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The Bowditch & Dewey Real Estate Blog

Biodegradable Six Pack Rings and “Green Marketing”

BY JACOB TOSTI • AUGUST 2, 2017

Last Summer, a Florida brewery made national headlines by announcing an innovation: [biodegradable six-pack rings](#). The rings, co-developed by the brewery and a New York advertising agency, are made from wheat and barley waste from the brewing process and are said to be safe for marine life to eat. An initial batch of rings was made available in early 2017, and more large-scale production and distribution is in the works.

Brewers should be mindful that environmental or “green” marketing claims like the one made above by the Florida brewery are subject to regulation by federal and state law. [Federal regulations](#), for example, require that a company have “competent and reliable scientific evidence that [its product] will completely break down and return to nature within a reasonably short period of time after customary disposal” before making an unqualified claim that its product is biodegradable. State laws governing green marketing claims tend to either closely track the federal regulations or incorporate them by reference. [Rhode Island](#), for instance, has adopted the federal regulations governing environmental marketing claims, and [under Maine state law](#), a violation of the federal regulations is a per se violation of Maine’s Unfair Trade Practices Act. While Massachusetts does not currently have its own state regulations pertaining to green marketing, such claims made in Massachusetts are still subject to federal law.

Green marketing can be great for business and publicity, but can also give rise to liability if not conducted lawfully. Brewers and their attorneys should be aware of the federal and state regulations governing green marketing claims.