

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright

)	
In the Matter of)	
)	Docket No. C-4443
Down to Earth Designs, Inc.,)	
a corporation)	
)	
)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Down to Earth Designs, Inc., d/b/a gDiapers (“Respondent”) has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent is an Oregon corporation with its principal place of business at 2808 NE Martin Luther King Jr. Boulevard, Portland, Oregon, 97212.
2. Respondent has advertised, labeled, offered for sale, sold, and distributed the following products throughout the United States:
 - A. gDiapers: A diaper system that consists of two components: (i) a reusable outer shell (gPants), and (ii) an inner liner, either a disposable pad (gRefills) or a reusable cloth insert. Respondent has offered for sale and sold gPants and gRefills separately and in combination with each other.
 - B. gWipes: Moist wipes for use on babies’ skin.
3. Respondent has advertised, offered for sale, and sold gRefills and gWipes as disposable products on its website, www.gdiapers.com, and through other online media, including but not limited to advertisements on third-party websites, social media advertisements, and email advertisements sent to potential customers. Additionally, Respondent has advertised, offered for sale, sold, and distributed these products through various retailers and distributors throughout the United States.

4. The acts and practices of Respondent alleged in this Complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

5. Respondent disseminates, has disseminated, or has caused the dissemination of promotional materials relating to its gDiapers and gWipes products to retailers and consumers. In numerous instances, including but not limited to the promotional materials shown in Exhibits 1-19, Respondent has represented that:

A. gRefills and gWipes are biodegradable:

100% ecolorable*
***cute & biodegradable.**

Ex. 1 (gDiapers website).

100% biodegradable

Exs. 2, 3 (gDiapers website). See also Exs. 4, 5 (online

B. gRefills and gWipes biodegrade when trashed:

**100% biodegradable
disposable diaper inserts
So gentle on the earth you can flush, compost, or toss.**

Ex. 1 (gDiapers website).

**Flush.
Compost.
Toss.
gDiapers. No garbage.**

Ex. 10 (online advertising). See also Ex. 11 (online advertising).

**a diaper shouldn't last forever.
50 million diapers enter the landfill every day. Each one takes
up to 500 years to break down. gDiapers are the only earth-
friendly diapers that are 100% biodegradable. gDiapers
biodegradable gRefills can be flushed, home composted, or
tossed.**

Ex. 3 (gDiapers website).

**Put the poop in the toilet and toss the baby wipe. You can
breathe easier knowing that a gWipe will break down much
faster than other disposable baby wipes on the market.**

Ex. 12 (gDiapers website).

**toss
a plastic-free option that's easier on the planet**

Ex. 13 (gDiapers website). See also Ex. 8 (packaging).

no landfill necessary.

Ex. 15 (online advertising).

C. gRefills biodegrade when flushed:

100% Biodegradable

So gentle on the earth you can flush, compost, or toss.

Ex. 1 (gDiapers website).

gDiapers biodegradable gRefills can be flushed, home composted, or tossed.

Ex. 3 (gDiapers website). See also Ex. 2 (gDiapers website).

D. gRefills are “certified” biodegradable:

gRefills are certified 100% biodegradable.

2 Exs. 13 (gDiapers website), 16 (email advertising), 8 (packaging). Ex.

claim. For example, while Respondent's hom

**COUNT II: FAILURE TO DISCLOSE, OR FAILURE TO DISCLOSE CLEARLY
AND CONSPICUOUSLY, THAT COMPOSTABILITY IS LIMITED TO WET
GREFILLS AND GWIPES**

20. Through the means described in Paragraph 5, Respondent has represented, expressly or by implication, that used gRefills and gWipes are home compostable – i.e., will break down into, or otherwise become part of, usable compost in a safe and timely manner in a home compost pile or device.

21.

27. Respondent's practices constitute deceptive acts or practices in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a).

IN WITNESS THEREOF, the Federal Trade Commission has issued this Complaint against Respondent and has caused it to be signed by its Secretary and its official seal to be hereto affixed, at Washington, D.C. this eighteenth day of March, 2014.

By the Commission.

SEAL:

Donald S. Clark
Secretary