

For Immediate Release

SOLO CUP CHALLENGES ADVERTISING CLAIMS FOR DISPOZ-O 'ENVIOWARE' PRODUCTS

*NAD Finds Dispoz-O Can Support Certain Claims for Plastic Tableware;
Recommends Advertiser Modify, Discontinue Certain Claims*

New York, NY – April 2, 2009 – The National Advertising Division of the Council of Better Business Bureaus has recommended that Dispoz-O, the maker of "Envioware" plastic tableware, discontinue certain environmental claims for the products. NAD determined that the advertiser did provide reasonable support for certain claims.

NAD, the advertising industry's self-regulatory forum, examined advertising for "Envioware" products, following a challenge by Solo Cup Company, a competing maker of disposable tableware.

Claims at issue included:

- *"Envioware is designed to interact with micro-organisms present in landfills, composters, and almost everywhere in nature including oceans, lakes and forests. These micro-organisms metabolize the molecular structure of the plastic, breaking it down into soil."*
- *"Envioware is formulated to degrade in months when buried or discarded in a landfill"*
- *"Envioware does not require oxygen and will begin the degradation process as early as 9 months after being placed in the landfill."*
- *"Envioware will degrade in as little as 9 months."*
- *"Envioware cutlery, straws, hinged containers, plates, bowls and trays are 100% biodegradable and come with a certificate of biodegradability."*
- *"Degraded by Nature."*

The advertiser asserted that it has amended its marketing materials to modify claims related to the length of time required for the biodegradation of Envioware products to include a general timeframe of 9 months to 5 years. Further, the advertiser said, it has amended advertising to consistently state that Envioware products biodegrade into water, carbon dioxide/methane gas, and organic solids.

In its decision, NAD noted the advertiser did not establish, by means of competent and reliable scientific evidence that its products will completely break down and return to nature within a reasonable short period of time after customary disposal.

Accordingly, NAD recommended the following claims be discontinued:

- *"Envioware is formulated to degrade in months when buried or discarded in a landfill"*
- *"Envioware cutlery, straws, hinged containers, plates, bowls and trays are 100% biodegradable and come with a certificate of biodegradability."*

NAD noted further that the evidence did not establish that the products are 100% degradable in landfill conditions and that a "certification" of a product or additive as biodegradable by a supplier is not a substitute for competent and reliable scientific evidence that an advertiser must possess in order to substantiate environmental claims in its marketing and advertising.

Further, NAD recommended that any claims about the expected time frame of degradation be significantly qualified to indicate the limited nature of the conditions tested.

NAD noted that it appreciates the advertiser's interest in developing technology and the utilization of degradable plastics in an effort to reduce the environmental impact of plastics in the post-consumer waste stream.

NAD noted, as well, that on the basis of its testing, the advertiser provided reasonable support for the claim that "Enviroware is designed to interact with micro-organisms present in landfills, composters, and almost everywhere in nature including oceans, lakes and forests. These micro-organisms metabolize the molecular structure of the plastic, breaking it down into soil."

Dispoz-O, in its advertiser's statement, said the company accepts "NAD's decision and will discontinue the two advertising statements per your recommendation until such time that our actual products complete the clinical and/or on-site testing and we can make a qualified claim based on these tests in accordance with the parameters of the NAD decision."

NAD's inquiry was conducted under *NAD/CARU/NARB Procedures for the Voluntary Self-Regulation of National Advertising*. Details of the initial inquiry, NAD's decision, and the advertiser's response will be included in the next *NAD/CARU Case Report*.

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About Advertising Industry Self-Regulation: The National Advertising Review Council (NARC) was formed in 1971 by the Association of National Advertisers, Inc. (ANA), the American Association of Advertising Agencies, Inc. (AAAA), the American Advertising Federation, Inc. (AAF), and the Council of Better Business Bureaus, Inc. (CBBB). Its purpose is to foster truth and accuracy in national advertising through voluntary self-regulation. NARC is the body that establishes the policies and procedures for the CBBB's National Advertising Division (NAD) and Children's Advertising Review Unit (CARU), as well as for the National Advertising Review Board (NARB) and the Electronic Retailing Self-Regulation Program (ERSP).

NAD and CARU are the investigative arms of the advertising industry's voluntary self-regulation program. Their casework results from competitive challenges from other advertisers, and also from self-monitoring traditional and new media. The National Advertising Review Board (NARB), the appeals body, is a peer group from which ad-hoc panels are selected to adjudicate those cases that are not resolved at the NAD/CARU level. This unique, self-regulatory system is funded entirely by the business community; CARU is financed by the children's advertising industry, while NAD/NARC/NARB's sole source of funding is derived from membership fees paid to the CBBB. ERSP's funding is derived from membership in the Electronic Retailing Association. For more information about advertising self regulation, please visit www.narcpartners.org.