

# NAD Reviews Green Claims in Battle Between Bottled and Boxed Water

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June 13, 2025

*The International Bottled Water Association* (or “IBWA”) challenged over 50 express and implied claims by Boxed Water is Better (or “BWIB”), suggesting that boxed water is better for the environment. [Yesterday](#), we looked at what NAD had to say about whether advertisers can substantiate green claims using a mass balance accounting approach. Today, we’ll look at three other types of claims in the case.

- **Recyclability Claims:** To support claims that its cartons are “100% Recyclable,” BWIB explained that its cartons contain only three materials – fiber, aluminum, and plant-based plastic – and presented evidence that 62% of households and communities in the US have access to recycling centers that accept the cartons. This is higher than the 60% threshold the Green Guides establish for unqualified “recyclable” claims. NAD determined the claim was substantiated because 100% of each carton *could be recycled*, even if 100% of each carton isn’t always actually recycled.
- **General Environmental Benefit and Sustainability Claims:** IBWA argued that various claims – including “the earth loves our box,” “better for the planet,” and “Sustainable” – were unqualified general environmental benefit claims and that the advertiser should qualify them. NAD determined that most of these claims appear surrounded by statements that qualify and limit them, so no further qualification was needed. However, NAD recommended that the advertiser modify its “sustainably sourced” claim to clearly explain what it means since the qualifying language relates to the carton and this claim conveys a message about the source of the water inside the cartons.
- **“Better” Claims:** IBWA and BWIB debated whether various claims – such as “boxed water is better” and “boxed water is better than plastic” – are puffery. NAD noted that many of the statements around these claims provide “the necessary specificity to disqualify these comparative claims as puffery.” Those must be substantiated, and NAD determined that the Life Cycle Assessment BWIB relied upon was adequate. However, NAD determined that “Boxed Water is Better” when “used as a brand name on the advertiser’s carton, without reference to any other product or any specific attribute near the claim, is puffery and does not require substantiation.”

IBWA promised to appeal the decision, so we haven’t seen the last of this case. For now, though, the challenge should serve as a reminder that green claims often face scrutiny from competitors, as well as class action attorneys. If you haven’t taken a close look at your green claims to ensure they’re properly qualified and substantiated, now may be a good time to do that.