

**In the Matter of Safe Brands Corporation, a corporation, Warren Distribution, Inc., a corporation, and ARCO Chemical Company, a corporation. [File No. 942-3012; December 12, 1995]**

*The Claims*

This case involved the ‘labeling and advertising of Sierra Antifreeze-Coolant (“Sierra”), a propylene glycol-based automobile antifreeze marketed by Safe Brands Corporation and its parent company, Warren Distribution, Inc. The Commission’s complaint alleged that ARCO Chemical Company sold the propylene glycol (“PG”) used in the manufacture of Sierra and provided information for, participated in the preparation of, paid for, and reviewed and/or approved Sierra advertising and promotional materials. The complaint also alleged that ARCO Chemical itself disseminated advertisements under its own name for PG antifreeze generally. The FTC charged that the respondents claimed that compared to conventional, ethylene glycol-based antifreeze (“EG antifreeze”), Sierra and other PG antifreezes are safer for the environment generally.

... the respondents did not substantiate their claim that Sierra and other PG antifreezes are safer for the environment generally (e.g., the air, water, soil, plants, or aquatic life). The complaint also alleged that respondents represented without adequate substantiation that Sierra and other PG antifreezes were absolutely safe for the environment after ordinary use, and that because Sierra and other PG antifreezes were biodegradable, they were absolutely safe for the environment after ordinary use. The complaint stated that one reason these claims were unsubstantiated was that used antifreeze, whether EG or PG-based, may contain lead and/or other substances that are hazardous to the environment. Furthermore, the complaint alleged that the

respondents represented without adequate substantiation that Sierra and other PG antifreezes were absolutely safe for humans and pets.

**The Consequences**

The proposed order (which lasts for twenty years absent the filing of a complaint against respondents alleging a violation of the order) required the respondents to cease and desist from representing that any antifreeze, coolant, or deicer product will not harm the environment, is less harmful to the environment than other products, or offers any environmental benefit, unless the respondents possess competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation. The proposed order also required the respondents to cease and desist from making any representation about the safety or relative safety for humans or animals of any antifreeze, coolant, or deicer product, unless they possess competent and reliable scientific evidence that substantiates the representation.

In addition, the proposed order mandated that the respondents print two statements on the back of containers of all PG antifreeze or coolant products: “CAUTIONARY INFORMATION: This Product MAY BE HARMFUL IF SWALLOWED. STORE SAFELY AWAY FROM CHILDREN AND PETS. Do not store in open or unlabeled containers”; and “Clean up any leaks or spills.” On the front of all such containers the following must be disclosed: “See Back Panel for CAUTIONARY INFORMATION.”