

about which claims might lead to FTC law enforcement actions?

14. Is there a need for guidance on environmental claims not currently addressed in the guides? If so, what specific claims should be addressed and what form should this guidance take?

15. Are there claims addressed in the guides on which guidance is no longer needed?

#### B. Specific Issues

A number of specific issues concerning the guides have arisen since their adoption. The Commission is seeking comment on these issues but the questions listed below should not be construed as an indication of the Commission's intent to make any specific modifications to the guides.

16. The Commission is seeking comment on the following specific issues relating to the "ozone friendly/ozone safe" guide.

(a) To what extent do phrases like "ozone friendly" or "No CFCs," by themselves, convey broad claims of environmental benefit to consumers, including claims about the harmlessness of the product to the atmosphere as a whole (*i.e.*, both the upper ozone layer and ground-level air pollution)? How important is the context in which the claim appears? Please provide any empirical data, including any data relevant to the findings of the FTC survey.<sup>6</sup> Are there methodological issues concerning the survey that are relevant to the survey's findings? Does the survey evidence suggest that the guides should be modified? If so, what form should the modification take? How would these modifications affect the benefits the guides provide to consumers and the costs they impose on firms subject to their provisions?

17. The Commission is seeking comment on the following specific issues relating to the "recyclable" and "compostable" guides:

(a) The September 1993 COPE survey (cited above) may be interpreted to suggest that the presence of a

"recyclable" claim may not increase the percentage of consumers who think that recycling facilities for a product or package are available in their community. Please provide any empirical data regarding whether an unqualified recyclable or an unqualified compostable claim conveys a deceptive claim concerning local availability. Are there methodological issues concerning the COPE survey that are relevant to its findings? Does the COPE survey and any other new evidence provided indicate that the recyclable and/or compostable sections of the guides should be modified, and if so, in what manner? What effect would the proposed changes have on the benefits the guides provide to consumers and the costs that the guides impose on firms?

(b) The COPE surveys (cited above) suggest that certain of the qualifying disclosures suggested in the recyclable and compostable guides may be more effective than others in conveying to consumers that facilities may not be available in their community to recycle or compost the product. Please provide any empirical data relevant to the findings of the COPE surveys. Are there methodological issues concerning the COPE surveys that are relevant to the surveys' findings? Does the COPE evidence (or any other evidence provided) indicate that these disclosures should be modified, and if so, in what manner? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

(c) Please provide any relevant empirical data regarding consumer perception of phrases such as "Please Recycle" and "Coded for Recycling" and of the "three chasing arrows" logo. To what extent do such claims suggest to consumers that a product or package is recyclable? What, if any, modifications should be made to the guides in light of such consumer perceptions? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

(d) The Society of the Plastics Industry (SPI) code, a logo introduced in 1988 for voluntary use by SPI, has since been mandated for use on certain plastic packages by thirty-nine states to facilitate identification of different types of plastic resins. In its guides, the Commission states that the use of the code, without more, on the bottom of a package, or in a similarly inconspicuous location, does not constitute a claim of recyclability. What consumer perception data are available concerning how consumers interpret the SPI code? What, if any, modifications should be

made to the guides in light of such data? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

18. Please provide any empirical data relevant to whether consumers perceive that products made from reconditioned parts that would otherwise have been thrown away should qualify as "recycled" products. What modifications, if any, should be made to the guides to address these consumer perceptions? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

19. Are there other specific issues concerning the guides that the Commission should review? What empirical data are available to assist the Commission in its review of these issues? What, if any modifications should be made in light of these issues? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

#### List of Subjects in 16 CFR Part 260:

Environmental marketing claims: Advertising.

**Authority:** 15 U.S.C. 41-58.

By direction of the Commission.

**Donald S. Clark,**

Secretary

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 102

RIN 1515-AB19; RIN 1515-AB34

#### Rules for Determining the Country of Origin of a Good for Purposes of Annex 311 of the North American Free Trade Agreement; Rules of Origin Applicable to Imported Merchandise

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Notice of proposed rulemaking; correction.

**SUMMARY:** This document corrects a document, published in the **Federal Register** on July 12, 1995, which set forth additional proposed amendments to the interim Customs Regulations establishing rules for determining the country of origin of a good for purposes of Annex 311 of the North American Free Trade Agreement. The correction involves an erroneous citation to a

<sup>6</sup>The FTC survey (cited above) suggests that when consumers see claims like "No CFCs" and "Ozone Friendly" on aerosol products, they may interpret the claim to mean that the product is not only harmless to the upper ozone layer, but to the atmosphere as a whole. In *Creative Aerosol Corp.*, No. C-3548 (January 13, 1995) (final consent order), the Commission required the company to cease and desist from representing, through the use of terms such as "No Fluorocarbons," that any product containing Volatile Organic Compounds (VOCs), will not harm the atmosphere, unless the claim is substantiated. The Order defines VOCs as "any compound of carbon which participates in atmospheric photochemical reactions as defined by the Environmental Protection Agency," that is, compounds of carbon that EPA has determined are potential contributors to smog.

Customs ruling discussed in the Background portion of the document.

**EFFECTIVE DATE:** This correction is effective July 31, 1995.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 12, 1995, Customs published in the **Federal Register** (60 FR 35878) a notice of proposed rulemaking setting forth proposed amendments to interim regulations establishing rules for determining when the country of origin of a good is one of the parties to the North American Free Trade Agreement

for purposes of Annex 311 of that Agreement. Those proposed amendments were in addition to proposed amendments to the same interim regulations published on May 5, 1995, in the **Federal Register** (60 FR 22312).

In the Background discussion in the July 12, 1995, document regarding the Customs position on the effect that diluting certain chemical substances with inert ingredients has on origin determinations, the citation to "HRL 555604" should have read "HRL

555064". This document corrects that erroneous citation.

**Correction of Publication**

In the document published in the **Federal Register** on July 12, 1995 (60 FR 35878), on page 35880, in the second column, third line, the reference "HRL 555604" is corrected to read "HRL 555064".

Dated: July 24, 1995.

**Harold M. Singer,**

*Chief, Regulations Branch.*

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