

FTC Announces Settlements on "No VOC" Claims

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The Federal Trade Commission ("FTC") [announced settlements](#) with three mattress manufacturers last week that prohibit the manufacturers from making claims that their products are free from volatile organic compounds ("VOCs") absent competent and reliable scientific evidence.

The companies involved - Relief-Mart, Inc., Essentia Natural Memory Foam Company, Inc., Ecobaby Organics, Inc. - are all alleged to have advertised their mattress as free from VOCs and similar claims absent the requisite level of substantiation. The FTC's complaint against Ecobaby further alleges that the company made unsubstantiated third-party certification claims. Specifically, Ecobaby allegedly displayed the seal of the National Association of Organic Mattress Industry ("NAOMI") to indicate that the product met the organization's quality and manufacturing standards. In fact, the FTC alleges, NAOMI is not an independent, third-party organization but is an alter ego of Ecobaby.

The proposed orders bar Relief-Mart, Essentia, and Ecobaby, from making VOC-free claims unless the VOC level is zero micrograms per cubic meter or the company relies upon competent and reliable scientific evidence that its mattresses contain no more than trace levels of VOCs, based on the guidance in the FTC's Green Guides. The orders also bar environmental benefit or attribute claims, and certain health claims, unless they are true, not misleading, and supported by scientific evidence.

Manufacturers looking to make "No-VOC" or other environmental marketing claims should ensure that claims are properly substantiated and qualified as necessary. The updated [Green Guides](#) include guidance regarding proper substantiation of "free of" claims. The Green Guides also address certifications and seals of approval, which tend to be very persuasive to consumers, and may also implicate the agency's [Endorsement and Testimonial Guides](#).