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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 7. GENERAL BUSINESS REGULATIONS [16000 - 18107] (*Division 7 added by Stats. 1941, Ch. 61.*)

PART 3. REPRESENTATIONS TO THE PUBLIC [17500 - 17943] (*Part 3 added by Stats. 1941, Ch. 63.*)

CHAPTER 1. Advertising [17500 - 17606] (*Chapter 1 added by Stats. 1941, Ch. 63.*)

ARTICLE 7. Environmental Representations [17580 - 17581] (*Article 7 added by Stats. 1990, Ch. 1413, Sec. 2.*)

17580. (a) A person who represents in advertising or on the label or container of a consumer good that the consumer good that it manufactures or distributes is not harmful to, or is beneficial to, the natural environment, through the use of such terms as "environmental choice," "ecologically friendly," "earth friendly," "environmentally friendly," "ecologically sound," "environmentally sound," "environmentally safe," "ecologically safe," "environmentally lite," "green product," or any other like term, or through the use of a chasing arrows symbol or by otherwise directing a consumer to recycle the consumer good, shall maintain in written form in its records all of the following information and documentation supporting the validity of the representation:

(1) The reasons the person believes the representation to be true.

(2) Any significant adverse environmental impacts directly associated with the production, distribution, use, and disposal of the consumer good.

(3) Any measures that are taken by the person to reduce the environmental impacts directly associated with the production, distribution, and disposal of the consumer good.

(4) Violations of any federal, state, or local permits directly associated with the production or distribution of the consumer good.

(5) Whether, if applicable, the consumer good conforms with the uniform standards contained in the Federal Trade Commission Guidelines for Environmental Marketing Claims for the use of the terms "recycled," "recyclable," "biodegradable," "photodegradable," or "ozone friendly."

(6) If the person uses the term "recyclable," uses a chasing arrows symbol, or otherwise directs a consumer to recycle the consumer good, whether the consumer good meets all of the criteria for statewide recyclability pursuant to subdivision (d) of Section 42355.51 of the Public Resources Code.

(b) Information and documentation maintained pursuant to this section shall be furnished to any member of the public upon request.

(c) For purposes of this section, a wholesaler or retailer who does not initiate a representation by advertising or by placing the representation on a package shall not be deemed to have made the representation.

(d) It is the intent of the Legislature that the information and documentation supporting the validity of the representation maintained under this section shall be fully disclosed to the public, within the limits of all applicable laws.

(e) For purposes of this section, displaying a chasing arrows symbol or otherwise directing a consumer to recycle a consumer good shall not be considered misleading pursuant to Section 17580.5 or Section 42355.51 of the Public Resources Code if either of the following applies:

(1) The consumer good is required by any federal or California law or regulation to display a chasing arrows symbol, including, but not limited to, Section 103(b)(1) of the federal Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. Sec. 14322(b)(1)) and Section 25215.65 of the Health and Safety Code.

(2) The consumer good is a beverage container subject to the California Beverage Container Recycling and Litter Reduction Act (Division 12.1 (commencing with Section 14500) of the Public Resources Code).

(f) For purposes of this section, "chasing arrows symbol" means an equilateral triangle, formed by three arrows curved at their midpoints, depicting a clockwise path, with a short gap separating the apex of each arrow from the base of the adjacent arrow. "Chasing arrows symbol" also includes variants of that symbol that are likely to be interpreted by a consumer as an implication of recyclability, including, but not limited to, one or more arrows arranged in a circular pattern or around a globe.

(g) For purposes of this section, a direction to a consumer to properly dispose of or otherwise properly handle a consumer good at the end of its useful life shall not be considered "otherwise directing a consumer to recycle a consumer good" pursuant to subdivision (a) if both of the following requirements are met:

(1) The consumer good is subject to any of the following programs:

(A) Chapter 20 (commencing with Section 42970) of Part 3 of Division 30 of the Public Resources Code relating to product stewardship for carpets.

(B) The Used Mattress Recovery and Recycling Act (Chapter 21 (commencing with Section 42985) of Part 3 of Division 30 of the Public Resources Code).

(C) The California Tire Recycling Act (Chapter 17 (commencing with Section 42860) of Part 3 of Division 30 of the Public Resources Code).

(D) The Electronic Waste Recycling Act of 2003 (Chapter 8.5 (commencing with Section 42460) of Part 3 of Division 30 of the Public Resources Code).

(E) Article 10.3 (commencing with Section 25214.9) of Chapter 6.5 of Division 20 of the Health and Safety Code relating to electronic waste.

(F) The Rechargeable Battery Recycling Act of 2006 (Chapter 8.4 (commencing with Section 42451) of Part 3 of Division 30 of the Public Resources Code).

(G) The Cell Phone Recycling Act of 2004 (Chapter 8.6 (commencing with Section 42490) of Part 3 of Division 30 of the Public Resources Code).

(H) The paint product recovery program established pursuant to Chapter 5 (commencing with Section 48700) of Part 7 of Division 30 of the Public Resources Code.

(I) The Mercury Thermostat Collection Act of 2008 (Article 10.2.2 (commencing with Section 25214.8.10) of Chapter 6.5 of Division 20 of the Health and Safety Code).

(J) The Lead-Acid Battery Recycling Act of 2016 (Article 10.5 (commencing with Section 25215) of Chapter 6.5 of Division 20 of the Health and Safety Code).

(2) The direction to the consumer accurately instructs the consumer to dispose of the consumer good through participation in, and consistent with, one of the programs identified in paragraph (1) as that program applies to the consumer good.

(h) For purposes of this section, directing a consumer to compost or properly dispose of a consumer good through an organics recycling program shall not be considered "otherwise directing a consumer to recycle a consumer good" pursuant to subdivision (a).

(Amended by Stats. 2024, Ch. 989, Sec. 1. (SB 1143) Effective January 1, 2025.)

17580.5. (a) It is unlawful for a person to make an untruthful, deceptive, or misleading environmental marketing claim, whether explicit or implied. For the purpose of this section, "environmental marketing claim" shall include any claim contained in the "Guides for the Use of Environmental Marketing Claims" published by the Federal Trade Commission.

(b) (1) It shall be a defense to any suit or complaint brought under this section that the person's environmental marketing claims conform to the standards or are consistent with the examples contained in the "Guides for the Use of Environmental Marketing Claims" published by the Federal Trade Commission.

(2) Paragraph (1) does not apply to either of the following:

(A) Claims for violations of subdivision (d) of Section 18015 of the Public Resources Code.

(B) Claims for violations of paragraph (1) of subdivision (b) of Section 42355.51 of the Public Resources Code.

(Amended by Stats. 2021, Ch. 507, Sec. 2. (SB 343) Effective January 1, 2022.)

17581. Any violation of this article is a misdemeanor punishable by imprisonment in the county jail not to exceed six months, or by a fine not to exceed two thousand five hundred dollars (\$2,500), or by both.

(Added by Stats. 1990, Ch. 1413, Sec. 2.)