

Case #7018 (09/17/2021)  
**Georgia-Pacific Consumer Products LP**  
**Quilted Northern Ultra Soft & Strong Bathroom Tissue**  
**Challenger:** *National Advertising Division*  
**Product Type:** *Household Products*  
**Issues:** *Environmental Claims; Express Claims; Product Description*  
**Disposition:** *Substantiated In Part/Modified-Discontinued In Part*

## BBB NATIONAL PROGRAMS

### NATIONAL ADVERTISING DIVISION

NATIONAL ADVERTISING DIVISION,  
*Challenger,*

GEORGIA-PACIFIC CONSUMER  
PRODUCTS LP,  
*Advertiser.*

Case No. 7018  
Closed 09/17/2021

## FINAL DECISION

- Because the term “sustainable” can give rise to many different meanings and expectations with consumers, the context and any qualifying or explanatory language made in conjunction with the claim is important to determine whether the claim may convey a general environmental benefit message to consumers.

### I. Basis of Inquiry

The advertising industry established the National Advertising Division (NAD) and the National Advertising Review Board (NARB) in 1971 as an independent system of self-regulation designed to build consumer trust in advertising. NAD reviews national advertising in all media in response to third-party challenges or through inquiries opened on its own initiative. Its decisions set consistent standards for advertising truth and accuracy, delivering meaningful protection to consumers and leveling the playing field for business. The National Advertising Division (“NAD” or “Challenger”) inquired about express and implied claims made by Advertiser Georgia-Pacific Consumer Products LP (“Georgia-Pacific” or “Advertiser”) for its Quilted Northern Ultra Soft & Strong Bathroom Tissue (“QNUSS”). The following are representative of the claims that served as the basis for this inquiry:

#### A. *Express Claims*

- “3 trees planted for every tree used”
- “Energy Efficient Manufacturing”
- “Premium Design with the environment in mind”

- “You don’t have to choose between comfort and sustainability. You can have both.”
- “Premium comfort made sustainably.”
- “For every tree that goes into Quilted Northern Ultra Soft & Strong®, our suppliers plant one tree, and our partners at the Arbor Day Foundation plant two more! Our plan is to plant 2 million new trees by the end of 2021\* through our partnership with the Arbor Day Foundation. \*Based on 2 trees planted by the Arbor Day Foundation for every tree used, assuming 70k tons of finished product, accounting for fiber species mix used.”
- “MANUFACTURING A SUSTAINABLE FUTURE - Over 90%\* of bath tissue’s environmental impact occurs in the manufacturing process, so we decided to highlight the parts of our process that make it sustainable. Our proprietary, efficient manufacturing technology squeezes out more water from the paper before drying. This saves 30% more water and uses 30% less energy\*\*. \*Environmental impact measured as greenhouse gas emissions in kg Co2e per functional unit for the paper manufacturing process, including pulping, tissue making and converting. Based on cradle-to-gate Tissue Life Cycle Assessment conducted by Georgia-Pacific 2017. \*\*vs. other premium 2-ply national brands in the drying process on a per-sheet basis.”
- “If everyone in the U.S. who bought Premium 2-ply toilet paper switched to Quilted Northern Ultra Soft & Strong® for 1 year, we would save enough water to:
  - Take over 7.5 million showers.
  - Provide almost half of the United States’ population with a day’s worth of drinking water.
  - Flush a toilet 25 million times.”
- “If just one household switched to Quilted Northern Ultra Soft & Strong® for a year, it would save enough energy to:
  - Watch 21 college football games.
  - Microwave 104 bags of popcorn.
  - Charge a smart phone battery every day for 5 years.”

*B. Implied Claims*

- Choosing Quilted Northern Ultra Soft & Strong Bathroom Tissue over competing bath tissue provides a significant environmental benefit.
- Choosing Quilted Northern Ultra Soft & Strong Bathroom Tissue provides a net positive benefit to the environment.
- The manufacturing of Quilted Northern Ultra Soft & Strong Bathroom Tissue has minimal or no negative impact on the environment.

**II. Evidence Presented**

In support of the challenged claims, the Advertiser provided:

- Georgia-Pacific’s agreement with the Arbor Day Foundation.

- Documentation of annual tree planting goals and achievements.
- A 2017 life cycle assessment of multiple bath tissue manufacturing technologies conducted by Georgia Pacific.
- A 2007 life cycle assessment of the environmental impact of manufacturing tissue products conducted by Kimberly-Clark.
- Documentation of sources for real life water and energy savings calculations.

### III. Decision

#### A. Introduction and Standard of Review

In this monitoring inquiry, NAD sought substantiation for several environmental benefit claims made by Georgia-Pacific for its Quilted Northern Ultra Soft & Strong bath tissue (“QNUSS”). The accuracy of such claims is particularly important, as consumers who care to reduce their impact on the environment are unable to verify the truthfulness of the claims themselves.<sup>1</sup>

The challenged website and product packaging include specific claims about the Advertiser’s practice of planting trees to replace those used in the production of QNUSS, as well as claims about the efficiency of its bath tissue manufacturing process. The advertising also includes broader statements about the environmental benefit of purchasing QNUSS. In addition to determining whether the Advertiser has a reasonable basis for the specific environmental benefits it claims, NAD also inquired as to whether the Advertiser’s claims conveyed general environmental benefit messages. In its *Green Guides*, the Federal Trade Commission explains that:

“Unqualified general environmental benefit claims are difficult to interpret and likely convey a wide range of meanings . . . Because it is highly unlikely that marketers can substantiate all reasonable interpretations of these claims, marketers should not make unqualified general environmental benefit claims.”<sup>2</sup>

In the absence of reliable consumer perception evidence, NAD uses its own expertise to step into the shoes of the consumer to determine the messages reasonably conveyed by the challenged advertising.<sup>3</sup> Here, NAD reviewed the claims in context to determine if they convey specific or general environmental benefit messages. It then determined if the Advertiser had a reasonable basis for those messages.

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<sup>1</sup> See, e.g., *Olivet International, Inc. (Pet Food Storage Containers)*, Report #6149, NAD/CARU Case Reports (January 2018).

<sup>2</sup> FEDERAL TRADE COMMISSION, *Guides for the Use of Environmental Marketing Claims* (“*Green Guides*”), 16 C.F.R. § 260.4(b).

<sup>3</sup> *Insurgent Brands, LLC (RXBAR Protein Bars)*, Report #6324, NAD/CARU Case Reports (December 2019).

*B. Discontinued Claim*

During the pendency of this proceeding, the Advertiser informed NAD that it would voluntarily discontinue the claim, “You don’t have to choose between comfort and sustainability. You can have both.” The voluntarily discontinued claim will be treated, for compliance purposes, as though NAD recommended its discontinuance and the Advertiser agreed to comply.

*C. Tree Planting Claims*

On both the QNUSS packaging and its product website, the Advertiser makes the claim, “3 trees planted for every tree used.” On the packaging, the claim appears in a circular icon bordered by green leaves under the product name. This claim also appears on the Advertiser’s “Sustainability” webpage following the product name and description, graphics of people tending to trees, statements about sustainability of the product, and a header reading: “On a Mission to Plant 2 Million Trees.”

In support of its claims, the Advertiser explained that to produce its paper products, it sources trees from “working forests” where a tree is regrown for each tree used. It stated that its wood sourcing practices are also certified to the Sustainable Forestry Initiative (“SFI”) Certified Sourcing Standard. It also stated that, for QNUSS, it has attached the Forest Stewardship Counsel’s (“FSC”) Chain of Custody Certification.

The Advertiser also cited a contractual agreement it has with the Arbor Day Foundation (“ADF”), in which ADF committed to plant two trees for every tree used in the production of QNUSS in exchange for an equivalent donation from the Advertiser. The Advertiser provided its “Production Tree Planting Tracker,” a spreadsheet that tracks the number of trees consumed in the manufacturing of the product. The Advertiser then multiplies the number of trees by two to determine the number of trees ADF is contractually required to plant and the amount Georgia-Pacific is required to donate to cover the cost of the planting. The contract ensures that ADF plants two times the number of trees consumed for the production of QNUSS within a calendar year. Georgia-Pacific stated that it validates the process on an annual basis to ensure the continued accuracy of the claims.

NAD determined that the Advertiser provided a reasonable basis for the claim, “3 trees planted for every tree used.” The Advertiser demonstrated that it accurately tracks the number of trees consumed throughout its manufacturing process and that it can ensure that three trees are regrown for each tree used – one through the SFI sourcing standard and two from the Arbor Day Foundation contract.

On its website, the Advertiser also makes an aspirational version of its tree planting claim, stating:

“For every tree that goes into Quilted Northern Ultra Soft & Strong®, our suppliers plant one tree, and our partners at the Arbor Day Foundation plant two more! Our plan is to plant 2 million new trees by

the end of 2021 through our partnership with the Arbor Day Foundation.”

The claim is qualified with the disclosure, “\*Based on 2 trees planted by the Arbor Day Foundation for every tree used, assuming 70k tons of finished product, accounting for fiber species mix used.” While aspirational in nature, these statements nevertheless require substantiation. Because its aspirational claim includes specific, objective goals (i.e., a plan to plant 2 million new trees by the end of 2021) it is incumbent on an advertiser to provide evidence that it is committed to its stated goal and has taken action to realistically reach it.<sup>4</sup>

NAD concluded that the Advertiser adequately demonstrated that it is committed to achieving its goal to “plant 2 million trees” and that it has implemented a plan to do so. The Advertiser’s Production Tree Planting Tracker indicates its former forecast of 1.2 million trees consumed in 2021 which, if tripled, would amount to approximately 3.7 million trees planted. The Advertiser also attested that its current projections for the remainder of 2021 indicate that it is likely to fund the planting of more than 3.8 million trees, far surpassing its goal of 2 million. Consequently, NAD determined that Georgia-Pacific’s claim, “Our plan is to plant 2 million new trees by the end of 2021” is supported by a reasonable basis in evidence.

#### *D. Energy Efficient Manufacturing Claims*

NAD inquired about Georgia-Pacific’s claims regarding the energy efficiency of its bath tissue manufacturing process for QNUSS. The Advertiser’s website touts the energy saving benefits of its manufacturing process, by stating:

“MANUFACTURING A SUSTAINABLE FUTURE - Over 90%\* of bath tissue’s environmental impact occurs in the manufacturing process, so we decided to highlight the parts of our process that make it sustainable. Our proprietary, efficient manufacturing technology squeezes out more water from the paper before drying. This saves 30% more water and uses 30% less energy\*\*.

The claim is followed by two disclosures. The first disclosure, which relates to the representation about the environmental impact of tissue manufacturing and states, “\*Environmental impact measured as greenhouse gas emissions in kg Co2e per functional unit for the paper manufacturing process, including pulping, tissue making and converting. Based on cradle-to-gate Tissue Life Cycle Assessment conducted by Georgia-Pacific 2017.” The second disclosure, which relates to the specific water and energy savings claim and states, “\*\*vs. other premium 2-ply national brands in the drying process on a per-sheet basis.”

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<sup>4</sup> *Chipotle Mexican Grill (Chipotle Restaurants)*, Report #5450, NAD/CARU Case Reports (April 2012); *see also T-Mobile USA, Inc. (5G Mobile Phone Service)*, Report #6928, NAD/CARU Case Reports (February 2021).

Product packaging for QNUSS also includes the claim “Energy Efficient Manufacturing,” which appears within the same icon containing the “3 trees planted” claim discussed above.

### 1. Percentage Savings Claims

As explained by the Advertiser, all bath tissue starts the manufacturing process at around 99.9% water content. Draining on wire fabrics and the use of varying vacuum technologies reduce water content to approximately 70% during the forming process. From this point, three main technologies are used to complete the drying process: Conventional wet press (“CWP”); Through-air drying (“TAD”); and Proprietary Georgia-Pacific technology (“e-TAD”).

CWP is based on the conventional can or Yankee air dryer, a cylindrical piece of equipment that allows the tissue to be dried from both sides. After water is pressed from the tissue, the tissue is transferred onto the Yankee cylinder’s exterior where it is dried from below by steam forced through the Yankee dryer and from above by air heated with natural gas. With the CWP process, tissue arrives at the drying stage with the water content reduced to approximated 58%.

TAD<sup>5</sup> incorporates the CWP process but adds an additional step to the production line in which air is forced through the tissue before the tissue passes through a Yankee dryer. Although TAD produces a softer tissue that requires less fiber per unit area, TAD tissue remains at 70% water content when it arrives at the thermal drying stage. This means it requires significantly more natural gas than CWP because of the heated air consumed by the additional dryers. Operating this additional equipment also increases electricity consumption.

e-TAD is an alternative technology developed by Georgia-Pacific. Like CWP and TAD, water is removed from the tissue through draining on wire fabrics and the use of a vacuum as part of the forming stage, resulting in water content of around 70%. The e-TAD process then engages in mechanical pressing, like CWP, prior to the transfer onto the Yankee dryer, returning the water removed to the manufacturing cycle. The e-TAD tissue sheet arrives at the drying stage with approximately 58% water content, equivalent to that of CWP.<sup>6</sup>

Having explained the mechanism by which QNUSS manufacturing saves water compared to other methods, the Advertiser described how the manufacturing process

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<sup>5</sup> In 2003, Kimberly-Clark introduced a proprietary variation of the TAD process – Uncreped Through-Air Drying Technology (“UCTAD”), which removed the Yankee dryer from the thermal drying process. Because UCTAD tissue is dried via through-air drying only, the UCTAD process requires greater energy than TAD.

<sup>6</sup> According to the advertiser, although e-TAD and CWP share water benefits, only e-TAD is capable of producing 2-ply premium quality tissue paper. CWP can be used to produce a 3-ply ultra-premium product, but the additional layer of fiber required would impact the energy and water saving CWP presents.

supports its specific energy and water savings claims. In support of the claim that “[o]ver 90% of bath tissue’s environmental impact occurs in the manufacturing process,” the Advertiser relied upon a “cradle-to-retailer” Life Cycle Assessment (“LCA”) of three bath tissue manufacturing technologies conducted by a third-party organization, PE International, Inc. The LCA was conducted in 2011 and updated in 2017. Its analysis included the entire production phase of bath tissue, including pulping, tissue-making, converting, and ancillary operations for products made via CWP, TAD, and e-TAD.

Environmental impact in the LCA was measured utilizing various indicators, selected based on the impact category (or issue). For the impact category of energy use, the indicator was Primary Energy Demand, Non-Renewable (“PED”). PED is a measure of the total amount of primary energy associated with the product, including the energy consumed throughout the “cradle-to-retailer” life cycle. Only energy demanded from non-renewable resources (e.g., petroleum, natural gas) is included in the calculation. The PED results indicated that the environmental impact of the pulping, tissue making, and ancillary operations portions of the manufacturing process aggregate to more than ninety percent (90%) of the total PED for tissue production.

The Georgia-Pacific LCA also utilized net freshwater consumption to measure the environmental impact of the three tissue processing technologies. Blue freshwater consumption (surface and groundwater) was chosen to understand the fraction of freshwater that is removed from the ecosystem and therefore not available for downstream users because of the manufacturing of bath tissue. The net freshwater consumption results indicated that the environmental impact of the pulping, tissue making, and ancillary operations portions of the manufacturing process aggregate to more than ninety percent (90%) of the total net freshwater consumption for tissue production.

NAD concluded that Georgia-Pacific’s LCA represented a rigorous and reliable analysis of the energy and water consumption involved in the manufacture of bath tissue. As a result, NAD determined that the Advertiser’s claim, “[o]ver 90% of bath tissue’s environmental impact occurs in the manufacturing process,” was substantiated.

In support of the claim that Georgia-Pacific’s manufacturing process will “save 30% more water and uses 30% less energy,” the Advertiser explained that product made with its e-TAD technology enters the drying phase with 12 percentage points less water than product made with TAD technology. The 12 percentage point difference in water content, the Advertiser asserted, represents 30% of the total water content evaporated during the TAD drying process. Correspondingly, because each process must ultimately reduce the moisture levels to produce a sheet containing around 96% solids, TAD and UCTAD processes will use more thermal energy to dry a sheet that has a higher percentage of water content. Based on a conservative estimate, the e-TAD

drying process will use 41% less energy to dry a sheet with water content at 58% versus one at 70% water content.

NAD found the Advertiser's calculations thorough and persuasive, and determined that the Advertiser had provided a reasonable basis that the claim, "Our proprietary, efficient manufacturing technology squeezes out more water from the paper before drying. This saves 30% more water and uses 30% less energy."

Despite these determinations, NAD was concerned that, while these two highly technical claims are literally true, it is not necessarily clear that the environmental benefit being touted relates to one specific step in the manufacturing process.<sup>7</sup> Even with the Advertiser's disclosure language, consumers may not understand how much of an impact the 30% reductions in water and energy usage represents in regard to the overall environmental impact of the tissue paper manufacturing process. Accordingly, NAD recommended that the Advertiser modify its claims, "[o]ver 90% of bath tissue's environmental impact occurs in the manufacturing process," and "Our proprietary, efficient manufacturing technology squeezes out more water from the paper before drying. This saves 30% more water and uses 30% less energy." The modified claims should more clearly disclose that the 30% savings is limited to a portion of the manufacturing process and not the total environmental impact of its product.

## 2. "Energy Efficient Manufacturing"

As for the claim, "Energy Efficient Manufacturing," the Advertiser argued that it was monadic claim that highlights the fact that the e-TAD process used to manufacture QNUSS was specifically designed to produce a premium tissue while increasing efficiency in its use of fiber, water, and energy. It argued that the numerous efficiencies in its manufacturing process, including the water savings gained from the pressing stage and the energy savings during the drying process supported its claim.

While NAD did not agree that the claim was monadic, as an energy efficiency claim is inherently comparative, it did agree that the Advertiser had provided a reasonable basis for the message conveyed. The claim does not convey a superiority message that it is the *most* efficient manufacturing process, but that its manufacturing process uses less energy to perform the same function as competing processes. NAD was satisfied that the Advertiser had demonstrated that its e-TAD process was more efficient than other processes used to make premium toilet paper. Consequently, NAD determined that the claim "Energy Efficient Manufacturing" was substantiated.

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<sup>7</sup> See *Dyson, Inc. (Pure Hot + Cool Link™ & Pure Cool Link™ Air Purifiers)*, Report #6192, NAD/CARU Case Reports (June 2018) (determining that a literally true claim can still convey a misleading message).



*E. Real-Life Saving Examples*

NAD inquired about two sets of real-life energy and water savings examples that appear on the QNUSS website.

- “If everyone in the U.S. who bought Premium 2-ply toilet paper switched to Quilted Northern Ultra Soft & Strong® for 1 year, we would save enough water to:
  - Take over 7.5 million showers.
  - Provide almost half of the United States’ population with a day’s worth of drinking water.
  - Flush a toilet 25 million times.”
- “If just one household switched to Quilted Northern Ultra Soft & Strong® for a year, it would save enough energy to:
  - Watch 21 college football games.<sup>8</sup>
  - Microwave 104 bags of popcorn.
  - Charge a smart phone battery every day for 5 years.”

The Advertiser explained that the challenged claims were intended to communicate to consumers the everyday impact of the water savings and energy efficiency of the e-TAD process in a way that is understandable and relatable.

According to the Advertiser, the e-TAD drying process results in a tangible saving of 571.41 liters/ton of paper in comparison to other 2-ply national premium products that rely on alternative technology. Based on the Advertiser’s data for consumers’ bath tissue usage, this equates to an annual impact of 3.30 liters/person, or 8.69 liters/household. When applied to the 52,000,000 households that purchase premium 2-ply national brands other than QNUSS, the aggregate annual impact of those households switching to QNUSS is 451,788,970 liters (the “Annual Water Savings”).

To convert the Annual Water Savings into practical examples for consumers, the Advertiser relied upon various equivalency factors for shower water usage, drinking water consumption, and water used per toilet flush. According to one cited source, a shower in the United States consumes, on average, 59.8 liters of water, which would make the Annual Water Savings resulting from the e-TAD drying method enough for over 7,500,000 showers. Based on the Mayo Clinic’s recommendation that the average, healthy adult living in a temperate climate consume about 3.2 liters of water per day, the Annual Water Savings is enough to provide a day’s worth of drinking water to over 141,000,00 people. Finally, Georgia-Pacific cited a study conducted by the Alliance for Water Efficiency, which stated that toilets made from the early 1980s to 1992 typically

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<sup>8</sup> During the pendency of the inquiry, the Advertiser modified the claim to read, “Watch 42 college football games.” NAD’s review, conclusions, and recommendations apply to both the original and modified claims.

use 13.2 liters of water per flush. Taking into account the Annual Water Savings, this translates to enough water for more than 34 million flushes.

Similarly, the Advertiser calculated that the energy saving from the e-TAD drying process (3.069 Mj/Kg in comparison to other 2-ply national premium products manufactured utilizing TAD or UCTAD) equates to an annual impact of 13.73 Mj/person, or 36.1 Mj/household (the “Annual Energy Savings”). To convert this data into practical examples for consumers, the Advertiser utilized equivalency factors for watching college football games, microwaving bags of popcorn, and the daily charging of a smart phone battery. According to the sources relied upon by the Advertiser, a plasma television consumes, on average, 0.071 kWh of energy per hour; a microwave uses around 0.024 kWh of energy per minute; and over the course of one year, an iPhone battery will consume 2 kWh of electricity if charged every day. The Advertiser explained that, based on its calculated Annual Energy Savings, choosing QNUSS over competing premium 2-ply bath tissue translates to enough energy savings to watch 42 NCAA football games; pop over 104 bags of popcorn; and charge an iPhone every day for 5 years.

NAD determined that the Advertiser had provided a reasonable basis for its real-life energy and water saving examples. While every U.S. consumer may not drink their recommended daily intake of water, have a plasma television, or use an iPhone, NAD was satisfied that the robust disclosures explaining the basis of the calculations accompanying the claims made them understandable to consumers. Therefore, NAD was sufficiently persuaded that the reasonable consumer would understand that the examples were illustrative and based on hypothetical usages and would accurately get a sense of the scale of energy and water savings afforded consumers that choose QNUSS.

However, the advertising does not make clear the savings resulting from switching to QNUSS would only accomplish each example individually, as opposed all of the examples together. Consequently, NAD recommended that the Advertiser modify the presentation of the claims to avoid the unsupported message that switching to Quilted Northern would save enough water or energy to accomplish all of the savings examples in aggregate.

#### *F. The Advertiser’s Sustainability Claims*

It is challenging for advertisers who wish to communicate information to consumers about the sustainability of their products. Yet advertising can play a positive role in raising consciousness about sustainability and informing consumers of the activities and commitments made by a company. Nevertheless, because images and terms suggestive of sustainability can give rise to so many different meanings and expectations on the part of consumers, such claims can be difficult to substantiate.

Although the FTC’s *Green Guides* do not directly address the term “sustainable,” their Statement of Basis and Purpose notes that “depending on context, ‘sustainable’ may

convey a wide range of meanings” and reminded that “marketers are responsible for substantiating consumers’ reasonable understanding of these claims.”<sup>9</sup> As a result, the *Green Guides* cautioned that “if in context reasonable consumers perceive a sustainable claim as a general environmental benefit claim, the marketer must be able to substantiate that claim and all attendant reasonably implied claims.”<sup>10</sup> The *Green Guides* suggest that, with respect to general environmental messages, “marketers should use clear and prominent qualifying language that limits the claim to a specific benefit or benefits.”<sup>11</sup>

The *Green Guides* make clear that context is key in determining if “sustainability” claims convey general environmental benefit messages that may be difficult to substantiate. NAD reviewed the Georgia-Pacific’s sustainability claims in the contexts in which they appear to determine the messages they convey to consumers about Quilted Northern Ultra Soft & Strong bath tissue.

1. “Premium comfort made sustainably.”

The most prominent sustainability claim for Quilted Northern is “Premium comfort made sustainably,” which appears on both the front and back of the product packaging and on the QNUSS website.

On the front of the packaging, the claim appears in large font centered at the top over a graphic of a blue sky and tree-covered hills. Prominently below the graphic is the “Quilted Northern” name. Centered near the bottom of the packaging, there is a medallion bordered by a leaf design that reads, “3 trees planted for every tree used.” In smaller font along the green outer ring of the medallion reads, “energy efficient manufacturing.” In the bottom left corner, there are small symbols representing the ADF and FSC.

On the back of the packaging, the claim appears with more related text and a graphic depicting people tending to trees. It states, “Our Ecocomfort® promise | premium comfort made sustainably.” Below, a smaller inset directs consumers to the Advertiser’s website “for more information.” Further down on the back label there are two additional related statements: (1) “Innovative Manufacturing . . . Our efficient manufacturing technology . . . saves 30% more water and uses 30% less energy;” and (2) “Healthy Forests . . . Responsibly sourced . . . We partner with the Arbor Day Foundation.” The leaf-bordered medallion that appears on the front of the packaging also appears on the back.

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<sup>9</sup> FTC, *The Green Guides: Statement of Basis and Purpose*, at 257–58.

<sup>10</sup> *Id.*, at 258.

<sup>11</sup> FTC, *Green Guides*, 16 C.F.R. § 260.4(c).

An Advertiser is responsible for substantiating all messages reasonably conveyed by their advertising, not just those they intended to convey.<sup>12</sup> Because the term “sustainable” can give rise to many different meanings and expectations with consumers, the context and any qualifying or explanatory language made in conjunction with the claim is important to determine whether the claims may convey a general environmental benefit message to consumers.<sup>13</sup> As the FTC’s *Green Guides* explain, “Unqualified general environmental benefit claims are difficult to interpret and likely convey a wide range of meanings . . . Because it is highly unlikely that marketers can substantiate all reasonable interpretations of these claims, marketers should not make unqualified general environmental benefit claims.”<sup>14</sup>

The Advertiser argued that the challenged claim is appropriately qualified on both the front and the back of the packaging because it is connected to more specific environmental benefit claims, particularly: “3 trees planted for every tree used” and “energy efficient manufacturing.” It contended that this context serves to define the specific manner in which QNUSS is made “sustainably.”

With respect to the front of the product packaging, NAD considered whether the sustainability claim appears in a context in which reasonable consumers are likely to read it as a narrow claim about tree planting and the energy efficiency of Georgia-Pacific’s manufacturing process or take away a broader message about the environmental benefit of choosing QNUSS that may not be supported by the evidence in the record. In addition, the claim “Premium comfort made sustainably” appears at the top of the package, while the Advertiser’s purported qualifying language (the medallion) appears at the bottom. A number of other elements appear between the two, including the emphasized product name and a second medallion on the front packaging that states, “MEGA | 4 rolls = 16 regular rolls.” NAD noted that the presentation of these claims did not necessarily limit the message communicated by “made sustainably” to tree planting and energy efficiencies in the manufacturing process. Rather, those claims appear separately on the packaging, and communicate a separate message about specific environmental benefits. To the extent these claims are read in tandem with the “sustainably” claim, they highlight of examples of QNUSS’s general sustainability, not the entirety of it. Similarly, the ADF and FSC logos appear discreetly and do not serve to qualify the sustainability claim. NAD determined that in the absence of clear limitation to specific environmental benefits, consumers could reasonably view the claim “premium comfort made sustainably” and take away a broader message about the environmental benefits of choosing QNUSS. As noted above, the claim that a product is “sustainable” can communicate a wide range of

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<sup>12</sup> *Johnson & Johnson Consumer Inc. (Neutrogena Personal Care Products)*, Report #6926, NAD/CARU Case Reports (June 2021).

<sup>13</sup> FTC, *Green Guides*, 16 C.F.R. § 260.4(a) (“It is deceptive to misrepresent, directly or by implication, that a product, package, or service offers a general environmental benefit.”).

<sup>14</sup> FTC, *Green Guides*, 16 C.F.R. § 260.4(b).

meanings to consumers, including broad messages about net impact on the environment that are not supported by the evidence in the record. For these reasons, NAD recommended that the Advertiser discontinue or modify the front of package claim “Premium comfort made sustainably” so that the challenged claim is clearly qualified so that consumers understand “sustainably” is limited to the specific highlighted environmental benefits—that is tree planting and energy efficiency.

With respect to the back of the package, the claim is more directly tied to the qualifying language. “Premium comfort made sustainably” appears centered at the top, functioning as a header for language about the Advertiser’s manufacturing process and its contribution to healthy forests. The challenged claim and the qualifying language appear in the same style of font over a unified background, suggesting that the statements should be read together. NAD determined that, in this context, in direct proximity and integrated with qualifying language, consumers viewing the product label are not likely to miss or ignore that the claim is tied to the specifically described benefits.<sup>15</sup> Accordingly, NAD found that “Premium comfort made sustainably,” as it appears on the back panel, is adequately qualified and conveys supported messages about the environmental benefits of QNUSS.

On the QNUSS website, the claim “Premium comfort made sustainably” appears in the header image of the Advertiser’s “Sustainability” webpage. The image includes graphics of people tending to trees in green pastures against a blue sky. Over the graphic, it states:

“Quilted Northern  
Our Ecomcomfort® promise  
premium comfort  
made sustainably.”

Immediately below the header there is a paragraph that includes the following statement:

“We don’t believe anyone should have to sacrifice comfort for a sustainable toilet paper. That’s why Quilted Northern Ultra Soft & Strong® combines the quality you love with the added benefit of keeping the environment in mind. We looked at our product lifecycle and discovered two HUGE ways that we make a difference without

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<sup>15</sup> *Reckitt Benckiser, Inc. (Maximum Strength Mucinex Fast-Max Cold & Flu “All in One” Claims)*, Report #6276, NAD Case Reports (May 2019) (“Consumers viewing the product label are not likely to miss or ignore that the claim is tied to the specific symptoms listed, because of their proximity and placement—immediately adjacent to the claim at issue. . . . Accordingly, NAD found that in the specific context of the Mucinex Fast-Max Cold & Flu label, the “All in One” claim conveys a limited and supported message.”).

you feeling it: innovative manufacturing and promoting healthy forests.”

Further down the page, additional sections discussing Georgia-Pacific’s tree planting, manufacturing processes, including videos, infographics, and the real-world example claims discussed above.

NAD determined this iteration of the challenged claim, on the Quilted Northern “Sustainability” webpage is presented in a context that appropriately limits the meaning of the term “sustainable” as used in the claim. A description of what Georgia-Pacific means by “made sustainably” is directly below the triggering claim, i.e., the implementation of “two HUGE ways that [it] makes a difference.” Further, consumers are less likely to view this page in the fleeting manner in which they may view the front of the QNUSS product packaging. NAD noted that whereas consumers may see the prominent sustainability claim at the top of product packaging and miss the small medallion at the bottom of the packaging (or not read it as a limitation of the claim), they are not likely to reach the “Sustainability” page on the website and read the headline without noticing, reading or understanding Georgia-Pacific’s clear description of its environmental benefits directly underneath. In this context, NAD determined that “Premium comfort made sustainably” conveys a supported message about specific environmental benefits provided by purchasing QNUSS.

## 2. “Premium design with the environment in mind”

The challenged claim, “Premium design with the environment in mind,” appears at the top the Advertiser’s Quilted Northern homepage. It reads, “Quilted Northern Ultra Soft & Strong® | premium design with the environment in mind,” in large font. Adjacent to the claim is an image of the product in its packaging and a “learn more” button that directs consumers to the Quilted Northern “Sustainability” page. The claim also appears in a banner at the top of the QNUSS sub-brand-page.

NAD first determined that the claim, “premium design with the environment in mind,” is an unqualified general environmental benefit claim, akin to “environmentally friendly.” Although the *Green Guides* cautions that these types of claims are difficult to substantiate,<sup>16</sup> they note that “Marketers can qualify general environmental benefit claims to prevent deception about the nature of the environmental benefit being asserted. To avoid deception, marketers should use clear and prominent qualifying language that limits the claim to a specific benefit or benefits.” NAD considered the environmental benefit claim and its context to determine whether the Advertiser had adequately qualified its claim.

As the claim appears Quilted Northern homepage, the Advertiser argued that the webpage provides high-level information about multiple Quilted Northern sub-brands so that detail on the specific environmental benefits qualifying the claim is confusing

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<sup>16</sup> Supra, footnote 12.

in the context of information about other sub-brands, such as the Quilted Northern Ultra Plush® product. As a result, it provides a hyperlink to information qualifying its claim labeled “Learn More.” Upon clicking on the hyperlink, the consumer is taken directly to a page outlining the specific environmental benefits of the product. The Advertiser also argued that its decision to use a hyperlink was consistent with guidance found in the FTC’s *.com Disclosures* guidance document, which recognizes that design considerations and the complexity of disclosures may lead to the use of hyperlinks – particularly if the disclosure is lengthy or if it needs to be repeated.<sup>17</sup>

NAD agreed that the Advertiser’s use of a hyperlink in this instance was appropriate and that the website containing information regarding the specific environmental benefits appropriately qualified its general benefit claim. However, NAD was concerned that the phrase used to label the hyperlink, “Learn More” did not adequately alert consumers as to the nature of the subsequent disclosures. The FTC advises that advertisers should “[l]abel the link to convey the importance, nature, and relevance of the information to which it leads”<sup>18</sup> and “[h]yperlinks that simply say ‘disclaimer,’ ‘more information,’ ‘details,’ ‘terms and conditions,’ or ‘fine print’ do not convey the importance, nature, and relevance of the information to which they lead and are likely to be inadequate.”<sup>19</sup> Here, NAD noted that the “Learn More” label did not convey to consumers exactly what they would learn about by following the link, particularly since the same label was used in other parts of the website to lead consumers to the sub-brand pages for its QNUSS and Quilted Northern Ultra Plush product lines. Consequently, NAD recommended that the Advertiser modify the label of its disclosure hyperlink to more clearly indicate the nature of the information to be found by clicking on it.

As for the instance of claim that appears in a banner at the top of the QNUSS sub-brand-page, the Advertiser pointed to the fact that a consumer viewing the webpage would be able to see that there are videos describing GP’s tree-planting partnership with ADF and a video incorporating the “3 Trees Planted for Every Tree Used” and “Energy Efficient Manufacturing” claims. Additionally, according to the Advertiser, the consumer can see various icons on the initial screen representing the “3 Trees Planted”, “Energy & Water Efficient Manufacturing Technology”, and “Sustainably Sourced Trees” claims. While what exactly a consumer can see on the website depends on the size and shape of the device on which they are viewing the website, NAD was satisfied that the context in which the claim was presented – in close proximity to other claims about the environmental benefits of the product – adequately qualified the claim.

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<sup>17</sup> FEDERAL TRADE COMMISSION, *.com Disclosures: How to Make Effective Disclosures in Digital Advertising* (March 2013).

<sup>18</sup> *Id.* at 11.

<sup>19</sup> *Id.* at 12.

#### **IV. Conclusion**

During the pendency of this proceeding, the Advertiser informed NAD that it would voluntarily discontinue the claim, “You don’t have to choose between comfort and sustainability. You can have both.” The voluntarily discontinued claim will be treated, for compliance purposes, as though NAD recommended its discontinuance and the Advertiser agreed to comply.

NAD determined that the Advertiser provided a reasonable basis for the claim, “3 trees planted for every tree used.” NAD also determined that Georgia-Pacific’s claim, “Our plan is to plant 2 million new trees by the end of 2021” is supported by a reasonable basis in evidence.

NAD determined that the Advertiser’s claim, “[o]ver 90% of bath tissue’s environmental impact occurs in the manufacturing process,” was substantiated and that the Advertiser had provided a reasonable basis that the claim, “Our proprietary, efficient manufacturing technology squeezes out more water from the paper before drying. This saves 30% more water and uses 30% less energy.” However, NAD recommended that the Advertiser modify these claims to more clearly disclose that the 30% savings is limited to a portion of the manufacturing process and not the total environmental impact of its product.

NAD determined that the claim, “Energy Efficient Manufacturing” was substantiated.

NAD determined that the Advertiser had provided a reasonable basis for its real-life energy and water saving examples. However, NAD recommended that the Advertiser modify the presentation of the claims to avoid the unsupported message that switching to Quilted Northern would save enough water or energy to accomplish all of the savings examples in aggregate.

NAD determined that “Premium comfort made sustainably” conveys a supported message about specific environmental benefits provided by purchasing QNUSS on both the back of the product package and on the QNUSS website.

On the Quilted Northern website, NAD recommended that the Advertiser modify the label of the disclosure hyperlink accompanying the claim, “premium design with the environment in mind,” to more clearly indicate the nature of the information to be found by clicking on it. However, on the QNUSS sub-brand page, NAD was satisfied that the context in which the claim was presented—in close proximity to other claims about the environmental benefits of the product—adequately qualified the claim.

#### **V. Advertiser’s Statement**

Georgia-Pacific Consumer Products (GP) will comply with NAD’s decision. GP is a strong supporter of self-regulation and appreciates NAD’s conclusion that all of the referenced environmental claims for Quilted Northern Ultra Soft & Strong were substantiated and that GP had provided a reasonable basis for all the claims. GP



disagrees with NAD's recommendation that a few claims be modified to avoid any unsupported message but appreciates NAD's careful consideration of the issues presented and will take into account NAD's recommendations and adjust such claims accordingly. (**#7018 HH/LS, closed 09/17/2021**)

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