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California Attorney General Sues for Misleading Environmental Marketing Claims

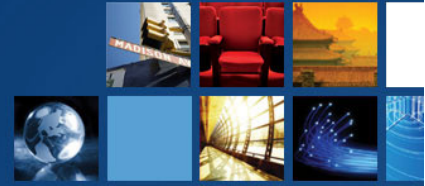
October 31, 2011 *by* Michael Mallow

California Attorney General Kamala D. Harris has filed the first "greenwashing" lawsuit under California state law against three companies that allegedly made false and misleading claims by marketing plastic water bottles as "100 percent biodegradable and recyclable." A recently enacted California law prohibits the labeling of plastic food or beverage containers as biodegradable, and state law makes it unlawful to make any untruthful, deceptive, or misleading environmental marketing claim. The [complaint](#) filed by the Attorney General alleges that bottled water companies Balance Water Company and AquaMantra sell products in plastic water bottles made and marketed by ENSO Plastics and that claimed to be biodegradable and recyclable. ENSO claims the bottles are made of plastic resin with an additive that causes the bottle to break down in less than five years in a typical landfill or compost environment and that the bottles are also recyclable. According to the Attorney General, these claims are false and misleading, and violate California law, because the additive does not make the plastic biodegradable and is also considered a contaminant that makes the bottles unsuitable for recycling. The complaint seeks injunctive relief, civil penalties and restitution.



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