

NAD Reviews Green Claims for Trash Bags

Gonzalo E. Mon, Katie Rogers

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HoldOn makes trash bags that are certified by the Biodegradable Products Institute (“BPI”) and TÜV Austria as compostable in commercial and home composting settings. The company advertises that the bags are great for trash, composting, recycling and that they are more “sustainable” than competing bags that are resistant to biodegradation. A competitor filed an NAD challenge arguing that HoldOn overstates the benefits of its bags. The decision covers a lot of ground, but here are some highlights.

Although HoldOn was able to rely on its BPI and TÜV certifications to substantiate a claim that the bags break down “in weeks” in home and industrial compost settings, some of the company’s claims didn’t specifically mention composting. Both the challenger and NAD worried that consumers might interpret these claims to suggest that the bag will also break down quickly in other environments, such as landfills, which is not the case.

HoldOn volunteered to modify some of these claims so that they specifically referred to compost environments, but FAQs on the website told users that the HoldOn bags can be thrown out like any other trash bag and are designed to reduce plastic waste, no matter how you dispose of them. NAD reminded HoldOn that the evidence only supports this claim when the bags are composted, so NAD told HoldOn to either discontinue the FAQ claims or qualify them. If you think you can hide claims in an FAQ section, think again. HoldOn went even further in some ads by also touting how the bag “breaks down cleanly without producing microplastics or toxic residue.” NAD said the evidence did not support this.

The challenger argued that HoldOn’s claims that the bags are “a sustainable replacement for traditional plastic bags” and similar phrases could convey broad messages of environmental benefits that are not limited to the bag’s disposal in a composting environment. NAD agreed, noting that HoldOn had not produced evidence that its products provided environmentally preferable benefits outside of that disposal method. Accordingly, NAD recommended that the advertiser either stop making the claim or better qualify it.

The challenger also complained that some of HoldOn’s ads expressly stated or otherwise suggested its bags are not made from plastic. For example, an Instagram post included the following caption: “Say NO to plastic trash bags and YES to HoldOn Bags!” NAD agreed that this conveyed the message the company’s bags are not plastic. Although the bags were made from biobased plastic (renewable biomass sources) and not conventional plastic (petroleum-based polymers), they are still plastic and so NAD recommended that the company stop making these claims.

If your company makes trash bags or claims about how your products break down in the environment, this decision is worth a closer read. For others, this case still serves as a good reminder

green claims are being scrutinized closely by competitors (as well as regulators and plaintiffs' attorneys). It's particularly important to ensure that you narrowly qualify any claims you make about environmental benefits to ones that you can substantiate.