

## Attachment 1 - Examples of Plastic Products and Packaging on U.S. Stores Shelves with False Recyclable Labels

This document provides evidence and regulatory substantiation that current labels on many plastic products on store shelves across the U.S. are not compliant with the 2012 FTC Green Guide requirements (per § 16 CFR 260).<sup>1</sup> Hundreds of examples were found by The Last Beach Cleanup from 2019 to 2023. Selected examples of misleading labels that were found on plastic products and packaging from 2021 to 2023 are provided in this document.

### Key 2012 Green Guides Requirements:




- **260.12 (a) It is deceptive to misrepresent, directly or by implication, that a product or package is recyclable.** A product or package should not be marketed as recyclable unless it can be collected, separated, or otherwise recovered from the waste stream through an established recycling program for reuse or use in manufacturing or assembling another item.
- **260.12 (b) Marketers should clearly and prominently qualify recyclable claims to the extent necessary to avoid deception about the availability of recycling programs and collection sites to consumers.** (1) When recycling facilities are available to a substantial majority of consumers or communities where the item is sold, marketers can make unqualified recyclable claims. The term “substantial majority,” as used in this context, means at least 60 percent.
- **260.12 (c) Marketers can make unqualified recyclable claims for a product or package if the entire product or package, excluding minor incidental components, is recyclable.** For items that are partially made of recyclable components, marketers should clearly and prominently qualify the recyclable claim to avoid deception about which portions are recyclable.
- **260.12 (d) If any component significantly limits the ability to recycle the item, any recyclable claim would be deceptive.** An item that is made from recyclable material, but, because of its shape, size, or some other attribute, is not accepted in recycling programs, should not be marketed as recyclable.
- **Products that are Collected but Not Recycled** In the *FTC Green Guides Statement of Basis and Purpose* document section titled “Packages Collected for Public Policy Reasons but Not Recycled,” the FTC states: “The Commission agrees that unqualified recyclable claims for categories of products that municipal recycling programs collect, but do not actually recycle, may be deceptive. To make a non-deceptive unqualified claim, a marketer should substantiate that a substantial majority of consumers or communities have access to facilities that will actually recycle, not accept and ultimately discard, the product. As part of this analysis, a marketer should not assume that consumers or communities have access to a particular recycling program merely because the program will accept a product.”<sup>2</sup>
- **260.6 (c): Third-party certification does not eliminate a marketer’s obligation to ensure that it has substantiation for all claims reasonably communicated by the certification.**

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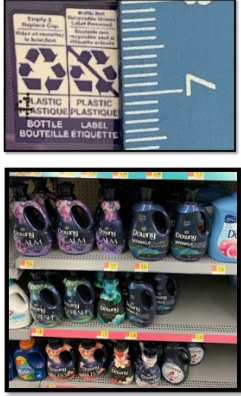
<sup>1</sup> [FTC Green Guides](#) Website.

<sup>2</sup> [FTC Green Guides Statement of Basis and Purpose \(pg. 174\)](#)


**Table 1 – Examples of False Recyclable Claims on Products with Non-Recyclable Full Body Shrink Sleeves**

Plastic Product and Packaging Type	Brand & Product	Labels Found on Target Products	Non-compliance to 2012 Green Guides Requirements <sup>3</sup>
<p>High Density Polyethylene (HDPE) #2 bottles with non-recyclable full body shrink sleeves</p>	<p>Walmart Great Value coffee creamers</p> 	<p>Unqualified Recyclable Symbol for Plastic Bottle &amp; “Bottle Not Recyclable Unless Label Removed” for Plastic Label. Fails float test.</p> 	<p><b>§ 260.12(d)</b> If any component significantly limits the ability to recycle the item, any recyclable claim would be deceptive.</p>
<p>Polyethylene Terephthalate (PET) bottles with non-recyclable full body shrink sleeves</p>	<p>Unilever mayonnaise</p>	<p>Unqualified Recyclable Symbol for Plastic Bottle &amp; “Bottle Not Recyclable Unless Label Removed” for Plastic Label</p> 	<p><b>§ 260.12(d)</b> If any component significantly limits the ability to recycle the item, any recyclable claim would be deceptive.</p>

<sup>3</sup> 2012 [FTC Green Guides 16 CFR 260](#)

<p>HDPE #2 bottles with non-recyclable full body shrink sleeves</p>	<p>Clorox cleaning products</p>	<p>Unqualified Recyclable Symbol for Plastic Bottle &amp; “Bottle Not Recyclable Unless Label Removed” for Plastic Label</p> 	<p><b>§ 260.12(d) If any component significantly limits the ability to recycle the item, any recyclable claim would be deceptive.</b></p>
<p>HDPE #2 bottles with non-recyclable full body shrink sleeves</p>	<p>P&amp;G detergent products</p>	<p>Unqualified Recyclable Symbol for Plastic Bottle &amp; “Bottle Not Recyclable Unless Label Removed” for Plastic Label</p>  <p>Millimeters</p>	<p><b>§ 260.12(d) If any component significantly limits the ability to recycle the item, any recyclable claim would be deceptive.</b></p>



**Table 2 – Examples of Incorrect Recyclable Claims on Plastic Products and Packaging that are Not Recyclable**

Plastic Packaging or Product Type	Brand & Product	2022 Access by Americans to Municipal Collection <sup>4</sup> and U.S. Processing Capacity <sup>5</sup>	Labels Found on Products	Non-compliance to 2012 Green Guides Requirements <sup>6</sup>
Plastic deodorant stick – no plastic type shown	Unilever Dove	<p>Comprehensive survey showed that none of the 375 operating U.S. MRFs explicitly accept plastic sticks of any type. Therefore, zero % of Americans have access to recycling this product.</p> <p>There are no known processors of plastic deodorant stick waste.</p>	<p>Unqualified recycle label.</p> 	<p><b>§ 260.12(a)</b> Requires &gt;60% access by Americans to municipal recycling.</p> <p><b>Green Guides Statement of Basis &amp; Purpose:</b> Requires collected plastic to be recycled.</p> <p><b>No resin identification code (RIC) could be seen.</b></p>
Large PVC#3 doormat	Home Depot	<p>Comprehensive survey showed that none of the 375 operating U.S. MRFs explicitly accept plastic door mats of any type. Therefore, zero % of Americans have access to recycling this product.</p> <p>No reprocessors could be identified in the U.S. that process household PVC waste.</p>	<p>Unqualified recycle label.</p> 	<p><b>§ 260.12(a)</b> Requires &gt;60% access by Americans to municipal recycling.</p> <p><b>Green Guides Statement of Basis &amp; Purpose:</b> Requires collected plastic to be recycled.</p>



<sup>4</sup> Greenpeace USA, [Circular Claims Fall Flat Again](#), 2022

<sup>5</sup> Greenpeace USA, [Circular Claims Fall Flat Again](#), 2022

<sup>6</sup> 2012 [FTC Green Guides 16 CFR 260](#)





Plastic Packaging or Product Type	Brand & Product	2022 Access by Americans to Municipal Collection <sup>4</sup> and U.S. Processing Capacity <sup>5</sup>	Labels Found on Products	Non-compliance to 2012 Green Guides Requirements <sup>6</sup>
Flat plastic blister pack on cardboard	Target	<p>Comprehensive survey showed that none of the 375 operating U.S. MRFs explicitly accept plastic blister packs of any type. Therefore, zero % of Americans have access to recycling this product.</p> <p>There are no known processors of plastic blister pack waste in the U.S.</p> <p>No RIC code could be seen. Association of Plastic Recyclers (APR) Design<sup>®</sup> Guide states that two-dimensional products are not recyclable.<sup>7</sup></p> <p>Flat plastic contaminates paper bales.</p>	<p>Qualified recycle labels with “Check Locally” for acceptance for recycling.</p> 	<p><b>§ 260.12(a)</b> Requires &gt;60% access by Americans to municipal recycling.</p> <p><b>Green Guides Statement of Basis &amp; Purpose:</b> Requires collected plastic to be recycled.</p> <p><b>No resin identification code (RIC) could be seen.</b></p>
Flat plastic pen pack	Walmart store brand	<p>Comprehensive survey showed that none of the 375 operating U.S. MRFs explicitly accept flat plastic boxes of any type. Therefore, zero % of Americans have access to recycling this product.</p> <p>There are no known processors of flat plastic box waste in the U.S.</p>	<p>Qualified recycle labels with “Check Locally” for acceptance for recycling.</p> 	<p><b>§ 260.12(a)</b> Requires &gt;60% access by Americans to municipal recycling.</p> <p><b>Green Guides Statement of Basis &amp; Purpose:</b> Requires collected plastic to be recycled.</p> <p><b>No resin identification code (RIC) could be seen.</b></p>

<sup>7</sup> [The Association of Plastic Recyclers \(APR\) Design<sup>®</sup> Guide for Plastics Recyclability](#)



Plastic Packaging or Product Type	Brand & Product	2022 Access by Americans to Municipal Collection <sup>4</sup> and U.S. Processing Capacity <sup>5</sup>	Labels Found on Products	Non-compliance to 2012 Green Guides Requirements <sup>6</sup>
		<p>No RIC code could be seen. Association of Plastic Recyclers (APR) Design<sup>®</sup> Guide states that two-dimensional products are not recyclable.<sup>8</sup></p> <p>Flat plastic contaminates paper bales.</p>		
Polystyrene #6 plastic plates	Costco Kirkland	<p>Only 1% of Americans have access to collection of plastic plates for recycling.</p> <p>PS#6 is collected as part of a mixed plastics #3-7 bale which may be landfilled or incinerated due to lack of market demand.</p> <p>Americans cannot “Check Locally” to determine if a PS#6 cup will be recycled because collected plastics #3-7 may be disposed to landfill and incineration across the country due to lack of market demand.</p> <p>There is &lt;1% PS#6 waste processing capacity in the U.S.</p>	<p>Qualified recycle labels with “Check Locally” for acceptance for recycling.</p>  	<p><b>§ 260.12(b)</b>  <b>1% acceptance is minimal.</b>  <b>Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b>                      1) Plastic #3-7 bales are effectively a category of product that is collected but not recycled.                      2) Consumers cannot “Check Locally” to determine if plastic #3-7 item will actually be recycled into a new product</p>
Polystyrene #6 plastic cups	Dart Solo plastic cups	<p>Only 4.5% of Americans have access to collection of plastic cups.</p>	<p>Qualified recycle labels with qualifying text for acceptance for recycling in only a few communities.</p>	<p><b>§ 260.12(b)</b>  <b>4.5% acceptance is minimal.</b>  <b>Green Guides Statement of Basis &amp; Purpose:</b></p>

<sup>8</sup> [The Association of Plastic Recyclers \(APR\) Design<sup>®</sup> Guide for Plastics Recyclability](#)



		<p>PS#6 is collected as part of a mixed plastics #3-7 bale which may be landfilled or incinerated due to lack of market demand.</p> <p>Americans cannot “Check Locally” to determine if a PS#6 cup will be recycled because collected plastics #3-7 may be disposed to landfill and incineration across the country due to lack of market demand.</p> <p>There is &lt;1% PS#6 waste processing capacity in the U.S.</p> <p>USEPA reports that a “negligible” amount of plastic cups are recycled.<sup>9</sup></p>	 	<p><b>Requires collected plastic to be recycled.</b></p> <ol style="list-style-type: none"> <li>1) Plastic #3-7 bales are effectively a category of product that is collected but not recycled.</li> <li>2) Consumers cannot “Check Locally” to determine if plastic #3-7 item will actually be recycled into a new product</li> </ol>
<p>Polystyrene #6 plastic cups</p>	<p>Walmart Great Value plastic cups</p>	<p>Only 4.5% of Americans have access to collection of plastic cups.</p> <p>PS#6 is collected as part of a mixed plastics #3-7 bale which may be landfilled or incinerated due to lack of market demand.</p> <p>Americans cannot “Check Locally” to determine if a PS#6 cup will be recycled because collected plastics #3-7 may be disposed to landfill and incineration across the country due to lack of market demand.</p>	<p>Qualified recycle labels with “Check Locally” for acceptance for recycling.</p>  	<p><b>§ 260.12(b)</b></p> <p><b>4.5% acceptance is minimal.</b></p> <p><b>Green Guides Statement of Basis &amp; Purpose:</b></p> <p><b>Requires collected plastic to be recycled.</b></p> <ol style="list-style-type: none"> <li>1) Plastic #3-7 bales are effectively a category of product that is collected but not recycled.</li> <li>2) Consumers cannot “Check Locally” to determine if plastic #3-7</li> </ol>



<sup>9</sup> [USEPA 2018 Facts and Figures about Material, Waste and Recycling](#)





		<p>There is &lt;1% PS#6 waste processing capacity in the U.S.</p> <p>USEPA reports that a “negligible” amount of plastic cups are recycled.<sup>10</sup></p>		<p>item will actually be recycled into a new product</p>
<p>Polypropylene #5 plastic cups</p>	<p>McDonalds &amp; Wendys</p>	<p>Only 4.5% of Americans have access to collection of plastic cups.</p> <p>PP#5 is typically collected as part of a mixed plastics #3-7 bale which may be landfilled or incinerated due to lack of market demand.</p> <p>There is &lt;2% PP#5 waste processing capacity in the U.S.</p> <p>USEPA reports that a “negligible” amount of plastic cups are recycled.<sup>11</sup></p>	<p>Qualified recycle labels with “Check Locally” for acceptance for recycling</p> 	<p><b>§ 260.12(b)</b>  <b>4.5% acceptance is minimal.</b>  <b>Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b>  <b>1) Plastic #3-7 bales are effectively a category of product that is collected but not recycled.</b>  <b>2) Consumers cannot “Check Locally” to determine if plastic #3-7 item will actually be recycled into a new product</b></p>
<p>Polypropylene (PP) #5 tubs</p>	<p>Clorox Hidden Valley Ranck</p>	<p>Only 30% of Americans have access to collection of PP#5 tubs.</p> <p>PP#5 is collected as part of a mixed plastics #3-7 bale which may be landfilled or incinerated due to lack of market demand.</p>	<p>Unqualified Recycle Symbol</p> 	<p><b>§ 260.12(a)</b>  <b>Requires &gt;60% access by Americans to municipal recycling.</b></p> <p><b>Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b></p>



<sup>10</sup> [USEPA 2018 Facts and Figures about Material, Waste and Recycling](#)

<sup>11</sup> [USEPA 2018 Facts and Figures about Material, Waste and Recycling](#)



		<p>There is &lt;2% PP#5 waste processing capacity in the U.S.</p>		
<p>Polypropylene (PP) #5 tubs</p>	<p>Aldi salsa</p>	<p>Only 30% of Americans have access to collection of PP#5 tubs.</p> <p>PP#5 is collected as part of a mixed plastics #3-7 bale which may be landfilled or incinerated due to lack of market demand.</p> <p>Americans cannot “Check Locally” to determine if a PP#5 tub will be recycled because collected plastics #3-7 may be disposed to landfill and incineration across the country.</p> <p>There is &lt;2% PP#5 waste processing capacity in the U.S.</p>	<p>Qualified Recycle Symbol with “Check Locally”</p> 	<p><b>§ 260.12(a) Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b></p> <p>1) Plastic #3-7 bales are effectively a category of product that is collected but not recycled.</p> <p>2) Consumers cannot “Check Locally” to determine if plastic #3-7 item will actually be recycled into a new product.</p> <p><b>Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b></p>
<p>Polypropylene (PP) #5 trays</p>	<p>Target - Numerous ready-to-eat deli foods</p>	<p>Only 3.5% of Americans have access to collection of plastic trays.</p> <p>PP#5 is collected as part of a mixed plastics #3-7 bale which may be landfilled or incinerated due to lack of market demand.</p> <p>There is &lt;2% PP#5 waste processing capacity in the U.S.</p>	<p>Qualified Recycle Symbol with Check Locally</p> 	<p><b>3.5% acceptance is minimal.</b></p> <p><b>Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b></p> <p>1) Plastic #3-7 bales are effectively a category of product that is collected but not recycled.</p> <p>2) Consumers cannot “Check Locally” to determine if plastic #3-7</p>

<p>Polypropylene (PP) #5 bowls (trays)</p>	<p>Danone Happy Tot baby food</p>	<p>Only 3.5% of Americans have access to collection of plastic trays (bowls).</p> <p>PP#5 is collected as part of a mixed plastics #3-7 bale which may be landfilled or incinerated due to lack of market demand.</p> <p>There is &lt;2% PP#5 waste processing capacity in the U.S.</p>	<p>Unqualified Recycle Symbol</p>  	<p>item will actually be recycled into a new product</p> <p><b>§ 260.12(a)</b>  <b>Requires &gt;60% access by Americans to municipal recycling.</b></p> <p><b>Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b></p>
<p>Polyethylene Terephthalate (PET) #1 tray</p>	<p>Kroger - Numerous ready-to-eat salads and vegetables</p>	<p>Only 3.5% of Americans have access to collection of plastic trays.</p> <p>PET#1 thermoforms cannot be recycled with PET#1 bottles as they are different materials</p> <p>There are no known PET#1 thermoform recyclers in the U.S.</p>	<p>Qualified Recycle Symbol with Check Locally</p>  	<p><b>3.5% acceptance is minimal.</b></p> <p><b>Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b></p> <p>1) There are no known PET#1 thermoform recyclers in the US.          2) Consumers cannot "Check Locally" to determine if non-bottle PET plastic thermoform item will actually be recycled into a new product</p>

<p>Polyethylene Terephthalate (PET) #1 tub (thermoform)</p>	<p>Red Vines</p>	<p>Tubs are typically made from PP#5. Only 3.5% of Americans have access to collection of plastic trays.</p> <p>PET#1 thermoforms cannot be recycled with PET#1 bottles as they are different materials</p> <p>There are no known PET#1 thermoform recyclers in the U.S.</p>	<p>Qualified Recycle Symbol with Check Locally</p> 	<p><b>3.5% acceptance is minimal.</b></p> <p><b>Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b></p> <ol style="list-style-type: none"> <li>1) There are no known PET#1 thermoform recyclers in the US.</li> <li>2) Consumers cannot “Check Locally” to determine if non-bottle PET plastic thermoform item will actually be recycled into a new product</li> </ol>
<p>Plastic Lids &amp; Caps (Loose)</p> <p>Type of plastic not shown.</p> <p>Lids are typically made from HDPE#2, LDPE#4 or PP#5</p>	<p>Nestle</p> <p>Powdered drink product</p>	<p>Only 2% of Americans have access to collection of plastic lids.</p> <p>LDPE#4 and PP#5 are collected as part of a mixed plastics #3-7 bale which may be landfilled or incinerated due to lack of market demand.</p> <p>Association of Plastic Recyclers (APR) Design® Guide states that two-dimensional products are not recyclable.<sup>12</sup></p> <p>Flat plastic contaminates paper bales.</p>	<p>Qualified Recycle Symbol with “Check Locally”</p> 	<p><b>§ 260.12(b)</b></p> <p><b>2% acceptance is minimal.</b></p> <p><b>Green Guides Statement of Basis &amp; Purpose: Requires collected plastic to be recycled.</b></p> <ol style="list-style-type: none"> <li>1) Plastic #3-7 bales are effectively a category of product that is collected but not recycled.</li> <li>2) Consumers cannot “Check Locally” to determine if plastic #3-7 item will actually be recycled into a new product.</li> </ol> <p><b>No resin identification code (RIC) could be seen.</b></p>

<sup>12</sup> [The Association of Plastic Recyclers \(APR\) Design® Guide for Plastics Recyclability](#)

<p>Plastic Lids &amp; Caps (Loose)</p> <p>Type of plastic not shown</p>	<p>Walmart cooking spray</p>	<p>Only 2% of Americans have access to collection of plastic caps.</p> <p>There are no known processors of plastic deodorant stick waste.</p>	<p>Qualified Recycle Symbol with “Check Locally”</p> 	<p><b>§ 260.12(b)</b>  <b>2% acceptance is minimal.</b></p> <p>Association of Plastic Recyclers (APR) Design® Guide states that products less than 2” by 2” are not recyclable.<sup>13</sup></p> <p><b>No resin identification code (RIC) could be seen.</b></p>
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<sup>13</sup> [The Association of Plastic Recyclers \(APR\) Design® Guide for Plastics Recyclability](#)