



DISCLOSURE MATERIALS

Certified B Corporations must complete a Disclosure Questionnaire to identify potentially sensitive issues related to the company (e.g. historical fines, sanctions, material litigation, or sensitive industry practices).

This component does not affect the company's score on the B Impact Assessment. If the company answers affirmatively to any items in the Disclosure Questionnaire and B Lab deems them to be material, the company must:

- 1) Be transparent about the disclosure issues identified on the company's public B Impact Report
- 2) Describe how the company has addressed this issue.
- 3) Demonstrate that management systems are in place to avoid similar issues from arising in the future.

In all cases, the Standards Advisory council reserves the right to refuse certification if the company is ultimately deemed not to uphold the spirit of the community.

In addition to the voluntary indication of sensitive issues in the Disclosure Questionnaire, companies pursuing Certification also are subject to background checks by B Lab staff. Background checks include a review of public records, news sources, and search engines for company names, brands, executives/founders, and other relevant topics.

Sensitive issues identified through background checks may or may not be within the scope of questions in the Disclosure Questionnaire, but undergo the same review process and are subject to the same possible review by the Standards Advisory Council, including ineligibility for B Corp Certification, required remediation, or disclosure.

This document contains a copy of the company's completed Disclosure Questionnaire and related disclosure documentation provided by the company.

DISCLOSURE QUESTIONNAIRE

Company Name: Tom's of Maine
 Date Submitted: 2/9/2023

Industries & Products	Yes	No
Please indicate if the company is involved in production of or trade in any the following. Select Yes for all options that apply.		
Animal Products or Services		✓
Biodiversity Impacts		✓
Chemicals		✓
Company Explanation Of Disclosure Item Flags		✓
Disclosure Alcohol		✓
Disclosure Firearms Weapons		✓
Disclosure Mining		✓
Disclosure Pornography		✓
Disclosure Tobacco		✓
Energy and Emissions Intensive Industries		✓
Fossil fuels		✓
Gambling		✓
Genetically Modified Organisms		✓
Illegal Products or Subject to Phase Out		✓
Industries at Risk of Human Rights Violations		✓
Monoculture Agriculture		✓
Nuclear Power or Hazardous Materials		✓
Payday, Short Term, or High Interest Lending		✓
Water Intensive Industries		✓
Tax Advisory Services		✓

Supply Chain Disclosures	Yes	No
Please indicate if any of the following statements are true regarding your company's significant suppliers.		
Business in Conflict Zones		✓
Child or Forced Labor		✓
Negative Environmental Impact		✓
Negative Social Impact		✓
Other	✓	

Outcomes & Penalties	True	False
Please indicate if the company has had any formal complaint to a regulatory agency or been assessed any fine or sanction in the past five years for any of the following practices or policies. Check all that apply.		
Anti-Competitive Behavior		✓
Breaches of Confidential Information		✓
Bribery, Fraud, or Corruption		✓
Company Explanation Of Disclosure Item Flags		✓
Company has filed for bankruptcy		✓
Consumer Protection		✓
Financial Reporting, Taxes, Investments, or Loans		✓
Hazardous Discharges Into Air/Land/Water (Past 5 Yrs)		✓
Labor Issues		✓
Large Scale Land Conversion, Acquisition, or Relocation		✓
Litigation or Arbitration	✓	
On-Site Fatality		✓
Penalties Assessed For Environmental Issues		✓
Political Contributions or International Affairs		✓
Recalls		✓
Significant Layoffs		✓
Violation of Indigenous Peoples Rights		✓
Other		✓

Practices	True	False
Please indicate if the following statements are true regarding whether or not the company engages in the following practices. Check all that apply. If the statement is true, select "Yes." If false, select "No."		
Animal Testing		✓
Company/Suppliers Employ Under Age 15 (Or Other ILO Minimum Age)		✓
Company Explanation Of Disclosure Item Flags		✓
Company prohibits freedom of association/collective bargaining		✓
Company workers are prisoners		✓
Conduct Business in Conflict Zones		✓
Confirmation of Right to Work		✓
Does not transparently report corporate financials to government		✓
Employs Individuals on Zero-Hour Contracts		✓
Facilities located in sensitive ecosystems		✓
ID Cards Withheld or Penalties for Resignation		✓
No formal Registration Under Domestic Regulations		✓
No signed employment contracts for all workers		✓
Overtime For Hourly Workers Is Compulsory		✓
Payslips not provided to show wage calculation and deductions		✓
Sale of Data		✓
Tax Reduction Through Corporate Shells		✓
Workers cannot leave site during non-working hours		✓
Workers not Provided Clean Drinking Water or Toilets		✓
Workers paid below minimum wage		✓
Workers Under Bond		✓
Other		✓

B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY: Tom's of Maine

UPDATED AS OF: 2/9/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Litigation, Arbitration, and/or Penalties
ISSUE DATE	January 2017- August 2022
TOPIC	Lawsuits related to advertising on Tom's of Maine products
SUMMARY OF ISSUE	<p>4 lawsuits involving Tom's of Maine products have been filed and/or resolved during the issue date period above alleging false advertising regarding the use of the term "natural" on Tom's of Maine oral care and personal care products.</p> <p>3 lawsuits have been filed and resolved in the past 5 years alleging false and misleading advertising on certain Tom's of Maine products. The cases filed against the company alleged that the amount of empty space in Tom's of Maine deodorant packaging was misleading, that claims regarding the packaging being recyclable were misleading, and that whitening and enamel claims on Tom's Activated Charcoal Toothpaste were false and misleading.</p>
SIZE/SCOPE OF ISSUE (e.g. \$ financial implication, # of individuals affected)	The total amount of penalties for all cases listed above were less than 1% of the company's 2020 revenue.
IMPACT ON STAKEHOLDERS	These lawsuits allege that consumers were misled by 1) Tom's of Maine's use of the term "natural" on oral care and personal care products; 2) the amount of empty space in Tom's of Maine deodorant packaging; 3) claims regarding the packaging being recyclable; and 4) whitening and enamel claims on Tom's Activated Charcoal Toothpaste.
RESOLUTION	<p>The 3 cases relating to the use of the term "natural" have been resolved, two through settlement with payment and one through voluntary dismissal, and 1 case remains pending. Tom's of Maine believes the current lawsuit challenging Tom's use of the term natural is without merit and is defending it vigorously.</p> <p>The 3 cases related to false advertising on certain Tom's of Maine products have been settled. In each of the above cases, claims were made involving a limited number of Tom's products, and were satisfactorily resolved by the parties via settlement payments. The Last Beach settlement included requirements on the advertisers, including Tom's of Maine, to add language in their future advertising using Terracycle's logo to better communicate any limits to the recycling program.</p> <p>The settlements in no way constitute admissions of liability and Tom's maintains the appropriateness of its claims at issue in those lawsuits.</p>



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UPDATED AS OF:

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DISCLOSURE QUESTIONNAIRE CATEGORY	Litigation, Arbitration, and/or Penalties Cont'd
ISSUE DATE	January 2017- August 2022
TOPIC	Lawsuits related to advertising on Tom's of Maine products
IMPLEMENTED MGT PRACTICES	As part of its business practices, Tom's ensures that the products it sells to its customers are advertised accurately and in compliance with applicable law.
MANAGEMENT COMMENTS	<p>Natural claims: At Tom's of Maine, transparency about the ingredients we use and the way we do business has been a guiding principle since our founding in 1970. Tom's of Maine continues to follow its Stewardship Model when developing new products. The Stewardship Model is available at www.toms of maine.com/our-promise/stewardship-model. Through this model, Tom's is able to create products with ingredients sourced and derived from nature, and with formulas free of artificial flavors, fragrances, colors, sweeteners, and preservatives. Tom's prioritizes the use of recycled and renewable materials, strives to reduce packaging waste through recyclability and biodegradability, supports the use of sustainable growing and harvesting practices, and works to minimize the total environmental impact of its supply chain. Additionally, Tom's products are free from animal ingredients with the exception of some bee products, and Tom's products are not tested on animals. The Stewardship Model outlines how the company defines natural, and the company shares every ingredient, its purpose and its source for its products on its website for interested consumers to reference.</p> <p>Tom's believes the lawsuits challenging Tom's use of the term natural are without merit, and understands that the use of the term natural has been one of the most litigated, most targeted labeling terms in the consumer products space for years. Tom's will continue to stand by its products and the claims it makes on them and focus on its mission to produce high quality, natural products.</p> <p>Advertising: As part of its business practices, Tom's ensures that the products it sells to its customers are advertised accurately and in compliance with applicable law. With respect to the recyclability of our toothpaste tubes, Tom's remains focused on educating consumers and the recycling community on recyclable toothpaste tubes. Tom's is proud to be a leader in this space, and its goal is to continue developing products that are ultimately better for our planet.</p>
RELATED INCIDENTS (YES/NO)	See cases discussed in this report.

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UPDATED AS OF: 2/9/2023

DISCLOSURE QUESTIONNAIRE CATEGORY	Other
TOPIC	Negative News associated with Risk of Human Rights Violations in the palm oil supply chain
SUMMARY OF ISSUE	<p>Tom's of Maine is a US-based personal care products manufacturer, which uses palm oil in its products. B Lab came across negative news and allegations related to human rights violations in the palm-oil supply chain that mentioned TOM'S of Maine and Colgate-Palmolive. Below are some examples of what has been flagged:</p> <p>Rape, abuses in palm oil fields linked to top cosmetic brands: AP (November 2020) - https://www.aljazeera.com/news/2020/11/18/rape-abuses-in-palm-oil-fields-linked-to-top-cosmetic-brands-ap, AP Investigation: Palm Oil Labor Abuse, Slavery & Rape Linked To World's Top Brands (December 2020) - https://www.kalw.org/show/your-call/2020-12-21/ap-investigation-palm-oil-labor-abuse-slavery-rape-linked-to-worlds-top-brands</p>
SIZE/SCOPE OF ISSUE (e.g. \$ financial implication, # of individuals affected)	<p>Approximately 2.5% of Tom's supplier expenses in 2021 came from palm oil or palm based derivatives. Tom's of Maine's products contain both refined palm kernel oil and palm-based derivatives. Tom's parent company, Colgate-Palmolive Company, can trace 99% of the refined palm oil and palm kernel oil it purchases, including the palm oil Tom's uses, to the mill level and approximately 65% to the plantation, based on 2021 data. Tom's and Colgate continue to engage an increasing number of their palm-based derivative suppliers on traceability of their supply to the mill. As of 2021, they have engaged the palm derivative suppliers that represent 94% of Colgate and Tom's global derivative volumes and achieved 69% traceability to the mill level. Tom's of Maine sources its palm oil and derivatives from Latin America and Southeast Asia. They will continue to work with their derivative suppliers to increase the traceability percentages and transparency in the derivative supply network.</p>
IMPACT ON STAKEHOLDERS	<p>High-risk supply chains such as palm oil have a history of forced and child labor, which subjects workers to poor working conditions, low wages, and puts children at risk for human trafficking.</p> <p>B Lab has flagged the palm-oil industry for upcoming risk review. When the SAC determines the specific performance requirements for companies in this industry, Tom's of Maine will be required to meet these standards by a future recertification date.</p>
OTHER MANAGEMENT COMMENTS	<p><i>"Any allegations of forced labor within our supply chain are taken very seriously, and whenever we learn of potential problems with a supplier, we investigate. In the case of the articles you shared, our global responsible sourcing team remains in close engagement with the suppliers referenced in the article to address the allegations raised. In line with the policies we shared (next page), we will continue to monitor and address."</i></p>

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UPDATED AS OF:

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DISCLOSURE QUESTIONNAIRE CATEGORY	Other Cont'd
TOPIC	Negative News associated with Risk of Human Rights Violations in the palm oil supply chain
IMPLEMENTED MGT PRACTICES	<p>In response to the news, the company shared the following practices and policies to address these risks:</p> <p>Both Tom's and Colgate are committed to sourcing commodities and ingredients in a sustainable manner free of exploitation of people or local communities. Colgate is part of the Consumer Goods Forum and participates in their Coalition of Actions seeking to transform the palm industry to end human rights violations and illegal deforestation.</p> <p>Tom's of Maine is a Wholly Owned Subsidiary of Colgate-Palmolive, therefore it is aligned with its Policy on Responsible and Sustainable Sourcing of Palm Oil (applicable to all Colgate-Palmolive's operations, subsidiaries and joint ventures.), which states:</p> <ul style="list-style-type: none"> - Colgate-Palmolive is committed to sourcing responsible palm oil, palm kernel oil (PKO) and palm oil derivatives that do not contribute to deforestation or conversion of native landscapes and respects the rights of workers and communities, - By 2030 Colgate-Palmolive will only source palm oil, PKO and their derivatives that are responsibly and sustainably produced from sources that can be traced back to the plantation, - It is expected that all palm oil, PKO and derivative suppliers implement a NDPE (No Deforestation, No Peat, No Exploitation) policy aligned with Colgate's policy and broader industry norms such as the Roundtable on Sustainable Palm Oil (RSPO) principles and criteria which extends across all operations at a corporate group level, <p>The company is aligned with the Disclosure Statement on Human and Labor Rights, determined by Colgate-Palmolive, which states:</p> <ul style="list-style-type: none"> - Colgate-Palmolive and its subsidiaries strongly oppose modern slavery by any person or organization, including their business partners. Furthermore, as a global company, it is committed to complying with all applicable modern slavery transparency laws. - Some of Colgate-Palmolive's policies that address modern slavery, either directly or indirectly, are the following: "Employee Code of Conduct and Global Business Practices Guidelines" and "Third Party Code of Conduct"
REPORT	<p>About The Consumer Goods Forum: https://www.theconsumergoodsforum.com/who-we-are/overview/</p> <p>Coalition of Actions (Palm Oil): https://www.theconsumergoodsforum.com/social-sustainability/human-rights-ending-forced-labour/key-projects/palm-oil/</p> <p>Colgate-Palmolive's Sustainability Policies: https://www.colgatepalmolive.com/en-us/sustainability/our-sustainability-policies</p> <p>Tom's of Maine Palm Kernel Oil Policy: https://www.tomsofmaine.com/our-promise/ingredients/palm-kernel-oil</p> <p>No Deforestation Policy: https://www.colgatepalmolive.com/en-us/sustainability/our-sustainability-policies/no-deforestation</p> <p>Colgate-Palmolive's Responsible and Sustainable Sourcing of Palm Oil: https://www.colgatepalmolive.com/en-us/sustainability/our-sustainability-policies/palm-oil</p> <p>Disclosure Statement on Human and Labor Rights: https://www.colgatepalmolive.com/content/dam/cp-sites/corporate/corporate/en_us/corp/locale-assets/pdf/respecting-human-rights-and-labor-rights-disclosure-statement-2022.pdf</p>