

Third Plastic Lumber Company Hammered by FTC Over “Green” Claims

July 21, 2014

Last week, the FTC [announced](#) it had reached another settlement with a plastic lumber company regarding its green marketing claims. This is the FTC’s third settlement in five months relating to environmental claims for plastic lumber products (the other cases involved [N.E.W. Plastics Corp.](#) and [American Plastic Lumber, Inc.](#)).

The FTC’s complaint alleges that Engineered Plastics Systems, LLC (“EPS”) marketed its plastic lumber products – including picnic tables and benches – as made of “recycled plastic,” made “entirely of recycled plastic lumber,” or having an “all recycled plastic design.” The FTC alleges that while consumers would likely interpret the claims to mean that the products are made from all, or virtually all, recycled plastic, the products contained, on average, only about 72 percent recycled plastic. The products also contained some non-recycled plastic and a mineral component.

The proposed consent order with EPS prohibits the company from misrepresenting the recycled content or environmental benefit of any product or package. For any recycled-content claims, the company must substantiate the claims by demonstrating that the content of its product or package is composed of materials that have been recovered or otherwise diverted from the waste stream. The FTC’s consent order will remain effective for 20 years.