Non-GMO” on products that have no genetically engineered counterpart may be misleading to consumers, as they give the impression there are in fact alternatives available in the market.

In addition, BIO encourages the FTC to provide adequate guidance to marketers wishing to use a “sustainable” claim to ensure that all such claims are science- and data-based and are adequately and objectively substantiated. BIO encourages the FTC to consider the UN Sustainable Development Goals as a resource in providing updated guidance on sustainability claims. As a reference for details on principles and practices, BIO recommends the International Trade Center and UNEP-led Guidelines for Providing Product Sustainability Information. Specific to food products, the World Business Council for Sustainable Development has developed guidelines in Food Labeling: Principles to support the uptake of healthy and sustainable diets, aligned with the above UNEP Guidelines.

Conclusion

BIO is grateful for the opportunity to submit these comments on the Green Guides and welcomes the opportunity to further discuss how BIO can assist the FTC in ensuring that consumers receive truthful, fact-based information regarding the opportunities for BIO members’ pioneering technology breakthroughs to continue to improve the health and prosperity of our nation and the world.

A handwritten signature in black ink that reads "Beth Ellikidis". The signature is written in a cursive, flowing style.

Beth Ellikidis
Vice President, Agriculture and Environment
Biotechnology Innovation Organization

¹ See <https://www.ams.usda.gov/grades-standards/cosmetics-body-care-and-personal-care-products>.