

UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

WASHINGTON, D.C. 20580

Office of the Secretary

VIA Email

May 30, 2013

Marine Stewardship Council Program Improvements standards@msc.org

RE: Marine Stewardship Couries Fishery Standards Review

To the Program Improvements Manager:

In response to the Marine Stewardship Council's ("MSC") request for public comments as part of its current fishery standards review, the Federal Trade Commission ("FTC" or "Commission") submits the following comments. The FTC appreciates this opportunity to share the following information concerning the Commission's approach regarding environmental marketing claims. The Commission wants to take this opportunity, while the MSC is actively reviewing its certification process, to recommend that the MSC work to ensure that its "Certified Sustainable Seafood" label conveys truthful, non-deceptive information to consumers.

The Commission takes no position on the legality of the current MSC seal or on any future proposals, but emphasizes that the MSC's "Certified Sustainable Seafood" label, when used in the United States, is governed by and must comply with the Federal Trade Commission Act, 15 U.S.C. §§ 41 *et seq.* (the "FTC Act"). This letter is not intended in any way to imply that the MSC, or any of the licensees using its label, have, or have not, violated the FTC Act.

The FTC is charged under the FTC Act with preventing unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce. Truthful and non-deceptive information is necessary for the marketplace to function efficiently. The Commission and its staff have a longstanding interest in ensuring that environmental marketing claims do not deceive consumers. To that end, the Commission promulgated its Environmental Marketing Guides ("Green Guides") in 1992. As part of its comprehensive program to review all its rules and Guides, the Commission recently updated the Green Guides with particular emphasis on the use of third-party seals and certificates. For example, the Commission has provided guidance regarding disclosure of material connections, third-party seals as general environmental benefit claims, and multi-attribute certifications.

¹ The Green Guides are available here: http://www.ftc.gov/os/2012/10/greeGreen Guides §§ 260.4 and 260.6. See also Statement of B

When they convey truthful and non-deceptive information, certification seals, such as the MSC seal, and others like it, can play an important role in helping consumers identify seafood