

UNITED STATES OF AMERICA

122 3291

Option A – Tells consumers that the bag will biodegrade but does not relay information about recycling.

Option B - Tells consumers that the bag is biodegradable and is also recyclable.”

(Ex. 1, at 3).

“*Biodegradable* bags will break down completely when in contact with decomposing organic waste – even in a landfill where practically nothing degrades.”Id., at 4).

iii. Reusable and Biodegradable Page:

“Reusable, Recyclable, and Biodegradable bags”Id., at 5).

“Constucted [sic] of h-12.05 84Td (8>BDC 0 -13.86 TD (-4Td C 0 -13.86 T1

iv. Going GreenPage:

“Biodegradable is a popular word these days. Everyone is concerned about the environment. But it’s also a word that is easily misunderstood. . . .

Simply defined, biodegradable means that an ~~item~~ will break down into natural organic matter. Id., at 6).

“American Plastic Mfg.’s biodegradable bags are made with an additive from ECM Biofilms that allows plastic to break down when in contact with other decomposing organic matter. . . . These bags have all the properties of normal plastic bags, can be reused and recycled with other plastic bags, and if littered or landfilled, will biodegrade safely.” Id.

B. Respondent’s LineCard (Exhibit 2):

[“American Plastic is Going Green – Biodegradable bags now available!](#)

Environmental issues are important to everyone. We are doing our part by offering 100% Biodegradable bags; printed with our custom ‘This Bag is Biodegradable’ logo.

Using an additive from ECM Biofilms (ecmbiofilms.com), our biodegradable bags break down completely when in contact with other decomposing materials; in compost bins, landfills, or just buried in the ground.” (Ex. 2, at 1).

BIODEGRADABLE LOGO OPTIONS

American Plastic has created a custom biodegradable logo for use on our biodegradable bags. Choose the one that works best for your clients.

The “100% Biodegradable and Recyclable” logo provides information about how end users can dispose of the bags.

(Id.).

“Biodegradable bags will break down completely when in contact with decomposing organic waste –

disposed of either in landfills, incinerators, or recycling facilities. These disposal methods do not present conditions that would allow APM Biodegradable Bags completely break down and decompose into elements found in nature within a reasonably short period of time.

7. Consumers likely interpret unqualified degradable claims to mean that the entire product or package will completely decompose into elements found in nature within a reasonably short period of time after customary disposal

8. The Ecological Assessment of ECM Plastic, American Society for Testing and Materials ("ASTM") International D5511, *Standard Test Method for Determining Anaerobic Biodegradation of Plastic Materials under High Solids Anaerobic Digestion Conditions* ("ASTM D5511"), and other scientific tests relied on by respondent do not assure complete decomposition of APM Biodegradable Bags in a reasonably short period of time or in respondent's stated timeframes, nine months to five years, and do not replicate, i.e. simulate, the physical conditions of either landfills, where most trash is disposed, or other disposal facilities stated in the representations.

VIOLATIONS OF SECTION 5 OF THE FTC ACT

FALSE OR MISLEADING REPRESENTATIONS

9. Through the means described in Paragraphs 2, 4, and 5, respondent has represented, expressly or by implication, that:

- A. APM Biodegradable Bags are biodegradable, will completely break down and decompose into elements found in nature within a reasonably short period of time after customary disposal;
- B. APM Biodegradable Bags are biodegradable in a landfill;
- C. APM Biodegradable Bags are biodegradable in a stated qualified timeframe; and
- D. APM Biodegradable Bags are biodegradable, biodegradable in a landfill, or biodegradable in a stated qualified timeframe as a result of an additive from ECM Biofilms, Inc.

10. In truth and in fact:

- A. APM Biodegradable Bags will not completely break down and decompose into elements found in nature within a reasonably short period of time after customary disposal
- B. APM Biodegradable Bags will not completely break down and decompose into elements found in nature within a reasonably short period of time after

