



CONSUMER MARKET STUDY ON ENVIRONMENTAL CLAIMS FOR NON-FOOD PRODUCTS

APPENDIX 4 *Guidelines*

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Consumer market study on environmental claims for non-food products

APPENDIX 4

Guidelines

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Introduction

One of the key tenets of the European Consumer Agenda¹ is that **consumers** should be **empowered, assisted and encouraged to make sustainable purchasing choices**. This will lead to cost savings for themselves and for society as a whole. For consumers to make sustainable choices, they need to have **clear and reliable information** in order to be able to easily identify the 'right' product or service to purchase. Information of this nature is provided by business by means of a range of environmental/green claims. The expressions '**environmental claims**' or '**green claims**' refer to the practice of suggesting or otherwise creating the impression – in the context of a commercial communication, marketing or advertising, that **a product or a service, is environmentally friendly**, i.e. it has a positive impact on the environment, **or is less damaging to the environment than competing goods or services**. This may be due to, for example, its composition, the way it has been manufactured or produced, the way it can be disposed of and the reduction in energy or pollution which can be expected from its use.²

To unlock the untapped potential for green growth there are some key challenges ahead that need special attention.

- Consumers are confronted with an increasing number of environmental claims³.
- While the interest in purchasing green products is high, the Eurobarometer from June 2011⁴ also shows that consumer trust in environmental labelling has decreased.
- Cases of **misleading and unsubstantiated environmental claims**, e.g. 'greenwashing', in certain product markets have been reported by businesses, as well as by consumers and environmental NGOs. These undermine consumers' ability to contribute to green growth by means of their purchasing choices.
- Consumers do not always truly understand the green claims with which they are confronted⁵.

In this context, the Consumers, Health and Food Executive Agency acting on behalf of European Commission (Directorate-General Health and Consumers) commissioned this **Consumer Market Study on environmental claims for non-food products**.

The **objective of the assignment** was to provide information on the current state of play on the presence of green claims in the Single Market for non-food markets, at the level of products, e.g. goods and services, and marketing strategies. It investigated the presence of green claims in consumer markets, and the different types of claims made, e.g. general claims vs. more specific claims, self-declarations vs. verified claims, claim categories, e.g. general, climate, air, and water, explicit vs. implicit claims, e.g. marketing strategies that give a green impression through the use of colours, pictures, word-usage. The assignment also examined the level of consistency

¹ European Commission (2012). *A European Consumer Agenda - Boosting confidence and growth*. Retrieved from http://ec.europa.eu/consumers/strategy/docs/consumer_agenda_2012_en.pdf

² The working definition of 'environmental claims' used in this report is taken from the Guidance on the implementation/application of the Unfair Commercial Practices Directive (Commission Staff Working Document SEC (2009) 1666).

³ - OECD (2011). *Environmental Claims - Findings and Conclusions of the OECD Committee on Consumer Policy*.

- DEFRA (2010). *Assessment of Green Claims on Product Packaging*.

- DEFRA (2010). *An assessment of green claims in marketing*.

- BEUC/ANEC position papers X/2011/067 of 14/12/11 and X/022/2011 of 28/02/11.

⁴ European Commission (2011). *Attitudes of European citizens towards the environment*. Retrieved from http://ec.europa.eu/environment/pdf/ebs_365_en.pdf

⁵ DEFRA. *Consumer understanding of green terms*, p. 6.

with EU legal and regulatory requirements for a random selection of claims and assessed consumer understanding and behaviour vis-à-vis different types of green claims on the market. Furthermore, an analysis of the effectiveness of the enforcement and self-regulatory instruments available in selected countries was also part of this assignment. Lastly, based on a thorough understanding of the current dynamics of green claims operating in key markets, the assignment provides policy recommendations for possible future EU policy initiatives in this field.

In particular, **Appendix 4** provides further information on the identification of guideline documents developed by national authorities, self-regulatory bodies or the private sector. The identified national and sectorial guidelines are then assessed against 5 criteria derived from the UCPD and its guidance document.

The following **information** can be retrieved for the **assessment of guidelines**:

- The overall methodology:
 - countries surveyed
 - 'sample sizes'
 - data collection period
 - template
 - data validation measures
- Country results

The **summary** of the presence and guidelines identified and assessed can be found in **chapter 4 of the main report**.

1 Guidelines on green claims

1.1 Methodology

The identification of the guidelines documents developed by national authorities, self-regulatory bodies or the private sector has been based on desk research of websites of the relevant national actors, e.g. ministries of consumer affairs, advertisers' associations, authorities in charge of the control of broadcast/non-broadcast advertising, and input from the general stakeholder consultation – outlined in annexes 8 and 9. In those cases where the information available through desk research was too scarce, experts were requested to contact via e-mail or phone calls the relevant authorities or associations.

1.1.1 Countries surveyed

An inventory and analysis of the existing national and sectorial guidelines were executed for all EU countries⁶, Norway, Iceland, the USA (FTC) and the Consolidated International Chamber of Commerce Code of Advertising and Marketing Communication Practice.

It appears that no such guidelines exist in several countries. The absence of guidelines for certain countries, however, does not necessarily imply that nothing is being done in that country. For example, some SROs enforce the ICC Code (e.g. Sweden only enforces the ICC Code), which includes a chapter on green claims. Therefore ICC and FTC were equally reviewed. Furthermore, false green claims fall within the scope of misleading advertising under many general codes that are in place.

1.1.2 'Sample sizes'

The number of guidelines inventoried and analysed differs according to the availability of such guidelines in a country.

1.1.3 Data collection period

The first steps in the inventory of the guidelines already started in the proposal phase and the data collection ended on 30/11/2013.

1.1.4 Template

Following template was applied to analyse the guidelines inventoried.

	NAME: xx
1.	publication details
	Year of issuance
	Length
	Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)
	General or sectorial guidelines
2.	Information on coverage of guidelines
	Target group
	Aim

⁶ Croatia did not belong to the initial scope of the study, though the European Commission services have identified two guidelines which are included in the report.

	Definition of the term: 'environmental claims'	
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	
	Are there any terms for which certain conditions are set?	
	Recommendations on documentation, calculation, testing methods, evidence and access to data	
	Examples provided of good practices and poor practices	
4.	Consistency check criteria based on UCPD Guidance	
	Objective misleading practice: The UCPD Guidance on objective misleading provides that: the environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1) Examples: use of the term	

<p>'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities</p>	
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that: the impression the commercial communication produces on consumer suggesting him an environmental benefit</p> <p>Examples: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances)</p>	
<p>Scientific evidence to be verified by competent authorities</p>	

	(Article 12 of the UCPD)	
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that: clarity and accuracy of the claims are important criteria for the assessment by national enforcers</p> <p>In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers. 	
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	

1.1.5 Data validation measures

- A first step in the data collection and analysis was one of ensuring common ground using the above mentioned template. It should be noted that this template was tested in advance via a pilot study ensuring all questions could be answered and that they covered the research objectives.
- A second step was the inclusion of various sources to identify the different guidelines available in the EU Member States and Norway, i.e. the application of desk research, complemented by stakeholder consultation.

- A third step involved the briefing of national experts either in person or by mail with a telephone follow-up to explain to them the objectives, steps to be taken and the template in great detail. Where possible, desk research and the names of contacts were already presented to them.
- A fourth step involved a regular follow up with the national experts to receive intermediate data and/or answer questions they had.
- A fifth step in the data validation process consisted of a double review. Questions were raised and repeated where the answer seemed uncertain or noteworthy. The completed templates were reviewed several times and, in some cases, national organisations were contacted centrally for more in-depth information.

These data validation measures are taken to ensure there is a common understanding among the people participating, as well as the comparability and validity of the data collected.

1.2 Country results

The subsections below detail the sectorial and general guidelines for the countries where at least one is available.

The results show that **a large number of Member States and the Third Countries subject to this study** (i.e. Norway, Iceland) **have developed general guidelines** (see Appendix 4), except in Austria, Bulgaria, Cyprus, Germany, Greece, Latvia, Lithuania, Slovakia and Malta.⁷ Furthermore, no sectorial guidelines were identified in the following countries: Austria, Bulgaria, Czech Republic, Cyprus, Germany, Greece, Hungary, Ireland, Luxembourg, Latvia, Lithuania, Malta, Slovakia and Spain.

An overview table of the different guidelines assessed can be found below:

⁷To note that in Hungary, one guidelines document was identified, the Hungarian Code of Advertising Ethics, which only contains one provision on environmental claims formulated in a rather generic manner.

Countries	General guidelines / general codes of conducts ⁸	Sectorial guidelines / sectorial code of conducts
Belgium	The Environmental Advertising Code used by the Jury for Ethical Practices in advertising. (1997) http://www.jep.be/media/pdf/intersectoriele_code/milieu_nl.pdf	The Detic Advertising Code for Cosmetics and Hygiene products (2011) http://www.jep.be/media/Detic%20code%20september%202011.pdf
Croatia	Manual on signs for products and packaging by Croatian Business Council for Sustainable Development and Croatian Employers' Association: http://www.hrpsor.hr/hrpsor/images/dokumenti/knjizni_blok_znakovi.pdf . HURA: The Croatian Association for Marketing Communications brings together companies for Marketing Communications with the aim of establishing and improving the professional and ethical standards and the principles of fair competition, education and the organisation of sectorial festivals. They published a Code of advertising, i.e. http://hura.hr/assets/files/kodeksoglasavanja.pdf	
Czech Republic	Self-declared Environmental Claims or Fair Eco-advertising in Practice," published by CENIA (The Czech Environmental Information Agency) (2010) http://www.cenia.cz/web/www/web-public2.nsf/\$pid/CENMSFYO4WH8/\$FILE/VET_prirucka_CENIA_def.pdf	
Denmark	Guidance from the Danish Consumer Ombudsman on the use of environmental and ethical claims in marketing (2011) http://www.consumerombudsman.dk/Regulatory-framework/dcoguides/Environmental-and-ethical-marketing	
Estonia	Self-regulation of the Estonian Association of Advertising Agencies on Environmental Advertising. http://www.eral.ee/page.php?nid=21&pid=13&rid=6	

⁸ These guidelines and general code of conducts are either only dedicated to environmental claims or only include some chapters on environmental claims.

Finland	<p>The Finnish Consumer Ombudsman's general guidelines on the use of environmental claims in consumer marketing (2002) (available in Finnish here http://www.kuluttajavirasto.fi/File/893ad0d4-74e9-479d-9d38-a2a788c106e0/Ymp%20rist%20markkinointi+.pdf and translated into English at http://www.kuluttajavirasto.fi/File/af79d071-4cdd-4ac4-b996-d677356bb3fb/The+use+of+environmentally+oriented+claims+in+marketing+.pdf)</p>	<p>The Consumer Ombudsman's specific guidelines regarding the use of environmental claims in the marketing of cars (2009) (available in Finnish at http://www.kuluttajavirasto.fi/File/948cd66b-9e2a-4c83-ac5f-897007de3d22/Ymp%20A4rist%20B6v%20A4itt%20A4m%20A4t+autot.pdf and translated into English at http://www.kuluttajavirasto.fi/File/2e3b95c7-080d-419a-b212-b5c668876272/Use+of+environmental+claims+in+the+marketing+of+cars.pdf)</p>
France	<p>The practical guide to environmental claims for traders and consumers prepared by the National Consumer Council (<i>Conseil National de la Consommation</i>) with the support of the Ministry of Economy, Finance and Industry and the Ministry of Ecology, Sustainable Development, Transport and Housing (2010) http://www.economie.gouv.fr/files/directions_services/dgccrf/documentation/publications/brochures/2012/Guide_allegat_environ_en_2012.pdf</p> <p>The Sustainable Recommendations prepared by the Regulation Authority of advertising professional (2009). http://www.arpp-pub.org/IMG/pdf/Recommandation_developpement_durable.pdf</p> <p>Guide anti-greenwashing by the French Environment and Energy Management Agency (ADEME) (2012) http://antigreenwashing.ademe.fr/sites/default/files/docs/ADEME_GREENWASHING_GUIDE.pdf</p>	<p>Environmental claims on product packaging: French Packaging Council, views and Recommendations http://www.conseil-emballage.org/Img/Publications/97_1.pdf</p>
Greece	<p>The Greek Code for Advertising and Communication published in</p>	

	<p>2000 (updated version 2007) available at: http://www.see.gr/index.php?option=com_content&view=article&id=20&Itemid=13</p>	
Hungary	<p>The Hungarian Code of Advertising Ethics (Code) (2009) is available at: http://www.ort.hu/en/code/foreword</p>	
Iceland	<p>Leiðbeinandiþreglur um auglýsingarogumhverfisvernd (1994) (eGuidelines on Advertising and Environmental Protection), available in Icelandic only at: www.neytendastofa.is/lisalib/getfile.aspx?itemid=424</p> <p>Siðareglur Sambandsíslenskra auglýsenda, Kafli E (e. Code of Ethics of the Icelandic Association of Advertising Agencies, Chapter E), (2006) available in Icelandic only at: www.sia.is/Sidanefnd/Sidareglur/I.I.-Nanari-lysing-a-koflum/Kafli-E--Fullyrdingar-um-umhverfismal-i-markadsskilabodum/</p>	
Ireland	<p>Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, Section 12, Environmental Section (2007) http://www.asai.ie/code.asp</p>	
Italy	<p>Assolombarda, <i>Linee guida per il Marketing e la Comunicazione ambientale: come valorizzare prodotti e servizi sostenibili ed evitare i rischi del greenwashing</i> (Guidelines for environmental marketing and communication) (2011), available at: http://www.greeneconomynetwork.it/it/documenti/dispensa-linee-guida-per-il-marketing-e-la-comunicazione-ambientale/view</p> <p>IMQ (Istituto Italiano del Marchio di Qualità – Italian institute for quality label): <i>Regolamento per il rilascio del marchio IMQ-ECO</i> (Regulation for the granting of IMQ-ECO label) (2010), available</p>	

	at: http://www.imq.it/export/sites/default/it/doc/Regolamenti/Reg_IMQ_Certificazione_assertioni_ambientali_15_12_2010.pdf	
Luxembourg	The Code of ethics in advertising (2009) http://www.clep.lu/index.php/cod-e-de-deontologie/	
Netherlands	The Environmental Advertising Code used by Advertising Code Commission (2000). https://www.reclamecode.nl/nrc/pagina.asp?paginaID=271%20&deel=2	The Code for Passenger Cars (1994) https://www.reclamecode.nl/nrc/pagina.asp?paginaID=272%20&deel=2
Norway	The Consumer Ombudsman's Guidelines on the use of Environmental and Ethical Claims in Marketing (2009) http://www.forbrukerombudet.no/asset/3645/1/3645_1.pdf The Consumer Ombudsman's Guidelines on using Claims such as 'Climate Neutral' in marketing (2009) http://www.forbrukerombudet.no/asset/3603/1/3603_1.pdf	Consumer Ombudsman's Guidelines on the use of environmental claims in the marketing of vehicles (2007) http://www.forbrukerombudet.no/asset/2857/1/2857_1.pdf Guidelines for Using Environmental claims in Marketing of Energy for House Heating (2009) http://www.forbrukerombudet.no/asset/3175/1/3175_1.pdf
Poland	The Code of Ethics in Advertising (2012) is available at: http://www.radareklamy.org/images/Dokumenty/Kodeks%20Etyki%20Reklamy%20Eng.pdf	
Portugal	'Código de Conduta do ICAP' (ICAP's Code of Conduct), (2010) available at: http://www.icap.pt/images/memos/Novo_CodConduta_ICAP_Pub_ComComercial.pdf 'Guia de eco-comunicação da Sair da Casca', (Guide on eco-communication by 'Sair da Casca') (2009) available at: http://www.sairdacasca.com/wp-content/uploads/2012/09/Guia_Eco-comunicacao.pdf	
Romania	The Code of Advertising Practice issued by Romanian Advertising Council (2011) available in English at: http://www.rac.ro/EN/cod	
Slovenia	The Slovenian Code of Advertising Practice (2009)	

	http://www.soz.si/uploads/files/SOZ_SOK_ANG.pdf	
Spain	<p>Self-Regulation Code on Environmental Claims included in Commercial Communications (<i>Código de autorregulación sobre argumentos ambientales en comunicaciones comerciales</i>) (2009)</p> <p>http://www.autocontrol.es/pdfs/pdfs_codigos/CODMEDIOAMBIENTE.pdf</p>	
Sweden		<p>Guidance on the use of environmental claims in the marketing of new cars, trucks and buses, Car Sweden (<i>BIL Sweden</i>) (2012), available at: http://www.bilsweden.se/publikationer/bestall_publicationer/ne_dladningsbara_publicationer/bil-sweden-miljovaegledning</p>
UK	<p>Green Claims Guidance, Defra, (2011) (replacing the Green Claims Code), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69301/pb13453-green-claims-guidance.pdf</p> <p>The UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (Cap Code), CAP, (2010), available at: http://www.cap.org.uk/Advertising-Codes.aspx</p> <p>The UK Code of Broadcast Advertising (BCAP), CAP, (2010), available at: http://www.cap.org.uk/Advertising-Codes/Broadcast/BCAP-Code.aspx</p>	<p>Guidance on "CFC Free" and other environmental claims and statements on aerosols, Bama, Dti and Defra, (2003), available at: http://archive.defra.gov.uk/environment/business/marketing/glc/documents/aerosolsguide.pdf</p> <p>Guidance on "Biodegradable" and other environmental claims in the Cleaning Products Sector, Ukcpi, Dti and Defra, (2003), available at: http://archive.defra.gov.uk/environment/business/marketing/glc/documents/cleaningproducts.pdf</p> <p>Guidance on environmental claims on growing media, Growing Media Association, Dti and Defra, (2003), available at: http://archive.defra.gov.uk/environment/business/marketing/glc/documents/growingmediaguide.pdf</p> <p>Guidance on "no added lead" and other environmental claims and statements in the Decorative Coatings Sector, BCF, available at: http://archive.defra.gov.uk/envi</p>

	<p>environment/biz/marketing/glc/documents/decorativecoatingsguide.pdf</p> <p>Best Practice Principles for Environmental claims in the automotive sector, Society of Motor Manufacturers and Traders, Low Carbon Vehicle Partnership and ISBA, (2011), available at: http://www.smmmt.co.uk/2011/11/best-practice-principles-for-environmental-claims/</p> <p>Best Practice Guidelines for Environmental Sustainability Communications, The Chartered Institute of Public Relations,(2007), available at: http://www.cipr.co.uk/sites/default/files/Environmental_Sustainability_Guidelines_0.pdf</p>
USA	<p>January 2012 revised guides for the use of environmental marketing claims by the US Federal Trade Commission http://www.ftc.gov/sites/default/files/documents/federal_register_notices/guides-use-environmental-marketing-claims-green-guides/greenguidesfrn.pdf</p>
ICC Code	<p>The Consolidated ICC Code of Advertising and Marketing Communication Practice http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2011/Advertising-and-Marketing-Communication-Practice-(Consolidated-ICC-Code)</p>

<p>EU sectorial guidelines⁹</p>	<p>Cosmetics Europe Guiding Principles on responsible advertising and marketing communication (2012) https://www.cosmeticseurope.eu/news-a-events/news/355-launch-of-the-cosmetics-europe-guiding-principles-on-self-regulation-in-advertising.html</p> <p>EUROPEN – Packaging Supply Chain: EUROPEN Guidelines on how to communicate LCA based environmental information throughout the packaging supply chain (business to business) (2012) http://www.europen-packaging.eu/policy/4-eu-product-environmental-footprint.html</p> <p>AISE Charter for Sustainable Cleaning. The Charter for Sustainable Cleaning is a voluntary initiative of the European soaps, detergents and maintenance products industry, led by A.I.S.E. http://www.sustainable-cleaning.com/en.companyarea_documentation.orb</p>
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⁹ These guidelines are added for information only, only detailed analysis was executed on national guidelines.

1.3 Belgium

1.3.1 Overview

In Belgium **two guidelines** are available, one general and one sectorial:

general guideline:

- The Environmental Advertising Code used by the Jury for Ethical Practices in advertising.

http://www.jep.be/media/pdf/intersectoriele_code/milieu_nl.pdf

sectorial guideline:

- The Detic Advertising Code for Cosmetics and Hygiene products.

<http://www.jep.be/media/Detic%20code%20september%202011.pdf>

The Febiac Code on advertising for motor vehicles contains detailed rules regarding the mention of CO₂ emission (obligatory in Belgium) and fuel consumption of presented vehicles, in the press, on billboards and on websites, but prescribes no guidance on environmental claims comparable to the UCPD. This was not included in our analysis.

1.3.2 General guidelines

1.3.2.1 The Environmental Advertising Code used by the Jury for Ethical Practices in advertising

The Environmental Advertising Code is applied by the Belgian self-regulatory organisation for the advertising sector. This code contains the basic principles comparable to the UCPD guidance on environmental claims, but it does not contain detailed examples. Furthermore, it does not contain rules on the use of certain terms, e.g. 'bio', 'sustainable', and 'recyclable'.

NAME: Milieureclamecode (Environmental Advertising Code)	
1. publication details	
Year of issuance	1997
Length	4 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Authority: Council for Consumption, the Commission for environmental labelling and environmental advertising (which is no longer active) Applied by the Belgian SRO for advertising (Jury for Ethical Practices)
General or sectorial guidelines	General guidance for advertisers
2. Information on coverage of guidelines	
Target group	All Advertisers
Aim	To apply an auto-disciplinary instrument that concerns the correctness of environmental advertising
Definition of the term: 'environmental claims'	The Code applies to all publicity that refers to the consequences for the environment of a

		product, including packaging, or a service, during their lifecycle
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<p>Types of claims are not specified</p> <p>The 'environment' is defined as 'the atmosphere, the soil, the water, flora, fauna, ecosystems, landscapes, and the climate'</p> <p>'Life cycle' is defined as: 'the whole of the succeeding phases of a product or service from the cradle to the graveyard'. These phases are, e.g. the design, the reduction of use of raw materials, the production, the distribution, the use, and the disposal</p> <p>A scientific or environmental terminology is acceptable if it is relevant and easily understandable for a consumer and aiming to avoid confusion</p>
	Types of claims covered: e.g. environmental claims, ethical claims, organic, and sustainable	Environmental claims that refer to the consequences for the environment
	Product groups covered: goods and services, Company branding, labelling schemes, and indirect claims	Not limited
	<p>Legal basis and references to other legislative provisions standards or labels</p> <p>Referral to authorities and 'a priori' clearance, binding force, and sanctions</p>	<p>Based on the code of the ICC</p> <p>The Code refers to the Council for the Consumption (and its Commission for environmental labelling and environmental advertising), and the Jury for Ethical Practices in Advertising, a self-regulatory organization for the advertising sector. The surveillance authority in relation to this Code is de facto the Jury for Ethical Advertising Practices although this is not explicitly specified</p> <p>The Code does not contain nor refer to 'a priori' clearance, nor to sanctions, and it does not have any binding force. In the preamble, the Commission for the Consumption stated that if the Code would not be respected, the Commission would examine the options to give the Code a more binding nature</p> <p>In practice, the Jury for Ethical Practices in Advertising may give a prior opinion if this is asked on a voluntary basis, but this is not a binding pre-clearance system</p>
	<p>Applicable to the following forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images 	<p>All types</p> <p>There have been discussions however regarding trademarks</p>

	<ul style="list-style-type: none"> ▪ colours ▪ sound ▪ On-product / advertising 	
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	Expressions, statements or absolute slogans, such as 'environment friendly' or 'ecologically safe', that implicitly state that a product or service has no consequences for the environment in any stadium of the life cycle, are not allowed, unless proof is given with certainty and immediately
	Are there any terms for which certain conditions are set?	See here above
	Recommendations on documentation, calculation, testing methods, evidence and access to data	<p>An advertiser must be able to justify with certainty and immediately every statement, indication, picture or presentation referring to the effects on the environment</p> <p>If the surveillance authority (Jury for Ethical Advertising Practices) deems it necessary, the evidence can be submitted for acceptance to an organisation or a person recognised by all involved parties</p> <p>The use of general statements as 'environment friendly' is subject to such evidence being available. Reference to scientific argumentation or conclusions regarding environmental consequences is only allowed if it can be proven</p> <p>Testimonies or written statements supporting argumentation can only be used if their content is in line with the state of the science or technology</p>
	Examples provided of good practices and poor practices	Not provided
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice:</p> <p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1)</p> <p>Examples: use of the term 'biodegradable' when that is not</p>	<p>'All publicity must be decent, honest and truthful' (stated in the preamble)</p> <p>'Publicity may not include a statement, indication, image or presentation that may directly or indirectly mislead about the characteristics and features of a product or service with regard to its consequences for the environment' (art. 3)</p> <p>'Publicity may only refer to scientific argumentation or conclusions in relation to environmental effects if these correspond to the conditions for evidence as stated in article 14' (art. 9)</p>

<p>the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>'The advertiser must be able to justify with certainty and immediately every statement, indication, image or presentation that refers to an impact on the environment. Insofar the authority that will supervise the adherence to the code deems it necessary, the elements of the evidence are only valid if these are accepted by an organization or a person acknowledged by all involved parties' (art. 14)</p> <p>Consistency with UCPD Guidance:</p> <p>A misleading or untruthful claim or presentation is in general terms prohibited</p> <p>Every statement must be based on evidence that may be required by the surveillance authority (the Jury for Ethical Practices), as described in section 2</p>
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Examples: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the</p>	<p>'Advertisements may not include a statement, indication, image or presentation that may directly or indirectly mislead about the characteristics and features of a product or service with regard to its consequences for the environment'.</p> <p>'Publicity must be conceived in such manner, that it does not incorrectly build on environmental concerns of the society in general; nor that it abuses a possible lack of knowledge in this field' (art. 1)</p> <p>'If publicity refers to the absence or a diminished part of ingredients or parts with environmental effects, such in comparison to a similar category of products or services that was put on the market before, then it must be clearly indicated what has been diminished. The (eventually) replacing parts must reduce the harmful environmental effects considerably, and this must be proven in conformity with article 14' (art. 8)</p> <p>'A scientific or environment-technical terminology is acceptable upon the condition that it is relevant and can be understood easily by the consumer. Any confusion must be avoided in that respect.' (art. 10)</p> <p>'Signs or symbols concerning environmental effects may not mislead nor cause confusion about their meaning. These signs or symbols may not falsely pretend to be an official approval' (art. 13)</p> <p>'Publicity may not pretend a false superiority,</p>

<p>farmer complies with the environmental baseline under EU law (cross-compliances)</p>	<p>nor contain denigrating statements about other products or services with similar environmental effects. Environmental superiority vis a vis competitors can only be claimed if a substantial advantage can be demonstrated' (art. 12)</p> <p>'If publicity refers to a contribution of a company or a group of companies to the protection of the environment, then the referral to certain products, services or certain activities may not induce an incorrect belief that these are representative for the entire activity of the company or the group of companies' (art. 4)</p> <p>'If the qualities or advantages of a product or service depend on special use conditions or modalities, the publicity that refers to these qualities must state such conditions or qualities. If not, the advertiser must be able to prove that the consumer was well informed' (art. 5)</p> <p>'References to environmental consequences may not pretend that they apply to more stadia of the life cycle or more characteristics of that product or that service than is actually the case. They must clearly indicate the stadium of the life cycle or the characteristic in respect whereof they are relevant' (art. 6)</p> <p>'Presentations, statements or absolute slogans, such as "environmental friendly" or "ecologically safe" that implicitly state that a product or service does not have environmental consequences in any stadium of the life cycle, are prohibited, unless this is justified with evidence in accordance with article 14 of this Code' (art. 7)</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance contains detailed rules regarding indirect or suggestive environmental claims, and it contains rules regarding the precise scope of the claims (conditions, generalisations, lifecycle stadia). Comparative claims are forbidden as well. Thus, the guidance is in line with the UCPD Guidance.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>'Publicity may only refer to scientific argumentation or conclusions in relation to environmental effects if these correspond to the conditions for evidence as stated in article 14' (art. 9)</p> <p>'The advertiser must be able to justify with certainty and immediately every statement, indication, image or presentation that refers to</p>

		<p>an impact on the environment. Insofar the authority that will supervise the adherence to the code deems it necessary, the elements of the evidence are only valid if these are accepted by an organisation or a person acknowledged by all involved parties' (art. 14)</p> <p>'Testimonials or certificates supporting arguments referring to the environmental impact are only allowed if their content is in conformity with the state of the science or the technology in that matter, considering the composition of the product or service and the market conditions at the time of their use.' (art. 11)</p> <p>Consistency with UCPD Guidance:</p> <p>Yes, in this respect the guidance is consistent.</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g. recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable) ▪ whether the claim refers to a company (applying to all its products) or only to certain products ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers 	<p>'If publicity refers to the absence or a diminished part of ingredients or parts with environmental effects, such in comparison to a similar category of products or services that was put on the market before, then it must be clearly indicated what has been diminished. The (eventually) replacing parts must reduce the harmful environmental effects considerably, and this must be proven in conformity with article 14' (art. 8)</p> <p>'A scientific or environment-technical terminology is acceptable upon the condition that it is relevant and can be understood easily by the consumer. Any confusion must be avoided in that respect.' (art. 10)</p> <p>'Publicity may not pretend a false superiority, nor contain denigrating statements about other products or services with similar environmental effects. Environmental superiority vis a vis competitors can only be claimed if a substantial advantage can be demonstrated' (art. 12)</p> <p>'If publicity refers to a contribution of a company or a group of companies to the protection of the environment, then the referral to certain products, services or certain activities may not induce an incorrect belief that these are representative for the entire activity of the company or the group of companies' (art. 4)</p> <p>'If the qualities or advantages of a product or service depend on special use conditions or modalities, the publicity that refers to these qualities must state such conditions or qualities. If not, the advertiser must be able to prove that the consumer was well informed' (art. 5)</p>

		<p>'References to environmental consequences may not pretend that they apply to more stadia of the life cycle or more characteristics of that product or that service than is actually the case. They must clearly indicate the stadium of the life cycle or the characteristic in respect whereof they are relevant' (art. 6)</p> <p>'Presentations, statements or absolute slogans, such as "environmental friendly" or "ecologically safe" etc. that implicitly state that a product or service does not have environmental consequences in any stadium of the life cycle, are prohibited, unless this is justified with evidence in accordance with article 14 of this Code' (art. 7)</p> <p>Consistency with UCPD Guidance:</p> <p>Yes, there is explicit reference to the limitation and indication of the relevant part of the life cycle, and the relevant characteristics, and to the relevant products or the company as a whole</p> <p>Furthermore, comparative claims must be correct and substantial</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>'Signs or symbols concerning environmental effects may not mislead nor cause confusion about their meaning. These signs or symbols may not falsely pretend to be an official approval' (art. 13)</p> <p>Consistency with UCPD Guidance:</p> <p>Signs or symbols concerning environmental consequences may not falsely induce a belief that products or services have an official approval</p> <p>This general statement is the only reference to these issues. Partially in line</p>

1.3.3 Sectorial guidelines

1.3.3.1 Detic Advertising Code for Cosmetics and Hygiene products (or DETIC)

The DETIC Advertising Code for cosmetics and hygiene products is not focused on environmental claims, but, in a limited way, certain provisions are concerned with

environmental claims. It is, however, not specific guidance comparable with the UCPD guidance on environmental claims.

NAME: Advertising Code for Cosmetics and Hygiene Products	
1. Publication details	
Year of issuance	2011
Length	14 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The sectorial business association (Detic). Used by the Jury for Ethical Practices
General or sectorial guidelines	Sectorial: for cosmetics and hygiene products
2. Information on coverage of guidelines	
Target group	Cosmetics and hygiene products advertisers
Aim	To specify rules regarding health claims and environmental claims for cosmetics and hygienic products
Definition of the term: 'environmental claims'	Not defined
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<p>'Natural' may only be used for an end product that does not contain any synthetic substance, or it may be used for specific mentioned ingredients and is then limited to these components only</p> <p>'Biological' may only be used for an end product made of or derived from an animal or vegetal organism, or it may be used for specific mentioned ingredients made or derived from such organism and is then limited to these components.</p> <p>'Without...': the general claim 'without' (a) must be clear and not misleading or untruthful, and (b) must be relevant (excluding, e.g. an ingredient that is prohibited by law or unnecessary for the product); (c) its use must be loyal and not denigrating (it should not be the most important claim about the product, and it should not suggest that the absence of the ingredient is a safety advantage for the consumer or the environment, and it should not suggest that products that do not contain the ingredient would be better than products containing the ingredient)</p>
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims and health claims
Product groups covered: (goods and services), company branding, labelling schemes, indirect claims	Cosmetic and hygienic products
Legal basis and references to other legislative provisions	Belgian law on market practices of 6 April 2010 and Royal Decree of 15 October 1997 on

	<p>standards or labels</p> <p>Referral to authorities and a priori clearance, binding force, sanctions</p>	<p>cosmetics</p> <p>The Environmental Advertising Code; the ICC's consolidated code regarding advertising</p> <p>Specific regulations not relevant for environmental claims (e.g. advertising in the television media, advertising to children)</p> <p>The Code refers to the Jury for Ethical Practices in Advertising, the self-regulatory organization for the advertising sector, and it states that for its interpretation, the evolution of European rules regarding advertising and free movement of goods and services must be taken into consideration</p> <p>There is no referral to sanctions or a priori clearance, but it states that it shall be used as an instrument by the Jury for Ethical Practices in Advertising for the assessment of advertising, albeit when rendering an opinion, albeit when a complaint has been filed.</p> <p>This Code does not state that it is a part of the Environmental Code (which has been issued by a different organisation).</p>
	<p>Applicable to the following forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	<p>All forms. There is no distinction</p>
3.	Recommendations from guidelines	
	<p>Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?</p>	<p>For environment related claims: 'natural' and 'biological'</p> <p>'Natural' may only be used for an end product that does not contain any synthetic substance, or it may be used for specific mentioned ingredients and is then limited to these components only</p> <p>'Biological' may only be used for an end product made of or derived from an animal or vegetal organism, or it may be used for specific mentioned ingredients made or derived from such organism and is then limited to these components</p> <p>'Without...': the general claim 'without' (a) must be clear and not misleading or untruthful, and (b) must be relevant (excluding e.g. an</p>

		ingredient that is prohibited by law or unnecessary for the product); (c) its use must be loyal and not denigrating (it should not be the most important claim about the product, and it should not suggest that the absence of the ingredient is a safety advantage for the consumer or the environment, and it should not suggest that products that do not contain the ingredient would be better than products containing the ingredient)
	Are there any terms for which certain conditions are set?	As cited above: 'Natural' may only be used for an end product that does not contain any synthetic substance, or it may be used for specific mentioned ingredients and is then limited to these components only 'Biological' may only be used for an end product made of or derived from an animal or vegetal organism, or it may be used for specific mentioned ingredients made or derived from such organism and is then limited to these components 'Without...': the general claim 'without' (a) must be clear and not misleading or untruthful, and (b) must be relevant (excluding, e.g. an ingredient that is prohibited by law or unnecessary for the product); (c) its use must be loyal and not denigrating (it should not be the most important claim about the product, and it should not suggest that the absence of the ingredient is a safety advantage for the consumer or the environment, and it should not suggest that products that do not contain the ingredient would be better than products containing the ingredient)
	Recommendations on documentation, calculation, testing methods, evidence and access to data	NA
	Examples provided of good practices and poor practices	NA
	4. Consistency check criteria based on UCPD Guidance	
	Objective misleading practice The UCPD Guidance on objective misleading provides that: the environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list	'Natural' may only be used for an end product that does not contain any synthetic substance, or it may be used for specific mentioned ingredients and is then limited to these components only 'Biological' may only be used for an end product made of or derived from an animal or vegetal organism, or it may be used for specific

<p>provided for by Article 6(1)</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>mentioned ingredients made or derived from such organism and is then limited to these components</p> <p>'Without...': the general claim 'without' (a) must be clear and not misleading or untruthful, and (b) must be relevant (excluding e.g. an ingredient that is prohibited by law or unnecessary for the product); (c) its use must be loyal and not denigrating (it should not be the most important claim about the product, and it should not suggest that the absence of the ingredient is a safety advantage for the consumer or the environment, and it should not suggest that products that do not contain the ingredient would be better than products containing the ingredient)</p> <p>Consistency with UCPD Guidance:</p> <p>The code is not very specific on this point</p> <p>Regarding environmental issues, there are only rules regarding the use of the terms 'natural'; 'biological' and 'without - '. The use of the term should be truthful</p> <p>The UCPD Guidance is not entirely applied</p> <p>Very partial consistency</p>
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that: the impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Examples: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory</p>	<p>'Without...': the general claim 'without' (a) must be clear and not misleading or untruthful, and (b) must be relevant (excluding e.g. an ingredient that is prohibited by law or unnecessary for the product); (c) its use must be loyal and not denigrating (it should not be the most important claim about the product, and it should not suggest that the absence of the ingredient is a safety advantage for the consumer or the environment, and it should not suggest that products that do not contain the ingredient would be better than products containing the ingredient)</p> <p>Consistency with UCPD Guidance:</p> <p>These rules are not applied.</p> <p>The cited rule refers to specific incorrect suggestions, but not to a general rule</p> <p>Not in line</p>

<p>conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances)</p>	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>No statement of that kind</p> <p>Consistency with UCPD Guidance:</p> <p>Not consistent</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers</p> <p>In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g. recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable) ▪ whether the claim refers to a company (applying to all its products) or only to certain products ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers 	<p>Consistency with UCPD Guidance:</p> <p>These rules are not applied in this guidance</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or 	<p>Consistency with UCPD Guidance:</p> <p>The code states that a label or logo that is made obligatory by a regulation can only be used insofar the criteria are fulfilled. This is a very basic provision concerning the use of logos or</p>

<p>private bodies</p> <ul style="list-style-type: none"> ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>labels</p> <p>Not consistent</p>
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1.3.4 Summary

The Belgian guidance does not explicitly refer to the UCPD Guidance document prepared by the Commission but they contain similar criteria to assess whether or not an environmental claim is misleading. However, it is less detailed than some other guidance of other countries and contains no examples of best practices.

The Advertising Code for Cosmetics and Hygienic products only regulates – at least in the environmental context, the use of the terms ‘natural’, ‘biological’ and ‘without’. It does not refer to the different assessment criteria of the UCPD Guidance. This specific code refers to the Environmental Advertising Code as one of the instruments that regulates advertising for hygienic and cosmetic products. This specific code is only complementary where it refers to certain terms that can only be used when the stated conditions are fulfilled.

- *Objective misleading practice*

According to the Environmental Advertising Code – the predominant guidance, environmental claims must be truthful and must not be presented in a way that would mislead consumers. Publicity may not contain a statement, indication, image, sign, symbol, or representation that may directly or indirectly mislead on the characteristics of a product or service that has an impact on the environment.

Every statement must be substantiated by evidence that may be required and reviewed by the surveillance authorities.

The Advertising Code for Cosmetics and Hygienic products does not contain general rules regarding truthfulness – with respect to the environmental aspect of advertising for cosmetic and hygienic products, it only regulates the use of certain terms.

- *Subjective misleading practice*

Impressions and suggestions that suggest an environmental benefit, e.g. through images, are not allowed if these are directly or indirectly misleading.

All relevant information must be presented in the commercial communication, such as specific conditions or modalities necessary for an environmental benefit. The information must be complete.

The information must also be specific, e.g. may not refer to the entire company if the environmental benefit is limited to certain products or services:

- statements must refer to specific parts of the life cycle if it is only there that the benefit occurs – thus, the scale of the claim must be correct;
- misleading brand names are not explicitly forbidden, and this matter is under discussion;
- comparisons with other products must be correct and not denigrating;
- scientific terms should not confuse consumers.

The Belgian guidance does not explicitly refer to the relevance of environmental statements, but it states that a substantial advantage for the environment must be proven, which implies that the claimed characteristic must be relevant.

The Advertising Code for Cosmetics and Hygienic products does not contain general rules regarding misleading practices with respect to the environmental aspect of advertising for cosmetic and hygienic products, it only regulates the use of certain terms, and it states that the advertising of the relevant products is governed by the Environmental Advertising Code as well. Therefore, it must be regarded as complementary.

- *Scientific evidence*

According to the Belgian guidance, an advertiser must be able to justify, with certainty and immediately, every statement, indication, picture, or presentation referring to the effects on the environment.

Thus, scientific substantiating information must be readily available, and the authorities may require that the evidence be submitted to an organisation or a person recognised by all involved parties for its acceptance.

The guidance does not state how long the documentation must be retained. It does not state how diverging opinions in science must be assessed.

- *Clarity and accuracy of the claims*

According to the Belgian guidance, the general principles apply:

- Claims must be presented in a truthful and accurate way that would not mislead consumers.
- The scope, conditions or boundaries of the claim must be clear, e.g. the relevant part of the life cycle, the relevant product range.
- Plain language and information must be specific and unambiguous. Absolute statements or slogans such as 'environment friendly' or 'ecologically safe' implying environment-neutral characteristics in each stadium of the life cycle, are only allowed if these are justified with scientific evidence that may be reviewed by the authorities and must be immediately available.
- Scientific language must not confuse consumers.
- The amount and type of supporting information must be clear, helpful and appropriate and immediately available.
- Any labels, symbols or pictures are clear and relevant and their use is justified

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The Environmental Advertising Code contains a general statement that signs or symbols may not falsely induce beliefs of official approval. This could be more specific, e.g. explicit prohibition of the false claim to be a sign of a code of conduct, or to not respect a code of conduct. The Advertising Code for Cosmetic and Hygienic Products does not refer to these practices.

1.4 Croatia

1.4.1 Overview

In Croatia, two documents have been identified by the European Commission, DG Health and Consumers¹⁰.

- 1. HURA:** The Croatian Association for Marketing Communications, in its composition, brings together companies for Marketing Communications with the aim of establishing and improving the professional and ethical standards and the principles of fair competition, education and the organisation of sectorial festivals. Currently, it counts 33 members and represents over half of the total marketing budget in Croatia. HURA is a member of the e-EACA (European Association of Communications Agencies) and regularly collaborates with similar organizations at home and abroad.

In January 2010, they published a Code of advertising, i.e. <http://hura.hr/assets/files/kodeksoglasavanja.pdf>. Chapter E is dedicated to 'Claims about the environmental impact of market communication' and is divided as follows:

- concepts related to allegations of environmental impact;
- sincere and truthful presentation;
- scientific proof;
- claims of superiority and product comparisons;
- lifetime and the components of products;
- responsibility;
- list of selected bookmarks on the environmental impact.

- 2. Manual on signs for products and packaging** by Croatian Business Council for Sustainable Development and Croatian Employers' Association: http://www.hrpsor.hr/hrpsor/images/dokumenti/knjizni_blok_znakovi.pdf.

The purpose of this handbook is to provide an insight into the realm of signs and labelling products and packaging from the standpoint of all participants in the life cycle of products and packaging including the legislature, producers, consumers, waste collectors and processors. This guide states that signs on products and packaging, as well as the environmental statements, serve marketing purposes. In the Manuals' chapter on green-washing and green-marketing the author considers the most frequent abuses of green claims comparing it with the ISO 14024 standards.

¹⁰ Croatia, at the time of the contract signature was not yet part of the European Union and was therefore not examined by the contractor. The European Commission services however provided input to this section.

1.5 Czech Republic

1.5.1 Overview

In the Czech Republic **one guideline** is available, one general and no sectorial.

General guideline:

- The guidance document 'Self-declared Environmental Claims or Fair Eco-advertising in Practice,' published by The Czech Environmental Information Agency (CENIA) in 2010, which covers requirements set up according to ISO 14021 – Environmental labels and declarations, i.e. self-declared environmental claims. Compliance with this standard is a prerequisite for the inclusion of environmental claims into the database operated by CENIA. Available at: [http://www.cenia.cz/web/www/web-pub2.nsf/\\$pid/CENMSFYO4WH8/\\$FILE/VET_prirucka_CENIA_def.pdf](http://www.cenia.cz/web/www/web-pub2.nsf/$pid/CENMSFYO4WH8/$FILE/VET_prirucka_CENIA_def.pdf) (in Czech only).

1.5.2 General guidelines

1.5.2.1 The Self-declared Environmental Claims or Fair Eco-advertising in Practice

The guidance document 'Self-declared Environmental Claims or Fair Eco-advertising in Practice' is an informative guide aiming to assist in the proper use of environmental claims. It draws from ISO and European Commission documents. The guidance contains numerous examples of good and poor practices. The guidance and its principles are presented as a voluntary tool, but it states that non-adherence to some of the rules included therein may lead to sanctions based on consumer protection, advertising and other legislation. The issuing agency allows for free assessment of validity and registration of environmental claims in its on-line database.

VLASTNÍ ENVIRONMENTÁLNÍ TVRZENÍ aneb férová ekoreklama v praxi (Self-declared Environmental Claims or Fair Eco-advertising in Practice)	
1. publication details	
Year of issuance	2010
Length	41 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Authority: CENIA, česká informační agentura životního prostředí (CENIA, The Czech Environmental Information Agency); a body set up by the Ministry of the Environment of the Czech Republic
General or sectorial guidelines	General guidance for advertisers
2. Information on coverage of guidelines	
Target group	All advertisers.
Aim	To provide individuals and organizations with guidance for assessing the acceptability and truthfulness of their current or planned environmental claims; to provide aid for implementing principles of ČSN ISO norm no. 14021 on environmental claims.
Definition of the term: 'environmental claims'	Self-declared environmental claims are defined as declarations, labels or graphic symbols that refer to some aspect of activity, products or services of an organization and that may impact on the environment; it may relate to a product,

		its part or packaging; no independent third party certification is involved
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<p>Claims:</p> <ul style="list-style-type: none"> ▪ Compostable ▪ Degradable ▪ Designed for disassembly ▪ Extended life product ▪ Recovered energy ▪ Recyclable ▪ Recycled content ▪ Reduced energy consumption ▪ Reduced water consumption ▪ Reduced resource use ▪ Reusable and refillable ▪ Waste reduction <p>Other terms: The guidance also contains a glossary defining some other terms used</p>
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims, that refer to the consequences on the environment
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Not limited
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	<p>Based on the ČSN ISO norm no. 14021 on environmental claims and Guidelines for Making and Assessing Environmental Claims Guidelines prepared by ECA, S.A. for the European Commission</p> <p>Besides the abovementioned references, EMAS (Eco-Management and Audit Scheme) is mentioned. 'A priori' clearance is available through CENIA who verifies and registers a given claim in its public database. Guidelines are not binding; sanctions are mentioned only in reference to legislative acts which provide for them (consumer protection, advertising)</p>
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All types of environmental claims; specific guidance with respect to graphic symbols, comparative claims and specific claims (as listed above)
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	Expressions, statements or absolute slogans, such as 'green' or 'environment friendly' or 'ecologically safe' that are general and where no specific impact on the environment can be determined from them should be avoided

		<p>Claims such as 'bio' or 'bio product' should only be used when the product is certified as such</p> <p>Any terms or declarations that may be misleading, unless specified and clarified, should be avoided</p> <p>Any declarations that imply a characteristic favourable to the environment which does not in fact exist is to be avoided</p> <p>Any declarations that cannot be supported by evidence should be avoided</p> <p>Any declarations that have become outdated should be avoided</p>
	Are there any terms for which certain conditions are set?	Please see above: for graphic symbols, comparative claims, specific claims
	Recommendations on documentation, calculation, testing methods, evidence and access to data	<p>Whoever uses environmental claims must be able to justify the claim with data acquired through a process that is sufficiently profound and exhaustive, and the results of which are precise, can be reproduced and are supportive of the claim</p> <p>Information on procedures, methodology, and all the criteria used for the support of an environmental claim must be publicly accessible or available on demand</p> <p>Formulation of environmental claims is to take account of all aspects of the lifecycle of a product or service, although it is not necessary to conduct a full lifecycle analysis</p>
	Examples provided of good practices and poor practices	Several practical examples provided, e.g., that a claim on the package must clearly specify whether it refers to the packaging or the content (cardboard box containing a product)
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: the environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1)</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term</p>	<p>Presentation of claims: Self-declared environmental claims must be precise, verifiable, relevant, supported by evidence and non-misleading</p> <p>Claims must be supported by data acquired through a process that is sufficiently profound and exhaustive, and the results of which are precise, can be reproduced and are supportive of the claim</p> <p>Information on procedures, methodology, and all the criteria used for the support of an environmental claim must be publicly accessible or available on demand</p>

<p>'pesticides-free' when the product actually contains some pesticides</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities</p>	<p>In case a claim may be ill-interpreted, eliminate ambiguity by change in text stylisation, adding explanatory note use of symbols or other means. If the claim still is misleading, do not publish it!</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance recommendation on the presentation of claims clearly states that a claim shall not mislead the consumers and is thus in line with the UCPD Guidance</p>
<p>Subjective misleading practice The UCPD guidance provides that: the impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Examples: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances)</p>	<p>Some claims, if they pass important fact, may be misleading even if factually truthful</p> <p>Claims such as 'without...' may be misleading if it refers to substance that were never related to the given product or service</p> <p>If comparative claims are not based on per cent difference or absolute difference put down in concrete units, they remain vague, and as such are misleading</p> <p>Any terms or declarations that may be misleading, unless specified and clarified, are to be avoided, as well as those that imply a characteristic favourable to the environment which does not in fact exist</p> <p>Claims that are truthful but mislead in the given context are not to be used (examples such as 'no CFC' claim on deodorants when today such products generally do not contain them, or 'no tropical hard-wood used' on paper products when such wood is not generally used for paper production</p> <p>Compliance with the law cannot be claimed as advantage unless clarifications are provided (e.g., when all detergents must be biodegradable, statement of biodegradability is allowed when accompanied by 'just as similar products' or 'in accordance with the law')</p> <p>Consistency with UCPD Guidance:</p> <p>The recommendation on the presentation of claims clearly state that a claim shall not mislead the consumers (examples are provided) and is thus in line with the UCPD Guidance</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Claims must be justifiable by data acquired through a process that is sufficiently profound and exhaustive, and the results of which are precise, can be reproduced and are supportive of</p>

		<p>the claim Information on procedures, methodology, and all the criteria used for the support of an environmental claim must be publicly accessible or available on demand</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance does not elaborate on verification by the competent surveillance authority. The document informs on the possibility to have (voluntarily) a claim verified by CENIA and registered in its public database</p> <p>The guidance document clearly establishes that evidence is required and is thus can be considered in line with the UCPD Guidance although it does not use the word 'scientific' but rather 'process that is sufficiently profound and exhaustive'</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that: clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable) ▪ whether the claim refers to a company (applying to all its products) or only to certain products ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers 	<p>This exact example is used in the guidance – the claim must be specific in order to inform what product, its part or the packaging it refers to</p> <p>This example is not specifically mentioned, but can be inferred from the general principle of clarity and precision of the claim</p> <p>Formulation of environmental claims is to take account of all aspects of the lifecycle of a product or service, although it is not necessary to conduct a full lifecycle analysis. There is, however, no explicit reference to the limitation and indication of the relevant part of the life cycle</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance does not refer to all aspects presented in the UCPD Guidance; however it includes clear requirements regarding the clarity and accuracy of a claim</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or 	<p>Declarations regarding acquisition of approval, certification or permission when this is not the case, or the declaration does not conform to the conditions of such approval, certification or permission, may be in breach of the guidance</p>

<p>private bodies</p> <ul style="list-style-type: none"> ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>and also the Czech Consumer Protection Act</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance lists the said offences in reference to the Czech Consumer Protection Act implementing the UCPD along with its sanctions for the said offences</p>
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1.5.3 Summary

The Czech guidance is a document aiming at facilitating the proper use of self-declared claims. It does not explicitly refer to the UCPD guidance document prepared by the European Commission. Rather, it refers to a relevant ISO standard and European Commission (Directorate-General Health & Consumer Protection) commissioned Guidelines for Making and Assessing Environmental Claims. The rules, however, overlap with UCPD's guidance document to assess whether or not an environmental claim is misleading. According to our information, the enforcing authorities are often not aware of the guidance, and will enforce the legal regulations, e.g. consumer protection, and advertising, without regard to specificities in the guidance. The guidance is fairly comprehensive; it contains practical examples and provides an overview of basic principles that, if adhered to, should lead to compliance with the mentioned legislation. In addition, the guidance provides information on voluntary and free verification and registration of claims with CENIA – the body that issues the guidance.

- *Objective misleading practice*

The guidance requires that environmental claims be presented in a way that does not mislead consumers. All declarations need to be supported by evidence. Claims must be justified with data acquired through a sufficiently robust process that can be reproduced and is supportive of the claim.

In addition, information on procedures, methodology, and all the criteria used for the support of an environmental claim must be publicly accessible or available on demand.

- *Subjective misleading practice*

Any terms, declarations or images that may be misleading, unless specified and clarified, are to be avoided, as well as those that imply a characteristic favourable to the environment which does not in fact exist.

If the qualities or advantages of a product or service depend on special use conditions or modalities, this must be stated. Even claims that are truthful but that may mislead in the given context are not to be used.

- *Scientific evidence*

According to Czech guidance, whoever uses a claim must be able to justify it with data acquired through a sufficiently robust process that can be reproduced and is supportive of the claim. This process is not defined, nor is it explicitly mentioned that it need be scientific.

In addition, information on procedures, methodology, and all the criteria used for the support of an environmental claim must be publicly accessible or available on demand.

The guidance provides that the documentation should be kept for at least as long as the product is sold. However, it does not deal with possibility of diverging opinions in science and their assessment.

- *Clarity and accuracy of the claims*

According to the guidance, the general principles apply:

- Claims must be precise, verifiable relevant, substantiated and not misleading.
- Formulation of environmental claims is to take account of all aspects of the lifecycle of a product or service, although it is not necessary to conduct a full lifecycle analysis.
- Information must be specific and unambiguous; not information that is general or does not inform about a specific benefit of a product.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The guidance contains a general statement that declarations regarding acquisition of approval, certification – or permission when this is not the case, or the declaration does not conform to the conditions of such approval, certification or permission, may be in breach of not only the guidance but also the Czech Consumer Protection Act.

No reference to UCPD is made. However, implementing domestic law is referred to, together with directives 84/450/EEC and 97/55/EC, and several ISO norms.

1.6 Denmark

1.6.1 Overview

There is **one guideline** identified, a general one and no sectorial one.

General guideline:

- Guidance from the Danish Consumer Ombudsman on the use of environmental and ethical claims in marketing: <http://www.consumerombudsman.dk/Regulatory-framework/dcoguides/Environmental-and-ethical-marketing>.

1.6.2 General guidelines

1.6.2.1 Guidance from the Consumer Ombudsman on the use of environmental and ethical claims in marketing, January 2011

Guidance from the Consumer Ombudsman on the use of environmental and ethical claims, etc., in marketing, January 2011	
1. publication details	
Year of issuance	2011
Length	41 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Consumer Ombudsman, a national authority
General or sectorial guidelines	General
2. Information on coverage of guidelines	
Target group	Traders in general, for whom the rules are clarified, and the consumers who are protected
Aim	The purpose is to protect consumers against misleading and unethical marketing and to support the provision of relevant and credible information for the benefit of consumers. Furthermore, to help safeguard real and fair completion between traders, and to clarify for traders the lawful use of certain statements
Definition of the term: 'environmental claims'	The term 'claim(s)' means the use of statements, information, symbols, images, labelling schemes and certificates, etc., used in the marketing of products and activities to boost sales, directly or indirectly 'Environmental claims' means the use of statements, etc., which convey the impression that a product or an activity of a trader has a smaller environmental footprint and/or less harmful impact on the climate than other products or activities. Environmental claims may relate to environmental impacts in general or to elements of the environment, such as air, water, soil or subsoil, as a consequence of specific emissions Environmental claims may also relate to noise

	<p>Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)</p>	<p>levels, etc.</p> <p>The text contains requirements ('must') and recommendations ('should')</p> <p>Terms such as 'products', 'similar products', 'independent expert' and 'standards' are defined. We deem these are less relevant for this analysis</p> <p><i>Life cycle and life cycle assessment</i> The 'life' or 'life cycle' of a product refers to all the phases which the product goes through from 'cradle to grave'. The phases are consecutive and interrelated and may be associated with the product as such or elements thereof</p> <p>'Life cycle assessment' covers the mapping of the (environmental) conditions and assessment of any material (environmental) impact throughout the entire product life cycle, from the acquisition of raw materials and manufacturing, to the use and disposal of the product and the transportation of the product during and between these phases. In the raw material phase, natural raw materials are extracted and processed, e.g., through mining, forestry or agriculture. In the manufacturing phase, the product is produced from the raw materials, and the use phase refers to the use of the product by the end user. When the product has been used and worn out, it is handed over for recycling or end processing, which typically includes incineration and depositing. The calculation of the (environmental) impact of transportation may be made as a separate transport phase, but it may also be included as part of the other phases</p> <p>All phases cover a wide range of processes, all of which are mapped in a life cycle assessment. The phases may be used to summarise the results. Reference is made to ISO 14040 and ISO 14044 on life cycle assessments</p> <p>The life cycle phases of services will typically be mapped according to the following four phases: design of the service, marketing, delivery and disposal. ISO 14040 (the term 'product' also covers services) and ISO 14044 on life cycle assessment may serve as the basis for such analysis. Financial and social conditions and impacts are typically outside the scope of the life cycle assessment</p>
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		<p>However, the principles and methods applied in life cycle assessments may also be used in relation to social and financial aspects</p> <p>'Sustainable development' is defined on the basis of the Brundtland Commission Report on Environment and Development of 1987 as a development that meets the needs of the present generations without compromising the ability of future generations to meet their own needs</p> <p>'Sustainability claims' means in particular the use of statements, etc., which – from the perspective of a life cycle assessment or product chain analysis – convey the impression that the manufacturing of a product or planning of an activity of a trader has been made with key focus on social and ethical conditions and on making the smallest possible environmental footprint (air, water, soil, subsoil and noise) and health impact in view of the technological and financial possibilities</p> <p>'Consumer' must be defined as the average consumer. The benchmark is a reasonably well-informed and reasonably observant and circumspect average consumer, taking into account social, cultural and linguistic factors</p> <p>The term is not statistical</p> <p>'Ethical claims' are defined; but we deem this not relevant for the analysis</p>
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims, ethical claims, organic, sustainable (see further below)
	Product groups covered: (goods and services), company branding, labelling schemes, indirect claims	No limitation provided. Company profiling and reputation are especially covered, as well as labelling schemes
	<p>Legal basis and references to other legislative provisions standards or labels</p> <p>Referral to authorities and a priori clearance, binding force, sanctions</p>	<p>The Marketing Practices Act, sections 1 and 3. The Executive Order no. 1084 of 14 September 2007 on Unfair Business-to-Consumer Commercial Practices</p> <p>Articles 5, 6 and 7 UCPD Directive. Special legislation regarding certain products must be observed in addition to these requirements</p> <p>EU legislation may be applicable (e.g. regarding the use of the term 'organic')</p> <p>The principles of ISO 14020 and descriptions</p>

		<p>of ecolabel schemes (ISO 14024) or ecolabels and declarations (ISO 14025) may serve as inspiration for the development of private ecolabels</p> <p>The code also refers to the Consolidated ICC Code of Advertising and Marketing Communication Practice containing a chapter on environmental claims, as inspiration for further interpretation</p> <p>If traders observe the directions of the Guidance, the Consumer Ombudsman will not take measures against such marketing, unless special circumstances apply</p> <p>The courts will ultimately decide whether the Market Practices Act or the Executive Order is violated, and whether or not a criminal offence has been committed</p> <p>Traders may be liable to a fine, prohibitory or mandatory injunctions or administrative orders</p>
	<p>Applicable to the following forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	<p>Applicable to all forms of claims</p>
3.	Recommendations from guidelines	
	<p>Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?</p>	<p>Examples of general environmental claims are 'environmentally friendly', 'environmentally correct', 'gentle on the environment', 'green', 'blue', 'climate friendly', 'more environmentally friendly', 'smaller environmental footprint', 'more gentle on the environment', 'better for the environment', 'non-toxic', 'no chemicals', 'natural' or 'organic'. Such claims are likely to convey the impression to consumers that a product or an activity of a trader mainly has a positive effect on the environment, is gentle on the environment or has no or only a limited environmental impact. General claims are often likely to create confusion about the specific contents</p> <p>The Consumer Ombudsman also finds that isolated, general claims will generally be perceived as absolute statements about and recommendations of a product as such. This type of claims is therefore likely to mislead consumers if the environmental qualities of the product, do not correspond to those of similar</p>

		<p>products of the best quality</p> <p>Therefore, traders must as a principal rule, be able to substantiate that the product generally has a significantly smaller environmental footprint than similar products; and normally have made a complete product life cycle assessment. (art. 7.1)</p>
	<p>Are there any terms for which certain conditions are set?</p>	<p>See here above</p> <p>There is particular guidance on the use of the term 'organic' for non-food products (textiles and cosmetics)</p> <p>If no special rules apply in a relevant case, the Consumer Ombudsman finds that an assessment according to the Marketing Practices Act should be based on the notion that organic production is an overall system of farm management and food production which safeguards several interests. Accordingly, when a trader uses 'organic' statements, requirements must be made first and foremost of the raw materials of the non-food products. The Consumer Ombudsman further finds that the proportion of raw materials/ingredients in the product which originate from certified organic production should be of a certain size. For the determination of the size of the organic proportion, inspiration can be found in Article 23(4)(a)(ii) of Regulation (EC) No. 834/2007 and especially in Danish provisions on organic agricultural products used for non-food purposes</p> <p>As a rule, there will be no basis for intervention under the Marketing Practices Act if the marketing of a product satisfies the following conditions:</p> <p>Textile products may be labeled organic when at least 95% of the total fibres of the product (including synthetic fibers) originate from certified organic plant and/or livestock production covered by Regulation (EC) No. 834/2007. It is a condition that other substances used do not materially reduce or neutralise the benefits of the organic cultivation (i.e. without pesticides), making a statement that the product is organic misleading even though raw materials from certified organic production have been used</p> <p>Cosmetic products may be labelled organic when at least 95% of the total raw materials/ingredients in the product (added</p>

	<p>water not included) originate from certified organic plant and/or livestock production covered by Regulation (EC) No. 834/2007. It is a condition that non-organic substances/ingredients do not by their composition or effect on the processing unduly reduce or neutralise the benefits of the organic cultivation, making statements that the product is organic misleading</p> <p>Accordingly, products of both product groups must not contain an undue quantity of synthetic substances, etc., which consumers may reasonably expect not to occur in organic products. To give another example, products must not contain chemicals which are maybe not prohibited by law, but which have been identified as problematic, see clause 3.3.5 Environment of DS 49001 'Social responsibility management system'</p> <p>Traders must therefore be careful when selecting non-organic substances/ingredients and assess them and their effects in light of established technologies, among other things</p> <p>If, in connection with the use of organic marketing claims about a non-food product, a trader attempts to communicate more than the organic production method of the raw materials/ingredients, <i>e.g.</i>, that the product safeguards human and/or animal health, such marketing may also mislead consumers</p> <p>Moreover, such products cannot be marketed directly as having, <i>e.g.</i>, a 'smaller environmental footprint' without substantiating that the requirements of the use of isolated, general claims have been satisfied</p> <p>If a textile or cosmetic product does not directly satisfy the criteria stated, an assessment must be made in the individual case of whether general organic statements may be used to describe and market the product. In connection with such assessment, it may be considered whether the product is certified according to a private scheme (European or international) recognised in Europe or satisfies the requirements stipulated in such scheme. Focus may be had on the requirements of the scheme as to the proportion of organic substances in the finished product as well as requirements of the contents of any non-organic substances/ingredients. Where relevant, the</p>
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		<p>processing method used may also be considered. As regards the general criteria of private, generally recognised labelling and certification schemes, reference is made to clause 10.3 of the Guidance</p> <p>In cases where the product may not be described and marketed as organic in general, a trader may state the percentage content of certified organic substances. (art. 7.1)</p> <p>There is special guidance on claims about 'climate neutrality'</p> <p>If a trader uses climate neutrality claims, a calculation must be made of the total emissions of climate gases from the product, activity or the company marketed. The total emissions must be nil</p> <p>The six greenhouse gases covered by the Kyoto Protocol²⁸ must be included in the calculations, which must be made according to recognised scientific methodologies, <i>e.g.</i> according to the IPCC Emission Factor Database, the Greenhouse Gas Protocol or relevant ISO standards</p> <p>The trader must seek to reduce his emissions of greenhouse gases by taking steps to reduce emissions from production or from the company, depending on the marketing claim³⁰. The trader must make a plan for reducing the relevant emissions, which must be verified by an independent body, and submit emission accounts. Such accounts must provide information on the calculation of the emissions and the values used for translating the gases into CO₂ equivalents</p> <p>If the total emissions do not equal nil, the trader may purchase issued EU quotas for the residual emissions. Such quotas must be purchased before the claim is marketed or, if that is not possible, in connection with the ongoing supply of products in order to ensure a constant balance between the amount of products sold and the quotas purchased. Documentation must be provided that the quotas have been erased and thus cannot be sold to third parties</p> <p>A trader may also compensate for residual emissions by purchasing carbon credits from international carbon reducing projects. These may be JI project credits or CDM project</p>
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	<p>credits. The compensation must be made before the claim is marketed or, if that is not possible, in connection with the ongoing supply of products in order to ensure a constant balance between the amount of products sold and the credits purchased. Documentation must be provided that the JI/CDM credits will be erased and thus cannot be sold to third parties once the credits have been recorded as received by the trader in the quota register. In addition, a trader may support tree planting projects in developing countries provided that this is done under controlled conditions so that the compensation for any residual emissions can be verified by an independent body in an equally adequate manner as that for the purchase of quotas or credits</p> <p>Reference is made to clause 6.4 of the Guidance regarding publication of plans for reducing climate gases and emission accounts. (art. 7.3)</p> <p>Regarding sustainability claims:</p> <p>A claim that a product, an activity or a company is sustainable may be difficult to formulate in a sufficiently accurate manner without misleading consumers. In addition, no general criteria or requirements have been laid down by the legislature concerning the use of the term 'sustainability', nor has any general methodology been defined to measure sustainability</p> <p>In view of this, the Consumer Ombudsman finds that general requirements of the marketing of sustainable products, activities or companies can hardly be made at present. Where certain fields are subject to specific Danish or European rules of law, etc., traders must observe such rules. These will often be a result of established strategies or overall targets and action plans for sustainability in Denmark and the European Union which have not yet been completed</p> <p>However, if a trader uses the term 'sustainable' in his marketing of a product or an activity, the Consumer Ombudsman will make a specific assessment against an overall impression of the marketing of whether the statement is misleading and whether it is capable of being substantiated by documentation. As sustainability relates to</p>
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		<p>both the environment and ethics, the requirements stated in clause 7 on environmental claims and clauses 8.1 and 8.2 on ethical claims must be satisfied. It may also be of importance to the assessment whether the trader meets generally accepted high environmental, health, social and economic requirements and safeguards ethical considerations in a wide sense. Among other things, it may be relevant to examine whether the product is manufactured under proper manufacturing and working conditions and conditions that safeguard a sustainable development of the local community as regards climate, the environment, living conditions, ethical considerations, health, etc. The assessment may also include an evaluation of whether the requirements apply to the entire product chain, including primary suppliers</p> <p>The Consumer Ombudsman will emphasise the interaction between the environmental, health, social and economic aspects, and as a minimum requirement one aspect may not be neglected due to focus on other aspects. Further, the product, etc., must be improved/developed on a continuous basis. The Consumer Ombudsman is aware that private initiatives may result in the development of sets of criteria that dictate stringent requirements of the use of sustainability claims in product marketing. To give an example, the Danish Council for Sustainable Business Development is preparing a guidance paper on principles for sustainable products. When the guidance paper has been completed, the Consumer Ombudsman will positively consider whether observance of the guidance principles may serve to substantiate that the products marketed by a trader are sustainable. In that case, the substantiation must be based on stringent requirements which have been verified by an independent expert as giving the product group a high ranking in the market. The trader must also be able to provide documentation that the marketing satisfies the stringent requirements (art. 8.3)</p>
	<p>Recommendations on documentation, calculation, testing methods, evidence and access to data</p>	<p>Where factual statements are made, these must be capable of being substantiated by documentation. This follows from section 3(3) of the Marketing Practices Act. The requirement implies that environmental or ethical claims about a product and its properties or facts about a trader or his</p>

		<p>activities must be capable of being substantiated by documentation. The trader must ensure that such documentation is available before the claims are used for marketing purposes for the first time. (art. 6.3)</p> <p>The documentation must be adequate, which normally implies that the claims must be capable of being substantiated by statements or studies by independent bodies with recognised professional qualifications. If expert studies give rise to significant disagreement or doubt as regards the environmental impact or the ethical dimension, the trader must provide information about this in a balanced manner or refrain from marketing the message altogether (art. 6.3)</p> <p>If a study was carried out by the manufacturer or the trader marketing the product, such study must be assessed by an independent body or it must be verified in an equally adequate manner that the study has been carried out correctly and that the assessment of the results is professionally sound. The requirements of the content and scope of the documentation will depend on the specific content of the statement. The complexity of the product or activity will also be of relevance in this respect</p> <p>Documentation for general, isolated statements not accompanied by a further explanation must be provided in the form of life cycle assessments. These must be made according to recognised or generally accepted methods applicable to the relevant product type, thus comprising a review of the conditions (e.g. the environment) and an assessment of the material impacts. Reference is made to the definition under clause 4 of the Guidance. If such methods have not yet been developed in the relevant field, refraining from using general, isolated statements should be considered</p> <p>The more detailed requirements of the documentation of environmental and ethical claims will depend on the specific claims used in the marketing. Reference is made to clauses 7 and 8 of the Guidance</p> <p>The trader should retain the documentation for at least two years after the marketing claim was published. The reason is that the time</p>
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		<p>limit for limitation of criminal liability is two years (art. 6.3)</p> <p>In its capacity as supervisory authority, the Consumer Ombudsman is entitled to receive documentation verifying any factual statements in the claims used by a trader for marketing purposes</p> <p>According to the Consumer Ombudsman, the public is entitled to a reasonably detailed, intelligible explanation of environmental or ethical statements, and information on how these have been documented, see section 1 of the Marketing Practices Act. Otherwise, consumers will be unable to understand or assess the validity of the special environmental or ethical conditions relating to a product before taking a possible purchasing decision. To give an example, this may be done by the trader providing a summary of the findings of the studies made or statements supporting the documentation. Where extensive studies, etc., have been made, the trader may choose instead to give an intelligible explanation supplemented by information about the nature of the study and who made it</p> <p>The Consumer Ombudsman recommends that traders consider the possibility of making the actual documentation supporting the environmental and ethical claims available to the public</p> <p>However, traders are not obliged to present confidential business information, i.e., information on technical devices, methods or on operating or business matters, including know-how and patent rights</p> <p>If the verification of an environmental or ethical claim requires access to confidential business information, the trader is recommended to seek advice from an independent expert prior to publication of the marketing and to give such expert access to relevant information to the extent necessary to enable the independent expert to warrant the documentation of the claim made. Any use of such advisory services should be mentioned in the explanation to the public, see the second paragraph of this clause</p> <p>If it is not possible to publish the explanatory statement and any documentation of the</p>
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		<p>properties or benefits marketed on the packaging in the advertisement, etc., it must be stated where further information may be obtained, e.g., on the trader's website or in brochures (art. 6.4)</p>
	<p>Examples provided of good practices and poor practices</p>	<p>Practice: If for environmental information (reduced discharge of chemicals) visual effects (colour and imagery) are used on packaging, etc., that convey or must be deemed likely to convey an overall impression to consumers that a product has a reduced environmental impact, they must be capable of being substantiated according to the same requirements as apply to the use of general environmental arguments. (art. 7.1)</p> <p>Practice: The use of the statement 'ENVIRONMENT, PLEASE' in connection with the sale of computers and referring only to working environment was a misleading marketing practice, because consumers would immediately think of the physical environment (soil, air and water) and not working environment</p> <p>Practice: The statement 'Natural gas is clean energy and not a burden on the environment like oil' was perceived as a general expression that natural gas is non-polluting, which is not the case as natural gas, among other things, contributes to pollution by the emission of nitrogen oxides'.</p> <p>Practice: The statement 'Throw away the old energy consuming machine and save up to DKK 2,102 before tax each year on water, detergent, electricity, on the new washing machines' was considered misleading and an unfair omission of information because part of the savings was to be obtained through less tumble drying, which had not been stated. The environmental benefit marketed must not have been obtained through efforts which cause damage to the environment. <i>Example: 'Pressure treated wood is environmentally friendly because it does not require paint or finish - it simply doesn't rot.'</i> However, the reason is that toxic substances have been added to the wood and are released to the environment over time, and the wood must therefore be deposited at a landfill when it is worn out</p> <p>If a trader uses environmental or ethical statements in his company name, a product name, and the name is used for marketing</p>

	<p>purposes, such marketing is subject to the same documentation requirements as those which apply to other environmental or ethical argumentation in marketing communications. Example: 'The green cleaning squad'</p> <p>Practice: The use of the company name of 'XX Ecofruit' and publication of a leaflet with the word 'environment' printed in large letters on the front page meant that the trader was required to submit a life cycle assessment of the manufacturing process</p> <p>Practice: In a case of the marketing of an 'eco coffin' made of paper fibre the trader was required to submit a life cycle assessment documenting that the product had a significantly smaller environmental footprint measured over its entire life cycle than other products in the same category</p> <p>Examples regarding 'visions and objectives' marketing</p> <p>Example of a too general claim: 'Before 2020, we will build schools in all our production areas for the children of the factory workers'</p> <p>Example of a claim that may be more informative, depending on the specific situation: 'Over the next two years, we will reduce our overall power consumption by 40%'</p> <p>And an even more informative claim: 'Over the past two years, we have reduced our overall power consumption by 40%. Over the next five years, we will reduce it by a further 5% a year'</p> <p>Example: 'We collaborate with the Zealand Environmental Activists for a better environment.' (Inaccurate description – the consumer is not informed of the nature of the collaboration or what it means to the environment or the product marketed)</p> <p>Example: 'We support the Zealand Environmental Activists with 0.14 kroner per kWh. The money is used for the Activists' work for more bicycle tracks.' (Clear information is provided on the amount donated, the association it is donated to and for what purpose)</p> <p>Practice: In a case concerning the labelling scheme 'Eco-Text', the Consumer Ombudsman expressed the opinion that a label of this</p>
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		<p>nature should state in clear and unambiguous text and visual effects what is controlled (the maximum content of formaldehyde, etc.). (mentioned in footnote): In a case about a compact detergent with the following statement printed on the packaging: 'ENVIRONMENTAL INFORMATION: Reduced emission of chemicals[...]', the Consumer Ombudsman expressed the opinion that the use of visual effects on packaging, etc., which convey or must be regarded as likely to convey the overall impression to consumers that the product has a smaller environmental footprint must be capable of being substantiated according to the same rules as apply to the use of general environmental statements. The dominant colour of the packaging was green and imagery depicting a landscape with a bright, shining sun was placed in connection with the information which evoked associations of a product without any material impact on the environment (Case No. 1993-444/5-6) (mentioned in footnote)</p> <p>Advertisements for computers carried the statement: 'ENVIRONMENT, PLEASE'. It also appeared from the text that the advertised models satisfied stringent environmental rules on PC workstations which had been introduced by the European Union. Further down, it was stated in the advertisement that the type of environment referred to was working environment. In the opinion of the Consumer Ombudsman, when reading the word 'environment' the recipient of the message would immediately think of the physical, natural environment (soil, air and water) and not working environment.</p> <p>Using the word environment about working environment was therefore misleading (Case No. 1993-4031/5-79)(mentioned in footnote): The Danish Environmental Protection Agency found that the statement 'Natural gas does not pollute' was not correct as natural gas contributes to pollution, i.e. by emission of nitrogen oxides. The company argued that the statement 'Natural gas is clean energy and not a burden on the environment like oil' was justified as natural gas must be considered one of the cleanest forms of energy as regards pollution and taking into account the fact that natural gas is clean to work with. The Consumer Ombudsman expressed the opinion that the slogan was a very general statement that natural gas is non-polluting, but as that is</p>
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		<p>not the case, the use of the statement was a violation of section 2(1) (now section 3(1)) of the Marketing Practices Act (Case No. 1992-324/5-36) (mentioned in footnote): It was misleading to market fake furs as 'eco fur' or 'organic furs'. According to the advertisers, the industry used the expressions about fake furs to indicate that the furs were animal friendly</p> <p>The Consumer Ombudsman expressed the opinion that, according to the Marketing Practices Act, a product made of artificial materials must not be referred to as organic or use the abbreviation 'eco'. Organic production was described as the science of the adaptation of living creatures to animal life conditions in relation to nature, climate, other organisms, etc. The Consumer Ombudsman observed that for a product to be referred to as organic it must be manufactured using natural raw materials in a manner which leaves the smallest possible environmental footprint or which does not upset the ecological balance (Case No. 1993-615/5-5)</p>
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: the environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1)</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities</p>	<p>'All claims used for marketing purposes must be correct, accurate, relevant, balanced, clearly worded and easy to understand to avoid misleading consumers. This also applies to the message in environmental and ethical marketing claims" (art. 6.1)</p> <p>Messages must be reassessed and possibly updated if necessary in view of the technological development, comparable products or other circumstances that may affect the accuracy of the message (art. 6.1)</p> <p>Where factual statements are made, these must be capable of being substantiated by documentation. This follows from section 3(3) of the Marketing Practices Act. The requirement implies that environmental or ethical claims about a product and its properties or facts about a trader or his activities must be capable of being substantiated by documentation. The trader must ensure that such documentation is available before the claims are used for marketing purposes for the first time (art. 6.3)</p> <p>Consistency with UCPD Guidance:</p> <p>Yes, the guidance is consistent</p>
	Subjective misleading practice The UCPD guidance provides	The marketing must convey a true, balanced and loyal overall impression of the product, the

<p>that: the impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances)</p>	<p>activities of the trader or the company as such being marketed. Marketing is assessed against the overall impression it is likely to convey to consumers</p> <p>Based on an overall assessment, the wording, layout, choice of colours, images, sounds, symbols, etc., may convey the impression that a product or activity of a trader possesses environmental or ethical benefits. The overall impression may also be influenced by the way in which the marketing is communicated. Aspects of relevance may be the type of media used and the connection in which the claim is presented. A concrete assessment is always made of whether the provisions of the Marketing Practices Act have been complied with (art. 6.2)</p> <p>The marketing must not be designed so as to exploit in an unfair manner consumers' concern for the environment or any lack of knowledge on their part about the environment or ethical matters. Conditions or requirements that follow from legislation, <i>e.g.</i>, a prohibition against the use of certain substances in a product type, must not be used independently for marketing purposes. A marketing communication emphasizing that the product does not contain elements or possess properties which have never had any relevance to the product or product category may also be misleading. The same applies to marketing containing unnecessary information that may conceal the material message</p> <p>Neutral and specific information about a product or a trader presented in an objective manner without emphasising environmental or ethical concerns will normally not be regarded as likely to mislead consumers (art. 6.1)</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance refers to the overall impression that may not be misleading, and it refers to the relevance of the claim as well as incomplete information. It does not refer explicitly to conditional claims, but these are captured under the general rule. The guidance is consistent</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Where factual statements are made, these must be capable of being substantiated by documentation. This follows from section 3(3) of the Marketing Practices Act. The requirement implies that environmental or ethical claims</p>

		<p>about a product and its properties or facts about a trader or his activities must be capable of being substantiated by documentation. The trader must ensure that such documentation is available before the claims are used for marketing purposes for the first time</p> <p>The documentation must be adequate, which normally implies that the claims must be capable of being substantiated by statements or studies by independent bodies with recognised professional qualifications. If expert studies give rise to significant disagreement or doubt as regards the environmental impact or the ethical dimension, the trader must provide information about this in a balanced manner or refrain from marketing the message altogether (art. 6.3)</p> <p>If a study was carried out by the manufacturer or the trader marketing the product, such study must be assessed by an independent body or it must be verified in an equally adequate manner that the study has been carried out correctly and that the assessment of the results is professionally sound. The requirements of the content and scope of the documentation will depend on the specific content of the statement. The complexity of the product or activity will also be of relevance in this respect</p> <p>Documentation for general, isolated statements not accompanied by a further explanation must be provided in the form of life cycle assessments. These must be made according to recognised or generally accepted methods applicable to the relevant product type, thus comprising a review of the conditions (e.g. the environment) and an assessment of the material impacts. Reference is made to the definition under clause 4 of the Guidance. If such methods have not yet been developed in the relevant field, refraining from using general, isolated statements should be considered</p> <p>The more detailed requirements of the documentation of environmental and ethical claims will depend on the specific claims used in the marketing. Reference is made to clauses 7 and 8 of the Guidance</p> <p>The trader should retain the documentation for</p>
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		<p>at least two years after the marketing claim was published. The reason is that the time limit for limitation of criminal liability is two years (art. 6.3)</p> <p>In its capacity as supervisory authority, the Consumer Ombudsman is entitled to receive documentation verifying any factual statements in the claims used by a trader for marketing purposes</p> <p>According to the Consumer Ombudsman, the public is entitled to a reasonably detailed, intelligible explanation of environmental or ethical statements, and information on how these have been documented, see section 1 of the Marketing Practices Act. Otherwise, consumers will be unable to understand or assess the validity of the special environmental or ethical conditions relating to a product before taking a possible purchasing decision. To give an example, this may be done by the trader providing a summary of the findings of the studies made or statements supporting the documentation. Where extensive studies, have been made, the trader may choose instead to give an intelligible explanation supplemented by information about the nature of the study and who made it</p> <p>The Consumer Ombudsman recommends that traders consider the possibility of making the actual documentation supporting the environmental and ethical claims available to the public</p> <p>However, traders are not obliged to present confidential business information, <i>i.e.</i>, information on technical devices, methods or on operating or business matters, including know-how and patent rights</p> <p>If the verification of an environmental or ethical claim requires access to confidential business information, the trader is recommended to seek advice from an independent expert prior to publication of the marketing and to give such expert access to relevant information to the extent necessary to enable the independent expert to warrant the documentation of the claim made. Any use of such advisory services should be mentioned in the explanation to the public, see the second paragraph of this clause</p> <p>If it is not possible to publish the explanatory</p>
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	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that: clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>All claims used for marketing purposes must be correct, accurate, relevant, balanced, clearly worded and easy to understand to avoid misleading consumers. This also applies to the message in environmental and ethical marketing claims (art. 6.1)</p> <p>The requirement that claims must be clear and accurate implies that it must appear in a clear and unambiguous manner whether the environmental or ethical claim applies to the company as such, to one or more activities or a product. It must be stated which matters the claim relates to, including properties or aspects, and as regards products whether the claim relates to the entire product, or elements thereof, the packaging</p> <p>The requirement of relevance implies that the message must not emphasise properties or aspects that must be considered insignificant in relation to environmental impact or the ethical dimension</p> <p>The requirement of balance implies that overstatements about the trader's activities or the environmental impact or the ethical properties of the product are not permitted and that material information must not be omitted (art. 6.1)</p> <p>Accordingly, the marketing must enable consumers to make informed product choices, based on environmental and ethical considerations</p> <p>In that connection it must be borne in mind</p>

	<p>that claims which are not unambiguous and which may be interpreted in various ways easily become misleading if used without any further specification or explanation. These may be general environmental or ethical claims such as 'green', 'environmentally friendly', 'environmentally correct', 'gentle', 'an ethically correct choice', 'safeguarding welfare', 'sustainable' or 'fair'</p> <p>A specification or an explanatory statement accompanying the claim must satisfy the requirements stated above and the property or aspect emphasised must be of material significance to the product, activity or activities as such. The specification or explanatory statement must appear in immediate proximity to the general claim and must have more or less the same message impact (art. 6.1)</p> <p>The Consumer Ombudsman recommends that in their marketing traders focus on providing as specific information as possible about the product, activity or the company to the consumers to enable them to make purchasing decisions on an informed basis (art. 6.1)</p> <p>Examples of general environmental claims are 'environmentally friendly', 'environmentally correct', 'gentle on the environment', 'green', 'blue', 'climate friendly', 'more environmentally friendly', 'smaller environmental footprint', 'more gentle on the environment', 'better for the environment', 'non-toxic', 'no chemicals', 'natural' or 'organic'. Such claims are likely to convey the impression to consumers that a product or an activity of a trader mainly has a positive effect on the environment, is gentle on the environment or has no or only a limited environmental impact. General claims are often likely to create confusion about the specific contents</p> <p>The Consumer Ombudsman also finds that isolated, general claims will generally be perceived as absolute statements about and recommendations of a product as such. This type of claims is therefore likely to mislead consumers if the environmental qualities of the product, etc., do not correspond to those of similar products of the best quality</p> <p>Therefore, traders must as a principal rule, be able to substantiate that the product generally has a significantly smaller environmental footprint than similar products; and normally</p>
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	<p>have made a complete product life cycle assessment (art. 7.1)</p> <p>In the assessment of the Consumer Ombudsman, the use of marketing claims about environmental benefits can hardly be made in practice without at the same time providing a detailed explanation of the properties to which the environmental claim relates</p> <p><i>Example: The product as such must not be marketed as recyclable if only parts of the raw materials used in the product are recyclable (art 7.1)</i></p> <p>Environmental marketing claims may be composed of a general claim and an explanatory statement, that is, the marketing of one or more specific environmental benefits intended to support and explain the general part of the claim. When a marketing claim is accompanied by an explanatory statement, a life cycle assessment of the product, etc., is generally not required as documentation for the claim as opposed to isolated, general environmental claims, see clause 7.1 of the Guidance (art. 7.2)</p> <p>According to the Consumer Ombudsman, it follows from the prohibition of misleading marketing practices laid down in section 3 of the Marketing Practices Act that such statements must satisfy the requirements stated in items 1-4 below in particular. As a rule, if these requirements are not satisfied, questions may be raised as to whether the statement is contrary to section 3 on misleading marketing:</p> <ul style="list-style-type: none"> ▪ The reduced environmental impact emphasised must be one of the most important environmental benefits of the product and be of material importance to the environmental impact ▪ The environmental benefit marketed must not have been obtained through efforts which cause damage to the environment. ▪ Other environmental aspects of the product must not significantly reduce or neutralise the benefit ▪ The environmental benefit must not be a general characteristic of similar products. <p>In the Consumer Ombudsman's opinion, the requirement of clause 4 will, as a rule, be regarded as satisfied if the trader@</p>
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	<p>a. is able to substantiate that the product represents a significantly smaller burden on the environment than similar products as regards the environmental benefit emphasised; or</p> <p>b. is able to substantiate that the product is among the top one-third compared with similar products measured by its overall environmental impact (depending on the content of the claim, official labelling schemes, see clause 10.2 of the Guidance, may, for instance, serve as sufficient documentation if the criteria laid down in such scheme constitute documentation for the statement); or</p> <p>c. is able to obtain verification by a recognised independent expert that all criteria for using an official ecolabel, such as 'the Swan', have been met for the relevant product group, and the criteria established constitute documentation for the statement; or</p> <p>d. is able to substantiate that a private, generally recognised labelling or certification scheme satisfies the requirements stated in clause 10.3 of the Guidance, and the criteria dictate a standard level that ensures that only the top one-third products of the category satisfy them, and that the criteria established constitute documentation for the statement.</p> <p>Even if a trader is unable to substantiate as stated above (a-d) that the environmental benefit is not a general characteristic of similar products, the marketing may not necessarily be misleading according to section 3 of the Marketing Practices Act</p> <p>However, the trader must substantiate this by other means. And the trader cannot simply expect that the marketing will be considered lawful as a rule</p> <p>The assessment of whether the content and scope of the documentation (substantiation) is sufficient relative to the said general requirements is made according to a principle of proportionality which takes into account the specific content of the statement, the nature of the product</p> <p>Reference is made to clause 6.3 and to the principle that factual statements must be</p>
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	<p>capable of being substantiated by documentation (art. 7.2)</p> <p>General information about business profiling and establishment of reputation</p> <p>Traders marketing the environmental or ethical profile of their company by using catchphrases, mottos, and visions, collaboration with charities or similar organizations may risk misleading consumers or otherwise contravening the Marketing Practices Act</p> <p>The overall impression conveyed to consumers through a marketing communication intended to profile and/or establish the reputation of a trader is of decisive importance to determining whether the Marketing Practices Act has been observed. In this connection, the use of images, sounds, symbols, colours and similar effects is of relevance, see clause 6.2 of the Guidance</p> <p>Reference is also made to clause 6.1 of the Guidance for information about the requirement that the message must be communicated in a clear and balanced manner</p> <p>It should also be noted that: In connection with their profiling and/or establishment of reputation, traders should focus on making specific marketing claims rather than general statements that their company is concerned about the environment or safeguards ethical standards</p> <p>Accordingly, information about specific initiatives taken or plans launched for the sake of the environment or for other purposes is more useful for consumers than vague and unclear statements about commitment and values</p> <p>Traders must view the marketing in relation to the scope of their environmental or ethical initiatives. Overstated marketing claims must be avoided. If specific initiatives or individual activities are emphasised in a way that is likely to portray a better environmental or ethical profile of the trader than what is justified based on an objective overall assessment of the company, such marketing may be misleading and considered to omit material information. The extent to which the marketing covers the supply chain may be taken into account in such assessment</p>
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	<p>Example of a general and vague claim: 'We are working to create a more just world.' Reference is made to clause 8.3 of the Guidance for information about sustainability</p> <p>If a trader uses environmental or ethical statements in his company name, a product name, and the name is used for marketing purposes, such marketing is subject to the same documentation requirements as those which apply to other environmental or ethical argumentation in marketing communications</p> <p>Example: 'The green cleaning squad'</p> <p>Practice: The use of the company name of 'XX Ecofruit' and publication of a leaflet with the word 'environment' printed in large letters on the front page meant that the trader was required to submit a life cycle assessment of the manufacturing process</p> <p>Practice: In a case of the marketing of an 'eco coffin' made of paper fiber the trader was required to submit a life cycle assessment documenting that the product had a significantly smaller environmental footprint measured over its entire life cycle than other products in the same category</p> <p>As a rule, the name of an event or product which has existed for a number of years and become well known to consumers will not be likely to mislead consumers even if the name includes a general environmental statement</p> <p>9.2 Particular guidance on visions, objectives</p> <p>A trader may wish to market visions, objectives, etc. In that connection, the trader must pay special attention to section 1 on good marketing practice of the Marketing Practices Act. However, section 3 on misleading marketing may become relevant, particularly if the marketing is made for the purpose of selling goods or services</p> <p>Claims about objectives must normally only be used for marketing purposes if the trader has and focuses on clear and specific action plans to achieve that objective. The action plans must have been launched or just about to be launched and must be measurable</p> <p>The claim must be worded as specifically as</p>
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	<p>possible and should also include information about any results already achieved. It should be stated whether the action plans cover the primary suppliers. Claims about objectives which the trader is far from able to achieve when the marketing is published and vaguely worded claims about environmental and ethical objectives may be regarded as misleading or unfair to consumers. The marketing of visions without concrete action plans may be regarded as misleading, depending on the circumstances. Care should therefore be taken when using information in marketing about a trader's visions, objectives or other future conditions</p> <p>Example of a too general claim: 'Before 2020, we will build schools in all our production areas for the children of the factory workers</p> <p>Example of a claim that may be more informative, depending on the specific situation: 'Over the next two years, we will reduce our overall power consumption by 40%</p> <p>And an even more informative claim: 'Over the past two years, we have reduced our overall power consumption by 40%. Over the next five years, we will reduce it by a further 5% a year</p> <p>Guidance on support for good causes:</p> <p>Information used in marketing that a trader supports good causes or collaborates with charities may have an effect on consumers' emotions, conscience, which must be taken into account</p> <p>If such information is used for marketing purposes, it must be supplemented by clear information about the nature of the trader's support or collaboration. For example, if an amount is donated for each product sold, information must be provided as specifically as possible, preferably stating the exact amount, on the proportion of the price being donated to the purpose (relief work, a specific aid agency or other cause)</p> <p>It should also be stated where further information is available, e.g., a telephone number or a website. Reference is made to clause 6.3 of the Guidance for information about documentation</p> <p>Example: 'We collaborate with the Zealand</p>
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		<p>Environmental Activists for a better environment.' (Inaccurate description – the consumer is not informed of the nature of the collaboration or what it means to the environment or the product marketed)</p> <p>Example: 'We support the Zealand Environmental Activists with 0.14 kroner per kWh. The money is used for the Activists' work for more bicycle tracks.' (Clear information is provided on the amount donated, the association it is donated to and for what purpose)</p> <p>Having established a framework for the collaboration with a charity already before the collaboration commences will be expedient. The parties should therefore determine the exact nature of the collaboration, including how the trader may use the collaboration in his marketing</p> <p>Inspiration can be found in 'Partnership Practice'⁴¹. The purpose of this website is to share information and experiences about collaboration possibilities</p> <p>If sponsorship agreements are used in marketing and such marketing provides more than neutral information about the sponsorship, the recommendations in this Guidance must be followed</p> <p>9.4 Particular guidance on collaboration with NGOs, trade associations</p> <p>A trader may collaborate with particular NGOs, trade associations, etc., for the purpose of having specific products recommended or praised to consumers. Such collaboration means that the organization or association gives the product a stamp of approval, so to speak. Because it was made by the relevant organization or association, such recommendation will appear more trustworthy to consumers than if the trader himself had recommended the product. If the organization or association receives payment or other compensation for the collaboration, this must be stated and the requirements of the Marketing Practices Act (e.g., section 1 on good marketing practice and section 4 on advertising identification) and of this Guidance must be satisfied, including the documentation requirement</p>
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		<p>Consistency with UCPD Guidance:</p> <p>The guidance contains very extensive examples of claims and advertising that should not be ambiguous or unclear. It requires that it must be clear whether claims refer to an entire product or certain features thereof, and that information must not be omitted. Terms that may be ambiguous or overly general must be specified, and general claims need an entire life cycle assessment</p> <p>Claimed characteristics should not reduce other benefit, and must be of material importance. The guidance provides detailed rules regarding unambiguous business profiling and reputation management, the use of product and company names, the statement of visions and objectives</p> <p>The guidance is consistent</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>9.4 Particular guidance on collaboration with NGOs, trade associations, etc.</p> <p>A trader may collaborate with particular NGOs, trade associations, etc., for the purpose of having specific products recommended or praised to consumers. Such collaboration means that the organisation or association gives the product a stamp of approval, so to speak. Because it was made by the relevant organization or association, such recommendation will appear more trustworthy to consumers than if the trader himself had recommended the product. If the organisation or association receives payment or other compensation for the collaboration, this must be stated and the requirements of the Marketing Practices Act (e.g., section 1 on good marketing practice and section 4 on advertising identification) and of this Guidance must be satisfied, including the documentation requirement</p> <p>10. Use of labelling schemes, symbols and certificates</p> <p>10.1. General information</p> <p>The use of labelling schemes, symbols or certificates for the purpose of emphasising the environmental or ethical properties or aspects of a product or an activity constitutes a special type of environmental and ethical claims. Where labelling schemes, are used in marketing, information about their meaning must be provided on the packaging, in advertisements or other marketing material,</p>

	<p>possibly also stating where detailed or supplementary information on the labelling scheme or symbol may be obtained. The trader's website could be one such place.</p> <p>Practice: In a case concerning the labelling scheme 'Eco-Tex', the Consumer Ombudsman expressed the opinion that a label of this nature should state in clear and unambiguous text and visual effects what is controlled (the maximum content of formaldehyde, etc.).</p> <p>The criteria for the use of labelling schemes, symbols and certificates must be capable of being verified and controlled. This applies to both official and private labelling schemes and certificates. Traders must be able to provide documentation that the criteria are satisfied. As a rule, the Consumer Ombudsman will deem the documentation requirement to be satisfied if a product, etc., has obtained an ecolabel of one of the official labelling schemes, see clause 10.2 of the Guidance. The same applies to certificates which are subject to similar requirements and controls</p> <p>Even though the trader satisfies the criteria for the use of labels, symbols or certificates, any use thereof for marketing purposes must be in accordance with the Marketing Practices Act and this Guidance</p> <p>Example of a statement that may not be used (see clause 6.1 of the Guidance): Buy XX-labelled bananas and eat bananas with a better conscience</p> <p>The marketing message must not be overstated. This means that the trader must not use marketing statements that exceed what is justified based on the content of the scheme</p> <p>Moreover, the use of labelling or certification schemes in marketing must not be misleading, e.g., by referring to an entire range of products if only one product is covered by the ecolabel or other scheme (greenwash of the entire product range). It must be stated in an unambiguous manner what product(s) of the trader has/have obtained the label</p> <p>Certification relating to the company or its management, etc., must not be used in the marketing of the company's products</p> <p>10.2 Official labelling and certification schemes The use of official labelling schemes, symbols or certificates in marketing may serve as</p>
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	<p>important information about the properties of a product or a company</p> <p>Official labelling or certification schemes are schemes that are approved or managed by public authorities or managed on behalf of public authorities and for which, on the basis of legislation, clear criteria have been established for the use of the label or certificate. Such labels include 'the Flower' (the official ecolabel of the European Union) and 'the Swan' (established by the Nordic Council of Ministers), which are both managed by Ecolabelling Denmark (more information available at www.ecolabel.dk). Other examples include the ecolabelling of agricultural products and food and certificates which, e.g. serve as documentation for a good working environment</p> <p>There may be official certification schemes that do not in themselves express stringent environmental requirements and which therefore cannot be compared with 'the Swan' or similar schemes. Traders with such certificates must satisfy the general documentation requirements stated in this Guidance if the certificate is used in connection with environmental or ethical marketing claims. The Consumer Ombudsman recommends traders to make a clear distinction between products, activities and company</p> <p>The Marketing Practices Act and this Guidance also apply if a trader uses official foreign labelling schemes in his marketing. Where official labelling schemes apply in other EU or EEA countries which satisfy equally stringent requirements as those made of official Danish labels, the Consumer Ombudsman will as a basis consider such schemes on an equal footing with the Danish schemes</p> <p>10.3 Private, generally recognised labelling and certification schemes</p> <p>For schemes to be considered generally recognised, they must be well documented and have been applied over number of years. Private labelling schemes, may be recognised by different NGOs and semi-governmental organizations and developed in cooperation with public authorities or with the support of authorities. NGOs are nongovernmental, legally constituted interest groups, etc., which pursue social aims and are financially independent of governmental and commercial interests. Their</p>
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	<p>aims include, for instance, consumer protection, environmental protection, nature protection, sustainable development, ethical trade or protection of employees. Political parties, religious communities and trade organizations are not NGOs</p> <p>According to the Consumer Ombudsman, this type of schemes should satisfy the following conditions:</p> <p>The body responsible for the labelling scheme must be clearly identified;</p> <p>Relevant stakeholders must be involved in the development of clear criteria;</p> <p>The criteria must be established and reviewed on the basis of a complete life cycle assessment of a product or an activity ('cradle to grave') and cover relevant categories of (environmental) conditions and impacts, etc., based on scientifically approved calculation methodologies, etc. (reference is made to clause 4 of the Guidance for a definition of life cycle and to clause 6.3); and</p> <p>The scheme must be subject to independent third-party controls as regards the assessment and establishment of criteria as well as the use of the label. The company's self-inspection may form part of the overall control system.</p> <p>The principles of ISO 14020 and descriptions of ecolabel schemes (ISO 14024) or ecolabels and declarations (ISO 14025) may serve as inspiration for the development of private ecolabels, etc. Moreover, the label may not be likely to be confused with other labels, including labels of official labelling schemes.</p> <p>10.4 Other private labelling schemes, etc. These may be labelling schemes, etc., adopted by a trade organization or a trader's private labelling scheme, etc. Traders must bear in mind that the use of many different private labelling schemes, symbols and certificates may make it difficult for consumers to understand their meaning. This applies in particular to fields covered by official labelling schemes or certifications</p> <p>If a trader or industry chooses to use own labelling schemes, symbols or certificates for marketing purposes, the product or the trader must possess qualitative benefits compared with similar products or traders. Otherwise, the</p>
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		<p>labelling may be misleading in itself. In addition, the Consumer Ombudsman finds that clear criteria must be met to achieve and/or use a label of a labelling scheme and that such label must not be likely to be confused with other labels, including own labels of a labelling scheme with multiple ratings or labels of official labelling schemes. Reference is also made to clause 10.1 above</p> <p>Consistency with UCPD Guidance:</p> <p>Yes, the guidance refers to the criteria of the Annex</p> <p>The guidance contains further rules regarding the labels and schemes that are used by a trader, beyond the requirements of the UCPD Guidance (the meaning must be explained, there must be third-party supervision, it may only refer to relevant products, Schemes presented as 'recognised' must fulfil specific requirements (e.g. must be subject to independent third party-controls, must imply full life cycle assessment and the assessment of relevant characteristics, the responsible body must be clearly identified). Confusion between labels must be avoided</p>
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1.6.3 Summary

The guidance contains, in general, the concerns and rules of the UCPD Guidance, and it builds upon this guidance to give detailed interpretations of what is or is not allowed. Many examples are furthermore given to give a concrete view on the rules.

- *Objective misleading practice*

The guidance contains the principle that environmental claim purposes must be correct, accurate, relevant, balanced, clearly worded and easy to understand to avoid misleading consumers. Accuracy may require the reassessment and updating of messages. Factual statements must be substantiated by documentation that is available before the claims are used for marketing purposes.

- *Subjective misleading practice*

Marketing must convey a true, balanced and loyal overall impression of the product, the activities of the trader or the company as such being marketed. Marketing is assessed against the overall impression it is likely to convey to consumers. The overall impression is the relevant criterion for assessment. The message must be relevant and should not be incomplete.

- *Scientific evidence*

The guidance contains detailed rules regarding scientific evidence. Substantiating evidence must be available before certain claims are used for marketing purposes. The documentation must be adequate, which normally implies that the claims must

be capable of being substantiated by statements or studies by independent bodies with recognised professional qualifications.

If expert studies give rise to significant disagreement or doubt regarding the environmental impact or the ethical dimension, the trader must provide information about this in a balanced manner or refrain from marketing the message altogether. If a study was carried out by the manufacturer or the trader marketing the product, such a study must be assessed by an independent body or it must be verified in an equally adequate manner that the study has been carried out correctly and that the assessment of the results is professionally sound. The requirements of the content and scope of the documentation will depend on the specific content of the statement. The complexity of the product or activity will also be of relevance in this respect. Documentation must be retained for at least two years after the publishing of the marketing claim. The Consumer Ombudsman is entitled to receive documentation verifying any factual statements in the claims used by a trader for marketing purposes, and also the public must be able to obtain relevant information in this respect.

- *Clarity and accuracy of the claims*

All claims used for marketing purposes must be correct, accurate, relevant, balanced, clearly worded and easy to understand to avoid misleading consumers. The guidance contains very extensive examples of claims and advertising that should not be ambiguous or unclear. It requires that it must be clear whether claims refer to an entire product or certain features thereof, and that relevant information must not be omitted. Terms that may be ambiguous or overly general must be specified, and general claims need an entire life cycle assessment.

Claimed characteristics should not reduce other benefits, and must be of material importance.

The guidance provides detailed rules regarding unambiguous business profiling and reputation management, the use of product and company names, and the statement of visions and objectives.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The guidance contains extensive rules regarding the use of labels and schemes. It contains detailed rules regarding the labels and schemes that are used by a trader beyond the requirements of the UCPD Guidance – the meaning must be explained: there must be third-party supervision and it may only refer to relevant products. Schemes presented as 'recognised' must fulfil specific requirements, e.g. must be subject to independent third party-controls, must imply full life cycle assessment and the assessment of relevant characteristics – the responsible body must be clearly identified. Confusion between labels must be avoided.

1.7 Estonia

1.7.1 Overview

There is **one guideline** identified, a general one and no sectorial one

General guideline:

- Self-regulation of the Estonian Association of Advertising Agencies on Environmental Advertising:
<http://www.eral.ee/page.php?nid=21&pid=13&rid=6>

1.7.2 General guidelines

1.7.2.1 Self-regulation – Environmental Advertising

The self-regulation of the Estonian Association of Advertising Agencies (EAAA) regarding environmental advertising follow the recommendations of the ICC regulations on advertising and marketing. The EAAA guidelines intend to ensure that environmental advertising complies with moral and regulatory requirements. The guidelines lay down the general principles that are also to be found in the UCPD but does not provide for detailed examples. The guidelines also do not define environmental terms and does not contain rules on the use of certain terms.

Eneseregulatsioon – Keskkonnareklaam (Self-regulation – Environmental Advertising)	
1. publication details	
Year of issuance	N/A
Length	2 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The guidelines have been prepared by the Estonian Association of Advertising Agencies, which is a non-governmental and self-regulatory non-profit association.
General or sectorial guidelines	General guidelines for advertisers.
2. Information on coverage of guidelines	
Target group	All advertisers
Aim	The guidelines aim to promote lawful, decent, honest, and truthful environmental advertising that conforms to obligatory requirements and the principles of fair competition.
Definition of the term: "environmental claims"	The term has not been explicitly defined in the guidelines. The guidelines apply to advertising forwarded through mass communication mediums that include environmental claims, i.e. advertising in any form where direct or indirect reference is made to the environmental or ecological aspects of the product, service or discounts; production; packaging; marketing; use/consumption; or sales.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	No specific terms are defined. The guidelines explicitly state that specific terms have been avoided, since environmental terminology is not fully developed and may vary in different countries or industries.
Types of claims covered: e.g.	Environmental claims that refer to consequences

	environmental claims, ethical claims, organic, sustainable	on the environment.
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Not limited. Company branding and labelling schemes not included.
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Based on the code of the ICC and its framework on environmental marketing.
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	Includes all types of statements, information, symbols and information about packaging, marketing, consumption, and sales in advertising in all mass-communication media made by any organization.
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	Expressions and statements that may err the consumer into thinking that a product has environmental advantages, such as "environment friendly" or "ecologically safe" that implicitly state that a product or service has no consequences for the environment or such consequences are positive, are not allowed, unless proof is given.
	Are there any terms for which certain conditions are set?	See above.
	Recommendations on documentation, calculation, testing methods, evidence and access to data	Claims such as 'environment friendly' or 'ecologically safe' may only be used if substantive evidence is produced to support the claim. Technical demonstration or scientific inventions about environmental impacts may be used only if based on thorough scientific studies/work. Environmental claims concerning separation, collection, recycling or disposal of waste may be approved if such method for collection, recycling or disposal has received widespread approval or is sufficiently accessible. Descriptions, claims, or illustrations related to verifiable facts shall be suitable for supporting such.
	Examples provided of good practices and poor practices	Not available.
4.	Consistency check criteria based on UCPD Guidance	
	Objective misleading practice: The UCPD Guidance on objective misleading provides	Article 3: Truthful presentation Advertisements shall not contain statements or expressions that will likely mislead the consumer

<p>that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>regarding the environmental friendliness or advantages of the product, or the actions taken by the advertiser to protect the environment. The terms "environment friendly" or "ecologically safe", which mean that a product or activity does not affect the environment or if, then only in a positive way, should be used only if supported by conclusive evidence. Article 4: Scientific research Technical demonstrations or scientific inventions may be used in advertisements to showcase environmental effects only if they are based on thorough scientific work. Environmental expressions or scientific terminology may be used only if it is of significant importance and easily understandable to the consumer. Article 5: Certificates Taking the rapid development of environmental science and technology into account, particular attention should be turned to ensuring that certificates and opinions used in advertisements to back up environmental claims, change formulations of the product or market conditions, have not expired. Article 6: Superiority Superiority over competing products regarding environmental friendliness may only be claimed if significant advantages can be presented. Consistency with UCPD Guidance: The guidelines lay down some provisions to ensure that green claims are objectively true. The guidelines explicitly state that advertisements shall not mislead the consumer and thus comply with the UCDP Guidance.</p>
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been</p>	<p>Article 1: Honesty Advertisements may not abuse the consumers' concern for the environment or their possible lack of environmental knowledge. Article 3: Truthful presentation Advertisements shall not contain statements or expressions that will likely mislead the consumer regarding the environmental friendliness or advantages of the product, or the actions taken by the advertiser to protect the environment. Consistency with UCPD Guidance: While no detailed examples or recommendations are given, the guidelines lay down the general principle that advertisements shall not mislead the consumer. No recommendations are given on how a claim shall be drafted to not subjectively mislead consumers.</p>

<p>true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Article 10: Justification The advertiser shall have its justifications available, in order to produce evidence to the self-regulatory body supervising the implementation of the international marketing practice, if so requested. Consistency with UCPD Guidance: The EAAA guidelines do not confer upon competent national authorities (courts or administrative authorities) the right to verify evidence. Under the Estonian Advertising Act, supervisory powers have been given to the Consumer Protection Board to oversee the correct implementation of the law. Among other, the Consumer Protection Board has the power to demand that traders or producers submit relevant documents, materials and explanations and other relevant information</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; 	<p>Article 7: Ingredients and elements of a product Environmental claims should not be presented in such a way as to imply that they relate to more stages of a product's life-cycle, or to more of its properties, if so necessary, it should always be clear to which stage or which property a claim refers. If an advertisement claims that ingredients or elements of the product that have a detrimental effect on the environment have been lessened, it should be clear what particular ingredients or elements have been reduced. Article 3: Truthful presentation The advertisement may make reference to special products or activities, as long as this does not extend to the activities of an enterprise, concern, or industry as a whole. Consistency with UCPD Guidance: Not all relevant aspects of the UCPD Guidance have been outlined: no further provisions, besides Article 7, exist as to whether the claim covers the whole product</p>

<ul style="list-style-type: none"> ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>or only one of its components.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>Article 8: Signs and symbols Signs and symbols may be used in advertising only if clear reference is made to their origin and no confusion exists as to their meaning. Such signs or symbols may not create a false impression of official authorisation.</p> <p>Consistency with UCPD Guidance: The guidelines do not refer to all aspects of the UCPD Guidance:</p> <p>the unauthorised use of logos is not regulated;</p> <p>false claims regarding being a signatory of a code of conduct are not regulated;</p> <p>endorsement of codes of conduct is not regulated.</p>

1.7.3 Summary

The guidance of the Estonian Association of Advertising Agencies does not explicitly refer to the UCPD guidance document prepared by the Commission but it contains similar criteria to prevent the use of misleading environmental claims. However, it does not provide for detailed criteria to assess whether or not an environmental claim is misleading, nor does it contain examples of best practices.

While the guidelines are based on the ICC Code, they omit large sections of the code's Chapter E: Environmental Claims.

The following paragraphs summarise how the UCPD requirements are interpreted and covered in the Estonian guidelines.

- *Objective misleading practice*

As a general principle, the guidelines state that all environmental advertising should be legal, decent and truthful. The guidelines contain a general statement that the terms 'environmentally friendly' or 'ecologically safe' may only be used if such a claim can be supported by evidence. No reference is made to further terms and indeed this requirement seems to apply to only these two particular terms.

Superiority over competing products regarding environmental friendliness may only be claimed if significant advantages can be presented. Any certificates and opinions used in advertisements to evidence the presented environmental claims may not be expired.

- *Subjective misleading practice*

The guidelines do not exactly refer to the term 'subjective misleading'. Nevertheless, the guidelines provide that advertising should not abuse the

consumers' concern for the environment or their lack of knowledge. Moreover, advertising should not contain statements that are likely misleading. Signs and symbols used may not confuse the consumer as to their origin, or create a false impression of official authorisation.

The guidelines do not provide for suggestions regarding the use of vague or ambiguous terms such as 'environmentally friendly', 'harmless', 'natural', 'sustainable', and whether or not they may be misleading for the consumer, or suggestions on how to assess whether or not a claim is subjectively misleading. No specific examples of subjective misleading have been provided.

- *Scientific evidence*

Such criterion is not very clearly stipulated in the guidelines. No general requirements exist for scientifically approved evidence to substantiate environmental claims, rather, such requirements exist for particular claims covered in the guidelines, e.g. 'environment friendly', 'ecologically safe', and claims of superiority.

Technical demonstrations or scientific inventions may be used in advertisements to showcase environmental effects only if they are based on thorough scientific work. Environmental expressions or scientific terminology may be used only if it is of significant importance and easily understandable to the consumer.

While the EAAA guidelines do not confer upon competent national authorities, i.e. courts or administrative authorities, the right to verify evidence, the advertiser should have its justifications available in order to produce evidence to the self-regulatory body supervising the implementation of the international marketing practice – if so requested.

The guidelines do not state how long the documentation must be retained. It does not state how diverging opinions in science must be assessed.

- *Clarity and accuracy of the claims*

Not all requirements of the UCPD guidance have been detailed.

The guidelines provide that if an advertisement claims that ingredients or elements of the product that have a detrimental effect on the environment have been lessened, it should be clear what particular ingredients or elements have been reduced.

The advertisement may make reference to special products or activities, as long as this does not extend to the activities of an enterprise, concern, or industry as a whole.

If reference is made to a stage of the product's life cycle, it should be clear which stage the claim relates to. It should be clear what particular characteristic of the product the claim relates to.

Not all relevant aspects of the UCPD Guidance have been outlined in the guidelines: no further provisions exist as to whether the claim covers the whole product or only one of its components.

Furthermore, no provisions exist as to the use of unclear terms.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The guidelines provide for a general provision that signs and symbols may be used in advertising only if clear reference is made to their origin and no confusion exists as to their meaning. Such signs or symbols may not create a false impression of official authorisation. No further details have been given on the use of such signs or symbols, e.g. explicit prohibition of the false claim to be a signatory of a code of conduct or to not respect a code of conduct.

No further reference is made to unfair commercial practices as outlined in Annex of the UCPD.

1.8 Finland

1.8.1 Overview

In Finland **both guidelines** are available, general ones and sectorial ones:

General guidelines:

- The Finnish Consumer Ombudsman's general guidelines on the use of environmental claims in consumer marketing:

<http://www.kuluttajavirasto.fi/File/893ad0d4-74e9-479d-9d38-a2a788c106e0/YmpÄristÄ¶markkinointi+.pdf> (in Finnish)

<http://www.kuluttajavirasto.fi/File/af79d071-4cdd-4ac4-b996-d677356bb3fb/The+use+of+environmentally+oriented+claims+in+marketing+.pdf> (in English)

- The Consumer Ombudsman's specific guidelines regarding the use of environmental claims in the marketing of cars:

<http://www.kuluttajavirasto.fi/File/948cd66b-9e2a-4c83-ac5f-897007de3d22/Ymp%C3%A4rist%C3%B6v%C3%A4itt%C3%A4m%C3%A4t+autot.pdf> (in Finnish)

<http://www.kuluttajavirasto.fi/File/2e3b95c7-080d-419a-b212-b5c668876272/Use+of+environmental+claims+in+the+marketing+of+cars.pdf> (in English)

- The Finnish Consumer Ombudsman has issued several statements/decisions on environmental marketing and environmental claims that have been used by Finnish traders (links to translations of the statements below).

- KUV/5163/41/2008

<http://www.kuluttajavirasto.fi/en-GB/archive2010/current-issues-in-consumer-law-4-2010/environmental-claims-in-advertising-may-not-rely-on-generalisations>

- KUV/7266/41/2008

<http://www.kuluttajavirasto.fi/en-GB/archive2010/current-issues-in-consumer-law-4-2010/comparisons-only-between-comparable-things>

- KUV/3099/41/2009, KUV/978/41/2009

<http://www.kuluttajavirasto.fi/en-GB/archive2010/current-issues-in-consumer-law-4-2010/the-impact-of-a-consumer-s-purchase-decision-may-not-be-overstated>

- KUV/3101/41/2009

<http://www.kuluttajavirasto.fi/en-GB/archive2010/current-issues-in-consumer-law-4-2010/environmental-friendliness-can-be-used-as-a-selling-point-but-exaggeration-is-to-be-avoided>

- KUV/2026/41/2010

<http://www.kuluttajavirasto.fi/en-GB/archive2010/current->

[issues-in-consumer-law-10-2010/obscure-environmental-claims-associated-with-a-perfume](#)

- KUV/8193/41/2011
<http://www.kuluttajavirasto.fi/Page/34eb3afa-518b-450d-ab79-b13b2e0256b8.aspx?groupId=e1ccf939-e2c7-4cb9-a399-a0c14b33dabb&announcementId=faadbe96-8819-4e74-9639-56a258d59873>
- The Nordic Consumer Ombudsmen have issued a joint statement on ethical and environmental marketing claims:

<http://www.kuluttajavirasto.fi/File/20a82658-0f6f-4669-8231-6a9c4e9c9c3f/Ymp%C3%A4rist%C3%B6v%C3%A4itt%C3%A4m%C3%A4t.pdf> (in Finnish)

http://www.konsumentverket.se/Global/Konsumentverket.se/foretag/Marknadsf%c3%b6ring_F%c3%b6retagare/Nordisk%20st%c3%a5ndpunkt%20milj%c3%b6%20engeska.pdf (in English)

Sectorial guideline:

- Cosmetics Europe's Guiding Principles on Responsible Advertising And Marketing Communication, which includes provisions on the use of environmental claims in the marketing of cosmetics:

http://www.teknokemia.fi/document.php/1/73/kosmetiikan_markkinoinnin_itsesaatelyohjeet/d40696d178ba3a9cbf03c6a5eb4f4dff

1.8.2 General guidelines

1.8.2.1 Guidelines of the Finnish Consumer Ombudsman regarding environmental marketing ("The use of environmentally oriented claims in marketing")

The Consumer Ombudsman has issued general guidelines on the use of environmental claims in consumer marketing, based on the marketing rules of the Finnish Consumer Protection Act, underlying EU legislation and court practice.

Guidelines of the Finnish Consumer Ombudsman regarding environmental marketing ("The use of environmentally oriented claims in marketing")		
1.	publication details	
	Year of issuance	1992, updated 2002
	Length	Approx. 2 pages with 3 columns each.
	Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Finnish Consumer Ombudsman / Finnish Consumer Agency (the competent national authority for consumer protection matters)
	General or sectorial guidelines	General
2.	Information on coverage of guidelines	
	Target group	Advertisers
	Aim	<i>These guidelines have been drawn up for the benefit of advertisers who are considering the use of claims on the environmental</i>

		<i>impact of products in planned advertising or marketing campaigns.</i>
	Definition of the term: "environmental claims"	
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	(goods and services), Company branding, Labelling schemes, Indirect claims
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Reference is made to the Finnish Consumer Protection Act, the practice of the Market Court and prior resolutions of the Consumer Ombudsman.
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product/advertising 	All.
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	
	Are there any terms for which certain conditions are set?	<i>If a claim in regard to the degradability of the product is not specified, proof should be obtained that the entire product is entirely or almost entirely biodegradable. Make your claim specific, if you do not mean that the entire product is biodegradable. The use of "biodegradable" with regard to detergents, for instance, often indicates that the tensides in them are degradable according to OECD norms. This should be specified in marketing. If the product is said to be degradable in certain conditions, these should have relevance to the target group. If degradability requires certain conditions, these should be mentioned. Mention should also be made of the agent of decomposition, i.e. sunlight or microbes. If a product can</i>

		<p><i>well be sold without packaging, one should consider whether the degradability of the packaging in fact has any real significance. The expression "can be composted", or other expression relating to waste disposal, should be approached in the same way as "biodegradable", i.e. an explanation should be given regarding what exactly is required to compost or incinerate the product. Special requirements, such as whether the product needs to be washed before burning, or whether some other fuel must be added, should always be mentioned. The method of waste disposal is pointless, if many of those in the target group do not have access to it. Claims made about recovery or recyclability must always be supportable. The use of the established European recycling symbol on plastic containers is not illegal as such. However, the claim is of no particular importance, if there are no plastic recycling points available to the consumer, or if it is impossible to buy a refill.</i></p>
	<p>Recommendations on documentation, calculation, testing methods, evidence and access to data</p>	<p><i>Reference should not be made to environmental effects for which there are conflicting research results. Any general claim regarding the environmental impact of the product should be supported by a study which covers the product's environmental impact during its entire life cycle. If Nordic or EU environmental symbol criteria have been established for the product group to which the product being advertised belongs, an application can be made for the right to display such a symbol on the product. It is far preferable to use a symbol of this kind rather than generalised statements regarding the product's environmental friendliness. An environmental symbol from an independent third party gives an unambiguous and reliable impression of the product's environmental features. It is better to use such symbols rather than one's own. Comparisons can only be made between products of the same product group. Before comparing one particular feature of a product, check that the life cycles of the products being compared do not fundamentally differ from one another.</i></p>
	<p>Examples provided of good practices and poor practices</p>	<p><i>Using the term "phosphate-free" is irrelevant unless there are similar products on the market which actually do contain phosphate. For example, according to the Market Court (MT: 1992:26), the expression "for a cleaner</i></p>

		<p><i>environment” is too imprecise and general to be used in marketing cars.</i></p> <p><i>Comparing matches with lighters, or fabric nappies with disposable ones, is very difficult to do in a reliable way.</i></p> <p><i>Is it relevant to emphasise that the packaging of a product contains 3% recycled material, if the product itself is known to be extremely harmful to the environment? Is there any point in using new, environmentally friendly packaging as the main argument of marketing, if the product could just as well be sold without packaging? In decision number 2001:009, the Market Court prohibited an enterprise from using a symbol of its own invention. This symbol was used, without legitimate grounds, by the company to emphasise the environmental friendliness of its activities, despite the latter not being a form of recycling that could be especially considered to conserve the environment.</i></p>
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term ‘biodegradable’ when that is not the case (e.g. on a product for which no tests have been carried out); use of the term ‘pesticides-free’ when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>The guideline repeatedly states that the environmental claims must be verifiably truthful. E.g: <i>You may use environmentally oriented claims in your marketing when you are certain that the product you are marketing has some environmental effect worth advertising</i> <i>the overall impression given by the marketing should be based on the actual facts</i></p> <p>Consistency with UCPD Guidance: Generally in line, despite not referring to all practices under Art 6(1)</p>
	<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement</p>	<p><i>Marketing using environmentally oriented claims is judged according to the overall impression it conveys to consumers. This overall impression should correspond to the facts.</i> <i>When marketing a product only the important and relevant things about the product’s environmental impact should be</i></p>

	<p>showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p><i>mentioned.</i></p> <p><i>Generalisations and unspecified or ambiguous expressions should be avoided. Claims should be precise; the effect the choices of individual consumers have on the environment should not be exaggerated. Marketing using environmentally oriented claims is judged according to the overall impression it conveys to consumers. This overall impression should correspond to the facts.</i></p> <p><i>"Environmentally friendly" or similar expressions ("green", "natural", "ecological product" can only be used, if a thorough study of the entire life cycle of the product has been made. This kind of general statement can be used if the product has considerably less environmental impact during its entire life cycle, "from cradle to grave", than other products in the same product group.</i></p> <p>Consistency with UCPD Guidance: Generally consistent, despite not referring to all practices under Art 6(1)</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>The guidance does not include information on the competence of competent authorities.</p> <p>Consistency with UCPD Guidance: N/A</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover 	<p><i>The important environmentally friendly features of the product should be explained clearly and unambiguously. It should also be clear whether the environmental claims apply to the packaging or to the product itself. Only terminology that consumers can understand should be used. The expressions used in marketing will be assessed according to how the consumer can interpret them. It should be sufficiently clear</i></p> <p>whether reference is being made to the product itself, the packaging, or the raw material</p> <p>whether it is the product or the packaging which is made from recycled material and to what extent, and</p> <p>whether the consumer can recycle or re-use the product or its packaging.</p>

	the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers;	Consistency with UCPD Guidance: Generally in line, despite not referring to all criteria; however it includes requirements regarding the clarity and accuracy of a claim.
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p><i>[C]are should be taken to ensure that environmental claims are supported by a study of the product's entire life cycle corresponding to that required by the environmental symbol criteria</i></p> <p>Consistency with UCPD Guidance: Generally in line, despite not referring to all criteria</p>

1.8.3 Sectorial guidelines

1.8.3.1 The Finnish Consumer Ombudsman's Guidelines regarding environmental claims in the marketing of cars

The Finnish Consumer Ombudsman has issued guidelines covering the principles governing the use of environmental claims in the marketing of cars.

The Finnish Consumer Ombudsman's Guidelines regarding environmental claims in the marketing of cars	
1. publication details	
Year of issuance	2009
Length	Approx. 3 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Finnish Consumer Ombudsman (national authority) in cooperation with the Association of Automobile Importers in Finland and the Finnish Central Organization for Motor Trades and Repairs (sectorial business associations)
General or sectorial guidelines	Sectorial
2. Information on coverage of guidelines	
Target group	Advertisers of cars
Aim	
Definition of the term: "environmental claims"	
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Comparative marketing, emissions, all types of environmental effects of cars and their production
Product groups covered: (good, services, goods and services), Company branding, Labelling	(goods and services), Company branding specifically relating to cars and car industry

	schemes, Indirect claims	
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Reference is made to Government Decree 938/2000 on indicating fuel consumption and carbon dioxide emissions of cars. No other reference is made, but it is clear that the guidelines are based on the Finnish Consumer Protection Act and underlying EU regulation.
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	<i>Marketing may not convey an impression of a car as an environmentally friendly product.</i>
	Are there any terms for which certain conditions are set?	
	Recommendations on documentation, calculation, testing methods, evidence and access to data	<i>Comparisons can only be made to similar cars. Where claims based on external tests or research are used, the source of information must be specified in advertising. The advertiser may not draw their own conclusions or generalisations from external studies. If test results are referenced only partially, the advertisement may not be misleading with regards to the overall results of the study.</i>
	Examples provided of good practices and poor practices	<p>Allowed</p> <ul style="list-style-type: none"> ▪ "We donate 100 euros for Baltic Sea conservation for each car sold." ▪ "The product development of this car has resulted in lower carbon dioxide emissions." ▪ "XX% of the materials used in manufacturing this car are recycled." ▪ "We give you a free training course in economic driving when you buy a new or used car." ▪ "We work to change the driving style of car owners towards a more environmentally friendly direction." <p>Not allowed <i>The advertisement features a picture of a car. The accompanying text states:</i></p> <p>"drive a green car now with a clear conscience".</p> <p><i>The claim is not specific.</i></p>

		<p>"no matter what the colour you choose, our car is always green."</p> <p><i>The claim is not specific.</i></p> <p>"our car is the cleanest".</p> <p><i>The claim is not specific.</i></p> <p>"the car has low carbon dioxide emissions."</p> <p><i>The emissions are not lower than those of similar models offered by competitors.</i></p> <p><i>The advertisement features a moving car with "air bubbles" coming out of the exhaust and cleaning the air.</i></p> <p><i>The impression of a car that cleans the air has no basis or justification.</i></p> <p><i>The advertisement features a car driving on a snowy road in Lapland. The accompanying text states "help keep snow under the skis of the Finnish winter sports team. Help prevent climate change".</i></p> <p><i>The claim is not specific</i></p> <p><i>The advertisement features a car with accompanying text stating "with prices starting from" as well as the lowest fuel consumption and carbon dioxide emissions figures for the entire lineup for that particular model.</i></p> <p><i>The "prices starting from" refers to a different type of car than the accompanying data on fuel consumption and emissions.</i></p> <p><i>For instance, a small family car may not be compared to a large sedan or SUV.</i></p> <p><i>Marketing may not convey the impression that a consumer could compensate for the negative environmental impacts of a car through the car company's promise to plant a tree if the consumer buys the car in question.</i></p> <p><i>Marketing may not convey the impression that a consumer could do his share to slow down climate change by a single purchase decision.</i></p>
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term</p>	<p><i>All factual claims must be backed by proof. This proof must be available when the marketing campaign is launched. As the amount of scientific data on the environmental impact of commodities increases constantly, marketers must pay particular attention to keeping the proof behind the claims up to date.</i></p> <p>Consistency with UCPD Guidance: Generally consistent, despite not referring to all practices under Art 6(1)</p>

<p>'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p><i>When planning advertising campaigns, the marketer must always ensure that the overall impression conveyed is accurate and based on facts. The significance of a single environmental characteristic may not be emphasised in such a way as to make the overall impression conveyed in the marketing misleading.</i></p> <p><i>If the new version of a particular car model features a minor improvement regarding its environmental characteristics, any marketing messages concerning it must be in correct proportion to the car's environmental impact on the whole.</i></p> <p><i>Another practice to be avoided is overstating the impact of a consumer's single purchase decision on the state of the environment. Even cars with reduced emissions or other environmental impacts pose a burden to the environment.</i></p> <p>Consistency with UCPD Guidance: Generally consistent, despite not referring to all practices under Art 6(1)</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>No reference to authority verification. Consistency with UCPD Guidance: N/A</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the</p>	<p><i>The terms used in marketing should be ones that the average car buyer understands. Complicated expressions or expressions that are open to several different interpretations should be avoided.</i></p>

<p>claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p><i>Environmental claims must concern characteristics that are significant to the car's environmental impact. Such characteristics include carbon dioxide emissions, regulated emissions, the car's manufacturing process and distribution system, the car's technical solutions, noise levels and recycling.</i></p> <p><i>Corporate image advertising may also describe measures other than those directly related to reducing the carbon dioxide emissions of cars, such as planting trees. Such measures may not, however, be linked to the marketing of a specific car.</i></p> <p>Consistency with UCPD Guidance: Generally compliant, despite not explicitly referring to all criteria</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>No reference to the criteria.</p> <p>Consistency with UCPD Guidance: N/A</p>

1.8.3.2 Cosmetics Europe Guiding Principles on Responsible Advertising And Marketing Communication

Teknokemian Yhdistys ry, a Finnish association representing the industry of cosmetics, toiletry and detergents, has issued a translation of Cosmetics Europe's Guiding Principles on Responsible Advertising And Marketing Communication, which includes provisions on the use of environmental claims in the marketing of cosmetics.

Cosmetics Europe Guiding Principles on Responsible Advertising And Marketing Communication	
1. publication details	
Year of issuance	2012
Length	Approx. 2 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business	Cosmetics Europe (Sectorial business association), translated by Teknokemian

	associations)	Yhdistys ry (Sectorial business association)
	General or sectorial guidelines	Sectorial
2.	Information on coverage of guidelines	
	Target group	Cosmetics industry
	Aim	<i>[To] set out the cosmetics industry's common ground on responsible cosmetics advertising and marketing communication in Europe.</i>
	Definition of the term: "environmental claims"	
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	(goods and services), Labelling schemes, Indirect claims related to Cosmetic products only 1.2 a) provides: <i>The term "cosmetic product" means "any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours" (Article 2 of the Cosmetic Regulation).</i>
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	References to the ICC Code on Advertising and Marketing Communication Practice, EU Regulation 1223/2009, EU Directives 2005/29/EC and 2006/114/EC
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all	

	circumstances/in certain circumstances?	
	Are there any terms for which certain conditions are set?	
	Recommendations on documentation, calculation, testing methods, evidence and access to data	
	Examples provided of good practices and poor practices	
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p><i>2.1.4. If the environmental claim being made is not literally true or is likely to be misinterpreted by consumers or is misleading through the omission of relevant facts, this environmental claim shall not be made.</i></p> <p><i>2.1.4.1. The general presentation of a cosmetic product (colours, visuals, etc.) and individual claims shall not:</i></p> <p><i>(a) Be based on false information.</i></p> <p><i>(b) Imply an environmental benefit that the product does not have.</i></p> <p><i>(c) Exaggerate the environmental aspect of the product to which the claim relates.</i></p> <p><i>(d) Emphasise any single environmental benefit while concealing the aspects which present a negative environmental influence.</i></p> <p><i>2.1.4.4.</i></p> <p><i>(a) Environmental claims for cosmetic products, whether explicit or implicit, must be supported by adequate and appropriate scientific evidence.</i></p> <p><i>(b) Test methods and studies being used as evidence must be relevant to the product and to the environmental benefit claimed.</i></p> <p><i>(c) Environmental claims shall be reassessed and updated as necessary to reflect changes in technology, competitive products or other circumstances that could alter the accuracy of the claim.</i></p> <p>Consistency with UCPD Guidance: Generally consistent, despite not referring to all practices under Art 6(1)</p>
	<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p>	<p>(Please see previous section on objective misleading practice)</p> <p>Consistency with UCPD Guidance: Generally consistent, despite not referring to all practices under Art 6(1)</p>

	<p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>No reference to authority verification.</p> <p>Consistency with UCPD Guidance:</p> <p>N/A</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain 	<p>2.1.4.3.</p> <p><i>(a) The environmental claim shall be presented in a manner that clearly indicates whether the claim applies to the complete product or only to a product component or to the packaging or to an element of a service.</i></p> <p><i>(b) The environmental claim shall be relevant to the particular product, and used only in an appropriate context or setting.</i></p> <p><i>(c) The claim shall be specific as to the environmental benefit or environmental improvement which is claimed; consequently, an environmental benefit may be claimed provided that an appropriate assessment of the environmental impact of the product has been carried out.</i></p> <p>2.1.4.2</p> <p><i>(a) Any supporting information, imagery or symbols shall be justified to and understandable by the average consumer.</i></p>

products; <ul style="list-style-type: none"> ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Consistency with UCPD Guidance:</p> <p>Generally in line, despite not explicitly referring to all criteria</p>
Reference to relevant Annex 1 prohibited practices in UCPD: <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body (See Page 43 in UCPD guidance)	<p>2.1.4.2</p> <p><i>(b) Any use of symbol or logo must not imply that the product has achieved the required relevant third-party endorsement when it is not the case.</i></p> <p>Consistency with UCPD Guidance:</p> <p>Generally in line, despite not explicitly referring to all criteria</p>

1.8.4 Summary

○ *Objective misleading practice*

The Consumer Ombudsman's guidelines do not explicitly refer to the prohibition of objective misleading practice or to Art 6(1) of the Directive, but implicitly state that all environmental claims must be based on verifiable facts and scientific research. Environmental claims should, in other words, be made only when sufficient proof has been acquired. For practice of the Consumer Ombudsman, please see KUV/5163/41/2008. The Consumer Ombudsman's guidelines appear to be in line with the UCPD guidelines in this respect.

○ *Subjective misleading practice*

The Consumer Ombudsman's guidelines do not explicitly refer to 'subjective misleading practice' or the criteria under Art 6(1) of the Directive, but provide plenty of guidance and examples illustrating the fact that environmental claims shall not deceive the average consumer. The overall impression of the marketing must not be misleading. For practice of the Finnish Consumer Ombudsman, please see KUV/3099/41/2009, and KUV/978/41/2009. The guidelines set strict requirements on the use of non-specific environmental claims. Products that by their nature are bad for the environment may not be marketed by using non-specific or vague environmental claims.

The Consumer Ombudsman's guidelines appear to be in line with the UCPD guidelines in this respect.

The Finnish Consumer Ombudsman's guidelines also take a stance on the use of environmental comparison in marketing and set our criteria for conducting such a comparison. The guidelines appear to be in line with the UCPD Guidance, despite not referring to all criteria mentioned in the UCPD guidance.

- *Scientific evidence*

The guidelines of the Finnish Consumer Ombudsman do not explicitly refer to the authorities' powers to require the trader to furnish evidence as to the accuracy of environmental claims. For clarity, please note that, despite not being mentioned in the guidelines, the Finnish consumer authorities do have the competence to require information/evidence from traders for the purpose of monitoring the accuracy of factual claims, including environmental claims, in traders' marketing.

Cosmetics Europe's guidelines do not refer to any authority or court competence. All guidelines explicitly provide, however, that the environmental claims must be based on scientific evidence. See conclusions under 'Objective misleading practice' above.

- *Clarity and accuracy of the claims*

The Consumer Ombudsman's guidelines emphasise the fact that all claims must be accurate and unambiguous and must specify which part of the product and its life-cycle the environmental claim relates to. Please see the Consumer Ombudsman's decision in KUV 2026/41/2010, KUV/3101/41/2009).

The Consumer Ombudsman's guidelines appear to be in line with the UCPD guidance, despite not referring to all of the guidance's examples.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

None of the guidelines explicitly refer to Annex 1 of the UCPD nor lists all of the prohibited practices thereunder.

The Consumer Ombudsman's general guidelines implicitly provide that the criteria for environmental symbols on products must factually be fulfilled.

All guidelines can be deemed to have a 'gap' in relation to the UCPD in this respect, despite implying prohibited uses similar to those listed in Annex 1 of the UCPD.

1.9 France

1.9.1 Overview

Both guidelines are available in France.

General guidelines:

- The practical guide to environmental claims for traders and consumers¹¹ prepared by the National Consumer Council (*Conseil National de la Consommation*)¹² with the support of the Ministry of Economy, Finance and Industry and the Ministry of Ecology, Sustainable Development, Transport and Housing¹³.
- The Sustainable Recommendations prepared by the Regulation Authority of advertising professionals¹⁴ (*autorité de régulation professionnelle de la publicité*).
- Guide to anti-greenwashing prepared by the French Environment and Energy Management Agency (ADEME).

Sectorial guideline:

Environmental claims on product packaging: French Packaging Council, views and Recommendations.¹⁵

1.9.2 General guidelines

1.9.2.1 The practical guide to environmental claims for traders and consumers

A first version of this guide was published in November 2010 defining the condition of use for seven environmental claims.¹⁶ The second edition of the guide provides explanation on the use of 15 of the most common claims.¹⁷

This guide defines an environmental claim as a term or sentence used to highlight a product's quality in terms of environmental protection. It also considers that brand names and some visual elements used to 'green' products and the promotion of a business approach may also be regarded as environmental claims.

¹¹Ministère de l'écologie du développement durable des transports et du logement (2012). *A Practical Guide to environmental claims for traders and consumers*. Retrieved from http://www.economie.gouv.fr/files/files/directions_services/dgccrf/documentation/publications/brochures/2012/Guide_allegat_environ_en_2012.pdf.

¹²The National Consumer Council was established in 1983 has a consultative body under the umbrella of the Ministry of Consumer affairs part of the Ministry of Economy, Finance and Industry. It is a forum where all stakeholders (representatives of consumers, users, professionals, public services and administrative authorities) discuss and exchange idea on all consumer affairs. It can also be consulted by the government on future policies on consumers and users and in particular in case of new EU discussions and decisions on consumer affairs.

¹³Since the change of government the Ministry of Ecology, Sustainable Development, Transport and Housing has been renamed the Ministry of Ecology Sustainable Development and Energy.

¹⁴ARPP (2009). *Recommendations développement durable, autorité de régulation professionnelle de la publicité*. Retrieved from http://www.arpp-pub.org/IMG/pdf/Recommandation_developpement_durable.pdf.

¹⁵CNE (2012). *Environmental Claims on Product Packaging: French Packaging Council Views and Recommendations*. Retrieved from http://www.conseil-emballage.org/Img/Publications/97_1.pdf.

¹⁶The seven environmental claims analysed were: Sustainable, durable, responsible, organic for non-food products, natural, biodegradable, products free of X, use of a regulatory requirement.

¹⁷Biodegradable, compostable, eco, ecodesigned, ecological, environmental claims concerning a business, use of a regulatory requirement, product-free, lower ecotoxicity, natural, organic non-food products, recyclable, renewable, responsible, and sustainable.

Furthermore, the guide sets the following general criteria to be applied by traders when preparing an environmental claim:

- An environmental claim must be clear and accurate in order not to mislead consumers or sow doubts in their minds.
- It must aim to provide fair information on the environmental attributes of the product or service.
- It must relate to an aspect that is significant in terms of the product's environmental impact.
- The environmental benefit claimed must not result in a transfer of pollution, i.e. create or increase other environmental impacts at other stages of the product's life cycle.

The practical guide to environmental claims for traders and consumers	
1. publication details	
Year of issuance	November 2010
Length	44 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	National Consumer Council (<i>Conseil National de la Consommation</i>) with the support of the Ministry of Economy, Finance and Industry and the Ministry of Ecology, Sustainable Development, Transport and Housing
General or sectorial guidelines	General guideline
2. Information on coverage of guidelines	
Target group	Traders and consumers
Aim	The aim is to provide consumers with clearer more truthful information on which to base their choice.
Definition of the term: "environmental claims"	The guideline defines an environmental claim as a term (or phrase) used to highlight a product's quality in terms of environmental protection. Brand names and some visual elements used to 'green' products may also be regarded as environmental claims. These claims usually describe a product, but they may also promote a business's approach. A claim must always be fair and sufficiently clear not to create doubt in the consumer's mind.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	Biodegradable, compostable, Eco, Ecodesigned, Ecological, Free, lower ecotoxicity, natural organic, recyclable, renewable
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims, responsible claims, sustainable claims
Product groups covered: (good, services, goods and services), Company branding, Labelling	Goods, business activities

	schemes, Indirect claims	
	<p>Legal basis and references to other legislative provisions standards or labels</p> <p>Referral to authorities and a priori clearance, binding force, sanctions</p>	<p>According to the guideline: 'The Consumer Code defines misleading business practices and provides for penalties in the event of failure to comply with the Code (Articles L.121-1 et seq.). These provisions are common to all European Union member states, since they arise out of an EU directive (Directive 2005/29 on unfair commercial practices). They form the basis for action against environmental claims when the latter are unfounded or misleading. A business practice is misleading if it creates confusion with other products or services, trademarks, trade names or other distinguishing marks of a competitor or if it is based on claims, information or presentations that are false or likely to mislead and covers one or more of the items listed in Article</p> <p>L.121-1, including the essential characteristics of the product or service and the scope of obligations undertaken by the advertiser.</p> <p>In addition, Article L.121-1-1 specifies 22 commercial practices considered misleading, a list appended to the EU directive. These practices are deemed to be misleading in all circumstances and therefore, if they can be proved, make it easier to bring successful legal proceedings against the trader.'</p>
	<p>Applicable to the following forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	<p>In its definition of environmental claim the guidelines refer to terms or phrases; brand names and visual elements</p>
3.	Recommendations from guidelines	
	<p>Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?</p>	No
	<p>Are there any terms for which certain conditions are set?</p>	<p>Biodegradable:</p> <ul style="list-style-type: none"> ▪ product or its packaging can claim to be biodegradable if it meets existing standards. ▪ These standards lay down the conditions for a product's actual decomposition. ▪ They guarantee that a product will be broken down by living organisms into various elements with no adverse impact on the natural environment.

	<ul style="list-style-type: none"> ▪ The product must always be marked 'Do not leave litter'. <p>Compostable:</p> <ul style="list-style-type: none"> ▪ A product or its packaging can be described as 'compostable' if it meets existing standards ▪ Consumers must be properly informed of the conditions in which a product can actually be converted into high-quality compost suitable for agricultural use or gardening. ▪ The manufacturer must specify what can be composted: the packaging, the product or one of its components. ▪ The product must always be marked 'Do not leave litter'. <p>Eco:</p> <ul style="list-style-type: none"> ▪ The meaning attached to this prefix must be clear enough not to create doubt in the consumer's mind. ▪ The consumer must know the nature and, where possible, the extent of the savings available and how to use the product in order to make actual savings. ▪ The claim made must not suggest that the product has other ecological qualities if this is not the case. ▪ Use of the term 'eco' must never result in confusion with regulated schemes such as the energy label. ▪ The trader must be able to offer evidence that its product does actually make it possible to achieve substantial energy savings by comparison with another product with the same function <p>Ecodesigned:</p> <p>The product must display:</p> <ul style="list-style-type: none"> ▪ A definition of ecodesign. ▪ Details of what is ecodesigned. ▪ The main environmental attributes of the product and/or its packaging. ▪ The nature and, if possible, the scale of reductions in environmental impact arising out of the ecodesign approach ▪ Ecological, green, environmentally friendly: ▪ Only a substantial reduction in the product's main environmental impacts throughout its life cycle can justify the use of terms such as ecological and its synonyms. ▪ Such terms must be put into perspective in order not to imply that the product is safe for
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	<p>the environment.</p> <ul style="list-style-type: none"> ▪ Information on the product's main environmental attributes must be shown on the product packaging. <p>product-free of X:</p> <ul style="list-style-type: none"> ▪ Free must not be used if the substance concerned is no longer used or has never been used in the relevant product family by any business. ▪ Free must not be used if regulations prohibit the substance concerned for the relevant product family. <p>lower ecotoxicity:</p> <ul style="list-style-type: none"> ▪ The claim must refer to a reduction in ecotoxicity (e.g. reduced ecotoxicity, minimal ecotoxicity, less ecotoxic, etc.) rather than no ecotoxicity, since a 'non-ecotoxic' claim might imply that the product had no impact on the environment. ▪ The trader must be able to show significant results regarding the reduction in a product's ecotoxicity. The reduction must be significant in terms of regulatory thresholds and must be substantiated by scientifically recognised tests and methods. <p>Natural</p> <ul style="list-style-type: none"> ▪ The term 'natural' should be used only for a minimally processed product close to its natural state. ▪ A product should be described as natural only if it contains at least 95% natural ingredients. Otherwise, the percentage and nature of natural ingredients should be indicated. ▪ Organic non-food products ▪ Only the agricultural element of the product can be described as organic. ▪ A significant proportion of the product must consist of organically certified agricultural ingredients. ▪ The product must contain no or very few synthetic chemicals. <p>Recyclable</p> <ul style="list-style-type: none"> ▪ It must be explained what is recyclable and how to recycle the product and/or its packaging. ▪ The materials used must actually be recyclable through collection schemes.
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		<ul style="list-style-type: none"> ▪ Industrial technology must allow the product or component to be extracted for actual recycling <p>Renewable</p> <ul style="list-style-type: none"> ▪ The claim must be clear enough for the consumer to understand that it refers to the energy used to manufacture the product. ▪ The consumer must know the nature of the energy used, if known and the overall proportion of renewable energy used in the product's manufacturing process. ▪ The trader must be able to provide evidence of actual use of renewable energy in the product's manufacturing process. <p>Offsets</p> <p>The approach must thus be presented clearly and accurately in order not to:</p> <ul style="list-style-type: none"> ▪ confuse the environmental benefit of the approach with the environmental impact of the product itself; ▪ leave consumers in doubt as to the nature of the offset. <p>Responsible</p> <ul style="list-style-type: none"> ▪ The term 'responsible' reflects a genuine commitment on the part of an organisation or business to conduct which is transparent and ethical and which will promote sustainable development, health and social well-being. ▪ The claim must be substantiated by practical and measurable action. ▪ Given the scope of this term, an explanation of the business's approach must appear on the packaging of the product. <p>Sustainable</p> <ul style="list-style-type: none"> ▪ Only the term 'sustainable development' must be used. ▪ The business must indicate its most important sustainable-development initiatives on the packaging, supplementing this explanation, if necessary, by any other appropriate method (e.g. website)
	Recommendations on documentation, calculation, testing methods, evidence and access to data	For claims such as ecological, green, environmentally friendly the product packaging must provide an explanation of the main environmental attributes of the product (e.g. reduced water pollution, low-solvent content,

		<p>low energy consumption...). This explanation must be supplemented by any other appropriate method.</p> <p>For environmental claims concerning a business, the claim must be substantiated. It must use actual measurable, relevant, significant and verifiable facts (regarding – for example – ecodesign, limited use of pollutants, reduced greenhouse gas emissions, lower consumption of natural resources and energy, reduced waste, etc.) to prove that the main environmental impacts of the relevant activities have been significantly reduced. It can then call on an independent body to verify certain aspects of this approach.</p> <p>The claim on lower ecotoxicity can relate only to a significant reduction in a product’s ecotoxicity, provided that it is scientifically substantiated by recognised tests and methods</p> <p>Concerning the claims on the use of renewable energy in product the trader must be able to provide evidence of actual use of renewable energy in the product’s manufacturing process (for example, a contract for supply of ‘green’ electricity).</p> <p>With regard to ‘natural’ claims a list of natural ingredients must be provided and the percentage of these ingredients in the finished product.</p>
	Examples provided of good practices and poor practices	No examples of good and poor practices
	4. Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term ‘biodegradable’ when that is not the case (e.g. on a product for which no tests have been carried out); use of the term ‘pesticides-free’ when the product actually contains some</p>	<p>An environmental claim must aim to provide fair information on the environmental attributes of the product or service.</p> <p>Consistency with UCPD Guidance:</p> <p>The guideline is in line with the UCP guidance</p>

<p>pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>The guideline does not as such refer to subjective misleading.</p> <p>It however provides some recommendations in order to avoid certain forms of subjective misleading:</p> <p>For example on ecological claims it provides that the claim made must not suggest that the product has other ecological qualities if this is not the case. For example, a product which allows a consumer to make savings and thus helps to reduce pressure on natural resources does not necessarily have any inherent ecological qualities (a tap which reduces the rate of water flow may not, as regards its composition, method of manufacture, etc., have any other environmental qualities by comparison with conventional taps).</p> <p>With regard to claims such as ecological, green, better for the planet the guideline provides that to clarify the scope and meaning of these claims there should be a reference in the product packaging enabling the claim to be put in perspective to show that it relates to a reduction in the product's environmental impact rather than the product being neutral or beneficial for the environment.</p> <p>A claim concerning a business must not be used if the latter's environmental approach has no impact on the product manufacturing process (e.g. if it only applies to management work at the business/s head office)</p> <p>Concerning 'offsets' claims the guideline provides that they must not lead consumers to believe that the product has certain environmental qualities or that its entire environmental impact has been offset, as this is not usually the case, since offsetting often covers only one aspect, such as the greenhouse effect, which is either wholly or partly offset.</p> <p>With regard to claims on the use of regulatory requirements they may mislead consumers into thinking that a product has attributes that are different from those of similar products</p> <p>Relating to the free claim the guideline stresses</p>

		<p>that it must not be used If the substance concerned is no longer used or has never been used in the relevant product family by any business or if regulations prohibit the substance concerned for the relevant product family.</p> <p>The guideline mentions that the claim recyclable can only be used if the materials must actually be recyclable through collection schemes in France.</p> <p>The guideline highlights that the claim 'use of renewable energy' must be clear enough for the consumer to understand that it refers to the energy used to manufacture the product. This clarification is necessary to prevent a consumer from believing that the claim relates to the energy required to use the product</p> <p>Consistency with UCPD Guidance:</p> <p>The guideline does not refer to subjective misleading but provide several examples of subjective misleading claims and ways to avoid them.</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>An environment claim must be based on scientific evidence or recognised methods.</p> <p>Consistency with UCPD Guidance:</p> <p>The guideline is in line with the UCPD guidance.</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover 	<p>An environmental claim must be clear and accurate in order not to mislead consumers or sow doubt in their minds.</p> <p>The guideline applies this rule to specific claims. For example for claims concerning business the guideline mentions that a claim concerning a business must be particularly clear and accurate in order not to mislead consumers into believing that the product has certain inherent qualities. Clear and accurate are then further defined:</p> <p>Clear: The business must indicate its most important environmental activities on the product packaging, supplementing this explanation, if necessary, by any other appropriate method (website).</p> <p>Accurate: The activity concerned must be clearly identified (extraction of raw materials, processing, transport, etc.), otherwise the claim is taken to cover all the business's activities.</p> <p>Consistency with UCPD Guidance</p> <p>The guideline is in line with the UCPD guidance</p>

	the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers;	
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	The guideline refers to a list of 22 unfair practices under Article L-121-1-1 of the Code of consumers that transposes the relevant Annex I prohibited practice in UCPD mentioned in the left column.

1.9.2.2 The Sustainable Recommendations prepared by the Regulation Authority of advertising professionals

The Regulation Authority of advertising professionals adopted in June 2009 new rules of advertisement deontology related to sustainable development. They replace three previous texts 'ecological arguments', 'sustainable development', and vehicles in 'natural spaces'. These recommendations were inspired by the Norm ISO 14021 and the Code of the International Chamber of Commerce. This recommendation is structured in nine chapters:

- Truthfulness of actions
- Proportionality of messages
- Clarity of messages
- Loyalty
- Sign labels logos symbols, auto-declaration
- Vocabulary
- Visual and sound presentation
- Complex references
- Social and ecological responsibility

The Sustainable Recommendations prepared by the Regulation Authority of advertising professionals	
1. publication details	
Year of issuance	2009
Length	Five pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Regulation Authority of advertising professionals (autorité de regulation du développement durable)
General or sectorial guidelines	General guidelines
2. Information on coverage of guidelines	

	Target group	Advertisers
	Aim	<p>The objective of these recommendations are to guide advertisers:</p> <p>To present accurately their significant actions or the properties of their product relating to sustainable development</p> <p>No to convey messages against the sustainable development principles as defined by the National strategy on sustainable development</p>
	Definition of the term: "environmental claims"	<p>The recommendations define what an 'ecological argument' is:</p> <p>Any claims , indications or presentations in any form whatsoever, used as an accessory or principally establishing a link between brands, products, services or actions of an advertiser and the protection of the environment.</p>
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	No
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	<p>The recommendation applies to advertisements that use:</p> <ul style="list-style-type: none"> ▪ An argument with reference to sustainable development ▪ An ecological argument to refers or no to the concept of sustainable development ▪ A social or economic argument linked to the concept of sustainable development ▪ Elements not compatible to the sustainable development objectives even though without making reference.
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All product groups through advertising
	<p>Legal basis and references to other legislative provisions standards or labels</p> <p>Referral to authorities and a priori clearance, binding force, sanctions</p>	The recommendations refer to Article 22 of the fair advertisement practices of the Code of the International Chamber.
	<p>Applicable to the following forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All types of advertising

3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	No
	Are there any terms for which certain conditions are set?	<p>Yes</p> <p>The terms and wording used in a definition set by a norm/legal requirement must be employed in a similar way that corresponds to this definition.</p> <p>In case it is impossible to justify general terms (green, ecological responsible, sustainable) the advertisement must use the wording 'contribute to' to relativise such terms.</p> <p>Technical, legal or scientific vocabulary can be used if it is appropriate and understandable for the recipients of advertisements.</p>
	Recommendations on documentation, calculation, testing methods, evidence and access to data	For any message based on a scientific claim, advertisers must be able to present the origin of the scientific results and the methodology used for the calculation. Advertising cannot be supported by scientific conclusions that are not in conformity with recognised scientific studies.
	Examples provided of good practices and poor practices	No
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice:</p> <p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that</p>	<p>The first recommendation is entitled 'the truthfulness of actions'</p> <p>It suggests that advertising should not mislead the public about the reality of its actions and the characteristics of its products related to the concept of sustainable development.</p> <p>The advertising cannot express an overall promise for sustainable development if the commitment does not cover cumulatively the three pillars of sustainable development.</p> <p>Consistency with UCPD Guidance:</p> <p>The recommendations are in line with the UCP guidance</p>

	<p>any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	
	<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>The recommendations provides several types of subjective misleading practices:</p> <p>Proportionality of messages:</p> <p>The advertising message must be proportionate to the actions carried out by the advertisers on sustainable development</p> <p>The advertising message should not unduly suggest a total lack of negative impacts</p> <p>The presentation of actions, products at an experimental stage of project (prototype, research and investment must clearly be presented as such and not be exaggerated</p> <p>Loyalty of messages:</p> <p>An advertiser cannot claim some actions that must be taken by all pursuant to the regulation</p> <p>The advertisement cannot establish an abusive link between the general action of the advertiser on sustainable development and the characteristics of the product.</p> <p>An environmental claim should not highlight the absence of a component/ingredient/features or impact that does not concern the product type or the activity presented in the advertisement</p> <p>A negative impact reduction should not be represented as a direct 'reconstitution of natural ecosystems</p> <p>Vocabulary</p> <p>Terms used should not mislead the public about the nature and characteristics of products or the actions of advertisers</p> <p>Terms and wording used in a definition set by a norm/legal requirement must be employed in a similar way that corresponds to this definition.</p> <p>The words, expressions or prefixes used must not unduly reflect a lack of negative impact of the</p>

		<p>product or the activity of the advertiser.</p> <p>Technical, legal or scientific vocabulary can be used if it is appropriate and understandable for the recipients of advertisements.</p> <p>Visual or sound presentations</p> <p>visual or audio elements must be used proportionately to the ecological argument and evidence that support them.</p> <p>Without excluding their use, natural elements or evoking the nature must not mislead on the environmental property of the product or the actions of the advertiser.</p> <p>Complex mechanisms where sustainable development benefit is indirect (e.g. offset, green electricity certificates)</p> <p>Where the advertising refers to such mechanism, it must not mislead the public on its real scope and functioning</p> <p>Where the advertising uses simplified methods to explain such mechanisms it must provide clear and 'loyal' explanations.</p> <p>The benefits of these mechanisms that compensate indirectly a negative impact of a product or an activity should not be attributed directly to the product or activity.</p> <p>Consistency with UCPD Guidance:</p> <p>The recommendations are in line with the UCP guidance</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>For any message based on a scientific claim, advertisers must be able to present the origin of the scientific results and the methodology used for the calculation. Advertising cannot be supported by scientific conclusions that are not in conformity with recognised scientific studies.</p> <p>The advertiser must be able to justify the arguments on sustainable development with serious objective and verifiable elements at the time of the advertisement.</p> <p>Every advertising supported by scientific evidence must indicate the source of the scientific study</p> <p>Every argument on reduction of impacts and increase of efficiency must be precise and</p>

		<p>accompanied by figure and must indicate the benchmark for comparison.</p> <p>Consistency with UCPD Guidance:</p> <p>The recommendations are in line with the UCP guidance</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>The recommendation have one specific section on clarity:</p> <p>Advertisers must indicate in the advertising why their activities or products possess the claimed qualities</p> <p>If the claim is only valid in a particular context, such context must then be clearly presented.</p> <p>Where a clarification is needed, it must be clear, readable and audible</p> <p>Consistency with UCPD Guidance:</p> <p>The recommendations are in line with the UCP guidance</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>The recommendations refers to some of the Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ Signs or symbols may be used if their origin is clearly indicated and if there is no confusion as to their meaning. ▪ These signs should not be used to suggest official endorsement or a certification by a third party where it is unfunded.

1.9.2.3 Guide anti-greenwashing

This guide was published in 2012 by the French Environment and Energy Management Agency (ADEME). It is intended for advertisers and advertising agencies. It explains the main features of 'greenwashing' and provides some suggestions on the different steps to follow to avoid it.

The practical guide to environmental claims for traders and consumers	
publication details	
Year of issuance	2012
Length	29 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	ADEME (French Environment and Energy Management Agency)
General or sectorial guidelines	General
Information on coverage of guidelines	
Target group	Advertisers and advertising agencies
Aim	The aim of this guide is to help advertisers to understand the main features of greenwashing, to know what steps to follow in order to avoid 'greenwashing'
Definition of the term: "environmental claims"	Any claim in which references are made explicitly or implicitly to environmental or ecological aspects relating to the production, packaging, distribution, use/consumption or disposal of products
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<p>Definition of greenwashing:</p> <p>The use of ecological argument even though the positive environmental impact of the product is minimal or non-existent.</p> <p>The use of the claim 'sustainable development' ...whereas the implementation of sustainable development measured initiated by the company is almost non-existent or very limited and not spread over all employees</p> <p>In short, it is a message that misleads consumers on the actual ecological characteristics of the product and the reality of the sustainable development approach</p>
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	All
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All
Legal basis and references to other legislative provisions	Reference to the French Consumer Code: L 121-1, 8, 9,

standards or labels Referral to authorities and a priori clearance, binding force, sanctions	
Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All of them
Recommendations from guidelines	
Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	No
Are there any terms for which certain conditions are set?	No
Recommendations on documentation, calculation, testing methods, evidence and access to data	No
Examples provided of good practices and poor practices	No
Consistency check criteria based on UCPD Guidance	
Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified	The guidelines set nine principles to identify where an environmental claim is misleading: The first one is total false information: There is no positive environmental impact in the product or services The claim is based on false information.

by the competent authorities.	
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees)as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>The guidelines set nine principles to identify when an environmental claim is misleading:</p> <p>The second one is a disproportionate claim:</p> <p>The product or service as a positive environmental impact but this does not make it harmless or really beneficial for the environment, however the claim suggests a superior positive environmental impact compared to the reality. .</p> <p>The third one is: A too suggestive image</p> <p>The image or visual support suggests that:</p> <p>The product or service has more beneficial environmental impacts than it really has</p> <p>The seventh one is: highlighted action irrelevant to the product</p> <p>The environmental claim of a product or service focuses on a specific environmental action of the company that has no link with the product or service.</p> <p>The ninth one is: A fake exclusivity</p> <p>The environmental benefit is promoted as exclusive while it is a general legal requirement that applies to all similar products.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>The guidelines sets nine principles to identify when an environmental claim is misleading:</p> <p>The eighth one refers to non-existing proves</p> <p>It is impossible to obtain proves from the companies or on its website.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be</p>	<p>The guidelines set nine principles to identify when an environmental claim is misleading:</p> <p>The third one is 'vague terms'</p> <p>The vocabulary is imprecise and too general and not defined in the claim</p> <p>The fourth one is insufficient information</p> <p>The product or service may have a beneficial impact on the environment but it is difficult to</p>

<p>clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>understand why and how and where further information is available.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>The guidelines set nine principles to identify when an environmental claim is misleading:</p> <p>The sixth one is a fake label</p> <p>For example a label created without a certification system or control from an independent organism.</p>

1.9.3 Sectorial guidelines

1.9.3.1 Environmental claims on product packaging: French Packaging Council, views and Recommendations.

These recommendations were published in 2012 by the French Packaging Council, a non-profit organisation founded in 1997, who is an exchange platform and a forum for dialogue between the various players of the packaging industry: packaging materials manufacturers, packaging manufacturers (converters), producers of consumer goods, distributors, approved collection and recovery systems and operators, local authorities as well as consumer and environmental organisations.¹⁸

Through the publication of these recommendations the French Packaging Council wanted to provide all economic players operating in the French market and taking part in the packaging value chain, a framework for the drafting of environmental claims, regarding either industrial or household packaging. The latter should be:

- in compliance with best practice regulations, standards, guides and charters;
- fair, i.e. accurate, objective and thorough;
- understandable for the consumer;
- relevant, coherent and proportionate.

¹⁸ Information retrieved from the French Council Packaging website available at: <http://www.conseil-emballage.org/Missions.aspx>.

Environmental claims on product packaging:	
1. publication details	
Year of issuance	2012
Length	26 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	French Packaging Council
General or sectorial guidelines	Sectorial guidelines
2. Information on coverage of guidelines	
Target group	All economic players operating on French market and taking part in the packaging value chain
Aim	to provide all economic players operating on French market and taking part in the packaging value chain, a framework for the drafting environmental claims, regarding either industrial or household packaging. The latter should be: <ul style="list-style-type: none"> ▪ in compliance with best practice regulations, standards, guides and charters; ▪ fair (accurate, objective and thorough); ▪ understandable for the consumer; ▪ relevant, coherent and proportionate.
Definition of the term: "environmental claims"	Environmental claim is a term, either quantitative or qualitative, used to highlight a product's quality in terms of environmental protection. Numerous formats are suitable for these claims: the packaging of the product itself and/or every other kind of media (internet, press, television, etc.). Some registered trademarks and elements such as pictograms, logos, etc. can be considered as environmental claims as well.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Packaging of all type of products
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a	Reference to Law n°2009-967 of August 3, 2009 that says that ' <i>consumers should be able to access accurate, comprehensive and objective environmental information regarding the global</i>

	priori clearance, binding force, sanctions	<i>characteristics of the product/packaging couple</i>
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	On-product
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	<p>To proscribe the expressions 'eco-design' and 'eco-designed' when the creation or optimization action carried out merely complies with the legislation requirements.</p> <p>Not to use the expression '100% eco-designed' as the list of environmental impacts is not exhaustive.</p> <p>The recommendations refer to the norm NF EN ISO 14021:</p> <p><i>'Environmental declarations that are vague or inaccurate or that generally imply that a product is beneficial or harmless from an environmental point of view should be avoided. Therefore, environmental declarations such as "environmentally-friendly", "respectful of the environment", "respectful of the planet", "non-polluting", "green", etc. must not be used.'</i></p>
	Are there any terms for which certain conditions are set?	<p>Renewable material:</p> <p>To specify:</p> <p>The component of packaging concerned by the use of a renewable resource,</p> <p>The nature of the renewable material,</p> <p>The percentage of renewable material</p> <p>The term recycled content:</p> <p>To specify the nature and the proportion of recycled material, and to indicate clearly if the information concerns the packaging or the product</p> <p>Absence of substance X:</p> <p>They must be relevant, robust and unambiguous.</p> <p>The eventual benefits for environment and/or for</p>

		<p>health should be proven true and significant</p> <p>Recyclable:</p> <p>Do not use the concept of percentage (e.g. 100%) affixed to the notion of 'recyclable'; a product either is recyclable, or is not.</p> <p>When using the Mobius loop icon, the NF EN 14021 standard must be respected and a text explaining its signification to the consumer or to the user (in particular the existence of an end-of-life facilities for the packaging).</p> <p>Degradable:</p> <p>To prohibit the use of the claim "degradable" with no other precisions, as it is too vague, counter-productive and unsupported.</p> <p>To use the claim 'biodegradable' to describe a packaging only if:</p> <ul style="list-style-type: none"> ○ The standard NF EN 13432 is respected, ○ A chain and appropriate treatment facilities exist, ○ The mention "do not dispose of it improperly" is clearly indicated on communication spaces. <p>To prohibit any reference to the notion of 100%.</p> <p>To provide information on the conditions under which the products are biodegradable or compostable, to help the consumer after use.</p>
	<p>Recommendations on documentation, calculation, testing methods, evidence and access to data</p>	<p>Resources used to produce packaging (e.g. renewable material)</p> <p>the percentage should conform the following rules:</p> <p>It should be justified by mentioning the measure method used</p> <p>Calculated and released by the company under its sole responsibility</p> <p>The method of calculation should be readily available to all consumers</p> <p>The percentage should be significant, higher than the uncertainties usually encountered for</p>

		<p>the given data</p> <p>To prefer the wording ` contains at least xx% plant material</p> <p>Biodegradable</p> <p>To provide information on the conditions under which the products are biodegradable or compostable, to help the consumer after use</p> <p>General claims</p> <p>Explanations concerning the main environmental features with any other appropriate means (web site).</p>
	<p>Examples provided of good practices and poor practices</p>	<p>Packaging conception</p> <p><i>Good practices</i></p> <p>Less x tons of packaging per year</p> <p>Concentrated product: less x% of packaging material</p> <p><i>Poor practices</i></p> <p>New eco-designed packaging (by weight reduction)</p> <p>100% eco-designed products</p> <p>Eco-designed packaging: x trees saved each year</p> <p>Material substitution for a given packaging</p> <p><i>Good practices</i></p> <p>More environmentally friendly packaging (- 50% of material "x")</p> <p>My material: a particularly environmentally friendly packaging</p> <p><i>Poor practices</i></p> <p>More environmentally friendly packaging (- 50% of material "x")</p> <p>My material: a particularly environmentally friendly packaging</p> <p>Resources used to produce packaging</p> <p><i>Good practices</i></p> <p>By using FSC-certified cardboard, the brand X supports sustainable forest management</p> <p><i>Poor practices</i></p> <p>`plant bottle`</p> <p>Contains up to 30% plant material</p>

		<p>Recycled content</p> <p><i>Good practices</i></p> <p>The packaging tray contains at least x% of recycled materials</p> <p>Bottle made of at least 25% recycled plastic material</p> <p><i>Poor practices</i></p> <p>Packaging made from recycled plastic material</p> <p>Information to the end user, to the consumer</p> <p><i>Poor practices</i></p> <p>Packaging X: made from an eco-material</p> <p>The ecological revolution</p> <p>100% environmentally friendly</p> <p>Leading packaging in sustainable development</p> <p>Packaging Y = Responsible planet</p> <p>Packaging end of life</p> <p><i>Good practices</i></p> <p><i>This bottle, made of PET material, is actually recyclable as described in the NF EN ISO 14021 standard.</i></p> <p><i>Poor practices</i></p> <p>100 % recyclable</p> <p>Bag made of fully recyclable material (PEBD)</p> <p>Degradability</p> <p><i>Good practices</i></p> <p>Biodegradable packaging in accordance with the NF EN 13432 standard</p> <p><i>Poor practices</i></p> <p><i>100% degradable bag</i></p> <p><i>Packaging in biodegradable material</i></p>
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice:</p> <p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list</p>	<p>Packaging conception:</p> <p>Not to use the expression '100% eco-designed' as the list of environmental impacts is not exhaustive.</p> <p>Material substitution for a given packaging</p> <p>All communication that only relates to a lightening of the packaging should be done on the basis of a same material. The weight</p>

<p>provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>reduction achieved on a packaging by using different materials does not prejudice in any way the ecological relevance of this action.</p> <p>Origin of the resources</p> <p>To specify (for the renewable materials used to make the plastics):</p> <p>The component of packaging concerned by the use of a renewable resource,</p> <p>The nature of the renewable material,</p> <p>The percentage of renewable material,</p> <p>The percentage should conform to the following rules:</p> <ul style="list-style-type: none"> ○ It should be justified by mentioning the measure method used, ○ It is calculated and released by the company under its sole responsibility, ○ The method of calculation should be readily available to all consumers, ○ The percentage should be significant, i.e. higher than the uncertainties usually encountered for the given data. For example, if the degree of uncertainty is +/- 10%, a rate of 5% will not be significant, whereas a rate of 15% will. <p>Recyclable:</p> <p>Do not use the concept of percentage (e.g. 100%) affixed to the notion of 'recyclable'; a product either is recyclable, or is not.</p> <p>Recycled content:</p> <p>To specify the nature and the proportion of recycled material, and to indicate clearly if the information concerns the packaging or the product.</p> <p>Absence of substance X ('x free')</p> <p>The eventual benefits for environment and/or for health should be proven true and significant</p> <p>General claims:</p> <p>Explanations concerning the main environmental</p>
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		<p>features with any other appropriate means (web site).</p> <p>Biodegradable</p> <p>To provide information on the conditions under which the products are biodegradable or compostable, to help the consumer after use.</p>
	<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees)as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>Eco-design/prevention by source reduction</p> <p>To proscribe the expressions 'eco-design' and 'eco-designed' when the creation or optimization action carried out merely complies with the legislation requirements</p> <p>To avoid using images depicting the impacts, such as: trees, trucks, and so on.</p> <p>For all prevention by source reduction claims, to ensure that:</p> <p>the consumer can understand the reach of the message.</p> <p>General claim:</p> <p>A proportionate statement to relativise the claim</p> <p>Symbols, labels, pictograms, logos</p> <p>The logos, pictograms and private self-reported signs, even if they are registered trademarks, should avoid any resemblance to certified independent third-party signs</p> <p>The logos, pictograms, and private self-reported signs must not cause confusion among consumers regarding the environmental virtues of the packaging simply because they are displayed near the logos of institutional entities acting for sustainable development</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>All environmental claims should be based on insightful information and the environmental benefits should be objectively proven.</p> <p>Origin of the resources</p>

		<p>Percentage of renewable resources should conform to the following rules:</p> <p>It should be justified by mentioning the measure method used,</p> <p>It is calculated and released by the company under its sole responsibility,</p> <p>The method of calculation should be readily available to all consumers,</p> <p>The percentage should be significant, i.e. higher than the uncertainties usually encountered for the given data. For example, if the degree of uncertainty is +/- 10%, a rate of 5% will not be significant, whereas a rate of 15% will.</p> <p>Absence of substance X</p> <p>The eventual benefits for environment and/or for health should be proven true and significant.</p> <p>General claim</p> <p>Explanations concerning the main environmental features with any other appropriate means (web site).</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics 	<p>All environmental claims should be accurate,</p> <p>Origin of the resources</p> <p>To specify (for the renewable materials used to make the plastics):</p> <p>The component of packaging concerned by the use of a renewable resource,</p> <p>The nature of the renewable material,</p> <p>The percentage of renewable material</p> <p>Recycled content</p> <p>As the themes "recycled content" and "recyclable" (see page 21) can be confusing for consumers, it is recommended to be as explicit as possible. If the company wished to communicate on both matters, the CNE recommends separating clearly both pieces of information</p> <p>If using the Möbius loop symbol, it is recommended that it have to be accompanied by a statement explaining its meaning to consumers/users.</p> <p>To specify the nature and the proportion of recycled material, and to indicate clearly if the</p>

	the claim exactly covers;	<p>information concerns the packaging or the product.</p> <p>Absence of substance X ('x free')</p> <p>CNE recommends great caution in the use of such claims: they must be relevant, robust and unambiguous.</p> <p>Degradability</p> <p>To prohibit the use of the claim "degradable" with no other precisions, as it is too vague, counter-productive and unsupported</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>The logos, pictograms and private self-reported signs, even if they are registered trademarks, should avoid any resemblance to certified independent third-party signs.</p> <p>The logos, pictograms, and private self-reported signs must not cause confusion among consumers regarding the environmental virtues of the packaging simply because they are displayed near the logos of institutional entities acting for sustainable development.</p>

1.9.4 Summary

Several guidelines were produced in France that define and set recommendations on how environmental claims should be designed or drafted to not mislead consumers and to comply with the Law. The guidelines identified in France do not explicitly refer to the UCPD guidance document prepared by the Commission but they contain, more or less, the same criteria to assess whether or not an environmental claim is misleading. The following paragraphs describe how the UCPD requirements are interpreted and covered in France.

- *Objective misleading practice*

According to the different guidelines, an environmental claim must aim to provide fair information on the environmental attributes of the product or service. It must not be based on false information. The guidelines on environmental claims on product packaging provide more specific cases of 'objective misleading' for these types of products. For example, it stresses that the concept of percentage cannot be affixed to the notion of recyclable.

- *Subjective misleading practice*

The guidelines do not expressly refer to the expression 'subjective misleading' but provide several examples and interpretations of this practice depending on the different types of environmental claims.

- *No direct link between the environmental benefits of products and the claim*

The claim made must not suggest that the product has other ecological qualities if this is not the case. For example, a product which allows a consumer to make savings and thus helps to reduce pressure on natural resources does not necessarily have any inherent ecological qualities, e.g. a tap which reduces the rate of water flow may not – regarding regards its composition and method of manufacture, have any other environmental qualities by comparison with conventional taps.

A claim concerning a business must not be used if the latter's environmental approach has no impact on the product manufacturing process, e.g. if it only applies to management work at the business/s head office. Similarly, the advertisement cannot establish an abusive link between the general action of the advertiser on sustainable development and the characteristics of the product.

An environmental claim should not highlight the absence of a component/ingredient/feature or impact that does not concern the product type or the activity presented in the advertisement.

- *Proportionality between the claim and environmental benefits*

The advertising message must be proportionate to the actions carried out by the advertisers on sustainable development. The advertising message should not unduly suggest a total lack of negative impacts. The presentation of actions, products at an experimental stage, i.e. prototypes, research and development must clearly be presented as such and not be exaggerated.

With regard to claims such as 'ecological', 'green', 'better for the planet', one of the guidelines provides that to clarify the scope and meaning of these claims there should be a reference in the product packaging enabling the claim to be put in perspective to show that it relates to a reduction in the product's environmental impact rather than the product being neutral or beneficial for the environment.

Claims concerning products or services that have a positive environmental impact but are not harmless or really beneficial for the environment, should not suggest a superior positive environmental impact compared to the reality.

- *Visual presentation*

Visual or audio elements must be used proportionately to the ecological argument and evidence that support them. Without excluding their use, natural elements or related to nature must not mislead on the environmental property of the product or the actions of the advertiser. The image or visual support should not suggest that the product or service has more beneficial environmental impacts than it really has.

- *Use of vocabulary*

Terms used should not mislead the public about the nature and characteristics of products or the actions of advertisers. Terms and wording used in a definition set by a norm/legal requirement must be employed in a similar way that corresponds to this definition.

The words, expressions or prefixes used must not unduly reflect a lack of negative impact of the product or the activity of the advertiser. Technical, legal or scientific vocabulary can be used if it is appropriate and understandable for the recipients of advertisements.

- *Subjective misleading concerning specific claims*

'Offset' claims must not lead consumers to believe that the product has certain environmental qualities or that its entire environmental impact has been offset, as this is not usually the case, since offsetting often covers only one aspect, such as the greenhouse effect, which is either wholly or partly offset. Where advertising uses simplified methods to explain such mechanisms, it provides more clear and 'loyal' explanations. The benefits of the mechanisms that compensate indirectly to a negative impact of a product or an activity should not be attributed directly to the product or activity.

Claims on the use of regulatory requirements may mislead consumers into thinking that a product has attributes that are different from those of similar products. An advertiser cannot claim some actions that must be taken by all pursuant to the law. The expressions 'eco-design' and 'eco-designed' must be prescribed when the creation or optimisation action carried out merely complies with the legislation requirements.

'Free' claims must not be used if the substance concerned is no longer used or has never been used in the relevant product family by any business or if regulations prohibit the substance concerned for the relevant product family.

The 'recyclable' claim can only be used if the materials must actually be recyclable through collection schemes.

The claim 'use of renewable energy' must be clear enough for the consumer to understand that it refers to the energy used to manufacture the product. This clarification is necessary to prevent a consumer from believing that the claim relates to the energy required to use the product

- *Scientific evidence*

All guidelines recommend that an environmental claim must be based on scientific evidence or recognised methods. The recommendations on Sustainable Recommendations prepared by the Regulation Authority of advertising professionals underline that for any message based on a scientific claim, advertisers must be able to present the origin of the scientific results and the methodology used for the calculation. Advertising cannot be supported by scientific conclusions that are not in conformity with recognised scientific studies. The advertiser must be able to justify the arguments on sustainable development with serious objective and verifiable elements at the time of the advertisement. Finally, it suggests that every advert supported by scientific evidence must indicate the source of the scientific study.

The environmental claims on product packaging provide examples of the application of the scientific evidence criterion for specific claims:

Origin of the resources

The percentage of renewable resources should conform to the following rules:

- It should be justified by mentioning the measure method used.
- It is calculated and released by the company under its sole responsibility.
- The method of calculation should be readily available to all consumers.
- The percentage should be significant, i.e. higher than the uncertainties usually encountered for the given data. For example, if the degree of uncertainty is +/- 10%, a rate of 5% will not be significant, whereas a rate of 15% will.

Absence of substance X

The eventual benefits for the environment and/or for health should be proven true and significant.

General claim

Explanations should be provided concerning the main environmental features with any other appropriate means, e.g. web site.

- *Clarity and accuracy of the claims*

All guidelines recommend that an environmental claim must be clear and accurate in order not to mislead consumers or sow doubt in their minds. The recommendations on Sustainable Recommendations prepared by the Regulation Authority of advertising professionals mention that if the claim is only valid in a specific context, such context must then be clearly presented and where a clarification is needed, it must be clear readable and audible. The guidelines on claims for packaging products set examples of the application of these criteria to specific claims:

Origin of the resources

- to specify the origin of the renewable materials used to make the plastics;
- the component of packaging concerned by the use of a renewable resource;
- the nature of the renewable material;
- the percentage of renewable material.

Recycled content

As the themes 'recycled content' and 'recyclable' can be confusing for consumers, it is recommended to be as explicit as possible. If the company wished to communicate on both matters, the guidelines recommend clearly separating both pieces of information.

If using the Möbius loop symbol, it is recommended that it has to be accompanied by a statement explaining its meaning to consumers/users, to specify the nature and the proportion of recycled material, and to indicate clearly if the information concerns the packaging or the product.

Absence of substance X, e.g. x-free

CNE recommends great caution in the use of such claims: they must be relevant, robust and unambiguous.

Degradability

To prohibit the use of the claim 'degradable' with no other precisions, as it is too vague, and unsupported.

- Reference to relevant Annex 1 prohibited practices in UCPD.

The practical guide to environmental claims for traders and consumers guideline refers to a list of 22 unfair practices under Article L-121-1-1 of the Code of consumers that transposes the relevant Annex I prohibited practice in UCPD mentioned in the left column.

The other guidelines refer to these prohibited practices that are equivalent to the ones in Annex 1 to the UCPD:

- Signs or symbols may be used if their origin is clearly indicated and if there is no confusion as to their meaning.
- Signs should not be used to suggest official endorsement or a certification by a third party where it is unfunded.
- A label created without a certification system or control from an independent organism.
- The logos, pictograms and private self-reported signs, even if they are registered trademarks, should avoid any resemblance to certified independent third-party signs.
- The logos, pictograms, and private self-reported signs must not cause confusion among consumers regarding the environmental virtues of the packaging simply because they are displayed near the logos of institutional entities acting for sustainable development.

1.10 Greece

1.10.1 Overview

In Greece, Law 2863/2000 'National Council For Radio And Television And Relevant Authorities And Instruments of The Radio And Television Services Provision Sector' (Gazette A' 262/29.11.2000), states in Article 9 that licence holders of radio and TV stations, as well as the Association of advertising agencies (*Ένωση Εταιριών Διαφήμισης & Επικοινωνίας Ελλάδος - ΕΔΕΕ-ΕΔΕΕ*)¹⁹, the Hellenic advertisers Association (*Σύνδεσμος Διαφημιζομένων Ελλάδος - ΣΔΕ- SDE*)²⁰ and any other organisation representing advertisers and advertising agencies, are entitled to jointly draft a Code of Conduct concerning the content and way of presenting and promoting advertising messages.

This provision empowers, in particular, the EDEE, the SDE and any other organisation representing advertisers, to establish a non-profit company with the aim of checking the content of advertising messages transmitted by electronic mass media, according to existing legislation and the abovementioned Code of Conduct.

Based on this, the EDEE and the SDE issued the '*Greek Code for Advertising and Communication*' (*Ελληνικός Κώδικας Διαφήμισης - Επικοινωνίας*)²¹ and established the Communication Control Council (*Συμβούλιο Ελέγχου Επικοινωνίας - ΣΕΕ - SEE*)²², a self-control/regulation institution that performs the scrutiny procedure of the advertising messages before their transmission and, after that, if a member so requires.

The SEE collaborates with the General Secretariat of Consumer Affairs (*Γενική Γραμματεία Καταναλωτή*)²³ and the National Council for Radio and Television (*Εθνικό Συμβούλιο Ραδιοτηλεόρασης - ΕΣΡ-ESR*)²⁴. It should be noted that the National Council for Radio and Television performs independently its control and sanction powers.

The '*Greek Code for Advertising and Communication*' constitutes a guideline document within the context of this study; it includes a general provision on '*Environmental Behavior*' (Article 22), a separate, specific Chapter on '*Environmental Claims in Marketing Communications*' (Chapter E) and an Annex entitled '*Ecology and Environment*'.

The specific Chapter aims at facilitating the proper use of self-declared claims. It does not explicitly refer to the UCPD guidance document prepared by the European Commission. Rather, it refers to and incorporates the International Standard ISO 1420. The guidance provides definitions, lays down the rules concerning honest and true presentation, the use of scientific research findings, comparative claims, the circle of product life, labels and symbols, waste management. The end of Chapter E includes guidelines for the use of specific environmental claims that are widely and frequently used in marketing communications. Chapter E should be read, interpreted and implemented in conjunction with the general provisions of the Code. The Annex incorporates a text adopted by the annual General Assembly of the EDEE, in 1994, before the scheme obtained its present form pursuant Law 2863/2000.

The content and structure of the Code were based on the *Consolidated ICC Code of Advertising & Marketing Communication Practice* and applies to all advertisements, for

¹⁹ <http://www.edee.gr/>

²⁰ <http://www.sde.gr/>

²¹ http://www.see.gr/index.php?option=com_content&view=article&id=20&Itemid=13

²² <http://www.see.gr/index.php>

²³ <http://www.efpolis.gr/>

²⁴ http://www.esr.gr/arxeion-xml/pages/esr/esrSite/view?section=1a6156445e291e7983571826e98263e5&categ=f1e4bb6d5e351e7983571826e98263e5&last_clicked_id=link1

all kinds of products and services, to all means of commercial and social communication, and the whole range of advertising messages – spoken or written words, numbers, visuals, music, and sounds.

In Greece one guideline is available, one general and no sectorial.

1.10.2 General guidelines

1.10.2.1 The Greek Code for Advertising and Communication

The document 'Greek Code for Advertising and Communication' created by the EDEE and the SDE – the Greek Association of advertising agencies and the Hellenic advertisers Association, in 2000, covers requirements set up according to ISO 14021 (environmental labels and declarations - self-declared environmental claims). The SEE, is the competent body for implementing the Code. Membership in the SEE is not imposed by law, but the majority of television, radio, advertising and producer stakeholders are members:

http://www.see.gr/index.php?option=com_content&view=article&id=20&Itemid=13

(Greek only)

ΕΛΛΗΝΙΚΟΣ ΚΩΔΙΚΑΣ ΔΙΑΦΗΜΙΣΗΣ – ΕΠΙΚΟΙΝΩΝΙΑΣ (Greek Code for Advertising and Communication)	
1. publication details	
Year of issuance	2000 (current, updated version since 2007)
Length	51 pages (from which 1 article, a 7 page specific Chapter and a 2 page Annex are devoted to environmental marketing and claims)
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Sectorial business associations: EDEE and SDE (and possibly other organisation representing advertisers and advertising agencies)
General or sectorial guidelines	General guidance for advertisers
2. Information on coverage of guidelines	
Target group	All advertisers.
Aim	Social responsibility, proper function of the advertising market, confidence of the public in advertisement, freedom of expression, flexible and effective solutions to potential disputes, minimizing the need for legislative provisions and state intervention.
Definition of the term: "environmental claims"	The Code applies to every kind of marketing communications that entail environmental claims. The latter are defined as any claim that includes an explicit or implied reference to environmental or ecological matters relevant to the production, packaging, distribution, use/consumption or discard of products.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	Claims: <ul style="list-style-type: none"> ▪ Compostable ▪ Degradable

		<ul style="list-style-type: none"> ▪ Designed for disassembly ▪ Extended life product ▪ Recovered energy ▪ Recyclable ▪ Recycled content ▪ Recycled material ▪ Recovered material ▪ Reduced energy consumption ▪ Reduced water consumption ▪ Reduced resource use ▪ Reusable and refillable ▪ Waste reduction <p>Other terms: The guidance also contains a glossary defining some other terms used.</p>
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims, that refer to the consequences on the environment.
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Not limited.
	<p>Legal basis and references to other legislative provisions standards or labels</p> <p>Referral to authorities and a priori clearance, binding force, sanctions</p>	<p>Chapter E on '<i>Environmental Claims in Marketing Communications</i>' is based on ISO 14021 A priori clearance is available through SEE who checks conformity with the Code, posts the relevant decisions on its webpage and notifies SDE, EDEE, the National Council for Radio and Television and the General Secretariat of Consumer Affairs.</p> <p>Article 9 of Law 2863/2000 that is the legal basis providing for the establishment of SEE and the Code of Conduct, states that the National Council for Radio and Television performs independently its control and sanction powers.</p> <p>Guidelines are not binding. Article 23 of the Code states that the responsibility of compliance falls onto the advertisers whose products are being advertised, the advertising companies, the publishers, the owners of media.</p> <p>However, according to the Rules of Procedure of</p>

		the First Instance Committee of SEE ²⁵ , the decisions of SEE on the compatibility of advertisements with the Code, are directly enforceable. In case of non-compliance SEE sends an informative document to all mass media and advertisement media (i.e. cinema, outdoors advertisement) requesting the immediate seizure of the advertisement. In cases of a posteriori checks, a financial obligation is imposed to the advertiser in question.
	<p>Applicable to the following forms of claims :</p> <ul style="list-style-type: none"> ▪ terms images colour sound On-product / advertising 	All types of environmental claims, communicated in all means including signs, extra material in packaging, promotional material, sales-point material, information material on the product, including telephone, digital or electronic means (e-mails and internet); specific guidance with respect to graphic symbols, comparative claims and specific claims (as listed above).
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	<p>Any declaration or visual presentation that could be misleading should be avoided.</p> <p>Commercial communications shall not refer to the performance as a whole for an entire company, group or industry sector.</p> <p>Environmental claims shall be associated to a specific product, relating to existing characteristics Vague expressions, statements or absolute slogans, such as 'green' or 'environment friendly' or 'ecologically safe' etc. that are general and where no specific impact on the environment can be determined from them should be avoided. Declarations on the absence of a substance such as 'free from x' should be used only if the level of the specific substance does not exceed certain minimal limits.</p> <p>Any terms or declarations that may be misleading, unless specified and clarified, should be avoided.</p> <p>Any declarations that imply a characteristic favourable to the environment which does not in fact exist is to be avoided.</p> <p>Any declarations that cannot be supported by evidence should be avoided; especially environmental claims referring to the health, safety or other good shall be supported by</p>

²⁵ http://www.see.gr/index.php?option=com_content&view=article&id=31&Itemid=12

	<p>reliable scientific documentation.</p> <p>Any declarations that have become outdated should be avoided.</p> <p>Comparative claims and the basis of comparison shall be specific.</p> <p>Improvements related to a product and its packaging should be presents separately and not jointly.</p> <p>Environmental claims shall not imply that they are related to more than one phases of the product lifecycle or to more product attributes than those justified.</p> <p>Environmental claims related to waste management shall be acceptable when the provisioned method of collecting, separating, discarding waste is generally accepted or functionally available for an important percentage of consumers in the targeted area; if not, the level of the availability of the waste management method shall be clearly indicated.</p>
Are there any terms for which certain conditions are set?	As mentioned above: for graphic symbols, comparative claims, specific claims, waste management claims.
Recommendations on documentation, calculation, testing methods, evidence and access to data	Declarations of a technical nature or scientific findings related to environmental impacts must be used only when are based on reliable scientific documentation. The use of specialised environmental vocabulary or scientific terminology is acceptable only when truly relates to the issue and could be directly understandable to those that it refers to. Environmental claims referring to the health, safety or other good shall be supported by reliable scientific documentation.
Examples provided of good practices and poor practices	No
4. Consistency check criteria based on UCPD Guidance	
Objective misleading practice The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried	<p>The first recommendation is entitled '<i>Honourable and true presentation</i>' and sets the general principle that is reflected more specifically in the other provisions.</p> <p>Consistency with UCPD Guidance: The recommendations are in line with the UCPD guidance</p>

<p>out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable');</p> <p>greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>The recommendations clearly state that <i>'Marketing communications shall be declared or formed in a way that does not take advantage of the public's concerns about the environment or the public's possible ignorance on environmental issues'</i>. The Code repeats that a claim shall not mislead the consumers and several examples are mentioned, i.e. claims shall be directly linked to a product characteristic, declarations of a technical nature or scientific findings related to environmental impacts must be used only when are based on reliable scientific documentation, general characteristics or ingredients that are common for an entire industry shall not be presented as unique or remarkable, comparative claims and environmental superiority shall be made only when based on a concrete basis and when the advantage of the product in question is significant.</p> <p>Consistency with UCPD Guidance:</p> <p>The recommendation clearly states that a claim shall not mislead the consumers (examples are provided) and is thus in line with the UCPD Guidance.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>As mentioned above, declarations of a technical nature or scientific findings related to environmental impacts must be used only when they are based on reliable scientific documentation. The use of specialised environmental vocabulary or scientific terminology is acceptable only when truly relates to the issue and could be directly understandable to those that it refers to. Environmental claims referring to the health, safety or other good shall be supported by</p>

		<p>reliable scientific documentation.</p> <p>Consistency with UCPD Guidance: Chapter E does not elaborate on verification by a competent surveillance authority. Consistency with the provisions of the Code is ensured by a priori and/or a posteriori evaluation procedures carried out by SEE.</p>
	<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); whether the claim refers to a company (applying to all its products) or only to certain products; if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<ul style="list-style-type: none"> ▪ This exact example is used in the guidance – the claim must be specific in order to inform what product, its part or the packaging it refers to. ▪ This example is not specifically mentioned, but can be inferred from the general principle of not referring to the performance as a whole for an entire company, group or industry sector. ▪ Environmental claims shall not imply that they are related to more than one phases of the product lifecycle or to more product attributes than those justified. There is explicit reference to the limitation and indication of the relevant part of the life cycle. <p>Consistency with UCPD Guidance: The guidance does not refer to all aspects presented in the UCPD Guidance; however it includes clear requirements regarding the clarity and accuracy of a claim.</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos false approval or endorsement by public or private bodies falsely claiming to be a signatory of a code of conduct falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>The Code refers to some of the Annex 1 prohibited practices in UCPD Environmental labels or signs shall be used in marketing communications only when their source/origin is clearly visible and there is no possibility of confusion regarding their meaning. Such labels or signs shall not be used in a way that implies false approval or endorsement by third parties.</p>

1.10.3 Summary

The guidance on the use of environmental claims in commercial communications is generally in conformity with the UCPD guidance.

- *Objective misleading practice*

The guidance expressly states that marketing claims should be presented in an honourable and true way. This general principle is reflected more specifically in all the provisions of Chapter E. The guideline further gives specific examples of which terms to be avoided, such as vague expressions and general statements i.e. 'green' or 'environment friendly' or 'ecologically safe'.

- *Subjective misleading practice*

The recommendations clearly state that 'Marketing communications shall be declared or formed in a way that does not take advantage of the public's concerns about the environment or the public's possible ignorance on environmental issues'.

The Code repeats that a claim shall not mislead the consumers and several examples are mentioned, i.e. claims shall be directly linked to a product characteristic, declarations of a technical nature or scientific findings related to environmental impacts must only be used only when are based on reliable scientific documentation, general characteristics or ingredients that are common for an entire industry shall not be presented as unique or remarkable, comparative claims and environmental superiority shall be made only when based on a concrete basis and when the advantage of the product in question is significant.

- *Scientific evidence*

Declarations of a technical nature or scientific findings related to environmental impacts must be used only when based on reliable scientific documentation. The use of specialised environmental vocabulary or scientific terminology is acceptable only when it truly relates to the issue and could be directly understandable to those that it refers to. Environmental claims referring to the health, safety or other good shall be supported by reliable scientific documentation.

- *Clarity and accuracy of the claims*

The recommendations in the Greek guidelines do not reflect all the requirements in the UCPD guidance however they provide clear requirements regarding the clarity and accuracy of a claim.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The Code refers to some of the Annex 1 prohibited practices in UCPD Environmental. Labels or signs shall be used in marketing communications only when their source/origin is clearly visible and there is no possibility of confusion regarding their meaning. Such labels or signs shall not be used in a way that implies false approval or endorsement by third parties.

1.11 Hungary

1.11.1 Overview

In Hungary **one guideline** is available, a general one and no sectorial one.

One general guidance document on environmental claims has been identified in Hungary, namely the Hungarian Code of Advertising Ethics (Code). The Code sets professional and ethical rules for those carrying out advertising activities in Hungary. The Code applies to all signatory organisations and to all who volunteer to adhere with its rules. The scope of the Code covers all types of advertising activities, including traditional advertising media, e.g. advertisement in newspapers, and digital media communication.

General guideline:

- The Hungarian Code of Advertising Ethics (Code) is available at: <http://www.ort.hu/en/code/foreword>.

The above details, and in particular the fact that no other guidelines exist, have been confirmed by the relevant stakeholders. The stakeholders consulted include:

- Public authorities in charge of consumer protection, such as the National Consumer Protection Authority (*Nemzeti Fogyasztóvédelmi Hatóság*), the Competition Authority (Competition Authority); the Ministry of National Economy (*Nemzetgazdasági Minisztérium*);
- Consumer protection associations, such as the National Association for Consumer Protection in Hungary (*Országos Fogyasztóvédelmi Egyesület*), Federation of Associations for Consumer Protection (*Fogyasztóvédelmi Egyesületek Országos Szövetsége*), the Association of Conscious Consumers (*Tudatos Vásárlók Egyesülete*);
- Associations representing Hungarian industries, such as the Chamber of Commerce and Industry (*Magyar Kereskedelmi és Iparkamara*); Hungarian Telecom (*Magyar Telekom*); and
- Advertisers associations, such as the Hungarian Advertising Association (*Magyar Reklámszövetség*) and the Advertising Self-Regulatory Board (*Önszabályozó Reklám Testületet*).
- The advertising associations confirmed the existence of the Hungarian Code of Advertising Ethics and stated that this Code is currently subject to a revision.

1.11.2 General guidelines

The Hungarian Code of Advertising Ethics (Code) is not assessed in details in this report, as it contains only general provisions that concern environmental claims.

Article 21 of the Code requires all claims referring to environmental protection to be clear and understandable. Claims stating that a product is environmental friendly could only be used upon receipt of an authorisation. Exception under this general rule concerns cases, where the producer can prove that its product has no harmful effect on the environment during its whole life-cycle.

Moreover, producers are allowed to compare their products with those of others only in cases, where they can prove that their product is a result of a development process using their competitor's or advertiser's product as a baseline. Advertisements of these new products cannot suggest unduly that they are fully environmental friendly.

1.11.2.1 Hungarian Code of Advertising Ethics

Hungarian Code of Advertising Ethics	
1. publication details	
Year of issuance	2009
Length	34 pages long
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Hungarian Advertising Association (professional association)
General or sectorial guidelines	General guidelines
2. Information on coverage of guidelines	
Target group	Those organisations engaged in advertising activities in Hungary.
Aim	Providing professional and ethical norms for those engaged in advertising activities.
Definition of the term: "environmental claims"	Not defined.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	Not defined.
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims.
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All advertisement published in Hungary.
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	The Code refers to applicable legislation in general.
Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	It applies to all advertisement published in Hungary.
3. Recommendations from guidelines	
Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	None identified.
Are there any terms for which certain conditions are set?	The term 'environmental friendly' and other terms alike ²⁶ can only be used upon receipt of authorisation, unless the producer can prove that the product during its whole life-cycle is

²⁶ The Code does not specify the meaning of 'alike' terms.

		environmental friendly. Statements comparing one product with another can only be used if the product concerned with the advertisement has been developed as a result of a development process which use the product referred to in the advertisement as a baseline.
	Recommendations on documentation, calculation, testing methods, evidence and access to data	None identified.
	Examples provided of good practices and poor practices	None identified.
4.	Consistency check criteria based on UCPD Guidance	
	Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.	Producers are allowed to compare their products with those of others only in cases, where they can prove that their product is a result of a development process using their competitor's or advertiser's product as a baseline. Advertisements of these new products cannot suggest unduly that they are fully environmental friendly. Consistency with UCPD Guidance: Partially in line with the UCPD guidance
	Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees)as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a	Consistency with UCPD Guidance: None identified

<p>product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Consistency with UCPD Guidance: None identified.</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Consistency with UCPD Guidance: All claims referring to environmental protection should be clear and understandable. Claims stating that a product is environmental friendly could only be used upon receipt of an authorisation. Exception under this general rule concerns cases, where the producer can prove that its product has no harmful effect on the environment during its whole life-cycle.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or 	<p>No reference to Annex 1 prohibited practices</p>

	private bodies <ul style="list-style-type: none"> ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body (See Page 43 in UCPD guidance)	
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1.11.3 Summary

The Hungarian Code of Advertising Ethics (Code) only contains general provisions that concern environmental claims. Conformity with the UCPD guidance was identified in a limited extent.

○ *Objective misleading practice* According to the Code producers are allowed to compare their products with those of others only in cases, where they can prove that their product is a result of a development process using their competitor's or advertiser's product as a baseline. Advertisements of these new products cannot suggest unduly that they are fully environmental friendly.

- *Subjective misleading practice*

None.

- *Scientific evidence*

None.

- *Clarity and accuracy of the claims*

All claims referring to environmental protection should be clear and understandable. Claims stating that a product is environmental friendly could only be used upon receipt of an authorisation. Exception under this general rule concerns cases where the producer can prove that its product has no harmful effect on the environment during its whole life-cycle.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

None.

1.12 Iceland

1.12.1 Overview

In Iceland, **two general guidelines** are identified and no sectorial ones.

Two general guidelines on environmental claims were identified in Iceland. One contains general recommendations and criteria for all environmental claims, while the other is a code of ethics for members of the Icelandic Association of Advertising Agencies.

General guidelines:

- Leiðbeinandi reglur um auglýsingar og umhverfisvernd (Guidelines on Advertising and Environmental Protection), available in Icelandic only at: www.neytendastofa.is/lisalib/getfile.aspx?itemid=424
- Siðareglur Sambands íslenskra auglýsenda, Kafli E (Code of Ethics of the Icelandic Association of Advertising Agencies, Chapter E), available in Icelandic only at: www.sia.is/Sidanefnd/Sidareglur/II.-Nanari-lysing-a-koflum/Kafli-E---Fullyrdingar-um-umhverfismal-i-markadsskilabodum/
- Annex to the Code of Ethics, a list of selected environmental claims commonly used in advertisements, available in Icelandic only at: www.sia.is/Sidanefnd/Sidareglur/II.-Nanari-lysing-a-koflum/Skra-yfir-valdar-umhverfisfyrirlysingar/

1.12.2 General guidelines

1.12.2.1 Guidelines on Advertising and Environmental

The general **Guidelines on Advertising and Environmental Protection** (Guidelines) were adopted by the Icelandic Competition Authority in 1994 with the aim to prevent businesses from providing false or misleading information about their products through advertising or other means. The Competition Authority was empowered to adopt rules on the basis of the now amended Competition Act, to prevent such misleading or unsuitable information to be provided to consumers. The introduction to the Guidelines sets out that they were adopted because the Authority found it necessary to provide sellers, producers and advertising agencies working for them with guidance on environmental claims in advertising.

The Guidelines are first and foremost aimed at advertising agencies but it is also set out that other actors may benefit from them. The Guidelines apply to advertising and other means of communication relating to the environmental attributes of products, production and enterprises as a whole, i.e. goods and services and company branding.

No definitions of specific terms are found in the Guidelines but the terms covered include 'environmental claims', 'sustainable', 'and recyclable/reusable'. This includes all types of statements, e.g. on comparison of products, recyclability/reusability of products, raw materials or packaging, removal of hazardous substances from products, information, misleading audio and video, graphics on packaging, labelling and advertising.

The Guidelines set out that:

- Green claims should be truthful, simple, accurate, relevant and verifiable. General, vague and ambiguous wording should be avoided.

- It should be clear to what aspects of the product the green claim relates, e.g. the product or the packaging, or both? If a company claims to be environmentally friendly or a pioneer in environmental protection, this claim shall be true and relevant.
- Claims that a product has been improved to make it more environmentally friendly should not be used in marketing and advertising, unless the environmental improvements have been clearly demonstrated.
- Environmental benefits resulting from the consumer's choice to buy the service or product should not be exaggerated; a minor improvement in the production process should not be claimed to have remarkable benefits for the environment.
- Environmental benefits of the product should not be exaggerated and the use of terms such as 'environmentally friendly', 'eco-friendly', or 'friend of the environment' in relation to the name of the product should be avoided as such use indicates that the product is harmless to the environment, or that it even improves the environment.
- If the environmental impact of different products is being compared, the products must be the same or comparable and the environmental impact of other similar products should be taken into account.
- Where the use of certain chemicals/materials is prohibited, the producers shall not advertise that their product does not contain the prohibited chemical. Where an environmentally hazardous substance has been removed from the product, this cannot substantiate an environmental claim unless it is demonstrated that the substance was hazardous and that a more environmentally friendly substance replaced it.
- Entities selling and/or advertising a product should be able to prove the green claims put forth.
- Claims concerning recycling and reuse should be proven and it shall be clear whether they refer to the product, the packaging or raw materials and whether or not consumers can hand in the packaging for reuse or recycling.
- If the claim 'environmentally friendly' or similar is used, a detailed report on the environmental impact of the production, use, and the disposal of the product must be available.
- General claims about the environmental impact of a product must be supported by scientific evidence. Such claims can only be made if the product – from production to disposal, is less harmful than other comparable products.

The Guidelines also set out that, in relation to environmental claims about a product or production process, the overall effect of the advertisement must be taken into account. The overall effect/message of the advertisement must be substantiated. The impact of images must be carefully considered, and the use of misleading images on packaging to be avoided. The use of audio or video that may mislead the consumers is also to be avoided.

The implementation of the Guidelines is monitored by the Consumer Agency.

Leiðbeinandi reglur um auglýsingar og umhverfisvernd (e. Guidelines on Advertising and Environmental Protection)	
1. publication details	
Year of issuance 1994	11 August 1994
Length	3 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Competition Authority
General or sectorial guidelines	General guidelines
2. Information on coverage of guidelines	
Target group	The main focus is on advertising agencies but the guidelines are also aimed at sellers and producers.
Aim	Act No. 57/2005 on Supervision of Unfair Commercial Practices and Transparency of the Market stipulates that businesses may not provide incorrect or misleading information about their products through advertising or other means. In order to prevent this, the Competition Authority (now Consumer Agency) was empowered to adopt rules to prevent wrong or inappropriate information being provided to consumers. This is the aim of the Guidelines on Advertising and Environmental Protection (Guidelines) .
Definition of the term: 'environmental claims'	There is no definition of this term.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	No definitions of specific terms are found in the guidelines.
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims, environmentally friendly, sustainable, recyclable/reusable.
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Goods and services, company branding. Only one official labelling scheme is in operation in Iceland; the Nordic Swan label. There are other recognised labels, such as the EU Ecolabel, but the Environment Agency of Iceland (competent authority when it comes to eco-labels) only follows up on the use of the Nordic Swan due to resource limitations. Only those fulfilling strict criteria can use the label, the Guidelines deal with more general claims.
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	The Guidelines were adopted on the basis of Art. 30 of the Act on Competition No. 8/1993 now repealed. Their legal basis is now the Act No. 57/2005 on Supervision of Unfair Commercial Practices and Transparency of the Market. The Guidelines refer to the Swan Label. No referral is made to a <i>priori</i> clearance, binding force or sanctions.
Applicable to the following	This includes all types of statements, e.g. on

<p>forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	<p>comparison of products, recyclability/reusability of products, raw materials or packaging, removal of hazardous substances from products, information, misleading audio and video, graphics on packaging, labelling and advertising.</p>
<p>3. Recommendations from guidelines</p>	
<p>Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?</p>	<p>The Guidelines provide that businesses should not provide incorrect or misleading information about their products through advertising or other means in general. Article 3 sets out that environmental benefits of a product should not be exaggerated and the use of terms such as 'environmentally friendly', 'eco-friendly', or 'friend of the environment' in relation to the name of the product should be avoided, as such use indicates that the product is harmless to the environment, or that it even improves the environment.</p>
<p>Are there any terms for which certain conditions are set?</p>	<p>The Guidelines set explicit conditions for the use of 'environmentally friendly' and 're-use' and 'recycle'. Certain conditions are also set for comparison with other products and for companies claiming to be environmentally friendly in general. The Guidelines also state that the overall effect of an advertisement should be taken into account and that effect should be supported by facts. An advertisement should not focus on the fact that a hazardous substance has been removed from a product unless the substance is proven to be hazardous and has been replaced with a less environmentally damaging substance.</p> <p>The use of 'environmentally friendly' (Article 6): Where the term 'environmentally friendly' or other similar terms are used, a detailed report that explains the environmental impact of the products must be available. This includes information on the production, the use, and the disposal of the product. Claiming that the product is 'environmentally friendly' is questionable if its production causes severe stress on the environment. General claims about the environmental impact of the product must be supported by scientific evidence. Such claims can only be made if the product (from production to disposal) is less harmful for the environment than other comparable products.</p> <p>The use of 're-use and/or recycle' (Article 7): Claims that a product is 're-usable' or 'recyclable' must be adequately supported. In</p>

		<p>relation to claims regarding 'recycling' and/or re-use of packaging, it must be specified</p> <ol style="list-style-type: none"> 1. Whether the claim concerns the product, the packaging, or raw material. 2. Whether consumers can return the packaging after its use for recycling or re-use. <p>Environmentally friendly companies (Article 9): If companies are claiming to be pioneers when it comes to environmental protection, or that they are taking special care when it comes to the environment, these claims should be true and relevant.</p> <p>Free from x (Article 2) The Guidelines set out that producers may not advertise especially that their product is free from materials that are already banned.</p>
	<p>Recommendations on documentation, calculation, testing methods, evidence and access to data</p>	<p>The Guidelines set out that green claims must be true and verifiable and that consumers should be able to access the environmental impact of a product on the basis of documents used for sales purposes. Such documentation must be available before the product is placed on the market or advertising begins. The Guidelines are silent on methodology for proving claims but set out that information must be based on the results from accepted scientific evidence.</p> <p>Evidence for environmental claims (Article 5): Claims about environmental impacts of a product must be true, especially for products that have a strong impact on the environment. Consumers have to be able to evaluate the real environmental impact of the product on the basis of documents used for sale purposes. There is a general requirement on those selling and/or advertising a product that they are able to prove the claims expressed through the advertisements. Any claims used as the main message in the advertisement, or e.g. those concerning the ecological qualities of the product, must be proven. The same applies to claims that the use of a product or service provided will result in less harmful impacts than the product or service of competitors. Information to consumers must be based on the results of approved scientific evidence. Evidence for the claims or the conclusions must be available before the sales or advertising process begins.</p> <p>It is not enough that that the information is factually correct if important aspects are left out or information is presented in a misleading manner. Furthermore, it should not be stated that the product is free of materials or qualities that are irrelevant to the product.</p>

	<p>Examples provided of good practices and poor practices</p>	<p>The Guidelines set out that producers may not advertise especially that their product is free from materials that are already banned. Furthermore, the total impact of the advertising campaign shall be taken into account. Where substances that are harmful to the environment have been removed from the product, this cannot be identified as a main argument for a green claim in advertising unless it is demonstrated that the substance did have a harmful impact on the environment and it has been replaced with a less harmful substance. Facts should be stated accurately by explaining how this is benefiting the environment, <i>i.e.</i> without chlorine, or without mercury, if it is not already indicated.</p>
4.	<p>Consistency check criteria based on UCPD Guidance</p>	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>The Guidelines provide that businesses should not provide incorrect or misleading information about their products through advertising or other means. All claims concerning environmental impact shall be correct and supported by scientific evidence. Consistency with UCPD Guidance: The Guidelines state that businesses should not provide incorrect or misleading information about their products through advertising or other means. The Guidelines set out that environmental claims shall be correct and that information to consumers shall be based on accepted scientific evidence. This is in line with the UCPD Guidance.</p>
	<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly,</p>	<p>The Guidelines state that all claims concerning environmental impact shall be precise to prevent ambiguity and clear on whether they apply to the packaging, the product or both. General, imprecise and ambiguous claims should be avoided, as well as claims that can be understood in more than one way. Furthermore, the environmental benefits of a product should not be exaggerated and the use of terms such as 'environmentally friendly', 'eco-friendly', or 'friend of the environment' in relation to the name of the product, should be avoided as such use indicates that the product is harmless to the environment, or that it even improves the</p>

<p>green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>environment.</p> <p>The Guidelines furthermore state that the overall impression of the advertisement must be taken into account. The overall effect/message of the advertisement must be substantiated. The impact of images must be carefully considered, and the use of misleading audio, video or images on packaging avoided. Exaggerating the positive environmental impact of the product by using terms such as 'environmentally friendly', 'eco-friendly', or 'friend of the environment' in connection to the product should be avoided. Such claims indicate that the product is harmless to the environment, or that it even improves the environment.</p> <p>Consistency with UCPD Guidance:</p> <p>The Guidelines set out that all claims concerning environmental impact shall be precise to prevent ambiguity and that general, imprecise and ambiguous claims should be avoided, as well as exaggeration and claims that can be understood in more than one way. The Guidelines also set out that the overall impression of the advertisement must be taken into account and the overall effect/message of the advertisement must be substantiated. The impact of images must be carefully considered, and use of misleading audio or video, exaggeration and misleading images on packaging shall be avoided. In short, the Guidelines address subjective misleading practice, in line with the UCPD Guidance.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>General claims about the environmental impact of the product must be supported by scientific evidence.</p> <p>Consistency with UCPD Guidance:</p> <p>The Guidelines stipulate that environmental claims must be supported by scientific evidence in line with the UCPD guidance.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if 	<p>The Guidelines set out that environmental impact shall be clearly stated and that it should be clear which part of the product or packing the claims relate to, packaging, product or both.</p> <p>Clear and simple information (Article 3)</p> <p>To avoid any ambiguity, all environmental impact must be clearly stated. For example, does the claim relate to the packaging, the product, or both? Any general, inaccurate, and ambiguous claims should be avoided. The use of wording that can be interpreted in different ways should be avoided. The environmental impact resulting from the consumer's decision to buy a certain product or service should not be exaggerated. A minor improvement in the production process should not be claimed to have instrumental benefits for the environment.</p>

<p>the packaging is only partially recyclable);</p> <ul style="list-style-type: none"> ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Evaluating the overarching message of the advertising campaign (Article 4)</p> <p>When claims about the environmental impact of a product or a production are presented, the overarching message of the advertisement must be taken into account. The overall message must be based on facts.</p> <p>Environmentally friendly companies (Article 9):</p> <p>If companies are claiming to be pioneers when it comes to environmental protection, or that they are taking special care when it comes to the environment, these claims should be true and relevant.</p> <p>The use of 'environmentally friendly' (Article 6):</p> <p>Where the term 'environmentally friendly' or other similar terms are used, a detailed report explaining the environmental impact of the products must be available. This includes information on the production, the use, and the disposal of the product. Claiming that the product is 'environmentally friendly' is questionable if its production causes severe stress on the environment. General claims about the environmental impact of the product must be supported by scientific evidence. Such claims can only be made if the product (from production to disposal) is less harmful for the environment than other comparable products.</p> <p>Consistency with UCPD Guidance:</p> <p>The Guidelines provide general guidance stipulating that environmental claims shall be clear, accurate and non-ambiguous, and that it should be clear whether they relate to the product, packaging or both. The Guidelines do not go into detail regarding companies claiming to be environmentally friendly, simply stating that such claims must be true and relevant. Similarly, the Guidelines do not elaborate on stages of the product's lifecycle, simply setting out that the claim 'environmentally friendly' can only be made if the product is less harmful for the environment than other comparable products. In short, the Guidelines do not refer to all aspects presented in the UCPD Guidance; however they include clear requirements regarding the clarity and accuracy of claims.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct 	<p>Introduction (Article 1)</p> <p>The Nordic Swan label is the only official labelling scheme in operation in Iceland. A producer qualifying for the use of the Swan label can apply for a permission to use the label. The Environment Agency of Iceland is the competent authority when it comes to the Nordic Swan and other eco-labels.</p>

<ul style="list-style-type: none"> ▪ falsely claiming that a code of conduct has been endorsed by a public or private body (See Page 43 in UCPD guidance) 	<p>Consistency with UCPD Guidance: The Guidelines do not refer to the prohibited practices listed in Annex 1 of the UCPD. Reference is made to the Nordic Swan label in general and how a producer can apply for a permission to use it, as well as identifying the competent authority when it comes to the Swan label and other eco-labels.</p>
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1.12.2.2 Code of ethics of the Icelandic Advertising Agency Association

The **Code of Ethics of the Icelandic Advertising Agency Association** (the Code) was adopted by the Association of Icelandic Advertising Agencies in 2006. The largest Icelandic advertising agencies are members of this Association. The Code sets out certain guiding principles for advertising in general as well as a special Chapter E which deals with environmental claims. The Chapter is modelled on *ISO14021 Environmental labels and declarations - Self-declared environmental claims*. The Chapter addresses a wide range of environmental claims through any means, including in relation to terms and the use of scientific evidence, images and sound, use of logos and symbols and on-product/advertising in the form of comparison of products, misleading information, product life-cycles.

The Code contains definitions of the terms: 'environmental claims', 'environmental impact', 'eco-cycle', 'production', 'disclaimer' and 'waste' and a special Annex addresses selected environmental claims commonly used in advertisements. Chapter E refers to claims relating directly or indirectly to environmental or ecosystem factors in connection to production, packaging, distribution, use/consumption, or disposal of products.

The Code sets out that:

- Advertisements should respect the truth and not mislead the consumers. They shall not contain claims or audio or images that are likely to mislead that consumer, directly or indirectly, through suggestion, withholding necessary information or through the use of ambiguous or exaggerated claims.
- It should be clear to what aspects of the product the green claim relates.
- Advertisements from companies may refer to certain products or operations within the company, but they should not imply that the advertisement applies to the operations of the company as a whole, its corporation as a whole, or its sector as a whole, unless this can be substantiated.
- Unclear or ill-defined claims should only be used if they are valid without disclaimers. If that is not the case, such general environmental claims should either be avoided or they should include disclaimers.
- Green claims should only refer to technical presentations and scientific evidence if the information is supported by scientifically proven evidence and it is relevant and clear.
- Any comparison must be specific and the basis for it should be clear. Environmental advantage over competing entities should not be claimed unless it is considerable and verified. When products are compared, they should have the same qualities and be used for the same purpose.

- Environmental claims implying that they cover more of the product's life-cycle, or qualities than evidence supports, should not be made. It must always be clear which part of the product's life-cycle, or which qualities of the product are being referred to.
- When it is claimed that a product contains fewer components affecting the environment than before, it should be clear which components have been reduced.
- Environmental claims should not be based on claims that a certain component, substance, characteristic or effect is absent, when this component, substance, characteristic or effect has never been present in the product in question.
- Environmental claims concerning waste management should only be made on the basis of recognised methods of waste management and where it is available to an adequate proportion of consumers in the area. If not the availability should be clearly described.
- Use of environmental logos or symbols in advertisement is only allowed when their origin is clearly indicated and there is no risk that consumers may misunderstand their meaning. Logos and symbols should not be used if they are wrongly indicating official or third party certification.

The Code is not legally binding and is monitored by the advertising agencies themselves. An Ethics Committee deals with complaints alleging violations of the Code.

Siðareglur Sambands íslenskra auglýsenda (e. Code of Ethics of the Icelandic Advertising Agency Association)	
1. publication details	
Year of issuance	2006
Length	Chapter E, environmental claims, 3 pages and a list of selected environmental claims commonly used in advertisements, 3 pages.
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Association of Icelandic Advertising Agencies.
General or sectorial guidelines	Code of Ethics, which include under Chapter E Guidelines on environmental claims.
2. Information on coverage of guidelines	
Target group	Advertising agencies.
Aim	The Code does not have a stated aim but starts by setting out certain guiding principles for advertising concerning truthfulness, accuracy, ethics, responsibility, etc. Chapter E is modelled on <i>ISO14021 Environmental labels and declarations -- Self-declared environmental claims</i> , dealing expressly with environmental claims, i.e. claims relating directly or indirectly to environmental or ecosystem factors in connection to production, packaging, distribution, use/consumption, or disposal of products. Environmental claims can be presented through any means, including

		labelling, supplementing documents, publishing or sales material, product advertisement, and through phone, digital or electronic means such as e-mail or the Internet. Chapter E describes all of these means, and an Annex lists selected environmental claims commonly used in advertisements.
	Definition of the term: 'environmental claims'	The term 'environmental claim' means any claim, sign or graphic representation indicating the environmental quality of a product, object, or packaging.
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<p>The Code lists the following terms as particularly relevant for Chapter E (environmental claims), and they are to be read in conjunction with the general conditions set out in the general provisions:</p> <p>The term 'environmental factor' relates to the production or the product of a company that may have interactive impact on the environment.</p> <p>The term 'environmental impact' means any change to the environment, positive or negative, resulting solely or partly from the operation of a company or a product.</p> <p>The term 'eco-cycle' (life-cycle) means continuous and connected steps in the production process, from the gathering of raw materials, or the use of natural resources, to final disposal.</p> <p>The term 'production' means all products or services. Production in general includes the packaging, containers, etc. in which the products are delivered. When discussing environmental impact, the packaging should in many cases be mentioned specifically, and in that case packaging means all the materials used to protect or store the product during transportation, storage, advertisement or use.</p> <p>The term 'disclaimer' is to explain in detail and in truthful manner the limitation of the claim.</p> <p>The term 'waste' refers to everything that the producer or owner does no longer need and is disposed of or returned to the environment.</p> <p>In addition, a list of selected environmental claims, commonly used in advertisements, is annexed to Chapter E.</p>
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Chapter E forms part of general Code of Ethics in relation to advertisement, with Chapter E focusing on environmental claims.

	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Chapter E refers to claims relating directly or indirectly to environmental or ecosystem factors in connection to production, packaging, distribution, use/consumption, or disposal of products.
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	The Code is not legally binding. Chapter E is modelled on the international standard ISO 14021 'Self-declared environmental claims'. It copies and adjusts selected chapters which are clearly relevant for advertising, leaving out some technical descriptions.
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	Chapter E refers to a wide range of claims, including: <ul style="list-style-type: none"> ▪ terms and the use of scientific evidence ▪ images and audio ▪ use of logos and symbols ▪ On-product/advertising in the form of comparison of products, misleading information, product life-cycles.
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	Honest and true advertisement (Article E1) Claims to be especially avoided are 'environmentally friendly' or 'eco-friendly', which indicate that a product or operation has only positive or no impact on the environment, unless this has been adequately proven to be the case. Claims about 'sustainability' or any verification of sustainability should be avoided until final and generally accepted methods for measuring sustainability are in place.
	Are there any terms for which certain conditions are set?	The list annexed to Chapter E includes selected environmental claims commonly used in advertisements. The list, and the terms it describes are based on provision 7 in ISO 14021. It includes the definition of the following self-declared environmental claims and examples and conditions for their use: <ol style="list-style-type: none"> 1. Reduced Resource Use 2. Recovered Energy 3. Waste Reduction 4. Reduced Energy Consumption 5. Reduced Water Consumption 6. Extended Life Product 7. Reusable and Refillable 8. Designed for Disassembly

		<p>9. Compostable</p> <p>10. Degradable</p> <p>11. Recyclable</p> <p>12. Recycled Content</p>
	Recommendations on documentation, calculation, testing methods, evidence and access to data	<p>Scientific evidence(Article E2) In advertisements, environmental claims can only refer to technical presentations and scientific evidence if the information is supported by scientifically proven evidence. The use of technical language in relation to environmental or scientific matters is allowed; as long as it is relevant and that the message is easily understood by those the information is directed towards (this also refers to article 6 of the Code of Ethics – The use of technical information and scientific data, terms and terminology). Environmental claims that concern health, safety or other positive impacts should only be used if they are supported by scientifically proven evidence.</p>
	Examples provided of good practices and poor practices	<p>No express examples are provided, but the list of definitions of self-declared environmental claims contains examples of claims and conditions for their use. The list concerns:</p> <ol style="list-style-type: none"> 1. Reduced Resource Use 2. Recovered Energy 3. Waste Reduction 4. Reduced Energy Consumption 5. Reduced Water Consumption 6. Extended Life Product 7. Reusable and Refillable 8. Designed for Disassembly 9. Compostable 10. Degradable 11. Recyclable 12. Recycled Content
4.	Consistency check criteria based on UCPD Guidance	

<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>The Code provides that advertisements should respect the truth and not mislead consumers. They shall not contain claims or audio or images that are likely to mislead that consumer, directly or indirectly, through suggestion, withholding necessary information or through the use of ambiguous or exaggerated claims.</p> <p>(Article 5) Honest and truthful advertisements (Article E1)</p> <p>Advertisements from companies may refer to certain products or operations within the company, but they should not imply that the advertisement applies to the operations of the company as a whole, its corporation as a whole, or its sector as a whole, unless this can be substantiated.</p> <p>Environmental claims should be linked to the product that is being advertised and only reflect aspects that already exist, or are likely to come into existence during the lifetime of the product.</p> <p>Consistency with UCPD Guidance: The Code clearly provides that advertisements should respect the truth and not mislead the consumers. This is in line with the UCPD Guidance.</p>
<p>Subjective misleading practice The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or</p>	<p>The Code clearly provides that advertisements should respect the truth and not mislead the consumers. They shall not contain claims or audio or images that are likely to mislead that consumer, directly or indirectly, through suggestion, withholding necessary information or through the use of ambiguous or exaggerated claims. (Article 5)</p> <p>Honest and true advertisement (Article E1)</p> <p>Advertisements must be presented in such a way that they do not abuse the consumers' concern for the environment or possible lack of knowledge when it comes to environmental matters.</p> <p>Advertisements should not in any way include claims or visual presentations which are likely to mislead consumers when it comes to environmental aspects, or qualities of products, or measures intended to benefit the environment.</p> <p>Environmental claims should be linked to the product that is being advertised and only reflect aspects that already exist, or are likely to come into existence during the lifetime of the product. The claim should clearly state what is being referred to, for example the product itself or the packaging. An aspect should not be introduced as a novelty if it already existed but had not been introduced earlier. Environmental claims should be dated and revised as needed.</p>

	certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).	<p>Consistency with UCPD Guidance: Chapter E clearly states that a claim shall not mislead the consumers, directly or indirectly, and that ambiguous claims such as 'environmentally friendly' or 'eco-friendly' should only be used when these are proven. This is in line with the UCPD Guidance.</p>
	Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)	<p>Scientific evidence (Article E2) Environmental claims that concern health, safety or other positive impacts should only be used if they are supported by scientifically proven evidence.</p> <p>Consistency nce with UCPD Guidance: The Code is in line with the UCPD guidance.</p>
	<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Honest and true advertisement (Article E1) Any unclear or ill-defined claims about environmental benefits should only be used if they are valid without disclaimers. If that is not the case, such general environmental claims should either be avoided or they should include disclaimers. Claims to be especially avoided are 'environmentally friendly' or 'eco-friendly', which indicate that a product or operation has only positive, or no impact, on the environment, unless this has been adequately proven to be the case.</p> <p>Claims about 'sustainability' or any verification of sustainability should be avoided until final and generally accepted methods for measuring sustainability are in place.</p> <p>Disclaimers need to be clear, visible and easy to understand.</p> <p>Disclaimers should be placed next to claim they refer to, to ensure that it is clear that the disclaimer is for that claim</p> <p>Environmental advantage and comparison (Article E3) All comparison must be specific and the basis for it should be clear. Environmental advantage over competing entities should not be claimed unless it is considerable and verified. When products are compared, they should have the same qualities and be used for the same purpose.</p> <p>The comparison should clearly state whether the advantage is universal or whether it is subject to certain assumptions. This applies both when comparing old and new processes or products, and when comparing processes or products of competing entities.</p> <p>Product life-cycle, components and aspects (Article E4) Environmental claims implying that they cover more of the product's life-cycle, or qualities than evidence supports, should not be made. It must always be clear which part of the product's life-</p>

		<p>cycle, or which qualities of the product are being referred to.</p> <p>When it is claimed that a product contains fewer components affecting the environment than before, it should be clear which components have been reduced. Such claims are only justified if they refer to other options, components or aspects related to the production process that have a substantial positive environmental impact, taking all relevant aspects of the product life-cycle into account. Environmental claims should not be based on claims that a certain component, substance, characteristic or effect is absent, when this component, substance, characteristic or effect has never been present in the product in question. Common characteristics or components that are present in all or most products should not be advertised as special or notable attributes of the product advertised. It should not be claimed that a product does not include a certain substance or component, for example that a product is 'without X', unless the amount of 'X' is below a contaminant level or it is negligible.</p> <p>Consistency with UCPD Guidance: The Code includes clear requirements regarding the clarity and accuracy of claims and addresses adequately the elements set out in the UCPD Guidance.</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>Logos and symbols (Article E5). The use of environmental logos or symbols in advertisement is only allowed when their origin is clearly indicated and there is no risk that consumers might misunderstand their meaning. Such logos and symbols should not be used if they are wrongly indicating official or third party certification.</p> <p>Consistency with UCPD Guidance: Chapter E does not refer to all the prohibited practices listed in Annex 1 but focuses on the use/misuse of logos and symbols.</p>

1.12.3 Summary

One set of general guidelines that define and set recommendations on how environmental claims should be designed and drafted have been identified. These, the **Guidelines on Advertising and Environmental Protection**, adopted by the Icelandic Government, date from the year 1994. The only sectorial guidelines identified stem from the Icelandic Association of Advertising Agencies which adopted the **Code of Ethics of the Icelandic Advertising Agency Association** in 2006, which includes general principles and a specific chapter on green claims.

The general Guidelines on Advertising and Environmental Protection date from before the adoption of the UCPD guidance but they contain largely the same principles. What is lacking, however, is a detailed Consistency check procedure to ensure that green claims are in line with the Guidelines. The Code of Ethics of the Icelandic Advertising Agency Association is more detailed as its chapter on green claims is modelled on *ISO14021 Environmental labels and declarations - Self-declared environmental claims* and the Code's implementation is monitored by a special Ethics Committee. The following paragraphs describe how the UCPD requirements are reflected in the general Guidelines and the sectorial Code.

- *Objective misleading practice*

The General Guidelines set out that green claims should be truthful, simple, accurate, relevant and verifiable. This would entail that the advertiser/seller should not provide incorrect information about the product or service. This is in line with the UCPD Guidance.

The Code contains the general principle that advertisements should respect the truth and not mislead the consumers. Advertisements should not contain claims or audio or images that are likely to mislead that consumer, directly or indirectly, through suggestion, withholding necessary information or through the use of ambiguous or exaggerated claims. This is in line with the UCPD Guidance.

- *Subjective misleading practice*

The General Guidelines do not explicitly use the term 'subjective misleading' but set out that general, vague and ambiguous wording should be avoided and it should be clear to what aspects of the product the green claim relates. The Guidelines stipulate that environmental benefits resulting from the consumer's choice to buy the service or product should not be exaggerated and the use of terms such as environmentally friendly, eco-friendly, or friend of the environment in relation to the name of the product avoided as they are potentially misleading for consumers. Furthermore, claims that a product has been improved to make it more environmentally friendly should not be made unless the environmental improvements have been clearly demonstrated and where environmental impact of different products is compared, the products must be the same or compatible and the environmental impact of other, similar products taken into account. Finally, where the use of certain chemicals/materials is prohibited, the producers shall not advertise that their product does not contain the prohibited chemical. Where an environmentally hazardous substance has been removed from the product, this cannot substantiate an environmental claim unless a more environmentally friendly substance replaced it. In short, the Guidelines address subjective misleading practice, in line with the UCPD Guidance.

The Code addresses subjective misleading claims setting out that advertisements shall not contain claims or audio or images that are likely to mislead the consumer, directly or **indirectly**, through suggestion, withholding necessary information or through the use of ambiguous or exaggerated claim.

Advertisements must be presented in such a way as not to abuse the consumers' concern for the environment or possible lack of knowledge when it comes to environmental matters. Advertisements should not in any way include claims or visual presentations which are likely to mislead consumers when it comes to environmental aspects, or qualities of products, or measures intended to benefit the environment. The Code provides that advertisements may refer to certain products or operations within the company, but they should not imply that they apply to the operations of the company as a whole, its corporation as a whole, or its sector as a whole, unless this

can be substantiated. Environmental claims should be dated and revised as needed. In short, the Code clearly states that a claim shall not mislead the consumers, directly or indirectly, and that ambiguous claims such as 'environmentally friendly' or 'eco-friendly' should only be used when these are proven. This is in line with the UCPD Guidance.

- *Scientific evidence*

The General Guidelines set out the general principle that green claims should be substantiated but does not go into detail on how this is done. General claims concerning the environmental impact of a product must be supported by scientific evidence and claims that a product has been improved environmentally should not be made in marketing and advertising unless the environmental improvements have been clearly demonstrated. Entities selling and/or advertising a product should be able to prove the green claims put forth. Claims concerning recycling and reuse should be proven and where the claim 'environmentally friendly' or similar is used, a detailed report on the environmental impact of the production, use, and the disposal of the product must be available. This is in line with the UCPD Guidelines.

The Code sets out that environmental claims concerning health, safety or other positive impacts should only be used if they are supported by scientifically proven evidence. This is in line with the UCPD Guidelines.

- *Clarity and accuracy of the claims*

The Guidelines set out that environmental impact shall be clearly stated and that it should be clear which part of the product or packing the claims relate to, packaging, product or both. The Guidelines set out that green claims should be simple, accurate and relevant. General, vague and ambiguous wording and exaggeration should be avoided. The Guidelines also set out that the overall impression of the advertisement must be taken into account and the overall effect/message of the advertisement must be substantiated. The impact of images must be carefully considered, and use of misleading audio or video, exaggeration and misleading images on packaging shall be avoided. If companies are claiming to be pioneers when it comes to environmental protection, or that they are taking special care when it comes to the environment, these claims should be true and relevant. Although the Guidelines do not refer to all aspects presented in the UCPD Guidance, they include clear requirements regarding the clarity and accuracy of claims.

The Code clearly provides that advertisements should respect the truth and not mislead the consumers. They shall not contain claims or audio or images that are likely to mislead that consumer, directly or indirectly, through suggestion, withholding necessary information or through the use of ambiguous or exaggerated wording. The Code contains several provisions setting out that green claims should be substantiated. Thus, the Code includes clear requirements regarding the clarity and accuracy of claims and addresses adequately the elements set out in the UCPD Guidance.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The Guidelines do not refer directly to the prohibited practices listed in Annex 1 of the UCPD. Reference is simply made to the Nordic Swan label in general and how a producer can apply for a permission to use it, as well as identifying the competent authority when it comes to the Swan label and other eco-labels.

The Code does not address directly all the prohibited practices listed in Annex 1, it focuses on the use/misuse of logos and symbols.

1.13 Ireland

1.13.1 Overview

One set of guidelines was identified for Ireland, the general guidelines. General guidelines issued in relation to persons involved in advertising, promotional and direct marketing in Ireland.

General guidelines:

- The 6th Edition of the Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, Section 12, Environmental Section, 1 January 2007 (referred to as the Manual of Advertising Self-Regulation), available at: http://www.asai.ie/ASAI%20CODEBOOK_REVISED_2012.pdf

1.13.2 General guidelines

1.13.2.1 Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, Section 12, Environmental Section

Set up and financed by the advertising industry, its aim is to promote the highest standards of marketing communications – that is, advertising, promotional marketing and direct marketing. ASA's overall objective is to ensure that all commercial marketing communications are 'legal, decent, honest and truthful'.

The ASA operates by way of self-regulation which means the adoption by the advertising industry of standards drawn up by and on behalf of all advertising interests. ASA's current rules are set out in the Manual of Advertising Self-Regulation, drawn up by the Board of ASAI following detailed consultation with all relevant interests including the public, advertisers, agencies and media, consumer representatives and Government Departments.

The Manual of Advertising Self-Regulation came into force on 1st January 2007 and its scope was amended in January 2013.

Although the Manual of Advertising Self-Regulation is some 114 pages long, it contains only a brief section (Section 12) dealing with environmental claims. Section 8 contains eight rules about the presentation of environmental claims. Although the section is very concise, it does encapsulate the key points about what to include and what not to include in an environmental claim.

The 6th Edition of the Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, Section 12, Environmental Section	
1. publication details	
Year of issuance	2007
Length	The entire code is 114 pages, but Section 12 is just 1 page.
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Advertising Standards Authority for Ireland (ASA), an independent, self-regulatory body.
General or sectorial guidelines	Sectorial guidance document.

The 6th Edition of the Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, Section 12, Environmental Section	
2. Information on coverage of guidelines	
Target group	<p>All sectors of the advertising industry – advertisers and promoters, advertising agencies, direct marketing interests, sales promotion consultants, media independents and various media – print, television, radio, cinema, outdoor and Internet.</p> <p>The Code applies to:</p> <p>(a) marketing communications in newspapers, magazines and other printed publications, including “free sheets”;</p> <p>(b) marketing communications in posters and other promotional media in public places, including moving images;</p> <p>(c) marketing communications in brochures, leaflets, circulars, mailings, fax transmissions, e-mails and text transmissions;</p> <p>(d) marketing communications broadcast on television or radio or screened in cinemas;</p> <p>(e) marketing communications carried on electronic storage materials and all other electronic media and computer systems; including but not limited to: online advertisements in paid-for space (including banner or pop-up advertisements and online video advertisements); paid-for search listings; preferential listings on price comparison sites; viral advertisements; in-game advertisements; commercial classified advertisements; advergames that feature in display advertisements; advertisements transmitted by Bluetooth; advertisements distributed through web widgets and online sales promotions and prize promotions;</p> <p>(f) promotional marketing and sales promotions;</p> <p>(g) advertisement features;</p> <p>(i) marketing communications in non-paid for space online, under the control of the advertiser or their agent, including but not limited to advertisers’ own websites.</p>
Aim	The primary objective of the Code is the regulation of commercial marketing communications in the interest of consumers.
Definition of the term: “environmental claims”	<p>“Claim” is defined in section 1(3)(h):</p> <p>“a claim can be direct or implied, written, verbal</p>

	The 6th Edition of the Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, Section 12, Environmental Section	
		or visual;”
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	N/A
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	All claims in marketing, promotion and advertisement.
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Product can encompass goods, services, facilities, opportunities, fundraising, prizes and gifts.
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Mention is made of: <ul style="list-style-type: none"> ▪ The Codes of the International Chamber of Commerce. ▪ The Director of Consumer Affairs. ▪ European Advertising Standards Agency Annex II (page 93 to 100) provides a long listing of Statutes, Statutory Instruments and Other Codes concerning Advertising and Promotional and Direct Marketing.
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All forms of claims.
	3. Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	According to section 12.6, the use of extravagant language should be avoided, as should bogus and confusing pseudo-scientific terms.
	Are there any terms for which certain conditions are set?	N/A
	Recommendations on documentation, calculation, testing methods, evidence and access to data	The basis of any claim should be clearly explained and should be qualified where necessary. Unqualified claims may mislead if they omit significant information.
	Examples provided of good practices and poor practices	N/A.

The 6th Edition of the Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, Section 12, Environmental Section	
4. Consistency check criteria based on UCPD Guidance	
<p>Objective misleading practice:</p> <p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>2.1</p> <p>Marketing communications should be legal, decent, honest and truthful.</p> <p>12.3</p> <p>The basis of any claim should be explained clearly and should be qualified where necessary. Unqualified claims may mislead if they omit significant information.</p> <p>Consistency with UCPD Guidance:</p> <p>When provisions of the Code's general rules are read in conjunction with the specific rules from the environmental section, one can see that the Code is in line with the UCPD Guidance on objective misleading practice. General rule 2.1 requires that marketing communications are truthful. Later, section 12.3 requires that environmental claims are qualified if needed. It clearly states that unqualified claims may mislead if they omit significant information.</p>
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage</p>	<p>12.4</p> <p>Where there is a significant division of scientific opinion or where evidence is inconclusive this should be reflected in any statements made in the marketing communication. Advertisers should not suggest that their claims command universal acceptance if this is not the case.</p> <p>12.5</p> <p>If a product has never had a demonstrably adverse effect on the environment, marketing communications should not imply that the formulation has been changed to make it safe. It is legitimate, however, to make claims about a product whose composition has been changed or has always been designed in a way that omits chemicals known to cause damage to the environment.</p> <p>Consistency with UCPD Guidance:</p> <p>Section 12.5 of the Code guards against one type of subjective misleading practice: namely where a product has never had a demonstrably</p>

The 6th Edition of the Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, Section 12, Environmental Section	
<p>by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>negative effect on the environment, marketing communications should not imply that the formulation has been changed to make it safe. Section 12.4 also targets subjective misleading practice requiring advertisers to be honest when making statements where there is actually divided scientific opinion on the matter or inconclusive evidence. Advertisers are not permitted to suggest that their claims have universal acceptance when this is not the reality. This is in accordance with the UCPD Guidance.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Section 12.1 is unequivocal when it states that environmental claims should not be used without qualification unless advertisers can provide convincing evidence that their product will cause no environmental damage.</p> <p>Section 12.2 is also concerned with the provision of underlying evidence. It provides that "Qualified claims and comparisons may be acceptable if advertisers can demonstrate that their product provides an improvement in environmental terms either against their competitors or their own previous products.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance refers directly to evidence in section 12.1 in the context of advertisers who make unqualified claims, and also indirectly to evidence in section 12.2.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if 	<p>According to section 12.3 of the Code, the basis of any claim should be explained clearly and should be qualified where necessary. Unqualified claims may mislead if they omit significant information.</p> <p>Consistency with UCPD Guidance:</p> <p>The Code does not refer to all aspects presented in the UCPD Guidance, but the basic premise that all claims should be explained clearly is laid down.</p>

The 6th Edition of the Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland, Section 12, Environmental Section	
<p>the packaging is only partially recyclable);</p> <ul style="list-style-type: none"> ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>Section 12.7 of the Code states that "Symbols may imply environmental claims in themselves. They should be simple and used in such a way that they do not convey false impressions about the characteristics of goods or services".</p> <p>Consistency with UCPD Guidance:</p> <p>The Code does not refer to all the prohibited practices listed in Annex 1 of the UCPD but does contain a general warning about the use of symbols which may in themselves carry environmental claims.</p>

1.13.3 Summary

As noted above, Ireland has only produced one set of guidelines that set out the rules on what should and should not appear in an environmental claim. In this limited context, the following paragraphs evaluate how the UCPD requirements appear to have been covered in the Manual of Advertising Self-Regulation (including the Code).

○ *Objective misleading practice*

When reading the Code's general rules in conjunction with the specific rules from the environmental section, one can see that the Code is in line with the Article 6(1) UCPD Guidance on objective misleading practice. General rule 2.1 requires that marketing communications are truthful. Later, section 12.3 requires that environmental claims are qualified if needed, stating that unqualified claims may mislead if they omit significant information.

○ *Subjective misleading practice*

The Manual of Advertising Self-Regulation (including the Code) does not use the term 'subjective misleading practice', nor does it lay down any general pronouncements about the impressions that a commercial communication might have on a consumer. Nonetheless, the environmental section of the Code focuses on two areas of subjective misleading practice. Section 12.5 of the Code deals with situations where a product has never had a demonstrably negative effect on the environment, and provides that marketing communications should not imply that the formulation has been changed to

make it safe. Section 12.4 also targets subjective misleading practice requiring advertisers to be honest when making statements where there is actually divided scientific opinion on the matter or inconclusive evidence. Advertisers are not permitted to suggest that their claims have universal acceptance when this is not the reality.

- *Scientific evidence*

The issue of providing scientific evidence to back up environmental claims has certainly been included in the Manual of Advertising Self-Regulation (including the Code). Section 12.1 is unequivocal when it states that environmental claims should not be used without qualification unless advertisers can provide convincing evidence that their product will cause no environmental damage. Section 12.2 is also concerned with the provision of underlying evidence.

- *Clarity and accuracy of the claims*

The Manual of Advertising Self-Regulation (including the Code) does not refer to all aspects concerning clarity and accuracy of the claims which are presented in the UCPD Guidance, but the basic premise that all claims should be explained is set out (for example, section 12.3 of the Code).

- *Reference to relevant Annex 1 prohibited practices in UCPD*

Again, the Manual of Advertising Self-Regulation (including the Code) does not refer to all the prohibited practices listed in Annex 1 of the UCPD but does contain a general warning about the use of symbols which may in themselves carry environmental claims.

1.14 Italy

1.14.1 Overview

Two general guidelines were identified in Italy, and no sectorial ones:

General guidelines:

- Assolombarda, Linee guida per il Marketing e la Comunicazione ambientale: come valorizzare prodotti e servizi sostenibili ed evitare i rischi del greenwashing, (Guidelines for environmental marketing and communication), available at: <http://www.greeneconomynetwork.it/it/documenti/dispensa-linee-guida-per-il-marketing-e-la-comunicazione-ambientale/view>
- IMQ (Istituto Italiano del Marchio di Qualità – Italian institute for quality label): Regolamento per il rilascio del marchio IMQ-ECO (Regulation for the granting of IMQ-ECO label), available at: http://www.imq.it/export/sites/default/it/doc/Regolamenti/Reg_IMQ_Certificazione_assertioni_ambientali_15_12_2010.pdf

1.14.2 General guidelines

1.14.2.1 Guidelines for environmental marketing and communication

The guidelines 'Linee guida per il Marketing e la Comunicazione ambientale: come valorizzare prodotti e servizi sostenibili ed evitare i rischi del greenwashing' have been drafted by the Environmental Quality Working Group of Assolombarda, business organization of companies established in the region Lombardy, and more precisely in the provinces Milan, Lodi and Monza-Brianza. The association represents around 5.000 companies with more than 285.000 employees – please refer to <http://www.assolombarda.it/chi-siamo>.

The guidelines provide recommendations to ensure that companies avoid greenwashing their communication and marketing. In particular, the guidelines have as target group in-house departments and employees in charge of environmental issues, marketing and communication.

The guidelines do not have binding legal value but are a useful tool for companies that are member of Assolombarda to avoid greenwashing. Assolombarda is not a law enforcement agency but the respect of the guidelines by companies is highly likely to ensure compliance with general legal requirements in the field of marketing and communication.

Furthermore, these guidelines are the only available guidelines in the field of greenwashing and environmental claim and therefore they are likely to be read and followed by many companies that are not members of Assolombarda. They are a complete and well-founded set of rules and explanations that potentially cover several if not all issues that arise when dealing with environmental claims such as:

- Why and when to communicate through environmental claims?
- To whom and what communicate through environmental claims?
- How to communicate through environmental claims?
- Where to communicate through environmental claims?

The main principles that govern environmental claims and that ensure that they do not infringe ethical and legal rules in the field of marketing and communication are based on the UCPD and on several ISO standards – basically the guidelines serve as practical explanation of these rules and standards for businesses. The guidelines also aim to explain why environmental claims are important and how an efficient environmental marketing strategy shall be implemented. In this sense, they serve as well as a marketing and communication textbook. For instance, a considerable part of the guidelines are devoted to an analysis of consumers and stakeholders environmental communication and to the different media, i.e. press, packaging, and television, where the environmental marketing and communication can take place.

When assessing the requirements for a correct environmental communication and marketing strategy, the guidelines: (i) state that environmental claims must be clear, accurate and specific, relevant, coherent and reliable; (ii) along with some rules for environmental claims that are aimed to compare current products and benefits with previous products or competitor's products; (iii) set rules regarding visibility of the claims.

More specifically, the claim must appear near the slogans or additional information provided, if any, and symbols must be clear, easy to interpret, coherent and acknowledged. Images of plants and animals therefore shall be avoided if they are not related to the context of the claim and to the declared environmental impact or benefit.

Linee guida per il Marketing e la Comunicazione ambientale: come valorizzare prodotti e servizi sostenibili ed evitare i rischi del greenwashing	
1. publication details	
Year of issuance	2011
Length	174 pages (entirely dedicated to environmental claims – a considerable part of the Guidelines is a sort of manual of environmental marketing).
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Assolombarda (business association of companies established in the region Lombardy)
General or sectorial guidelines	General guidelines
2. Information on coverage of guidelines	
Target group	In-house environmental counsels, in particular employees responsible for environmental management systems; marketing and communication departments inside companies.
Aim	The main aim of the guidelines is to provide the above target group with motivations, opportunities and tools to use environmental claims correctly as strategic competitive assets on the market.
Definition of the term: "environmental claims"	There is no clear definition of environmental claims, however it is evident from the guidelines that they refer to marketing and communications strategies that take into consideration environmental issues (see below for more information).

Linee guida per il Marketing e la Comunicazione ambientale: come valorizzare prodotti e servizi sostenibili ed evitare i rischi del greenwashing	
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	The guidelines do not have a glossary with definitions. However it is interesting to point out that they move from the assumption that environmental marketing has the aim to develop, promote and valorise products and services that have a lower environmental impact in comparison with the alternative products and services offered on the market.
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	All claims related to environment, i.e. environmental, organic, sustainable claims. Ethical claims as such fall out of the scope of the guidelines, as well as sustainable claims not related to environmental sustainability.
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Both goods and services. Company branding (" <i>comunicazione istituzionale d'impresa</i> ") falls out of the scope. Labelling schemes and all other environmental claims are covered.
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	The list of legal basis and references is very detailed and long (please refer to page 162-170 of the guidelines) and it includes ISO 14063, 14067, 14020, 14024, 14021, 14025, 14040, 14044. There is no referral to a priori clearance or to Italian authorities and regulations, although Italian legislation about advertisement and consumer protection applies.
Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	The guidelines apply to all statements in the field of marketing and communication, including advertisement and packaging, with the exclusion of company branding.
3. Recommendations from guidelines	
Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	According to ISO 14021 standards, generic statements such as (literally translated from Italian) 'environmentally friendly', 'friend of nature', 'non-polluting', 'green' shall be avoided.
Are there any terms for which certain conditions are set?	Communication and marketing strategies that aim to involve the consumer from the emotional point of view (i.e. with use of expressions, images, sounds etc. that leverage on the sphere of personal wellbeing or consumer's values, including environmental ones) are not prohibited as such. These strategies are acceptable if the communication has a real content in terms of environmental performances and benefits.
Recommendations on documentation, calculation,	Vague statements that cannot be verified shall be avoided. Furthermore, according to ISO

Linee guida per il Marketing e la Comunicazione ambientale: come valorizzare prodotti e servizi sostenibili ed evitare i rischi del greenwashing	
testing methods, evidence and access to data	14021 standard, all reference to 'sustainable development' shall be avoided too since such a concept is not enough known and demonstrable. Furthermore the guidelines point out that it is appropriate to match the statement with environmental data that have been obtained using widespread, recognised, scientifically well-founded and reproducible methodologies. Environmental claims should be verifiable and as far as possible verified by the producer or by third parties.
Examples provided of good practices and poor practices	<p>Examples of good practices:</p> <ul style="list-style-type: none"> ▪ Advertisement with accurate and complete environmental claim, with quantification of the benefit arising from the use of the product; ▪ Relevant environmental claim with real data that are relevant for the product and reference to producer's website for more information; ▪ Environmental claim with use of 'Ecolabel' label and comparison with other similar ecological products certified by a third party (e.g. consumers' magazine). <p>Examples of bad practices:</p> <ul style="list-style-type: none"> ▪ Advertisement with irrelevant environmental claim for the product (a bed); ▪ Environmental claims that are literally true but misleading – e.g. advertisement of lead-free paint is misleading provided that since several years all paints sold in the developed countries are lead-free; advertisement of products without CFC gases is misleading since these gases are now prohibited; ▪ Environmental claims literally true but with benefits that are not usually obtained in the context where they are sold or used; ▪ Environmental claims using synonyms as to give the perception that the environmental benefits are several but in reality all synonyms refer to the only benefit; ▪ Environmental claim based on an impossible or incorrect comparison with previous products; ▪ Environmental claim with incorrect use of images such as trees or other evocative pictures.
4. Consistency check criteria based on UCPD Guidance	
Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is	<p>Trustworthiness of the environmental claim:</p> <ul style="list-style-type: none"> ▪ True, believable and verifiable information ▪ Claim with data obtained using widespread, acknowledged and reproducible methodologies ▪ Information verified with independent third

Linee guida per il Marketing e la Comunicazione ambientale: come valorizzare prodotti e servizi sostenibili ed evitare i rischi del greenwashing	
<p>misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>party's certification</p> <ul style="list-style-type: none"> ▪ Claim with referral to the source for in-depth information <p>Consistency with UCPD Guidance: The guidelines are in line with UCPD Guidance. False information shall not be used and, as pointed out above, all environmental claims (including general or absolute statements) shall be based on evidences that have been verified by the producer or by a third party and that can be verified by any competent authority/third party.</p>
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under</p>	<p>Relevance of the environmental claim:</p> <ul style="list-style-type: none"> ▪ It relates to environmental aspects that are really relevant for the item to which the claim refers (product, process, etc.) ▪ Relevant for the area of the people affected by the environmental impact ▪ It does not neglect important environmental aspects ▪ It does not exaggerate product's pre-existing benefits or benefit linked to its use presented as relevant innovations ▪ It does not claim false benefits <p>Consistency with UCPD Guidance: The guidelines are compliant with UCPD Guidance, more specifically: These environmental claims are clearly treated as forbidden by the Guidelines. Greening of brand names as such falls out of the scope of the Guidelines. The guidelines add other similar examples, such as: (i) the impossibility to have a valid environmental claim comparing the benefits of a new rechargeable battery with those of the previous product (a non-rechargeable battery); (ii) the claim that a new packaging has 50 % more recycled material is not correct if the use of recycled material in the packaging raised from 4 % to 6%. This claim is not valid under the Guidelines since it is too generic and not relevant – compliance with legislation cannot justify an environmental claim.</p>

Linee guida per il Marketing e la Comunicazione ambientale: come valorizzare prodotti e servizi sostenibili ed evitare i rischi del greenwashing	
EU law (cross-compliances).	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Trustworthiness of the environmental claim:</p> <ul style="list-style-type: none"> ▪ True, believable and verifiable information ▪ Claim with data obtained using widespread, acknowledged and reproducible methodologies ▪ Information verified with independent third party's certification ▪ Claim with referral to the source for in-depth information <p>Consistency with UCPD Guidance: The Guidelines are competent with UCPD Guidance and they clearly state that environmental claims shall be matched with evidences that are verifiable and verified. An independent third party shall make such verification and review of the documentation and of the claim upon producer's submission.</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Clarity of the environmental claim:</p> <ul style="list-style-type: none"> ▪ Clarity of the terms and acronyms used and/or explanation thereof ▪ Comprehensibility of the language used in relation to the addressees of the claim ▪ Clarity regarding the area to which the claim refers (product, process, packaging, etc.) ▪ Absence of ambiguities in the claim that can generate misunderstandings ▪ Readability of the claim in the sense of incisiveness/essentiality of the content of the claim and graphic readability of the text <p>Consistency with UCPD Guidance: The Guidelines are consistent with the UCPD Guidance, and more specifically:</p> <ul style="list-style-type: none"> ▪ The claim must be complete and relevant, and therefore it should be mentioned whether the claim covers the whole product or only one of its components ▪ Environmental claims of companies fall out of the scope of the guidelines but environmental labels for companies (as opposed to labels for specific products or processes) are analysed in the Guidelines. ▪ Again, the claim must be complete and relevant. If for instance only one stage of the lifecycle or one product characteristic obtained an ecological label, a generic claim stating that the product is ecological shall be banned.
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or 	<p>NA</p> <p>Consistency with UCPD Guidance: There is no reference to Annex I prohibited practices in UCPD</p>

Linee guida per il Marketing e la Comunicazione ambientale: come valorizzare prodotti e servizi sostenibili ed evitare i rischi del greenwashing	
<ul style="list-style-type: none"> private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body ▪ (See Page 43 in UCPD guidance) 	

1.14.2.2 Regulation for the granting of IMQ-ECO label

IMQ – Istituto Italiano del Marchio di Qualità (www.imq.it) is the most important certification authority in Italy. Due to the increasing importance of reducing greenwashing in advertisement and communication, IMQ created the IMQ-ECO label, a certification of product environmental claims. The aim of the certification is to guarantee that the environmental claims regarding a specific product are true, measurable and stable in time.

The IMQ-ECO label concerns the environmental, ecological or energy characteristics of a product, such as information regarding the use of recycled material in the product, reduced water and energy consumption during use or production, the biodegradable character of the product, and the recycling of the product.

The claims that can be certified are not subject to any limitation as far as they are demonstrable and they refer to a real progress for environment. The object of the certification and of the control by IMQ is not only the product for which certification is sought but also the operative system of the company in order to certify the capacity to maintain the certified environmental standards in time. For these reasons the certified products are periodically audited by IMQ to verify whether or not the environmental claim is still accurate.

As shown in the table below, the principles listed in the regulation for issuance of a certification of environmental claim IMQ-ECO are consistent with the ISO standards and with the applicable European legal framework. It is, however, interesting to point out that, so far, and based on the information available, no granted certifications have been disclosed by IMQ in the public on-line database of IMQ certifications.

Regolamento per la certificazione ambientale di prodotto	
1. Publication details	
Year of issuance	2010
Length	17 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	IMQ (Istituto Italiano del Marchio di Qualità)
General or sectorial guidelines	Sectorial guidelines
2. Information on coverage of	

Regolamento per la certificazione ambientale di prodotto	
guidelines	
Target group	Companies that apply for or obtained the certification of product environmental claims (" <i>certificazione delle asserzioni ambientali di prodotto</i> "), called IMQ-ECO.
Aim	The aim of the regulation is to establish the procedure applied by IMQ for the certification of product environmental claims. The scope of the IMQ-ECO label is to certify that the claimed environmental characteristics of the product correspond to the truth.
Definition of the term: "environmental claims"	Product environmental claims are not defined by the regulation, which refers for all definitions to the glossary used by the ISO standards of the series 14000.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	No specific claims or terms related to the claims are defined by the regulation, which applies to environmental, ecological and energy claims.
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	The claims covered are the following: environmental, ecological and energy claims.
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Goods; the certification applies to specific products and company branding as such falls out of the scope.
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Provided that there is no legal obligation of environmental certification and that there are no national and general guidelines and regulations about environmental claims and greenwashing, IMQ-ECO as assessment of the claims does not have a mandatory legal basis. As far as standards are concerned, ISO standards of the series 14000 are explicitly recognised as reference. There is no specific referral to authorities and the regulation does not have general binding force, but it is binding for the companies that applied for or obtained the certification.
Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	The regulation applies to all claims and is not limited to specific media or types of claims.
3. Recommendations from	

Regolamento per la certificazione ambientale di prodotto	
guidelines	
Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	No, the regulation does not list any claim or term that shall be avoided in all or certain circumstances. The regulation does not state directly that all vague and ambitious terms such as environmental friendly, green, ecological shall be avoided since they are potentially misleading.
Are there any terms for which certain conditions are set?	The regulation does not list any terms for which certain conditions are set, but the conditions the claims must meet to obtain the certification are described.
Recommendations on documentation, calculation, testing methods, evidence and access to data	<p>According to article 2.1 of the regulation environmental claims can be certified if they can be verified, are based on a scientific methodology that is sufficiently depth and complete (and that is able to prove the claim and that leads to accurate and reproducible results).</p> <p>All information concerning the procedure, methodology and all other criteria to prove the environmental claims shall be available and shall be disclosed to all parties involved in and interested to the certification.</p>
Examples provided of good practices and poor practices	The regulation does not provide for any example of good or bad practice.
4. Consistency check criteria based on UCPD Guidance	
<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that</p>	<p>The environmental claim that can be certified according to the regulation shall respect the following conditions:</p> <ul style="list-style-type: none"> ▪ Be accurate, relevant, proven and verifiable; ▪ Don't be misleading; ▪ Be based on a scientific methodology that is sufficiently thorough and complete, as to prove the specific claim and to bring to accurate and reproducible results ▪ Have a formulation that takes into account all relevant aspects of the product life-cycle, although a complete evaluation of the life-cycle is not required. <p>Consistency with UCPD Guidance: The regulation is in line with the UCPD Guidance. False, inaccurate or unverifiable environmental claims will not be certified by IMQ acting as verification authority.</p>

Regolamento per la certificazione ambientale di prodotto	
any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.	
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>The environmental claim that can be certified according to the regulation shall respect the following conditions:</p> <ul style="list-style-type: none"> ▪ Be accurate, relevant, proven and verifiable; ▪ Don't be misleading; ▪ Be based on a scientific methodology that is sufficiently thorough and complete, as to prove the specific claim and to bring to accurate and reproducible results ▪ Have a formulation that takes into account all relevant aspects of the product life-cycle, although a complete evaluation of the life-cycle is not required. <p>Consistency with UCPD Guidance:</p> <p>The regulation does not list the precise factual conditions to certify an environmental claim and the examples in the left column are not mentioned. However, since the claim must be accurate, relevant and not misleading, I tend to say that the examples provided are environmental claims that cannot obtain the certification IMQ-ECO.</p>
Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)	<p>The environmental claim that can be certified according to the regulation shall respect the following conditions:</p> <ul style="list-style-type: none"> ▪ Be accurate, relevant, proven and verifiable; ▪ Don't be misleading; ▪ Be based on a scientific methodology that is sufficiently thorough and complete, as to prove the specific claim and to bring to accurate and reproducible results ▪ Have a formulation that takes into account all relevant aspects of the product life-cycle,

Regolamento per la certificazione ambientale di prodotto	
	<p>although a complete evaluation of the life-cycle is not required.</p> <ul style="list-style-type: none"> ▪ The information regarding the process, methodology and all other criteria used to prove the environmental claims must be available and provided upon request to all parties concerned in the certification. <p>Consistency with UCPD Guidance:</p> <p>The regulation is consistent with the UCPD Guidance since all claims shall be verified to obtain the certification.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>The environmental claim that can be certified according to the regulation shall respect the following conditions:</p> <ul style="list-style-type: none"> ▪ Be accurate, relevant, proven and verifiable; ▪ Don't be misleading; ▪ Be based on a scientific methodology that is sufficiently thorough and complete, as to prove the specific claim and to bring to accurate and reproducible results ▪ Have a formulation that takes into account all relevant aspects of the product life-cycle, although a complete evaluation of the life-cycle is not required. <p>Consistency with UCPD Guidance:</p> <p>The regulation provides that the claim must be formulated as to take into consideration all relevant aspect of the product's entire life cycle (however, a complete evaluation of the product's lifecycle is not required).</p> <p>Claim referring to a company and not to specific products cannot be certified. At the same time the company applying for the certification must (i) have a products' project and development process that allows identifying and keeping under control all critical variables that may influence the objects of the claim to certify, and (ii) apply a environmental management system able to define environmental policy and targets, set up the control procedures and proof compliance to third parties.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of 	<p>The environmental claim does not have to be misleading (see above)</p> <p>Consistency with UCPD Guidance:</p> <p>The regulation is in line with the UCPD Guidance. In particular article 5.1, i), states that the holder of the certification IMQ-ECO shall avoid (i) any and all equivocations between the certified products and the non-certified products on the holder's catalogues, price lists or communication</p>

Regolamento per la certificazione ambientale di prodotto	
conduct has been endorsed by a public or private body (See Page 43 in UCPD guidance)	in general, and (ii) any and all declaration about or advertisement of the certification in a misleading or unauthorised way.

1.14.3 Summary

In Italy, there is considerable attention for greenwashing and for the most efficient ways to punish and prevent it. Consumers' and business organizations seem to take fighting against greenwashing seriously and the recurring sanctions imposed by the Antitrust Authority (AGCM – *Autorità Garante della Concorrenza e del Mercato*) to companies for greenwashing are an evidence of such attention.

Consistently with the text of the UCP Directive 2005/29/EC the Italian legislation implementing the Directive, namely the so-called Consumers' Code (Legislative Decree 206/2005) as amended by Legislative Decrees 145/2007 and 146/2007, does not contain any specific provision about environmental claims or greenwashing. As in the Directive, general principles about unfair commercial practices such as the principle that a producer or seller cannot make false claims, assure that false, inaccurate or misleading environmental claims are forbidden.

AGCM, as the law enforcement agency in charge of unfair commercial practices and advertisements, will collect claims for greenwashing, make any necessary investigation, prosecute and sentence infringing companies.

Since in Italy, there is no dedicated legislation about unfair environmental claims, all prosecutory and sanctioning activity will be necessarily based on an interpretation of the abovementioned Consumers' Code and in practice, since no specific guidelines with legal force have been issued, such interpretation will be based on the Commission guidance on the implementation of the UCP Directive.

Apart from regulations issued by certification authorities to grant ecological labels for products and for environmental claims, the only available extensive analysis of greenwashing and of how it can be avoided has been issued by Assolombarda (see above) but since these Guidelines do not have binding legal force they can just be used as a useful tool to set up a correct environmental communication and marketing.

The IMQ regulation does not have general binding legal force apart from contractual binding force for the companies that submitted their environmental claims to IMQ for assessment and certification. Please be aware that this is a purely voluntary scheme since such assessment is not compulsory.

- *Objective misleading practice*

In the practice developed in Italy as shown in the analysis above, environmental claims must be true and accurate and they cannot be misleading for the users. Truth does not have to be interpreted literally but in the context, so that claiming that a product does not contain a polluting material, the use of which is forbidden by law, although literally true, is irrelevant and thus misleading.

- *Subjective misleading practice*

The Guidelines and Regulation analysed in this Study as well as the applicable legislation do not define subjective misleading practice. If we refer to practice that can be misleading for the consumers although no false statements are made in the claim, apart from the above comment on how truth in environmental claims must be

interpreted, we can add that claims shall be as clear as possible and that, for instance, the use of synonyms to refer to the same benefit should be avoided in order not to give the impression that the claimed benefits are several when in reality the product brings only one benefit.

All vague and ambitious terms such as 'environmental friendly', 'green', 'ecological' shall be avoided since they are potentially misleading. Producers shall pay attention also to the use of images and symbols since they shall be related to the claim and not be too general and therefore misleading. These rules are clearly stated in the Guidelines, while no detailed provisions are included in the Regulation.

- *Scientific evidence*

All environmental claims must be substantiated with scientific evidence, and this principle is clearly stated both in the Guidelines and in the Regulation. Furthermore the scientific evidence provided by the producer or distributor in the claim must be validated by independent testing institutes or in general by independent third parties.

AGCM recently sanctioned a producer of mineral water that made a claim about the alleged benefit of their ecological plastic bottles based on information provided by the producer of the plastic bottles. AGCM argued that the information that justifies an environmental claim must be provided and validated by independent third parties.

See AGCM, procedure PS6302, Acqua Sant'Anna Bio Bottle, dated 14/11/2012: <http://www.agcm.it/consumatore--delibere/consumatore-provvedimenti/download/C12560D000291394/75FB2733F811082DC1257ACA003AB7C.C.html?a=p24046.pdf>.

- *Clarity and accuracy of the claims*

All environmental claims must be clear and accurate and the Guidelines and the Regulation agree on this basic principle. AGCOM in the abovementioned decision of November 2012 declared that an inaccurate claim stating that from the use of the ecological plastic bottle the producer can reduce the consumption of more than 175.000 barrels of oil, is misleading. This result could only be achieved if all of the bottles used by the producer would be of the 100% ecological type, and in reality, only 0,2 % of the sold bottles are 'ecological'. The consumer who reads the claim would have the impression that the infringer uses exclusively ecological bottles while in reality the benefit from the bottles actually used is much lower.

The Assolombarda's Guidelines confirm this approach recently followed by AGCOM. In practice, a solution to avoid any risk of greenwashing is to certify the environmental claims, as proposed by IMQ, but such certification schemes are only facultative.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

Italian legislation specifically transposed Annex 1 prohibited practices in the Consumers' Code. Therefore a certification, label or logo cannot be used if it is not effectively granted for that specific product, process or company.

The Guidelines do not refer explicitly to Annex 1 – having more detailed rules about malpractices involving the IMQ-ECO label. A producer that, for instance, uses the IMQ-ECO label on the packaging of certified and non-certified products violates the Regulation, as well as any misleading or unauthorised use of the label – however, the Regulation does not list in detail what 'misleading or unauthorised use' *actually* means.

1.15 Luxembourg

1.15.1 Overview

In Luxembourg there is **one general guideline** identified and no sectorial one.

General guideline:

- The Code of ethics in advertising:
<http://www.clep.lu/index.php/code-de-deontologie/>

There are no sectorial guidelines. However, the DETIC Code of Advertising for Hygiene and Cosmetics Products, which is analysed in the report for Belgium, is also applicable in Luxembourg.

1.15.2 General guidelines

1.15.2.1 The Code of ethics in advertising

The code of ethics in advertising, i.e. the 'Code', has been enacted in 2009 by the CPL (*Conseil luxembourgeois de la publicité*).

The Commission for ethics in advertising (*Commission pour l'éthic en publicité*) CLEP, which is a non-profit association of private law formed by the major players active in the field of marketing and commercial communication in Luxembourg and an emanation of the CPL, is in charge of its implementation.

The CLEP is also the competent Authority to advise the advertising community, handle complaints and to act on its own initiative. The Code sets out non-compulsory guidelines in advertising regarding loyalty, honesty, veracity, decency, protection of privacy, as well as specific guidelines in certain fields like environmental issues. The Code is not focused on environmental claims, but contains specific provisions regarding environmental claims.

It is, however, not a specific guidance compared with the UCPD guidance on environmental claims.

NAME: Code of ethics in advertising	
publication details	
Year of issuance	2009
Length	6 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Code has been enacted by the CPL and the CLEP is responsible for its implementation. These are self-regulatory bodies.
General or sectorial guidelines	General guidance
Information on coverage of guidelines	
Target group	All marketing and communication market players
Aim	It aims at ensuring loyalty and ethics in advertising in all kind of media throughout

	Luxembourg.
Definition of the term: "environmental claims"	N/A
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	All types of claims
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Not limited.
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	<p>The Code is based on the general guidelines of the ICC Code.</p> <p>Applicable regulations in Luxembourg regarding environmental marketing are mainly contained in statutory laws, in particular:</p> <p>The Luxembourg Law of 30 July 2002 on misleading advertising, as amended;</p> <p>The Luxembourg Consumer Code;</p> <p>The Luxembourg Ministry for the protection of consumers (i.e. The Ministry of Economy and Foreign trade) is in charge of the control of the implementation of these provisions. These laws provide criminal sanctions.</p> <p>The Luxembourg Regulation of 14 December 2000 on the labelling, presentation and advertising of foodstuffs, as amended.</p> <p>The National Public Health Centre ("Laboratoire National de Santé") in charge of the control for the compliance of foodstuffs labelling. This law provides criminal sanctions.</p>
Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All types
Recommendations from guidelines	
Are there any terms for which the guidelines indicate they should be avoided in all	No, the Code provides that any statement in an ad must be true, accurate and moreover must be

circumstances/in certain circumstances?	proven (Articles 1 and 2)
Are there any terms for which certain conditions are set?	No
Recommendations on documentation, calculation, testing methods, evidence and access to data	<p>The Code states that the use of testimony, statement or scientific reference, which are overstated or inappropriate, must be avoided (Article 2)</p> <p>The use of technical data, statistics or scientific statement should not wrongly imply scientific expectations. Scientific assertions must be justified and proven (Article 2)</p>
Examples provided of good practices and poor practices	Not provided
Consistency check criteria based on UCPD Guidance	
<p>Objective misleading practice:</p> <p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>The Code provides that any statement in an ad must be true, accurate and moreover must be proven (Article 1)</p> <p>Advertising using environmental assertions must not mislead the consumer and must not have as its main objective to attract consumers' attention or to increase their expectations in this respect (Article 5)</p> <p>Consistency with UCPD Guidance:</p> <p>The guidelines of the Code remain general but are in line with the UCPD Guidance as the use of such environmental terms must be true, accurate and proven</p>
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague</p>	<p>The Code does not explicitly refer to subjective misleading practice. It only specifies that advertising must not encourage consumers to irresponsible behaviour vis-à-vis the environment</p> <p>It must therefore refrain from suggesting behaviour or to refer to human activities or industrial activities that would be considered contrary to the protection of the environment and sustainable development (Article 5)</p> <p>Advertising using environmental assertions must not mislead the consumer and must not have as</p>

<p>and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>main objective to attract consumers' attention or to increase their expectations in this respect (Article 5)</p> <p>Consistency with UCPD Guidance:</p> <p>The guidelines of the Code remain general and do not refer to explicit provisions regarding subjective misleading practice as stated in the UCPD Guidance.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Scientific assertions must be justified and proven (Article 2)</p> <p>Consistency with UCPD Guidance:</p> <p>The guidelines of the Code remain general and do not require that scientific assertions as such have to be verified by the competent authority</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain 	<p>The Code provides that any statement in an ad must be true, accurate and must be proven (Articles 1 and 2)</p> <p>Consistency with UCPD Guidance:</p> <p>The guidelines of the Code remain general and do not provide minimum requirements as stated in the UCPD Guidance.</p>

products; ■ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers;	
Reference to relevant Annex 1 prohibited practices in UCPD: ■ unauthorised use of logos ■ false approval or endorsement by public or private bodies ■ falsely claiming to be a signatory of a code of conduct ■ falsely claiming that a code of conduct has been endorsed by a public or private body (See Page 43 in UCPD guidance)	N/A Consistency with UCPD Guidance: The Code only provides very general recommendations on prohibited practice, and it does not refer to the practices mentioned in Annex 1.

1.15.3 Summary

The Luxembourg guidance, i.e. the Code of ethics in advertising, does not explicitly refer to the UCPD guidance document prepared by the Commission but contains general recommendations at high level, in line with the general principals of the UCPD guidance.

The Code sets out only non-compulsory general guidelines relating to advertising, i.e. loyalty, honesty, veracity, decency, protection of privacy, and also contains specific guidelines regarding the environmental responsibility of advertisers. The Code provides specific provisions for advertising towards children, alcohol advertising, and health advertising as well as advertising related to banking and insurance products or services.

Advertising issues, as well as green claims, are mainly regulated by statutory laws in Luxembourg, in particular:

- The Luxembourg Law of 30 July 2002 relating to Commercial practices, unfair competition and comparative advertising;
- The Luxembourg Consumer Code;
- The Luxembourg Regulation of 14 December 2000 on the labelling, presentation and advertising of foodstuffs, as amended.

These statutory laws contain much more detailed provisions regarding green claims. For example, the Luxembourg Regulation of 14 December 2000 on the labelling, presentation and advertising of foodstuffs, as amended, provides that:

- the use of the adjectives 'organic' or 'ecological' or any synonyms of these words are not allowed if:
 - the foodstuff contains any pesticides or any additive or any chemical product;
 - the foodstuff has not been produced in accordance with the rules set forth in the Community Regulation No 2029/91 of 24 June 1991 on

organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs.

- the words 'nature' or 'pure' or any synonym or similar words asserting the natural character of a product cannot be used if:
 - the foodstuff contains any pesticides;
 - any additive;
 - any chemical product;
 - if the foodstuff is sophisticated.

The labelling, presentation and advertising of foodstuffs must not be likely to mislead consumers regarding their characteristics, i.e. nature, identity, quality, composition, durability and origin, and/or their effects.

The Code does not provide a Consistency check procedure to ensure the use and design of good environmental claim. It remains very general, as well as to assess whether or not an environmental claim is misleading.

- *Objective misleading practice*

According to the Code, environmental claims must be presented in a truthful and accurate way that would not mislead consumers.

- *Subjective misleading practice*

The Code does not exactly refer to the terms 'subjective misleading'. It provides that claims cannot have its main objective to attract consumers' attention, or to increase their expectations in respect of the environment, and that advertising must not encourage consumers to behave irresponsibly in the environment. At high level, subjective misleading practice may be covered under these provisions but these are not very explicit.

- *Scientific evidence*

Such criterion is clearly mentioned in the general principles of the Code which recommends that scientific assertions must be justified and proven. In addition, the use of testimony, statement or scientific reference, which are overstated or inappropriate, must be avoided. However, there are no modalities provided, nor the possibility of review by authorities.

- *Clarity and accuracy of the claims*

The Code is limited to providing a general principle to ensure that a claim is clear and accurate in order not to mislead consumers.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The Code only provides very general recommendations on prohibited practice and does not explicitly refer to the practices of Annex 1.

1.16 Netherlands

1.16.1 Overview

In the Netherlands **two guidelines** are available, a general and a sectorial. The general guidelines document in the Netherlands is:

General guidelines:

- The Environmental Advertising Code (Milieureclamecode) used by Advertising Code Commission:
<https://www.reclamecode.nl/nrc/pagina.asp?paginaID=271%20&deel=2>

Sectorial guideline:

- The Code for Passenger Cars:
<https://www.reclamecode.nl/nrc/pagina.asp?paginaID=272%20&deel=2>

Furthermore, Milieukeur provides certification schedules for the certification of different types of products. These schedules merely provide the rules for obtaining this certification. Moreover, there is an on-going discussion on the use of environmental labels, logos and symbols. For these reasons we will not address these schedules in this document.

1.16.2 General guidelines

1.16.2.1 The Environmental Advertising Code

The Environmental Advertising Code is applied by the Dutch self-regulatory organisation of the advertising sector. This code contains the basic principles comparable to the UCPD guidance on environmental claims, but it does not contain detailed examples.

NAME: Milieureclamecode (Environmental Advertising Code)	
1. publication details	
Year of issuance	1991, adapted in 2000
Length	3 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Self-regulatory Body: Advertising Code Association (Stichting Reclame Code)
General or sectorial guidelines	General guidance for advertisers
2. Information on coverage of guidelines	
Target group	All advertisers
Aim	To apply an auto-disciplinary instrument that concerns the correctness of environmental advertising
Definition of the term:	"All advertisement wherein, whether explicitly or

	"environmental claims"	implicitly, is referred to environmental aspects connected to the production, distribution, consumption or waste disposal of goods or services" (art. 1)
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	"lifecycle" = "from production (including the processing of base material) till the processing of waste "the use of the words 'environmentally-friendly', 'clean', 'green' and 'beneficial for the environment', without nuancing are considered absolute claims by the public." Notes to article 3.
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Goods and services
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	The guidance does not refer to legislative provisions or standards. It is an instrument of self-regulation, to be used by the Committee of the Advertising Code Association, which supervises the advertising sector (on a voluntary basis in theory). This guidance aims to avoid the accumulation of rules. Therefore the guidance states in the notes pertaining to article 12: "in case the competent authorities, in relation to environmental issues, issue specific regulations pertaining advertisement, the code will step back on these specific matters."
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All types
	3. Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	No, there is no ban on absolute claims (such as clean, green, etc.). However all environmental claims need to be substantiated. Therefore there is much restraint against absolute claims since they are mostly impossible to substantiate.
	Are there any terms for which certain conditions are set?	See here above
	Recommendations on documentation, calculation,	"Quotes of scientific works need to be representative and verifiable.

	testing methods, evidence and access to data	If quoted scientific works are generally unavailable, the advertiser will submit these works when requested during the complaint procedure." (article 8) Testimonials need to be based on the expertise of the person or institute making the declaration.
	Examples provided of good practices and poor practices	None provided
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence that can be verified by the competent authorities.</p>	<p>"Environmental claims should not contain declarations, images or suggestions that can mislead consumers on the environmental aspects of the presented products, or on the contributions of the advertiser to the preservation and furtherance of a clean and safe environment in general." (article 2)</p> <p>"All environmental claims need to be demonstrably correct. The evidence needs to be provided by the advertiser. The more absolute a claim the stronger evidence is required. " (article 3)</p> <p>Consistency with UCPD Guidance:</p> <p>Article 2 is formulated in general terms. There is no explicit reference in the article on claims being objectively misleading.</p> <p>Article 3 complements article 2 by requiring the advertisers to substantiate all claims and pairing the level of evidence to how absolute the claim is formulated. However with the actual state of the art, it is very unlikely for advertisers to be able to prove that their products are completely free of harm to the environment. In spite of the absence of a prohibition of the use of absolute terms it is therefore highly recommended for advertisers to nuance their claims as much as possible. This is also applicable to advertising that contains warnings in regard to specific environmentally harmful aspects of certain goods and services.</p>
	<p>Subjective misleading practice The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest;</p>	<p>"Environmental claims should not contain declarations, images or suggestions that can mislead consumers on the environmental aspects of the presented products, or on the contributions of the advertiser to the preservation and furtherance of a clean and safe environment in general." (article 2)</p> <p>Consistency with UCPD Guidance:</p> <p>Yes (however in general terms). The global</p>

<p>use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>impression of the advertisement is relevant to assess environmental claims. Environmental claims can be subjectively misleading merely by the use of images or suggestions, or the lack of information or warnings pertaining the environmental qualities of the advertised products.</p> <p>In practice, misleading advertisement often consists of the exaggeration of a marginal environmental benefit or progress.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>"Quotes of scientific works need to be representative and verifiable.</p> <p>If quoted scientific works are generally unavailable, the advertiser will submit these works when requested during the complaint procedure." (article 8)</p> <p>Consistency with UCPD Guidance:</p> <p>Only in case of complaints, scientific evidence needs to be presented to the surveillance body (the Advertising Code Committee) by the advertiser.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: 	<p>"In case environmental claims pertain solely or almost solely to certain parts or aspects of the advertised products, this needs to be expressed clearly. " (article 4)</p> <p>"An environmental claim referring to the absence or diminishment of environmentally harmful components is only allowed if</p> <p>Any replacing components are less harmful to the environment</p> <p>It does not erroneously claim or suggest that similar products do contain the diminished components that are environmentally harmful"</p>

	<p>recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable);</p> <ul style="list-style-type: none"> ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>(article 5)</p> <p>"This Environmental Advertisement Code is applicable to all environmental claims, meaning all advertising expressions wherein is implicitly or explicitly referred to environmental aspects" related to production, distribution, consumption or waste disposal of goods or services (together products)" (article 1)</p> <p>"Environmental claims pertaining to the (separate) collection and/or handling of waste are only allowed if the advertised methods are sufficiently available for the target group of the environmental claim. Environmental claims pertaining to the recycling of products or parts of these products are only allowed if the recycling of these products is sufficiently realised." (article 10)</p> <p>Consistency with UCPD Guidance:</p> <p>There is an explicit reference to the indication of the relevant aspect of the advertised product. (article 4)</p> <p>However, there is no reference to whether the claim refers to a company or certain products. Moreover there is no reference to the relevant phase in the life cycle of the product. (Except for claims pertaining waste disposal or recycling, see hereunder).</p> <p>The guidance is applicable to all environmental claims of goods and services from their production to their disposal. The guidance does not explicitly state that the environmental claims need to specify to which stage of the cycle the environmental claim refers. However environmental claims pertaining to the handling and/or collection of waste are only allowed if the recommended methods are sufficiently available for the target group. Environmental claims pertaining to the recycling of products or parts of these products are only allowed if the reuse of these products is sufficiently realised.</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body 	<p>"The use of environmental labels and symbols is not allowed, unless the origin of the label or symbol is clear and there is no confusion on the meaning of the label or symbol" (article 7)</p> <p>"Declarations in environmental claims need to be based on the expertise of the person or institution, making the declaration" (article 9)</p> <p>Consistency with UCPD Guidance:</p> <p>There is a reference to the unauthorised use of logos and symbols. There are on-going</p>

(See Page 43 in UCPD guidance)	<p>discussions on the use of environmental labels, logos and symbols. Certifications provided by official institutions can be important evidence when demonstrating the correctness of the environmental claim. The use of labels, logos and symbols is only allowed if its origin is clear and there is no confusion over its meaning. Clarity concerning the origin can be created by mentioning its origin in the advertisement or because the symbol has become well known. The significance of the symbol will have to be proven by the advertisement itself or through generally available information.</p> <p>Testimonials need to be based on the expertise of the endorsing body</p> <p>There is no reference to the other prohibited practices.</p>
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1.16.3 Sectorial guidelines

1.16.3.1 The Code for Passenger Cars

The code for passenger cars refers to the Environmental Advertising code. In particular, it states that all sectorial advertising expressions need to comply with the Environmental Advertising Code.

Besides the reference to this code, it also has certain additional provisions concerning the mention of technical data pertaining to the environmental aspects of the goods concerned, i.e. fuel consumption and carbon dioxide emission.

NAME: Code voor personenauto's. (The code for passenger cars)	
1. publication details	
Year of issuance	1994
Length	3 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Self-regulatory Body: Advertising Code Association (Stichting Reclame Code)
General or sectorial guidelines	Sectorial guidelines for advertisement of new passenger cars
2. Information on coverage of guidelines	
Target group	Advertisers of new passenger cars.
Aim	To gear advertisement to the government policies pertaining traffic safety, environment and energy saving. This sectorial policy not only aims to bring cars on the market that are as safe, clean and economical as possible. This policy also aims to promote a use that is as safe, clean and energy saving as possible.
Definition of the term:	No specific definition.

	"environmental claims"	
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	Sector ("de branche") = members of the department cars of the RAI organization Passenger cars ("personenauto's") = cars aimed to transport a maximum of 8 persons (the driver not included) as referred to in the road traffic act ("Wegenverkeerswet") and that are provided with a combustion engine. Expression = as defined in the general Advertisement Code
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Fuel consumption claims, energy consumption claims, CO2 emission claims, environmental claims, safety claims
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Goods, i.e. cars
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Road Traffic Act The General Advertisement Code
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	Terms
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	Yes, advertisement may not contain speed, acceleration and engine power as selling points. Terms that advertise the car as an environment-friendly product or as an absolutely safe product need to be avoided.
	Are there any terms for which certain conditions are set?	In case engine power is mentioned, this needs to be done in kilowatts (kW). Fuel consumption may only be mentioned in accordance to the 'Decision on labelling of energy consumption'. Average fuel consumption and average carbon dioxide needs to be represented by means of the official 'test cycle' in following format: <ul style="list-style-type: none"> ▪ Horizontally to the written commercial message ▪ Under the expression and separated from other written statements. ▪ In a font that is well legible and with normal spacing ▪ In a way that statements contrast clearly with the background

		<ul style="list-style-type: none"> ▪ In a character size that corresponds at least with the smallest character size of the provided information in the advertisement message, with minima according to the type of publication i.e. printed press, billboards, posters (for these types of publications the guidance states specific sizes according to the size of the publication) and websites. <p>Pertaining to websites, following specific conditions are applicable:</p> <ul style="list-style-type: none"> ▪ Consumption and carbon dioxide data are always mentioned on the webpages that provide an overview of the detailed (engine) characteristics of the shown model ▪ The brand website (or websites) contains an overviewing webpage with a chart wherein the whole of consumption and carbon dioxide emission-data of the entire gamut of vehicles of this brand is displayed, in a way that is easily legible and printable and simplifies the comparison between the different versions and models. ▪ Each page of the brand website provides a specific button, tab or a similar link to the overview chart mentioned here above. ▪ On banners, IMU's, skyscrapers and other similar expressions of advertisement other than the brand website (or websites), consumption and carbon dioxide emission data are likewise stated in a legible way or provide the possibility to click through directly to a page where these are mentioned and can be printed. In case of so-called viral campaigns, this data is mentioned on the landing page, whereupon the consumers arrive when clicking through.
	Recommendations on documentation, calculation, testing methods, evidence and access to data	NA
	Examples provided of good practices and poor practices	NA
4.	Consistency check criteria based on UCPD Guidance	
	Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).	Consistency with UCPD Guidance: The code is not very specific on this point. Regarding environmental issues, the codes only states what technical characteristics of the goods need to be communicated when advertised and how this should be done.

<p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence that can be verified by the competent authorities.</p>	
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>Consistency with UCPD Guidance: The code does not address this matter.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Consistency with UCPD Guidance: NA</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that:</p>	<p>Consistency with UCPD Guidance:</p> <ul style="list-style-type: none"> ▪ The code does not state criteria concerning the accuracy.

<p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<ul style="list-style-type: none"> ▪ However, the rules for the use of specific terms such as fuel consumption or carbon dioxide emissions, as set out here above (see paragraph 3, Recommendations form guidelines), rest clearly on the aim to provide clarity and accuracy to consumers when assessing the environmental and energy characteristics of the advertised cars.
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <p>unauthorised use of logos</p> <p>false approval or endorsement by public or private bodies</p> <p>falsely claiming to be a signatory of a code of conduct</p> <p>falsely claiming that a code of conduct has been endorsed by a public or private body</p> <p>(See Page 43 in UCPD guidance)</p>	<p>NA</p> <p>Consistency with UCPD Guidance:</p> <p>Not in line</p>

1.16.4 Summary

The Dutch guidelines do not explicitly refer to the UCPD guidance document prepared by the Commission, but the Environmental Advertising Code contains similar criteria to assess whether or not an environmental claim is misleading.

The code for passenger cars only regulates the use of technical characteristics of cars, i.e. fuel consumption and carbon dioxide emissions, in advertisements. It does not refer to the different assessment criteria of the UCPD guidance.

- *Objective misleading practice*

The guidance uses rather general terms. According to the Environmental Advertising Code – the predominant guidance, environmental claims may not contain declarations, images or suggestions that can mislead consumers.

The advertisers need to be able to demonstrate the correctness of their environmental claims. The more absolute their claim, the more evidence is required. However, it is very unlikely to be able to prove for advertised products that they are completely free of harm to the environment. In spite of the absence of a prohibition of the use of absolute terms, it is highly recommended for advertisers to nuance their claims as much as possible. This is also applicable to advertising that contains warnings in regard to specific aspects of certain goods and services.

- *Subjective misleading practice*

According to the Dutch guidance the global impression of the advertisement is relevant to assess environmental claims. Environmental claims can be subjectively misleading merely by the use of images or suggestions, or the lack of information or warnings on the environmental qualities of the advertised products. For instance, the exaggeration of a marginal environmental benefit or technological progress is prohibited.

Misleading brand names are not explicitly forbidden.

- *Scientific evidence*

According to the guidance, scientific evidence does not need to be provided upfront. It is only in case of complaints that scientific evidence needs to be presented to the surveillance body, i.e. the Advertising Code Committee, by the advertiser. However, the advertiser is solely responsible for the substantiation of his environmental claims.

- *Clarity and accuracy of the claims*

According to the Dutch guidance the general principles are:

- Environmental claims need to be demonstrably correct, i.e. well nuanced.
- If the environmental claim pertains to a specific aspect or part of the advertised product, this needs to be mentioned.
- Environmental claims pertaining the handling, collection and recycling of the products need to be truthful, i.e. the recommended methods need to be sufficiently available and sufficiently realised.
- Symbols, logos and other certification need to be clear and relevant.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

There is a reference to the unauthorised use of logos and symbols. However, it does not entirely match with the prohibition of the UCPD. The reference states that the use of labels, symbols and logos is prohibited except if the origin is clear and there is no confusion about its significance.

In practice, this means that it is recommended for the advertiser to mention its origin and explain its significance in the advertisement. This could be more specified, e.g. explicit prohibition of the false claim to be a signatory of a code of conduct, or to not respect a code of conduct.

1.17 Norway

1.17.1 Overview

In Norway, both general and sectorial guidelines are available.

General guidelines:

- The Consumer Ombudsman's Guidelines on the use of Environmental and Ethical Claims in Marketing:
http://www.forbrukerombudet.no/asset/3645/1/3645_1.pdf
- The Consumer Ombudsman's Guidelines on using Claims such as 'Climate Neutral' in marketing:
http://www.forbrukerombudet.no/asset/3603/1/3603_1.pdf

Sectorial guidelines:

- Consumer Ombudsman's Guidelines on the use of environmental claims in the marketing of vehicles.
http://www.forbrukerombudet.no/asset/2857/1/2857_1.pdf
- This guideline was extended to the taxi industry by a 'Briefing letter on the marketing of environmental superiority in the taxi industry of 6 November 2009'.
- The Consumer Ombudsman also issued a Guidance for Using Environmental Claims in marketing of Energy for House Heating (1 March 2009).

1.17.2 General guidelines

1.17.2.1 The Consumer Ombudsman's Guidelines on the Use of Environmental and Ethical Claims

The Consumer Ombudsman's Guidelines on the Use of Environmental and Ethical Claims (COGUC), in Marketing, is applied by the Norwegian Consumer Ombudsman (CO). These guidelines contain the basic principles of the Marketing Control Act, which is based on the UCPD. The overview below analyses these guidelines as far as pertaining to environmental claims.

The Consumer Ombudsman's Guidelines on the Use of Environmental and Ethical Claims in Marketing	
1. publication details	
Year of issuance	2009
Length	17 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Consumers Ombudsman: An independent administrative body, with the responsibility of supervising commercial practices.
General or sectorial guidelines	General guidance for advertisers
2. Information on coverage of guidelines	
Target group	All advertisers
Aim	Art 1.1. states that the guidelines aim to prevent consumers from being misled and to influence traders to comply with the Marketing

The Consumer Ombudsman's Guidelines on the Use of Environmental and Ethical Claims in Marketing	
	Control Act regarding environmental marketing. To enable consumers to make conscious and informed decisions, traders need to provide the consumer with correct and instructive information about the product and its ethical and environmental superiority. These guidelines contribute to providing the trader with knowledge of the requirements upon which the Consumer Ombudsman bases its assessment of whether environmental claims in marketing are in compliance with the Marketing Control Act. Furthermore, the Guidelines ensure consistency and equality in the Consumer Ombudsman's case handling procedures, in addition to being a link in the information passed down to traders.
Definition of the term: "environmental claims"	Art. 1.3. By environmental claims is meant the use of statements, information, symbols, images, labelling systems and so on in marketing which give the impression that a product has environmental properties, or that a business takes special environmental considerations.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<u>Product</u> means all goods and services, including immovable property, rights and obligations. In the Consumer Ombudsman's view, wherever <u>shall</u> and <u>must</u> are used in the Guidelines, these indicate unambiguous marketing requirements. Traders must assume that the same requirements will apply to their own marketing, unless they can prove in any particular case that special conditions call for another solution for that particular company or industry. Any use of <u>should</u> is an expression of a recommendation. Though the Consumer Ombudsman has not taken a position concerning whether it will in all cases be in conflict with the law not to follow such a recommendation, these cases may easily be judged as misleading.
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims, ethical claims
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Goods and services
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Art. 1.4 "These Guidelines are developed with basis in the Marketing Control Act, primarily sections 6, 7 and 8. Section 2 is also mentioned. Unfair marketing is prohibited; cf. MCA section 6, first paragraph. The regulation on unfair commercial practices, given pursuant to section 6, fifth paragraph of the MCA, states instances that will always be considered as unfair and thus prohibited. This so-called "blacklist" follows from

The Consumer Ombudsman's Guidelines on the Use of Environmental and Ethical Claims in Marketing	
	<p>Appendix 1 of the Unfair Commercial Practices Directive. The following points in section 1 of the regulation will be of particular interest regarding ethical and environmental marketing:</p> <p>Claiming to be a signatory to a code of conduct when the trader is not.</p> <p>Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorisation.</p> <p>Claiming that a code of conduct has an endorsement from a public or other body which it does not have.</p> <p>Claiming that a trader (including his commercial practices) or a product has been approved, endorsed or authorised by a public or private body when he/it has not or making such a claim without complying with the terms of the approval, endorsement or authorisation.</p> <p>Marketing shall always be considered unfair and prohibited if it is misleading according to MCA section 7. Whether marketing is misleading depends on whether it contains false information, or if it is otherwise likely to mislead consumers; cf. section 7, first paragraph, letters a-h.</p> <p>Of particular importance in this context are MCA section 7, first paragraph, letters a and b, concerning such topics as the nature and main characteristics of the service/product.</p> <p>Misleading omissions in marketing as mentioned in MCA section 8 are unfair and prohibited; cf. MCA section 6, fourth cf. first paragraph.</p> <p>Misleading omissions occur if the marketing omits or hides material information that the consumers need to take a transactional decision, or the information is presented in an unclear, unintelligible, ambiguous or untimely manner; cf. section 8, first paragraph, first sentence.</p> <p>In the assessment of whether information has been omitted, assessments of space or time limitations of the media used shall be taken into consideration, along with any measures taken by the trader to make the information available to consumers by other means; cf. section 8, first paragraph, second point. Regardless, the trader shall ensure that the consumer gets a rightful impression of the offer or service/product, so that insufficient information is not given, and section 8, first paragraph, second point does not</p>

The Consumer Ombudsman's Guidelines on the Use of Environmental and Ethical Claims in Marketing	
	<p>exempt the trader from the duty to inform the consumer of significant restrictions on the offer.⁴ Incomplete information on what is implied by ethical and environmental claims used in marketing may in the Consumer Ombudsman's view be seen as a misleading omission in conflict with MCA section 8. A common term in sections 7 and 8 is that the marketing must be likely to cause the average consumer to take a transactional decision that he would not have taken otherwise. According to the general provision in MCA section 6, second paragraph, marketing is unfair and prohibited if it is contrary to the requirements of professional diligence towards consumers, and is likely to materially distort their economic behaviour such that they reach decisions they would otherwise not have reached; cf. section 6, first paragraph. Marketing must not be in conflict with good marketing practice; cf. MCA section 2, first paragraph. In the assessment of this, emphasis is placed on whether the marketing offends any general ethical or moral perceptions, or whether it uses offensive means. It follows from the preparatory works that environmental argumentation may be affected by section 2, first paragraph and the concept of "good marketing practice". Several international guidelines and self-regulations have been developed for the use of environmental claims in marketing. In 2006, the International Chamber of Commerce (ICC) published its "Consolidated ICC Code of Advertising and Marketing Communication Practice". This code gathers several ICC codes, including the "International Code of Environmental Advertising", published in 2001. It also incorporates the ISO's international standard for self-declared environmental claims (ISO 14021:1999). The EU Commission has also published official "Guidelines for Making and Assessing Environmental Claims", Report No. 67/94/22/1/00281 from December 2000."</p>
<p>Applicable to the following forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	<p>All types (art. 1.3: "... Statements, information, symbols, images, labelling systems, and so on ...")</p>
<p>3. Recommendations from guidelines</p>	

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Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	<p>No, there is no ban on absolute claims (such as clean, green, etc.).</p> <p>If general claims such as "environmentally friendly", "green" etc. are used without further explanation in the marketing of a product, the trader must be able to document that the product harms the environment to a significantly lower degree during its entire life cycle "from cradle to grave" than all other products in the same product category. (Art. 3.2, second alinea)</p> <p>Moreover traders may not use exaggerations about the properties or environmental influence of the company, service or product. Claims concerning factors or requirements that are established by law, such as prohibitions against the use of certain substances in a product, may not be used independently in marketing. (Art. 2.3. in fine)</p> <p>Techniques which manipulate consumers' emotions or conscience may not be used in marketing.⁹ Marketing shall not be designed in such a way as to take advantage of the consumer's concern for the environment, or take advantage of any lacking knowledge about the environment or ethical issues. (Art. 2.4)</p>
Are there any terms for which certain conditions are set?	See here above
Recommendations on documentation, calculation, testing methods, evidence and access to data	<p>Documentation verifying that claims are correct shall be available from the advertiser when the marketing occurs.</p> <p>For the documentation to be seen as having sufficient validity, it is usually required that the claims can be verified by statements or research done by neutral authorities with recognised professional competence. This entails that research done by the producer or the company marketing the product must be assessed by a neutral authority, or it must be otherwise confirmed that the research has been carried out correctly and that the assessment of the results can be defended from a purely professional viewpoint. (art. 2.2)</p> <p>The trader should provide as good information as possible about the marketed properties or advantages in advertisements, on packaging and in information materials such as their own websites.</p> <p>If complete information documenting the claims made cannot be given in the notice or on the packaging label, reference should be made to where the consumer may receive further information about the marketed advantages, such as on the trader's website, in a brochure</p>

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	<p>etc.</p> <p>There will be less reason for the Consumer Ombudsman to intervene concerning information about a product or company that is given in a specific, neutral and objective way without emphasis on ethical or environmental concerns. The concern for the consumer will not come to the forefront as much in these cases, since information given in this way is not as likely to mislead the consumer</p> <p>(art. 2.6)</p> <p>If general claims such as "environmentally friendly", "green" etc. are used without further explanation in the marketing of a product, the trader must be able to document that the product harms the environment to a significantly lower degree during its entire life cycle "from cradle to grave" than all other products in the same product category.</p> <p>In practice, it will be quite difficult to use claims of environmental superiority in marketing without also giving a more detailed explanation of the properties to which the environmental claim relates. (art. 3.2 second and third alinea).</p> <p>Environmental claims with explanations will as a rule be more informative to the consumer than isolated claims. However, the explanations must be clear, intelligible and given in connection with the claim to ensure that the claim and the explanation are read together.</p> <p>A precondition for using an environmental claim with an explanation is that the explanation is sufficiently precise and does not point to insignificant aspects of the product's environmental effect. Marketing may become misleading if properties of utterly marginal significance to the product are highlighted. The same applies if in such an explanation reference is made to components which the product has never contained or the use of which is prohibited.</p> <p>Any environmental superiority of the product must at all times be seen in relation to equivalent products on the market. If a significant portion of these products hold to an equivalent or higher environmental standard, it will be seen as misleading to use environmental claims in marketing, even if the content of these claims is further elaborated upon.</p> <p>According to the Consumer Ombudsman's assessment, it must be documentable that the product is among the best 1/3 of all equivalent products on the market in terms of</p>

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	<p>environmental effect, in order for the advertiser to use the environmental claims together with an explanation in marketing. The Market Council gave its assent to this position in MC case no. 25/97. (art. 3.3)</p>
<p>Examples provided of good practices and poor practices</p>	<p>Example: A package of napkins may not be labeled as environmentally friendly and appear as though produced from recycled paper if only the packaging is made from recycled paper.</p> <p>Example: The whole product may not be marketed as though it can be recycled if only some of its raw materials can be recycled.</p> <p>Example: The term "sustainable" has a somewhat vague meaning and it will be difficult for consumers to immediately understand what is meant by it. It may therefore be misleading to market a product as "sustainable".</p> <p>Examples of other concepts that are unclear and uninformative to the consumer are "clean", "climate-friendly", "green" and "fair".</p> <p>Example: It will be misleading to market a deodorant spray as "CFC free" since this is a requirement for all equivalent products.</p> <p>Example: It will be misleading to highlight an electronics shop as environmentally conscious because it accepts electronic waste, when this a requirement stated in the WEEE regulation.</p> <p>Examples of claims that may be seen as unfair towards the consumers: "Drink coffee with a better conscience" "Think of the polar bears: buy energy-efficient insulation"</p> <p>Example of product information given in a specific and neutral way: "CO2 emissions: 114g/km"</p> <p>Examples of isolated environmental claims which will in practice be misleading: "Green electric razor" "Environmentally friendly sofa"</p> <p>An example of a claim with an explanation that may be informative is 'Consider the environment. Take the bus and contribute to sparing the city of 2.3-km traffic jams'.</p> <p>Example: It will be misleading to emphasise in marketing that a certain brand of toilet tissue is not chlorine-bleached, when this is a requirement for all equivalent products.</p> <p>Example: Even if chlorine-bleached paper were not illegal (see example above), it would be misleading to emphasise in marketing that the paper is not chlorine-bleached if most equivalent products are not chlorine- bleached.</p> <p>Examples of products which the Ombudsman will assess as particularly harmful to the environment are cars and fossil fuels. It will for instance be misleading to market heating oil as</p>

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	<p>environmentally friendly or beneficial to the environment.</p> <p>An example of a product for which it is essentially difficult to compare the total environmental damage is cars. Cars are produced in different ways, consist of very many components and have various emission components in operation.</p> <p>Examples of general, unclear claims: “Gerd’s Laundromat – thinking about the environment” “We are aiming for a better world”</p> <p>Example of a more informative claim: “We are now reducing our total power consumption by 50%”</p> <p>Example: “The Green Cleaning Company”</p> <p>Example of ambition that may be informative: “We will reduce our carbon emissions by 5% every year for the next 10 years”.</p> <p>Example: A product with the Nordic Swan ecolabel may not be marketed as “environmentally friendly” unless it can be documented that the product is significantly less harmful to the environment throughout its life cycle than all other products within the same product category; cf. section 3.2 of these Guidelines.</p> <p>Example: It may be misleading if a cleaning agent producer which offers several different cleaning agents under the same brand label markets the brand label as Swan-labelled when only one of the products is actually Swan-labelled.</p>
4. Consistency check criteria based on UCPD Guidance	
<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term ‘biodegradable’ when that is not the case (e.g. on a product for which no tests have been carried out); use of the term ‘pesticides-free’ when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that</p>	<p>Art 1.4: “Marketing shall always be considered unfair and prohibited if it is misleading according to MCA section 7. <u>Whether marketing is misleading depends on whether it contains false information</u>, or if it is otherwise likely to mislead consumers; cf. section 7, first paragraph, letters a–h.”</p> <p>Consistency with UCPD Guidance: Yes.</p> <p>The COGUC does not provide a section explicitly prohibiting misleading “environmental claims” due to the use of false information. However by setting out it’s legal basis, as referred to here above, the COGUC quotes the relevant sections of the MCA pertaining to marketing claims in general, and which is the implementation of the directive addressing misleading claims due to false information amongst other. In doing so the COGUC confirms the prohibition of objective misleading practices according to the regulation</p>

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any environmental claims must be made on the basis of evidence that can be verified by the competent authorities.	embodied in the MCA and confirms the authority of the Market Council as the "court of law" in that field.
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>Art 1.4: "Marketing shall always be considered unfair and prohibited if it is misleading according to MCA section 7. Whether marketing is misleading depends on whether it contains false information, or if it is <u>otherwise likely to mislead consumers</u>; cf. section 7, first paragraph, letters a-h." "According to the general provision in MCA section 6, second paragraph, marketing is unfair and prohibited if it is <u>contrary to the requirements of professional diligence towards consumers</u>, and is <u>likely to materially distort their economic behaviour</u> such that they reach decisions they would otherwise not have reached; cf. section 6, first paragraph." "In the <u>assessment of whether information has been omitted</u>, assessments of space or time limitations of the media used shall be taken into consideration, along with any measures taken by the trader to make the information available to consumers by other means; cf. section 8, first paragraph, second point. Regardless, the trader shall <u>ensure that the consumer gets a rightful impression of the offer or service/product</u>, so that insufficient information is not given, and section 8, first paragraph, second point does not exempt the trader from the duty to inform the consumer of significant restrictions on the offer. Incomplete information on what is implied by ethical and environmental claims used in marketing may in the Consumer Ombudsman's view be seen as a <u>misleading omission</u> in conflict with MCA section 8." "Marketing must not be in conflict with <u>good marketing practice</u>; cf. MCA section 2, first paragraph. In the assessment of this, emphasis is placed on whether the marketing offends any general ethical or moral perceptions, or whether it uses offensive means. It follows from the preparatory works that <u>environmental argumentation may be affected by section 2, first paragraph and the concept of "good marketing practice"</u>. Art. 2.5: "It is important that any marketing give a <u>balanced and correct overall impression of the product or company being marketed</u>. The marketing approach is assessed <u>on the overall impression that it is likely to give the consumer</u>. <u>Statements and visual means such as images,</u></p>

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	<p>sounds, symbols, colours and so on may following an overall assessment give an impression that the product or company is ethically or environmentally superior. The way in which ethical and environmental marketing is communicated, including what media are used and in what context the claims are made, may also influence the overall impression the approach is likely to give the consumer. The concern for the consumer will as a rule come to the forefront more for marketing that is aimed directly at the consumer, such as advertisements and billboards, than for information given in a more neutral way, such as on packaging or in information materials."</p> <p>Art. 3.2: "General claims such as "environmentally friendly", "green" etc. may be likely to give the consumer an impression that the product or activity does not have any – or only a positive – effect on the environment. If general claims such as "environmentally friendly", "green" etc. are used without further explanation in the marketing of a product, the trader must be able to document that the product harms the environment to a significantly lower degree during its entire life cycle "from cradle to grave" than all other products in the same product category."</p> <p>Consistency with UCPD Guidance: In addition to the prohibition of the use of false information as set out in the Consistency check on objective misleading practices hereabove, the COGUC also refers in the same section 1.4, in rather general terms (<i>i.e.</i> "otherwise likely to mislead the consumer") to the prohibition of subjective misleading practices. This formulation addresses implicitly subjective misleading practices since the criterion for the untruthfulness of the claim is not the use of false information but merely the created impression of an environmental benefit of the advertised product.</p> <p>This issue is further elaborated in the following paragraphs of article 1.4 when emphasising the importance of fully informing the consumer in order to avoid influencing the perception and therefore manoeuvre the behaviour of the consumer on the environmental aspects of the advertised products into decisions that would otherwise not have been taken.</p> <p>This section continues then by specifying that misleading of the consumer can be done by omitting information and the necessity to ensure</p>

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	<p>that the consumer gets a rightful impression of the offer or service.</p> <p>The section is concluded by explaining that environmental argumentation may be affected the concept of "good marketing practices"</p> <p>Article 2.5 further elaborates that marketing is assessed on the overall impression referring not only to statements but also to the visual means used in the advertisement.</p> <p>Finally article 3.2 emphasizes the need for documentation when using green claims likely to give a positive environmental effect if no explanation is used.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Art. 2.2: "The use of ethical or environmental argumentation will often occur in the form of claims about products or their properties. All claims used in marketing must be documentable.</p> <p><u>Documentation verifying that claims are correct shall be available from the advertiser when the marketing occurs.</u></p> <p>For the documentation to be seen as having sufficient validity, it is usually required that the claims <u>can be verified by statements or research done by neutral authorities with recognised professional competence.</u> This entails that research done by the producer or the company marketing the product must be <u>assessed by a neutral authority, or it must be otherwise confirmed that the research has been carried out correctly and that the assessment of the results can be defended from a purely professional viewpoint."</u></p> <p>Art. 3.3: "Any environmental superiority of the product must at all times be seen in relation to equivalent products on the market. If a significant portion of these products hold to an equivalent or higher environmental standard, it will be seen as misleading to use environmental claims in marketing, even if the content of these claims is further elaborated upon.</p> <p>According to the Consumer Ombudsman's assessment, <u>it must be documentable that the product is among the best 1/3 of all equivalent products on the market in terms of environmental effect,</u> in order for the advertiser to use the environmental claims together with an explanation in marketing."</p> <p>Consistency with UCPD Guidance:</p> <p>Evidence shall be made available by the trader when the marketing occurs.</p> <p>In order to guarantee the objectivity of this documentation or research, the verification of the claims need to be done by <u>professional,</u></p>

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<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p><u>competent and neutral authorities.</u></p> <p>Article 2.3: "The marketing message <u>must be clear and balanced.</u></p> <p>It must emerge clearly <u>what aspects of the product</u> the ethical or environmental claims refer to, including <u>the properties of the product to which the claims apply,</u> and <u>whether the claims apply to the whole product or parts of it.</u></p> <p>Art. 3.3: "As a rule, if an environmental claim is <u>used in a particular</u> context, such as together with an explanation of what it is that gives the product its environmental superiority, <u>it will not be assessed as applicable to all aspects of the product.</u></p> <p>Environmental claims with explanations will as a rule be more informative to the consumer than isolated claims. However, the explanations must be clear, intelligible and given in connection with the claim to ensure that the claim and the explanation are read together.</p> <p>A precondition for using an environmental claim with an explanation is that the <u>explanation is sufficiently precise and does not point to insignificant aspects of the product's environmental effect.</u> Marketing may become misleading if properties of utterly marginal significance to the product are highlighted. <u>The same applies if in such an explanation reference is made to components which the product has never contained or the use of which is prohibited.</u></p> <p>Art. 5.2</p> <p>"Branding a trader's environmental or ethical profile through use of slogans, mottos, visions, partnership with charitable organisations and so on in marketing may be seen as misleading or otherwise in conflict with the Marketing Control Act. What is decisive for the specific assessment of whether or not any marketing approach with branding or market profile efforts is in conflict with the Marketing Control Act is <u>the overall impression it gives to the consumer.</u> In this assessment, the use of statements, images, sounds, symbols and similar means will be taken into consideration; cf. section 2.5 of these Guidelines. Reference is made in the following to factors which, in addition to those mentioned in section 2.5, will be of central importance in the overall assessment.</p> <p>The marketing approach should be <u>as specific as possible.</u> Traders should point to specific measures the company has taken for the environment or other causes, rather than</p>

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	<p>making general claims that the company is concerned with the environment or takes ethical considerations. This is because information about specific measures and plans is more informative to the consumer than vague and unclear statements about involvement and values.</p> <p>The marketing approach must be seen in the context of the extent of ethical or environmental measures taken by the company. It may be misleading and insufficiently informative to emphasise specific measures or certain aspects of a company if these are likely to give the company a better environmental or ethical profile than what there is an objective basis for based on the company's range and scope.</p> <p>The extent of the marketing approach and in which media it occurs may influence the assessment. There may be greater reason to react to larger campaigns e.g. on billboards and television than to marketing and information given on a company's website.</p> <p>The context in which ethical or environmental claims are presented. It will be positive if the consumer receives supplementary information in the actual marketing approach concerning the specific measures taken by the company.</p> <p>If ethical or environmental claims are used in the name of a company, brand label etc., and this name is used in marketing, then <u>the same requirements of documentation</u> apply as for other ethical or environmental argumentation in marketing approaches."</p> <p>Art. 5.3: Information in marketing on the company's ambitions, visions or other future aspirations should be used with great caution. Such claims, playing on environmental or ethical argumentation, may be misleading or unfair towards the consumer. This applies particularly to ambitions which the company is far from being able to fulfil at the time of the marketing approach, and to aims that are vaguely formulated in the marketing. For a trader to be allowed to use claims concerning ambitions in marketing, the company must have clear, specific plans on how to achieve this ambition. The claim must also be formulated as specifically as possible.</p> <p>Art. 3.2: "If general claims such as</p>

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	<p>"environmentally friendly", "green" etc. are used without further explanation in the marketing of a product, the trader must be able to document that the product harms the environment to a significantly lower degree during its entire life cycle "from cradle to grave" than all other products in the same product category."</p> <p>Art. 3.4.: "According to the Consumer Ombudsman's assessment, there is a lower threshold for use of environmental claims in marketing to be judged as misleading if either of the following applies:</p> <ul style="list-style-type: none"> ▪ the product or company is particularly harmful to the environment, seen from a "cradle-to-grave" perspective, or ▪ the product is so complex that it is difficult to compare its environmental properties to that of other products in the same product category. <p>In practice, it will be quite difficult to present documentation showing that such products are significantly better than equivalent products or belong to the best 1/3 in terms of environmental effect. It is therefore recommended that traders highlight specific environmental properties in the form of product information when marketing such products; see section 2.6 of these Guidelines.</p> <p>Consistency with UCPD Guidance: The COGUC states that marketing messages must be clear and balanced. It specifies that it must be clear to what aspects marketing refers to and whether it refers to parts or the whole of the product. Moreover the COGUC goes a step further than the UCPD by specifying that the aspects of the products include properties of the product. In addition article 3.3 specifies that when explaining an environmental claim, it is considered misleading if referred to insignificant aspects of the product or to components it has never contained or are prohibited.</p> <p>There is no specific clause on whether claims refer to a company or only to certain products. However company branding in general is extensively explained in the COGUC. The 'overall impression' principle is applicable on company branding. Furthermore section 5.2 stresses that marketing approach should be as specific as possible. Moreover an explicit reference is made to section 2.5 of the COGUC which sets out among other principles that marketing must be balanced and correct. In doing so it addresses implicitly the UCPD requirement of mentioning</p>

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	<p>whether environmental claims refer to a company or only to certain products. Given the detail in which environmental company branding is addressed it is rather strange that there is no explicit reference to this UCPD requirement. There is no specific reference to the UCPD requirement that an environmental claim should clarify if the claim does not cover the entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers. However there is a requirement that sets out that environmental claims on products need to be seen in the context of harmfulness from a 'cradle-to-grave' perspective. Nevertheless this does not adequately cover the requirement to specify on which stage the claim is applicable. Regrettably once again the principle of 'balanced and correct' information needs to be invoked for the COGUC to comply with the UCPD.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <p>unauthorised use of logos</p> <p>false approval or endorsement by public or private bodies</p> <p>falsely claiming to be a signatory of a code of conduct</p> <p>falsely claiming that a code of conduct has been endorsed by a public or private body</p> <p>(See Page 43 in UCPD guidance)</p>	<p>Art. 1.4.: "Unfair marketing is prohibited; cf. MCA section 6, first paragraph. The regulation on unfair commercial practices, given pursuant to section 6, fifth paragraph of the MCA, states instances that will always be considered as unfair and thus prohibited. This so-called "blacklist" follows from Appendix 1 of the Unfair Commercial Practices Directive. The following points in section 1 of the regulation will be of particular interest regarding ethical and environmental marketing:</p> <ol style="list-style-type: none"> 1. Claiming to be a signatory to a code of conduct when the trader is not. 2. Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorisation. 3. Claiming that a code of conduct has an endorsement from a public or other body which it does not have. 4. Claiming that a trader (including his commercial practices) or a product has been approved, endorsed or authorised by a public or private body when he/it has not or making such a claim without complying with the terms of the approval, endorsement or authorisation. " <p>Art. 6.1.: "If traders use labelling systems or symbols in their marketing, then information shall be provided concerning how to obtain more detailed or supplementary information about the</p>

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	<p>labelling system or symbol, e.g. on the company's website. The criteria for use of labelling systems or symbols must be able to be checked and controlled. This applies to both official and private labelling systems. The trader must be able to document that the criteria are fulfilled. Even if a company fulfils the criteria for use of labelling systems or symbols, its use of these in marketing must be in compliance with the regulations stated in the Marketing Control Act and these Guidelines. Use of labelling systems in marketing must not lead to a misleading "greenwashing" of a brand label or product series. If only one or some products within a product series are environment-labelled, then it must be clearly stated in the marketing which products are labelled."</p> <p>Art. 6.3.: "Use of private labelling systems in marketing should be avoided, because such labels will be likely to create confusion and mislead consumers, based on an overall assessment. This particularly applies to areas for which official labelling systems already exist. Individual companies' labels will be more likely to mislead consumers than so-called industry labels.</p> <p>If a company or industry nonetheless decides to use its own label in its marketing, this must mean that the product or company is qualitatively superior to other equivalent products or companies. Also, there shall be clear criteria for bearing the label and an authority that controls the use of the label. Furthermore, the label must not be easily confused with other labels, including official ones."</p> <p>Consistency with UCPD Guidance: The COGUC copies the annex 1 literally when referring to its legal base, specifying that these regulations are mandatory. The COGUC confirms the UCPD and the MCA on this matter and therefore these specifications could, at first sight, not be more consistent with the UCPD.</p>

1.17.3 Sectorial guidelines

1.17.3.1 Consumer Ombudsman's Guidelines on the use of environmental claims in the marketing of vehicles

'Use of environmental claims in the marketing of vehicles' is a letter to the vehicle industry explaining the application of the Marketing Control Act and the Consumers Ombudsman's Guidelines on the Use of Environmental Claims to the vehicle manufacturers sector. The letter sets out the guidelines for marketing, which need to

be respected by the vehicle industry. The principles have been extended to the marketing of environmental superiority in the taxi industry – briefing of 6 November 2009.

Use of environmental claims in the marketing of vehicles	
1. publication details	
Year of issuance	2007
Length	7 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Consumers Ombudsman: An independent administrative body, with the responsibility of supervising commercial practices.
General or sectorial guidelines	Sectorial guidelines for advertisement of Car manufacturers
2. Information on coverage of guidelines	
Target group	Vehicle importers, vehicle manufacturers
Aim	Allow consumers to obtain the correct information so that they can choose a vehicle based on the right premises. Promote good environmental properties in the marketing of vehicles.
Definition of the term: "environmental claims"	Use of statements, information, symbols and/or labelling schemes in marketing which give the impression that the company takes particular regard to the environment or that the product has such particular properties.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	None
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Goods, i.e. vehicles
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	See legal basis COGUC
Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	Terms Images Colour ("see lay-out" p3 first paragraph)
3. Recommendations from guidelines	
Are there any terms for which the guidelines indicate they	Yes, The use of environmental claims like "environmentally friendly", "green", "clean",

Use of environmental claims in the marketing of vehicles	
should be avoided in all circumstances/in certain circumstances?	<p>"environment car", "natural" would be in contravention of sections 2 and 3 of the Marketing Control Act, which prohibit the use of misleading or insufficiently informative marketing. This applies regardless of whether the expressions are used separately or with more detailed explanations in the marketing. (page 5, Summary, first item)</p>
Are there any terms for which certain conditions are set?	<p>(P. 3 5th alinea) If claims like "<u>environmentally friendly</u>" or "<u>green</u>" are used without any further explanation of the expressions, the company must be able to document that the product, during the whole of its life cycle "from cradle to grave" causes substantially less pressure on the environment than all other products in the same product category.</p> <p>In practice this comprehensive requirement for documentation means that it is almost impossible to show that a vehicle causes substantially less pressure on the environment than all other vehicles.</p> <p>This means that the company must be able to substantiate that all aspects of the vehicle cause substantially less pressure on the environment than other vehicles in respect of: production, choice of materials, energy consumption, emission of locally, regionally and globally polluting substances, noise, recycling and the like.</p> <p>In practice this comprehensive requirement for documentation means that it is almost impossible to show that a vehicle causes substantially less pressure on the environment than all other vehicles.</p>
Recommendations on documentation, calculation, testing methods, evidence and access to data	NA
Examples provided of good practices and poor practices	<p>Marketing in which the environmental profile is exaggerated:</p> <ul style="list-style-type: none"> ▪ Toyota Prius: "The world's most environmentally friendly car" ▪ Opel: "Environmentally friendly engines" ▪ Peugeot: "...the powerful and environmentally friendly Hdi turbo diesel engine..." ▪ Suzuki: "The sales and environmental winner" ▪ Smart: "Try out the world's most environmentally friendly and fun city car..." ▪ Toyota: "The world's cleanest diesel engines" ▪ Saab: "...environmentally friendly turbo diesel..." ▪ Marketing with prohibited environmental claims: ▪ Mitsubishi: "...environmentally friendly turbo

Use of environmental claims in the marketing of vehicles	
	<p>diesel with particle filter.”</p> <ul style="list-style-type: none"> ▪ Citroën: “Environmentally friendly diesel engine with particle filter” ▪ Fiat: “Environmentally friendly technology”
4. Consistency check criteria based on UCPD Guidance	
<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term ‘biodegradable’ when that is not the case (e.g. on a product for which no tests have been carried out); use of the term ‘pesticides-free’ when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence that can be verified by the competent authorities.</p>	<p>The use of environmental claims in marketing raises questions relating to sections 2 and 3 of the Marketing Control Act, which prohibit the use of misleading or insufficiently informative marketing which is designed to increase demand for goods and services. The generally accepted basis in Norwegian marketing is that claims which are made in marketing must be able to be documented. It would be unreasonable towards the consumer and in contravention of section 1 of the Marketing Control Act to use undocumented claims in the marketing of a product. (p. 2, Requirements regarding the use of environmental claims in marketing) Consistency with UCPD Guidance: See COGUC</p>
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product (‘environmentally friendly, green, nature's friend, ecological, sustainable’); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an</p>	<p>The use of environmental claims in marketing raises questions relating to sections 2 and 3 of the Marketing Control Act, which prohibit the use of misleading or insufficiently informative marketing which is designed to increase demand for goods and services. The generally accepted basis in Norwegian marketing is that claims which are made in marketing must be able to be documented. (p.2 Requirements regarding the use of environmental claims in marketing) If good environmental properties are being promoted in the marketing, it must be possible to document that the vehicle is among the top third on the market in respect of the properties being promoted. (p.5. Summary, second item) Consistency with UCPD Guidance: The letter does not specifically address this matter, however considerations of the COGUC need to be considered in the background of this letter.</p>

Use of environmental claims in the marketing of vehicles	
<p>average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>This issue is not specifically addressed, Consistency with UCPD Guidance: The COGUC needs to be considered in the background of this letter.</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <p>whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable);</p> <p>whether the claim refers to a company (applying to all its products) or only to certain products;</p> <p>if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers;</p>	<p>See above on terms for which certain conditions have been set. whether the claim covers the whole product or only one of its components: p. 3, 6th alinea and following: "The company must be able to substantiate that all aspects of the vehicle cause substantially less pressure on the environment than other vehicles in respect of: production, choice of materials, energy consumption, emission of locally, regionally and globally polluting substances, noise, recycling and the like. In practice this comprehensive requirement for documentation means that it is almost impossible to show that a vehicle causes substantially less pressure on the environment than all other vehicles." p. 4, Marketing of good environmental properties, 4th alinea: "The environmental properties being promoted must be seen in relation to comparable products being offered on the market. If a not insignificant proportion of these products have a similar or better environmental standard, it must be seen under any circumstances to be misleading to promote these environmental properties in the marketing. In accordance with the Marketing Council's and Consumer Ombudsman's practice the product must therefore be in the top third compared with other vehicles on the market in respect of the properties being promoted. The Consumer Ombudsman can see that in some cases it may be difficult to define the top third, or to furnish documentation as to whether the properties being promoted belong to this portion. On the other hand, the environmental properties in question will in our opinion primarily concern emissions, including CO₂, NO_x and particle emissions. According to the</p>

Use of environmental claims in the marketing of vehicles	
	<p>Norwegian Public Roads Administration, all the figures regarding emissions are available through the type approval of new vehicles. It should therefore be possible to document whether the vehicle model in question is within the top third for all emission components or not.”</p> <p>Consistency with UCPD Guidance:</p> <p>The letter does not explicitly impose that it should be clearly mentioned if the stated environmental claims cover the whole product or only one of its components. However it extensively covers the need for accuracy when making claims on the environmental properties of the advertised product. In doing so it implicitly addresses the needed distinction whether the claim is made on the whole product or a certain aspect. Moreover in the background there is the prohibition of the use of environmental claims like “environmentally friendly”, “green”, “clean”, “environment car”, “natural”, and thus making it almost impossible to make general environmental claims on the advertised products. This applies also to the issue to what stage(s) of the life cycle the claims pertains to.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>NA</p> <p>Consistency with UCPD Guidance:</p> <p>At the time of the drafting an environmental labelling system was under development.</p>

1.17.3.2 The Consumer Ombudsman also issued a Guidance for Using Environmental Claims in marketing of Energy for House Heating

These specific guidelines of the Consumer Ombudsman arose from several complaints about the use of environmental claims in the marketing of energy for house heating, including the marketing of natural gas.

These guidelines are partially based on an industrial norm for the energy industry, and sustain the same principle: that such general environmental claims, whether isolated or with an explanation, cannot be used in this field. It is impossible to compare the

total environmental consequences of different energy sources, and thus such claims cannot be documented in practice.

Guidelines for Using Environmental claims in Marketing of Energy for House Heating	
1. publication details	
Year of issuance	2009
Length	6 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Consumers Ombudsman: An independent administrative body, with the responsibility of supervising commercial practices.
General or sectorial guidelines	Sectorial guidelines for advertisement in the domain of energy for residential heating
2. Information on coverage of guidelines	
Target group	Traders of energy for heating
Aim	Allow consumers to obtain the correct information so that they can make informed choices. To avoid claims that cannot be compared nor documented.
Definition of the term: "environmental claims"	Use of statements, information, symbols and/or labelling schemes in marketing which give the impression that the company takes particular regard to the environment or that the product has such particular properties. A concrete definition of an environmental claim depends on a complete assessment of the marketing.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	"Energy for residential heating" means all relevant energy sources/ carriers that can be used for domestic heating (e.g. electricity, heating oil, solar energy, gas and processed biofuels as firewood, briquettes and pellets). "Energy technology" means all products for the production, conversion, transport and energy use. Examples are the heat pump, wood stove, gas oven, electric oven, oil-fired and solar cells.
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Goods: energy technology.
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	See legal basis COGUC and the Marketing Act. Furthermore the guidelines refer to an industry norm for the energy industry, for origin-guaranteed energy contracts from renewable energy of 17 April 2007. The marketing of energy technology must be in line with these more general regulations and guidelines.

	<p>Applicable to the following forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	No limitations.
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	The use of absolute environmental claims like "green", "clean", and similar statements as such is forbidden, because this would be in contravention of the Marketing Control Act, which prohibits the use of misleading or insufficiently informative marketing. This applies regardless of whether the expressions are used separately or with more detailed explanations in the marketing. These statements are forbidden as standalone statements but also with an explanation in the marketing.
	Are there any terms for which certain conditions are set?	Not required.
	Recommendations on documentation, calculation, testing methods, evidence and access to data	Not provided.
	Examples provided of good practices and poor practices	It is not allowed to focus only on CO2 emissions in marketing, without including other relevant discharge parameters, such as local pollution.
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must</p>	<p>The Consumer Ombudsman believes that it can easily be misleading, insufficient information and violation of the Marketing Control Act § § 2 and 3 3 to use general environmental claims in the marketing of electricity. This applies to expressions such as 'green', 'clean' and similar statements indicating that the power source that the supplier uses has special environmental advantages over other energy sources. The position also applies regardless of whether the terms used standalone or with explanation in marketing.</p> <p>For suppliers who wish to communicate something about the power source in the marketing, the Consumer Ombudsman in accordance with the above recommended the use of <u>objective</u> claims about the power source, such as hydropower, wind, etc. or that the term 'renewable energy' is selected. Thus, the consumer is given correct and objective information about what kind of power the</p>

	<p>be made on the basis of evidence that can be verified by the competent authorities.</p>	<p>supplier pays for to have produced, and the consumer can decide if this is something that he or she wants to support. `</p> <p>Consistency with UCPD Guidance: Misleading and unverifiable information is rejected; only objective information about the power source may be given, as well as the term `renewable energy`. This is a concrete application of the `objective misleading` criterion of the UCPD.</p>
	<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees)as symbols; use of vague and general environmental benefits of a product (`environmentally friendly, green, nature's friend, ecological, sustainable`); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>Absolute environmental marketing terms are forbidden. The same goes for the use of images and symbols that play on safety and environmental concerns, and that may insinuate that the marketed product is green or environmentally friendly. Environmental information may be used for the promotion of energy for residential heating, but the legality of the marketing will always depend on an overall judgement, where the words themselves, design and imagery will be of central importance." (par. 4.4). The use of environmental claims such as "environmentally friendly", `green`, `clean` or similar subjective environmental claims to the Consumer Ombudsman's view, are contrary of the law . This applies regardless of whether the concepts are used separately or with further explanation in marketing, and it will also include symbols and imagery that can provide consumers with the same impression. Information must give a complete informative picture and must be relevant for comparison. All significant aspects, advantages and disadvantages, must be presented. Consistency with UCPD Guidance: The guidance refers to an overall assessment of the marketing (the total impression), taking into consideration text, imagery and symbols. It refers to information that must give a complete informative picture and that is relevant for comparison. All significant aspects, advantages and disadvantages, must be presented. Not all examples of the UCPD are referred to, but the overall idea of the UCPD is taken into consideration.</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>This issue is not specifically addressed. Consistency with UCPD Guidance: The COGUC needs to be considered in the background of these guidelines.</p>
	<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for</p>	<p>In order to enable consumers to make safe environmentally conscious choices it is essential that marketing provides an accurate and informative portrayal of the environmental advantage that a consumer can obtain by purchasing the product.</p>

<p>the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>The Consumer Ombudsman encourages industry players to use objective claims and neutral concepts of the energy source or carrier's environmental characteristics, e.g. related to emissions, origin and the like. These characteristics are largely dependent on the energy technology (e.g. the characteristics of timber vary in a traditional wood stove vs. a clean burning stove). In all marketing the technology must be emphasised.</p> <p>The provided information should not be likely to give a misleading or insufficiently informative picture of the environmental features. It is therefore essential that such information is provided in a clear and objective manner, so that the consumer can easily compare different energy sources/carriers.</p> <p>All significant aspects of the energy/carrier, environmental benefits as well as disadvantages, must appear in the marketing with a similar communicative effect.</p> <p>In the Consumer Ombudsman's view, for example, it could be misleading and insufficient information to focus in marketing solely on CO2 emissions, without also including information about other relevant discharge parameters, such as local pollution.</p> <p>The comparison of different energy sources / carriers in the promotion shall be made on the basis of verifiable products.</p> <p>For example, it could be misleading to use terms like "less environmentally harmful than ..." in comparison with another product promotion, unless the product has clear environmental advantages over all relevant basis for comparison.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance does not explicitly impose that it should be clearly mentioned whether the stated environmental claims cover the whole product or only one of its components, and it doesn't refer to the life cycle. However it extensively covers the need for accuracy and neutral, comparable, and complete information, when making claims on the environmental properties of the advertised product.</p> <p>The use of general environmental claims like 'environmentally friendly', 'green', 'clean', is not allowed, and thus it should be impossible to make general environmental claims on the advertised products.</p> <p>Regarding the need for clear, specific and</p>
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		complete information, the guidance is in line with the requirement of the UCPG guidance.
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>NA</p> <p>Consistency with UCPD Guidance:</p> <p>No specific referral to the Annex of the UCPD. At the time of the drafting a general environmental labelling system was under development.</p>

1.17.4 Summary

The Norwegian Consumer Ombudsman issued a general environmental guidance and a complementing guidance, both referring explicitly to the UCPD and the MCA, i.e. the Norwegian 'transposition' of the UCPD, and even quoting the UCPD literally.

In addition to these guidelines, the Consumer Ombudsman issued sectorial guidelines to explain the general guidelines on environmental claims more in detail pertaining to the respective sectors. However, these are tightly linked to the general Norwegian guidelines whereupon all other guidelines are built.

The guidelines state that traders may obtain upfront guidance from the Consumer Ombudsman when they are in doubt about their compliance. The focus of the guidelines is on the general impression that a product has ethical or environmental properties, or that a business takes special ethical or environmental considerations. The general impression will be the main criterion for assessment. The terms 'shall' and 'must' indicate requirements; the term 'should' is a recommendation. Thus, the guidelines are partially binding rules, partially recommendations.

The COGUC refers to other guidelines – the ICC code of advertising and marketing communication practice, which includes the 2011 International Code of Environmental Advertising, as well as ISO 14021 and the EU Commission's Guidelines on environmental claims of 2000.

Claims such as 'climate neutra' are discussed in a separate document entitled 'The Consumer Ombudsman's Guidelines' on using claims such as *Climate neutral* in Marketing'. Traders that use such a claim must fulfil specific criteria. The trader must calculate the emissions of greenhouse gases from the business activity or service/product being marketed.

○ *Objective misleading practice*

The COGUC does not provide a prohibition of objective misleading practices in its own wording. When setting out their legal basis, the guidelines literally quote the relevant sections of the UCPD pertaining to market claims in general and, in doing so, transposing it to environmental claims. Misleading environmental marketing is therefore, as provided in the UCPD and the MCA, identified depending on whether it contains false information or otherwise is likely to mislead consumers. Given this is the only mention of the objective misleading practice, the guideline is rather concise on this matter considering that other aspects are extensively set out in these

guidelines. It seems that the CO aimed to handle the UCPD formulation with the utmost care.

The specific guidance on environmental claims for energy for residential heating states that only neutral statements should be presented that result in comparable information – general claims are forbidden. This is a specific application of the requirement of 'objective' correctness.

Claims must be substantiated: documentation verifying that claims are correct shall be available from the advertiser when the marketing occurs. It is usually required that these are made by neutral authorities with recognised professional competence.

- *Subjective Misleading practice*

On the matter of the subjective misleading practices the guidelines are even briefer than the objective misleading practices. The implicit formulation of the UCPD on subjective misleading practices has not been improved in the Norwegian Guidelines, i.e. whether or not marketing is misleading depends on whether or not it contains false information, or, if it is otherwise likely to mislead consumers. However, specific aspects of misleading practices, such as the omission of information and compliance to good market practices are explicitly included in the assessment of environmental claims.

Moreover, the requirement for marketing to provide a balanced and correct overall impression is put to the forefront in the general and the specific guidelines.

An emotional appeal to the conscience of consumers, e.g. 'think about the polar bears' is not allowed.

- *Scientific evidence*

The guidelines are identical on this matter:

- Documentation justifying that claims are correct shall be available from the advertiser when the marketing occurs.
- Evidence supporting environmental claims can only be provided or assessed by a neutral authority, or it must be otherwise confirmed that the research has been carried out correctly and that the assessment of the results can be defended from a purely professional viewpoint.
- When claiming an environmental superiority it must be documentable that the product is among the best 1/3 of all equivalent products on the market in terms of environmental effect.
 - *Clarity and accuracy*
- Environmental claims must be clear and balanced.

Vague green claims are not allowed without an explanation that is visible with the claim. If the green claim is not explained, the product must outperform other products during its entire life cycle and for the product as a whole. A 'green' claim that is used with an explanation cannot refer to an obvious, common requirement, and it must be placed among the best 1/3 of all equivalent products on the market in terms of environmental effect.

For complex products such as cars there is a lower threshold of what is acceptable - in this case, specific environmental properties should be indicated in the form of product

information. General claims are absolutely forbidden for residential heating energy products because of the diversity of products that are not comparable. Completeness and objective information are regarded as crucial.

It must emerge clearly to what aspects of the product the environmental claim refers to, including properties of the product to which the claims apply, and whether the claims apply to the whole or parts of it. The guideline therefore complies with this matter as required by the UCPD.

However, the other requirements are not mentioned in the guidelines. For instance, the requirement pertaining to whether a claim refers to a company, or only to certain products, is not explicitly covered. In spite of extensive explanations and specifications on company branding, the guidelines remain silent on this UCPD requirement.

There is a specific part on company brands and market profiles. The overall impression is, again, important and similar criteria apply regarding product marketing. The marketing approach should be as specific as possible. Marketing of green 'ambitions' must be backed by concrete plans – official and private labelling systems are discussed as well.

The same conclusion can be made for the absence of an explicit provision, imposing the obligation to specify to what stage of the lifecycle of the advertised product the environmental claims pertain to, or the product characteristics the claim exactly covers.

- Relevance to relevant Annex 1 prohibited practices in UCPD

First of all, the COGUC quotes and endorses the UCPD on annex 1 and is therefore compliant to it. In addition, it addresses in detail the labelling systems or symbols in marketing. Labelling systems in marketing may not lead to a misleading 'greenwashing' of a brand label or product series.

The criteria for use of labelling systems or symbols must be such, that they can be checked and controlled. Use of private labelling systems in marketing is discouraged.

1.18 Poland

1.18.1 Overview

In Poland, **one general guideline** is available and no sectorial ones.

General guideline:

- The Code of Ethics in Advertising is available at:
<http://www.radareklamy.org/images/Dokumenty/Kodeks%20Etyki%20Reklamy%20Eng.pdf> (English version)

1.18.2 General guidelines

1.18.2.1 The Code of Ethics in Advertising

The Code of Ethics in Advertising does not focus solely on environmental claims but regulates all aspects of communication in advertising, taking into account specificity of different media. The Code responds to challenges of dynamically developing markets, promotes responsible practices in advertising and indicates what is admissible and what is not ethical in advertising. The Code consists of nine chapters:

- I. General Provisions
- II. Definitions

- III. Basic principles of advertising
- IV. Advertising directed at children
- V. Advertising containing ecological information
- VI. Sponsoring
- VII. Direct marketing
- VIII. Sale's promotion
- IX. Final provisions

Chapter IV on 'Advertising containing ecological information' regulates certain aspects of the use of environmental claims in advertising. Also, provisions of other chapters, especially chapter I, II and III, which provide general directions to ethical and fair advertising, should be taken into account by advertisers when using environmental claims in advertising their products and/or services. All these aspects are discussed in the table below.

CODE OF ETHICS IN ADVERTISING	
1. publication details	
Year of issuance	2012
Length	12 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Code of Ethics in Advertising (hereinafter 'the Code') was prepared by a self-regulatory body – an advertising association called the Union of Associations 'the Advertising Council' (hereinafter 'the Council').
General or sectorial guidelines	General guidelines document in the field of advertising
2. Information on coverage of guidelines	
Target group	Entrepreneurs, in particular advertisers and other persons (natural/legal) conducting advertising in the territory of the Republic of Poland.
Aim	The main aim of the Code is to (i) ensure that advertisements are not misleading and; (ii) to protect consumers from unethical and unfair advertising.
Definition of the term: "environmental claims"	No such definition has been provided for in the Code. The Code refers to 'advertisements containing ecological information', however no legal definition of this term is provided.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	An advertising claim of '...free', should only be made when the level of the specified substance does not exceed that of an acknowledged trace contaminant or background level. Other claims are also referred to, such as 'environmentally friendly' and 'ecologically safe', however they are not defined.
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Mainly environmental claims are covered. However, the Code also refers to certain types of ethical claims: 'advertisements cannot undermine public trust in correctly performed activities undertaken within the framework of environment protection', 'advertisements cannot exploit the lack of knowledge of their recipients in the area of environment protection' and

		'advertisements cannot contain a message which might mislead the consumers as to environmental protection'.
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	The Code regulates advertising of products and services.
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	No legal basis are indicated, however the Code states that it does not replace binding legal provisions and contains a set of rules imposing additional limitations on persons obliged to obey those rules, irrespectively of the existing legal provisions. It states that relevant legal provisions are applicable to matters not regulated in the Code. Provisions of the Code regulating the specific matter differently than the respective legal regulations do not discharge advertisers from compliance with such legal regulations. There are no references to standards or labels. The Code refers to the Articles of Association of the Advertising Council and to its organs, in particular to the Commission of Ethics in Advertising (hereinafter 'the Commission'), whose main competence is a supervision of compliance of advertising activities with the Code.
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	The Code covers advertising in all media, excluding social and political campaigns.
	3. Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	'Advertising claims cannot refer to the absence of components, features or impacts that are not applicable to the given product category'
	Are there any terms for which certain conditions are set?	'Environmental claims referring to waste handling are acceptable provided that the recommended method of separation, collection, processing or disposal is available for a significant part of the beneficiaries. Otherwise, the extent and method of obtaining access to the above-described methods should be indicated' 'Environmental signs or symbols should only be used when the source of origin (granting or appointing) these signs or symbols is clearly indicated in advertisement, and there is no

		<p>confusion over their meaning. Such signs and symbols should not falsely suggest that their presence is related to a decision of a government administration authority, local government authority, or other institutions the activity of which is connected with natural environment protection</p> <p>'An advertising claim of `...free`, or of the same effect, should only be made when the level of the specified substance does not exceed that of an acknowledged trace contaminant or background level'</p>
	<p>Recommendations on documentation, calculation, testing methods, evidence and access to data</p>	<p>Documentation:</p> <p>'The data, recommendations, commercial offers, information, or clarifications concerning the product should be appropriately documented. The documents should be made available on the beneficiary's demand'</p> <p>Evidence:</p> <p>'An advertising claim of `...free`, or of the same effect, should only be made when the level of the specified substance does not exceed that of an acknowledged trace contaminant or background level'</p> <p>Access to data:</p> <p>'Advertisements containing general phrases such as `environmentally friendly` or `ecologically safe` cannot be misleading. The information indicating the precise effect of the product in this area must be available at the point of sale, enclosed to the product or shall be presented to the beneficiary in a publicly accessible way'</p> <p>'When advertisements refer to the reduction of the quantity (number) of components or elements having an environmental impact, such information cannot be misleading. The information indicating the precise positive effect of the product in this area must be true and available at the point of sale or enclosed to the product and shall be presented to the beneficiary'</p>
	<p>Examples provided of good practices and poor practices</p>	<p>No good or poor practices have been explicitly provided for.</p> <p>However, the requirement to provide detailed information proving positive environmental impacts of the product/services in the case the advertisement contains general phrases such as `environmentally friendly` and `ecologically safe`</p>

		can be considered as a good practice.
4. Consistency check criteria based on UCPD Guidance		
<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>Chapter III of the Code 'Basic principles of advertising' contains a provision stating that 'advertisements should not mislead their recipients, in particular with regard to:</p> <ul style="list-style-type: none"> a) important characteristics such as nature, composition, method and date of manufacture, range of use, quantity, origin (also geographical) of the advertised item; b) value of the product and the total price actually to be paid for the product as well as other payment conditions like instalment sales, leasing, credit sales, bargain sales; c) terms of delivery, exchange, return, repair and maintenance; d) guarantee terms; e) intellectual and industrial property rights such in particular patents, names, trademarks, and industrial designs and models; f) official permits or approvals, awards, prizes, medals, and diplomas; g) the extent of the entrepreneur's benefits for charitable causes. <p>Data as well as scientific terms, quotations from technical or scientific publications used in advertisements, must indicate their source and cannot be used in a misleading manner.'</p> <p>The chapter of the Code regulating advertising containing ecological information explicitly states that advertisements cannot contain a message which might mislead the consumers as to environmental protection, including but not limited to through false information on characteristics of products or on activities undertaken by the advertiser for environmental protection. The Code precises that ecological information contained in an advertisement must relate to the characteristics of the product.</p> <p>Consistency with UCPD Guidance: The Code prohibits misleading information in advertising and explicitly forbids false informing, thus is in line with the UCPD Guidelines.</p>	
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague</p>	<p>No direct reference to the criterion.</p> <p>Consistency with UCPD Guidance: The general provisions prohibiting misleading advertising are in place (see the section above), however there is neither a direct reference to subjective misleading nor examples of subjective misleading are provided.</p>	

<p>and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>The Code (in chapter III 'General principles in advertising') provides that data, recommendations, commercial offers, information, or clarifications concerning the product should be appropriately documented and that these documents should be made available on the beneficiary's demand. This provision does not refer explicitly to 'scientific evidence and' to the obligation to make available the relevant documentation to competent authorities; however the core requirement to gather data and clarification concerning the product is in place.</p> <p>Consistency with UCPD Guidance:</p> <p>The requirement to gather relevant data and clarifications concerning the product is in line with Article 12 of the UCPD. Although there is no direct reference to make the documents available to competent authorities for verification, such obligation can be implied from the wording of the Code's provisions.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p>	<p>The requirement of clarity and accuracy of the claims is not explicitly stressed; however it can be implied from the context and the goals of the Code.</p> <p>The Code states that 'advertisements related to specific products or actions cannot without justified grounds extend the advertising effect in the area of environment protection to the whole business of the advertiser' and that 'environmental claims must relate to the characteristics of the advertised product and</p>

<ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>must refer to such characteristics of such product that exist throughout the product life or periodically, but in the latter case the advertisement must inform the recipient thereof'. The reference to whether a claim covers the whole product or not has not been identified.</p> <p>Consistency with UCPD Guidance: The Code does not refer to all aspects indicated by the UCPD, however the requirement of clarity and accuracy is indirectly reflected in the Code.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>The Code states that environmental signs or symbols (i.e. logos) should only be used when the source of origin (granting or appointing) these logos is clearly indicated in advertisement, and there is no confusion over their meaning. Such signs and symbols should not falsely suggest that their presence is related to a decision of a government administration authority, local government authority, or other institutions the activity of which is connected with environment protection.</p> <p>This provision does not directly refer to private bodies, but this can be implied from the phrase 'other institutions the activity of which is connected with environment protection'.</p> <p>Consistency with UCPD Guidance: The Code is in line with the UCPD Guidelines.</p>

1.18.3 Summary

The Code of Ethics in Advertising provides recommendations on how environmental claims should be designed and used in advertising in order to ensure ethical, fair and non-misleading commercial communication to consumers. The main gap identified concerns the lack of definition of 'environmental claim' and 'advertising containing ecological information'.

○ *Objective misleading practice*

The Code states that advertisements should not mislead their recipients and should not contain false information on characteristics of products or on activities undertaken by the advertiser for environmental protection. Therefore the criteria for objective misleading practice are fulfilled.

○ *Subjective misleading practice*

The Code does not explicitly refer to the subjective misleading practice. However, general provisions prohibiting misleading advertising are in place.

- *Scientific evidence*

The Code requires that all relevant information and clarifications concerning the product/service should be gathered by the advertiser and made available on request. Although there is no direct reference to 'scientific evidence', or to make it available to the 'competent authorities', these aspects can be implied.

- *Clarity and accuracy of the claims*

The Code does not refer to all aspects of clarity and accuracy of the claims indicated by the UCPD. However, the criterion is indirectly reflected, taking into account the wording, context and the goal of the Code.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The Code refers to all relevant Annex I prohibited practices, hence the criterion is fulfilled.

1.19 Portugal

1.19.1 Overview

In Portugal, **only two general guidelines** on environmental claims were identified and no sectorial ones.

General guidelines:

- 'Código de Conduta do ICAP' (ICAP's Code of Conduct), available at: http://www.icap.pt/images/memos/Novo_CodConduta_ICAP_Pub_ComComercial.pdf.
- 'Guia de eco-comunicação da Sair da Casca', (Guide on eco-communication by 'Sair da Casca' available at: http://www.sairdacasca.com/wp-content/uploads/2012/09/Guia_Eco-comunicacao.pdf).

1.19.2 General guidelines

1.19.2.1 ICAP's Code of Conduct

The 'Instituto Civil da Autodisciplina da Comunicação Comercial' (ICAP) is a private organisation – whose members are advertisers, advertising agencies and media companies, who acts as the self-regulatory body for the advertising industry in Portugal. ICAP has issued a Code of Conduct which consolidates the principles and rules applicable to its members' advertising activities, and sets the minimum requirements to be respected by all its members in the pursuit of ethical advertising practices in a fair and balanced advertising market.

The 'Código de Conduta do ICAP' (ICAP's Code of Conduct) contains basic principles applicable to all advertising, e.g. truthfulness, decency, legality, identification, protection of children and young people, use of scientific data, terminology, and also rules and principles with a stricter field of application, e.g. sales promotion, sponsorship, direct marketing and use of digital interactive media, including rules and principles applicable specifically to the use of environmental claims in marketing communications.

ICAP's Code of Conduct is, in essence, a translation to the Portuguese language and adaptation of the Advertising and Marketing Communication Practice Consolidated Code of the International Chamber of Commerce, available at: http://codescentre.com/images/downloads/660_consolidated_icc_code_2011_final_with_covers.pdf, along with additional rules applicable to the advertisement of alcoholic beverages which are specific to ICAP's Code. The section of the Code on environmental claims takes into account Portuguese standard NP EN ISO 14021:2008, regarding self-declared environmental claims in product packaging and labelling.

Código de Conduta do ICAP	
1. publication details	
Year of issuance	2010
Length	54 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	ICAP – Instituto Civil de Autodisciplina da Comunicação Comercial, a self-regulatory body.
General or sectorial guidelines	General guidance document, for advertisers, advertising agencies and media companies.
2. Information on coverage of	

guidelines	
Target group	Advertisers, advertising agencies and media companies which are members of ICAP.
Aim	<p>The ICAP's Code of Conduct is intended primarily as an instrument of self-regulation of its members' commercial communication.</p> <p>The Codes aims to:</p> <ul style="list-style-type: none"> a) Demonstrate responsibility and good practice in advertising and marketing communications; b) Enhance overall public confidence in marketing communications; c) Respect privacy and consumer preferences; d) Ensure special responsibility as regards marketing communications and children/young people; d) Safeguard the freedom of expression of those engaged in marketing communications (as embodied in article 19 of the United Nations International Covenant of Civil and Political Rights); e) Provide effective practical and flexible solutions; f) Minimise the need for detailed governmental and/or inter-governmental legislation or regulations; g) Foster self-regulation and best practices among its members; h) Strengthen ethical concerns of commercial communication, notwithstanding compliance with applicable law; <p>Although this Code is not applicable to public relations nor product labelling, the section of the Code on environmental claims is applicable to all marketing communications regardless of the media used, including specifically product labelling.</p>
Definition of the term: "environmental claims"	Any claim, by way of statements, use of symbols or graphics, in which a reference is made explicitly or implicitly to environmental or ecological aspects relating to the production, packaging, distribution, use/consumption or disposal of products.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<p>No specific terms are defined.</p> <p>Scientific or environmental terminology is acceptable if it is relevant and easily understandable for a consumer.</p> <p>Confusion/manipulation must be avoided in that respect.</p>
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	While the Code itself is applicable to all commercial communications including environmental claims, there is a section which is specifically applicable to Environmental and sustainability claims, but which is a more detailed referring to the consequences on the environment of products' production, packaging, distribution, use/consumption or disposal.

<p>Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims</p>	<p>The Code applies to both goods and services, without limitation.</p> <p>The Code applies to all environmental claims made in any medium, including labelling, package inserts, promotional and point-of-sales materials, product literature as well as via telephone or digital or electronic media such as e-mail and the internet.</p>
<p>Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions</p>	<p>Based closely on the Advertising and Marketing Communication Practice Consolidated Code, of the International Chamber of Commerce.</p> <p>Incorporates parts of Portuguese standard NP EN ISO 14021:2008, about self-declared environmental claims in product packaging and labelling.</p> <p>The ICAP provides to its members and to third parties a copy advice service — which allows a non-binding and a priori assessment of a given advertisement's conformity with the Code.</p> <p>In addition, it features a body which is competent to evaluate a posteriori an advertisement's compliance with the Code. If this a posteriori evaluation concludes that an advertisement is not compliant with the Code, ICAP can order the interruption of the campaign. However, the functioning of both the a priori and a posteriori systems are not on themselves regulated in the Code, but on other ICAP documents.</p> <p>The Code refers to the a posterior system on three different matters, namely to</p> <p>(i) make clear that the Code's interpretation shall be enriched by the decisions of the body responsible for the a posterior compliance assessment,</p> <p>(ii) elucidate that, upon submission of a complaint by a member of ICAP or by a third party, the complainant is abide by the decision to be issued on that matter by ICAP and</p> <p>(iii) to certify that all complaints submitted to ICAP shall be treated confidentially by all parties until the final decision by ICAP is issued.</p> <p>The Code makes no reference whatsoever to the a priori system ICAP provides, nor to the sanctions applicable within the a posteriori assessment procedure.</p> <p>The Code does not elaborate about the consequences of non-compliance of a given entity with ICAP's decisions issued within the a posterior assessment system.</p>

	<p>Applicable to the following forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	<p>The Code applies to all types of environmental claims, expressed in any fashion, expressly including terms, symbols and graphics, and product labelling. Insofar as the use of a sound or of a colour can be considered an environmental claim, then the Code would be applicable to such claims.</p>
3.	Recommendations from guidelines	
	<p>Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?</p>	<p>Generic slogans, such as "environment friendly" or "ecologically safe" etc. that implicitly state that a product or service has no negative consequences on the environment in any stadium of its life cycle are not allowed, unless strong evidence in support of the claim is already available.</p> <p>The claim that a product does not contain a specific component or ingredient is only admissible when the level of the specified substance does not exceed that of an acknowledged trace contaminant or background level.</p>
	<p>Are there any terms for which certain conditions are set?</p>	<p>See above.</p>
	<p>Recommendations on documentation, calculation, testing methods, evidence and access to data</p>	<p>Environmental claims must be substantiated on technical evaluations or scientific research based on sound scientific evidence.</p> <p>Any comparative assessment of the environmental qualities of a given good or service must be very specific, clear, and proven. The products to which they are compared must serve the same purpose and fulfil the same needs. The relative or absolute nature of the comparative environmental advantage claimed must be clear.</p> <p>Environmental claims should be up to date and should, where appropriate, be reassessed with regard to relevant developments.</p> <p>Beyond these general principles, no specific provision exists on access to data, documentation, calculation or testing methods.</p>
	<p>Examples provided of good practices and poor practices</p>	<p>Not provided.</p>
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list</p>	<p>Environmental claims on commercial communication must not be misleading to the consumer, nor include any statement or visual element which might, in any way, deceive the consumer regarding products' environmental characteristics or advantages or regarding the advertiser's activities in support of the environment.</p>

<p>provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>Consistency with UCPD Guidance: In this regard, the Code requires truthfulness and substantiation of environmental claims and thus provides recommendations that are in line with the UCPD Guidance.</p>
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>Environmental claims should not exploit consumers environmental concerns or consumer's ignorance over environmental issues. Pre-existing and previously disclosed environmental aspects should not be presented as new. Vague or non-specific claims of environmental benefit, which may convey a range of meanings to consumer, should be made only if they are valid as such in all reasonably foreseeable circumstances. If this is not the case, general environmental claims should either be avoided, or subject to qualification. Qualifications should be clear, prominent and readily understandable, and shown in close proximity to the claim being qualified, to ensure that they are read together. Use of scientific terminology is admissible, only if relevant to the claim at hand and easily understandable by consumers. Comparative claims, whether the comparison is with the marketer's own previous process or product or with those of a competitor, should be worded in such a way as to make it clear whether the advantage being claimed is absolute or relative. Environmental signs or symbols should not be used in such a way as to falsely suggest official approval or third-party certification. Environmental signs or symbols should be used in marketing communication only when the source of those signs or symbols is clearly indicated and there is no likelihood of confusion over their meaning. Generic features or ingredients, which are common to all or most products in the category concerned, should not be presented as if they were a unique or remarkable characteristic of the product being promoted. The Code demands that claims take into account the consumers' foreseeable skills and the</p>

		<p>context, and prevents ambiguity and lack of clarity in commercial communications.</p> <p>Consistency with UCPD Guidance: In our assessment, the Code provides recommendations that are in line with the UCPD Guidance.</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Environmental claims must be substantiated with verifiable and reliable scientific evidence.</p> <p>Consistency with UCPD Guidance: Regarding access to the scientific data, the Code has no provision on this issue. The possibility of verification of scientific evidence by competent authorities is foreseen in art. 22nd of Decree-Law nr. 57/2008, of March 26.</p>
	<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Each claim's scope must be clearly outlined (for instance, whether a claim relates to a product or to its packaging). Improvements related to a product and its packaging should be presented separately, and should not be combined in a misleading fashion.</p> <p>Marketing communications that refer to specific products or activities should not imply, without appropriate substantiation, that they extend to the whole performance of a company, group or industry.</p> <p>Environmental claims should not be presented in such a way as to imply that they relate to more stages of a product's life-cycle, or to more of its properties, than is justified by the evidence; it should always be clear to which stage or which property a claim refers. A lifecycle benefits claim should be substantiated by a lifecycle analysis. Any comparative claim must be focused and the basis for the comparison should be clear.</p> <p>Environmental superiority <i>vis a vis</i> competitors is only allowed if a substantial advantage can be proven. The products compared must fulfil the same needs and serve the same purposes.</p> <p>An environmental claim should be relevant to the particular product being promoted and relate only to aspects that already exist or are likely to be realised during the product's life.</p> <p>When a claim refers to the reduction of components or elements having an environmental impact, it should be clear what has been reduced. Such claims are justified only if they relate to alternative processes, components or elements which result in a significant environmental improvement.</p> <p>Consistency with UCPD Guidance: The Code demands that claims be pertinent, clear, accurate, unambiguous and substantiated. The Code provides recommendations that are fully in line with the UCPD Guidance.</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p>	<p>The Code expressly forbids the use of symbols and signs to falsely claim the approval or</p>

<ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>endorsement of a product by a public authority or by a third party.</p> <p>Consistency with UCPD Guidance: The Code expressly forbids the use of symbols and signs to falsely claim the approval or endorsement of a product by a public authority or by a third party. The unauthorised use of logos, the false claim of adherence to a code of conduct or a false claim that a code of conduct has been endorsed by a public or private body are not expressly banned by this section of the Code. In any case, there are general rules in the Code, which seem to be incompatible with the use of such practices in commercial communications (but not on product labelling or other marketing activities not regarded as commercial communications).</p>
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1.19.2.2 Guide on eco-communication by 'Sair da Casca'

The Sair da Casca is a Portuguese media consultancy company focused on sustainable development and social responsibility campaigns. In 2009, they created the 'Guia de eco-comunicação' (Eco-communication guide), which contains a checklist of recommendations and issues to consider – by advertisers and advertising agencies, related to the responsible marketing of environmental issues, including environmental claims.

Guia de Eco-comunicação	
1. publication details	
Year of issuance	2009.
Length	34 pages.
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Prepared by a private media consultancy company.
General or sectorial guidelines	General guidelines.
2. Information on coverage of guidelines	
Target group	Advertisers and advertising agencies.
Aim	To identify a set of best practices regarding marketing and sustainable development, including the use of environmental claims in marketing and the use of eco-friendly marketing tools and supports.
Definition of the term: "environmental claims"	The same as used in the ICAP Code: any claim, by way of statements, use of symbols or graphics, in which a reference is made explicitly or implicitly to environmental or ecological aspects relating to the production, packaging, distribution, use/consumption or disposal of products.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for	None directly. The Guide recommends the use of precise or accurate environmental claims, and as such suggests that ISO 14021 's terminology be

	use of certain terms)	used in accordance with the said standard.
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims and sustainability claims
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All goods and services are covered, as are company branding and indirect claims. Labelling schemes as such do not appear to be covered.
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	ISO 14021; Forest Stewardship Council (FSC); Program for Endorsement of Forest Certification Schemes (PEFC); This Guide is just a set of best practices to be followed voluntarily, and foresees no sanctions for its non-compliance.
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All forms of claims are within the guide's scope.
	3. Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	The use of vague expressions, such as "amigo do ambiente" [environmentally friendly], should be avoided.
	Are there any terms for which certain conditions are set?	No. However, the Guide recommends that ISO 14021's terminology be used in accordance with the said standard.
	Recommendations on documentation, calculation, testing methods, evidence and access to data	The Guide provides specific recommendations on claims about the reduction of the environmental impact of communication and marketing campaigns (e.g.: reduction of greenhouse gases emissions attributable to a company's advertising campaigns), requiring a clear definition of what is being compared, the demarcation of the time-frame and the delineation of practices for logging and record-keeping of environmental impacts during that time-frame. The Guide suggests the use of directives created by <i>Global Reporting Initiatives</i> (www.globalreporting.org) as a way to assess the reduction of the environmental impact of communication and marketing campaigns, which can be used by companies to communicate their improvements on that regard on their own marketing.
	Examples provided of good practices and poor practices	The Guide includes some examples of bad practices, such as the use of ambiguous or vague statements ("amigo do ambiente" [environmentally friendly]), the use of suggestive imagery that is not connected with

		the claim (the latter is arguably not truly an example).
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>The Guide requires environmental claims to be true, verifiable, clear and understandable, relevant, up-to-date, and accurate. When the claim uses terminology foreseen in ISO 14021, accuracy implies the use of such terminology in accordance with the said standard. The Guide opposes not only the use of vague and ambiguous claims, and the suggestion that a given claim is generally accepted when it is disputed, but also the suggestion that a claim is more far-reaching or broader in scope than what available data substantiates, over-promising or exaggerating the products environmental characteristics (such as portraying a given characteristic as exceptional, when in fact such characteristic is the norm for the product category) and the portrayal of environmental advantages in an inflated fashion. The Guide advocates the use of benchmarks and the definition of criteria to be used in the evaluation of the products actual performance and in the assessment of each claim's actual relevance. Consistency with UCPD Guidance: In this regard, the Guide requests truthfulness and substantiation of environmental claims and thus provides recommendations that are in line with the UCPD Guidance.</p>
	<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an</p>	<p>The Guide does not provide a clear separation between objective and subjective misleading practices. Some of the Guides recommendations are applicable to both practices (using clear and understandable language, not using vague and ambiguous claims, not implying that a given claim is generally accepted when it is disputed or that a claim is more far-reaching or broader in scope than what available data substantiates, not over-promising or exaggerating the products environmental characteristics, and the refusal to portray environmental advantages in an inflated fashion). Consistency with UCPD Guidance: The Guide recommends the avoidance of ambiguity and lack of clarity in environmental claims. However, its provisions don't seem on this regard as far-reaching and detailed as the UCPD Guidance suggests. For instance, the Guide is oblivious to the consideration of the consumer's foreseeable skills or context.</p>

<p>average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Consistency with UCPD Guidance: The Guide suggests the use of generally accepted and verifiable claims only. Regarding access to the scientific data, the Guide has no provision on this issue. The possibility of verification of scientific evidence by competent authorities is foreseen in art. 22nd of Decree-Law nr. 57/2008, of March 26.</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Consistency with UCPD Guidance: The Guide requires that a claim be true, clear and accurate. However, it does not contain any specific provisions regarding what clarity entails, nor elaborates on the particular requirements mentioned in UCPD Guidance.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of 	<p>The Guide forbids the suggestion that a given product is endorsed or approved by a third party, when such endorsement does not exist. Consistency with UCPD Guidance: The Guide forbids the suggestion that a given product is endorsed or approved by a third party, when such endorsement does not exist. Other relevant prohibited practices, specified in</p>

<p>conduct</p> <ul style="list-style-type: none"> ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>the UCPD's Annex 1, are not expressly prohibited.</p>
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1.19.3 Summary

None of the Portuguese mentioned guidance documents explicitly refer to the UCPD guidance document prepared by the Commission. However, they both incorporate the UCPD guidance's criteria regarding the assessment of the misleading nature of an environmental claim, although not fully. The ICAP Code provides a more thorough implementation of the UCPD guidance's criteria.

○ *Objective misleading practice*

Both guidance documents require that environmental claims be true and verifiably substantiated. Thus, they both seek to ensure that environmental claims are not objectively misleading to consumers.

○ *Subjective misleading practice*

The documents do not specifically refer to the concept of 'subjective misleading practices', although both ban practices that are/can be subjectively misleading. However, ICAP's Code is definitely more far-reaching in its definition and prohibition of subjectively misleading practices, by:

- prohibiting environmental claims that exploit consumers environmental concerns or consumer's ignorance over environmental issues;
- opposing the use of vague or non-specific claims of environmental benefit, unless they are valid in all reasonably foreseeable circumstances;
- demanding that scientific terminology is used only if relevant to the claim at hand and easily understandable by consumers;
- compelling the substantiation of all claims in an immediately verifiable manner, based on sound scientific evidence;
- demanding that all claims are up to date and reassessed when necessary;
- banning the presentation of pre-existing and previously disclosed environmental aspects as being new;
- preventing the presentation of generic features or ingredients common to all or most products in the category concerned, as if they are unique or remarkable;
- demanding that all environmental claims are relevant to the particular product being promoted and relate only to aspects that already exist or are likely to be realised during the product's life;
- stressing the need for the clear outline of a claim's scope, e.g. whether a claim relates to a product or to its packaging, and for the separate presentation of improvements related to a product and its packaging;
- opposing marketing communications which imply – although referring only to specific products or activities, without appropriate substantiation, that they extend to the whole performance of a company, group or industry;

- prohibiting the presentation of environmental claims in such a way as to imply that they relate to more stages of a product's life-cycle, or to more of its properties, than is justified by the available evidence;
- obliging environmental signs or symbols not be used in such a way as to falsely suggest official approval or third-party certification, and only be used when the source of those signs or symbols is clearly indicated and there is no likelihood of confusion over their meaning;
- foreseeing that comparative claims must be worded in such a way as to make it clear whether the advantage being claimed is absolute or relative;
- requiring that any comparative claim is focused, clearly delimited, and about products that fulfil the same needs and serve the same purposes;
- banning environmental superiority claims vis a vis competitors unless a substantial advantage can be proven.

The Code suggests that environmental claims which are not clear, accurate, relevant, substantiated or up to date, or which are obfuscated by technical jargon or vague, are potentially misleading to consumers. Although no examples are provided, some of its provisions are detailed and concrete.

The Guide, on the other hand, makes a more modest contribution to the protection of consumers against subjectively misleading practices, abstractly opposing the use of vague, unclear, unsubstantiated, irrelevant, inaccurate and outdated environmental claims. This Guide considers that the over promise and the exaggeration of a products' environmental characteristics are also potentially misleading to the consumer.

- *Scientific evidence*

Although both guidance documents demand the use of verifiable substantiated and up-to-date data, such requirements are not thoroughly detailed. For instance, no demands of traceability, record keeping or independence are made. There is no indication on how to assess divergence of scientific opinions.

The Guide bans the suggestion that a given claim is generally accepted when it is disputed.

The Code implies that scientific data must be readily available before the claim is made, but no provision on data disclosure exists. Thus, only public authorities, such as courts, can demand access to existing data.

- *Clarity and accuracy of the claims*

According to the Portuguese guidance, claims must be accurate and clear:

- claims must be presented in a truthful and accurate way that would not mislead consumers;
- the scope, conditions or boundaries of the claim must be clear, e.g. relevant part of the life cycle, whether the claim refers to product or packaging;
- plain language and information must be specific and unambiguous; scientific jargon can be used only if understandable and relevant.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The Code and the Guide expressly forbid the use of symbols and signs to falsely claim the approval or endorsement of a product by a public authority or by a third party.

However, the unauthorised use of logos, the false claim of adhesion to a code of conduct or a false claim that a code of conduct has been endorsed by a public or private body are not expressly banned by either guidance document. In any case, there are general rules in the Code, which seem to be incompatible with the use of such practices in commercial communications – but not on product labelling or other marketing activities not regarded as commercial communications.

1.20 Romania

1.20.1 Overview

One set of general guidelines was identified in Romania and no sectorial one.

General guideline:

- The Code of Advertising Practice issued by Romanian Advertising Council at: <http://www.rac.ro/EN/cod> (in English)

The mentioned Code is a general code of advertising practices, containing provisions regarding environmental claims.

However, there are no specific guidelines in Romania that include recommendations on environmental claims.

1.20.2 General guidelines

1.20.2.1 The Code of Advertising Practice

The general Code of Advertising Practice does not contain many provisions regarding environmental claims, but contains some principles on this respect.

NAME: Code of Advertising Practice (<i>Codul de Practica in Publicitate</i>)	
1. publication details	
Year of issuance	2011
Length	22 pages (out of which Art. 1.3 (h) and Art. 14 regard environmental claims)
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Authority: Romanian Advertising Council, a professional, non-governmental, non-profit and independent association with the aim of developing in Romania a decent, honest, fair and legal advertising.
General or sectorial guidelines	General guidance for advertisers
2. Information on coverage of guidelines	
Target group	All Advertisers
Aim	The main objectives of the Code of Advertising Practice are to protect the consumers' interests, the general public interest against any negative consequences of communication, and to ensure the necessary framework for fair competition in the market.
Definition of the term: "environmental claims"	The Code of Advertising Practice does not provide a definition of "environmental claims".
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	Not specified.
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims.
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Not limited.

	<p>Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions</p>	<p>Reference to the principles of advertising practice and commercial communications of the International Chamber of Commerce (ICC) There are no references to authorities in the Code of Advertising Practice. Also, the Code of Advertising Practice does not specifically provide any sanctions for not complying with the provisions thereof. The Code of Advertising Practice only provides that if the communication violates the rules of the Code, the Ethics Committee of the Romanian Advertising Council invites the party concerned to take measures for that communication to observe the provisions of the said Code.</p>
	<p>Applicable to the following forms of claims:</p> <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	<p>All types.</p>
3.	Recommendations from guidelines	
	<p>Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?</p>	<p>Signs or symbols relating to environmental protection or collecting systems, as well as messages about environment and pollution reduction can be used in communication only if (i) their source is clearly indicated or identifiable, (ii) there is no risk of confusion regarding their meaning and (iii) can be substantiated by the advertiser. These signs and symbols must not be used so as to suggest official approval or certification by third parties, if this approval or certification does not exist.</p>
	<p>Are there any terms for which certain conditions are set?</p>	<p>See above</p>
	<p>Recommendations on documentation, calculation, testing methods, evidence and access to data</p>	<p>In a communication, statements about environment must not suggest that they refer to several stages from the life cycle of a product or to more properties of the product than it can be supported by evidence. The advertiser must clearly specify the stages or properties to which such refer in the communication. When a statement refers to the reduction of components or elements that have an impact on the environment, the advertiser must clearly specify which components or elements have been reduced. Signs or symbols relating to environmental protection or collecting systems, as well as messages about environment and pollution reduction must not be used so as to suggest official approval or certification by third parties, if this approval or certification does not exist. Also, such signs or symbols can be used in</p>

		<p>communication only if their source is clearly indicated or identifiable, there is no risk of confusion regarding their meaning and they can be substantiated by the advertiser.</p> <p>Communications and advertising must not contain or refer to testimonials, recognitions or supporting documentation, unless they are genuine, verifiable and relevant. In commercial communication, testimonials and recognitions used, that have become outdated or misleading due to the passage of time should not be used.</p>
	Examples provided of good practices and poor practices	Not provided.
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>Communication must avoid any statement or representation which may mislead the consumers, including by omission, suggestion, ambiguity or exaggeration, especially in terms of: (h) the environmental aspects and benefits of the product or in terms of actions undertaken by the advertiser in favour of the environment. The advertiser must be able to prove the authenticity of the data, descriptions, statements, illustrations and testimonials used in advertising. The proofs must be current, relevant and documented. Upon request, this information must be provided to the Romanian Advertising Council without delay.</p> <p>Consistency with UCPD Guidance: The Code of Advertising Practice expressly provides that the advertising regarding the environmental aspects of the products must not mislead the consumers; consequently, such is in line with the UCPD Guidance. Moreover, the advertisers must be able to substantiate all the data used in advertising if requested by the Romanian Advertising Council.</p>
	<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable');</p>	<p>Communication must avoid any statement or representation which may mislead the consumers, including by omission, suggestion, ambiguity or exaggeration, especially in terms of: (h) the environmental aspects and benefits of the product or in terms of the actions undertaken by the advertiser in favour of the environment. In a communication, the statements regarding the environment must not suggest that it refers to several stages from the life cycle of a product or to more of the properties of the product than it can be supported by evidence. The advertiser must clearly specify to which of the stages or properties it refers to in the communication.</p>

<p>greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>When a statement refers to the reduction of components or elements that have an impact on the environment, the advertiser must clearly specify which components or elements have been reduced. Consistency with UCPD Guidance: As mentioned above, communications and advertising must avoid any statement or representation which may mislead the consumers. Moreover, there are express provisions regarding the reference in advertising to the stages of the life cycle of products, and to the diminished part of elements of a product with environmental impact. These general statements are the only references to these issues.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>The advertiser must be able to prove the authenticity of the data, descriptions, statements, illustrations and testimonials used in advertising. The proofs must be current, relevant and documented. Upon request, this information must be provided to the Romanian Advertising Council without delay. Consistency with UCPD Guidance: The Code of Advertising Practice clearly provides that the advertiser must prove the authenticity all the data used in advertising, which should also include scientific evidence if the case, being in line with the UCPD Guidance. Upon request, this information must be provided to Romanian Advertising Council without delay.</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its 	<p>In a communication, the statements regarding the environment must not suggest that it refers to several stages from the life cycle of a product or to more of the properties of the product than it can be supported by evidence. The advertiser must clearly specify to which of the stages or properties it refers to in the communication. When a statement refers to the reduction of components or elements that have an impact on the environment, the advertiser must clearly specify which components or elements have been reduced. Consistency with UCPD Guidance: The Romanian guidance does not refer to all aspects of the UCPD Guidance; however, as mentioned above, it provides certain requirements regarding the clarity and accuracy of the claims.</p>

	products) or only to certain products; <ul style="list-style-type: none"> ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	
	Reference to relevant Annex 1 prohibited practices in UCPD: <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body (See Page 43 in UCPD guidance)	Signs or symbols relating to environmental protection or collecting systems, as well as messages about environment and pollution reduction can be used in communication only if their source is clearly indicated or identifiable; there is no risk of confusion regarding their meaning and they can be substantiated by the advertiser. These signs and symbols must not be used so as to suggest official approval or certification by third parties, if this approval or certification does not exist. Consistency with UCPD Guidance: The Romanian guidance does not cover all aspects of Annex 1 prohibited practices in UCPD, Guidance; however, it specifically refers to the prohibition to use signs and symbols in order to suggest an official approval if such approval was not in fact granted.

1.20.3 Summary

The Romanian guidance, i.e. the Code of Advertising Practice, does not explicitly refer to the UCPD guidance document prepared by the Commission, but it contains certain similar criteria to assess whether or not an environmental claim is misleading. The Romanian guidance does not provide the level of details of other guidance of other countries and does not contain examples of best practices.

- *Objective misleading practice*

The Code of Advertising Practice expressly provides that the advertising regarding the environmental aspects of the products must not mislead the consumers, and must be in line with the UCPD Guidance.

Moreover, the advertisers must be able to substantiate all the data used in advertising if requested by the Romanian Advertising Council.

- *Subjective misleading practice*

Pursuant to the Code of Advertising Practice, advertising must avoid any statement or representation which may mislead the consumers – including omissions, suggestions, ambiguity or exaggeration, with regard to environmental aspects and benefits of the product or actions undertaken by the advertiser in favour of the environment.

The Code of Advertising Practice also provides references to the stages of the life cycle of products, and to the diminished part of elements of a product with environmental impact in advertising.

- *Scientific evidence*

According to the Romanian guidance, the advertiser must be able to prove the authenticity of the data, descriptions, statements, illustrations and testimonials used in advertising. The proofs must be current, relevant and documented.

Upon request, this information must be provided to Romanian Advertising Council without delay.

- *Clarity and accuracy of the claims*

The Romanian guidance provides that statements about environment must not suggest that they refer to several stages of the life cycle of a product or to more properties of the product than can be supported by evidence. The advertiser must clearly specify the stages or properties to which such refer in the communication or advertisement.

The advertiser must clearly specify which components or elements have been reduced in case of a statement referring to the reduction of components or elements that have an impact on the environment.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The Romanian guidance includes the prohibition to use signs and symbols in order to suggest an official approval if such approval does not exist.

1.21 Slovenia

1.21.1 Overview

In Slovenia, the only document which covers (partially) environmental claims is **the Slovenian Code of Advertising Practice**, which has been adopted by the **Slovenian Advertising Chamber**, and which is the only Slovenian legal or non-legal act dealing explicitly with environmental claims. The Code is also available on the internet at: http://www.soz.si/uploads/files/SOZ_SOK_ANG.pdf (in English). The relevant provisions are analysed below. There are no sectorial guidelines.

1.21.2 General guidelines

The **Slovenian Advertising Chamber**²⁷ is the national association of advertisers. It has been established on the basis of the Consumer Protection Act. Advertising is not a regulated profession in Slovenia, so although established on the basis of a national law, the membership of advertisers in the Chamber is not mandatory. In 2009, the Assembly of the Chamber – which consists of all members, has adopted the 4th edition of the **Code of Advertising Practice**, which is still valid at present.

The Code is the instrument of self-regulation; it should be adhered to by the advertisers, who are members of the Chamber. However, since commercial advertising is not a regulated profession, the Chamber cannot prohibit an advertiser engaging in commercial practice which is contrary to the Code.²⁸

The Code is 22-page document, of which approximately one page is dedicated to environmental claims.

1.21.2.1 Slovenian Code of Advertising Practice

Slovenian Code of Advertising Practice	
1. publication details	
Year of issuance	2009
Length	In the document, app. one page is dedicated to environmental claims.
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Slovenian Advertising Chamber (sectorial business association)
General or sectorial guidelines	Sectorial guidelines in the area of advertising.
2. Information on coverage of guidelines	
Target group	Advertisers – members of the Chamber
Aim	To establish the principles and rules of good practice in advertising. The
Definition of the term: "environmental claims"	Not defined.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	No such terms are defined.
Types of claims covered: e.g.	Environmental claims in general in the area of

²⁷ Slovenska oglaševalska zbornica. See www.soz.si.

²⁸ If the breach of the Code is also a breach of a law, the Chamber must inform about this offence the competent inspectorate (if the offence is administrative), or attorney general (if the offence is a criminal one).

Slovenian Code of Advertising Practice	
environmental claims, ethical claims, organic, sustainable	advertising.
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All, if related to advertising.
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	The Code has been adopted on the basis of the By-laws of the Slovenian Advertising Chamber. The Code states that its subject matter is harmonised with provisions of the International Chamber of Commerce Consolidated Code of Advertising and Marketing Practices. The Code is binding for the members of the Chamber. However, since advertising is not a regulated profession and since the membership in the Chamber is not mandatory, the Chamber cannot prevent the member from engaging in the practice contrary to the Code: the only sanction for a breach of the Code is the negative opinion of the Chamber about the advertisement in question.
Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	All of them when used for advertising.
3. Recommendations from guidelines	
Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	The Code contains the following recommendations: <i>"Frequently used claims such as "environmentally friendly", "biodegradable", "green", "organic", "sustainable" etc. are only acceptable when proven by evidence and data."</i> (17.2) <i>"The use of specialised language or pseudo-scientific jargon should be avoided. If a scientific term is deemed necessary, its meaning should be made clear and additionally explained."</i> (17.7)
Are there any terms for which certain conditions are set?	No.
Recommendations on documentation, calculation, testing methods, evidence and access to data.	None are provided.
Examples provided of good practices and poor practices	No concrete examples are provided in the Code.
4. Consistency check criteria based on UCPD Guidance	
Objective misleading practice: The UCPD Guidance on	Claims related to environmental protection should not be used without proof.

Slovenian Code of Advertising Practice	
<p>objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>Comparison is only acceptable when advertisers are able to objectively prove that the product represents an improvement in the environmental sense when compared to another product of the same company or a competing product</p> <p>Consistency with UCPD Guidance:</p> <p>The Code is in line with the UCPD guidance.</p>
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the</p>	<p>Advertising that contains environmental claims should be prepared in a way that does not abuse the consumers' concern for the environment and does not take advantage of their potential lack of understanding of environmental issues. Adverts should not contain claims or visual representations that might mislead consumers about the environmental advantages of the product or the activities of the advertiser. Factual claims may relate to individual products or activities, but they should not attempt to portray the entire practice of the company, group or field of business as environmentally conscious without concrete supporting evidence.</p> <p>If a given product cannot be considered harmful to the environment, advertising should not imply that its composition was changed to make it more environmentally friendly. When changes in the product represent a considerable improvement in the environmental sense, or when its production avoids the use of otherwise widely used pollutants, it is acceptable to include this information.</p> <p>Consistency with UCPD Guidance:</p> <p>The Code is in line with the UCPD guidance</p>

Slovenian Code of Advertising Practice	
environmental baseline under EU law (cross-compliances).	
Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)	<p>Claims related to environmental protection should not be used without proof. Frequently used claims such as "environmentally friendly", "biodegradable", "green", "organic", "sustainable" etc. are only acceptable when proven by evidence and data. The provision is in line with the guidance.</p> <p>Claims and comparisons are considered misleading if they omit important information.</p> <p>When scientific opinions on the matter differ considerably or evidence is not conclusive, this should be clearly evident from the advertisement. Advertisers should not present their claims as scientifically endorsed when that is not the case.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>The use of specialised language or pseudo-scientific jargon should be avoided. If a scientific term is deemed necessary, its meaning should be made clear and additionally explained."</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies 	<p>Consistency with UCPD Guidance:</p> <p>No such reference is provided in the Code.</p>

Slovenian Code of Advertising Practice	
<ul style="list-style-type: none"> ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	

1.21.3 Summary

The only guidelines directly covering environmental claims in Slovenia are contained in the Slovenian Code of Advertising Practice which has been adopted by the Slovenian Advertising Chamber. The Code has not been adopted to provide comprehensive guidance on environmental claims in Slovenia. Its goal is to provide general principles of conduct in advertising; only a small number of provisions concern environmental claims.

- *Objective misleading practice*

The Code states that claims related to environmental protection should not be used without proof. It also mentions that comparative claims are only acceptable when advertisers are able to objectively prove that the product represents an improvement in the environmental sense when compared to another product of the same company or a competing product.

- *Subjective misleading practice*

According to the Code, advertising that contains environmental claims should be prepared in a way that does not abuse the consumers' concern for the environment and does not take advantage of their potential lack of understanding of environmental issues. It also mentions that adverts should not contain claims or visual representations that might mislead consumers about the environmental advantages of the product or the activities of the advertiser. It adds that factual claims may relate to individual products or activities, but they should not attempt to portray the entire practice of the company, group or field of business as environmentally conscious without concrete supporting evidence. Finally, this Code recommends that if a given product cannot be considered harmful to the environment, advertising should not imply that its composition was changed to make it more environmentally friendly.

- *Scientific evidence*

The Code contains three different provisions related to the substantiation of claims and scientific evidence:

- Claims related to environmental protection should not be used without proof. Frequently used claims such as 'environmentally friendly', 'biodegradable', 'green', 'organic', and 'sustainable', are only acceptable when proven by evidence and data.
- Claims and comparisons are considered misleading if they omit important information.
- When scientific opinions on the matter differ considerably or evidence is not conclusive, this should be clearly evident from the advertisement. Advertisers should not present their claims as scientifically endorsed when that is not the case.

- *Clarity and accuracy of the claims*

The Code provides that the use of specialised language or pseudo-scientific jargon should be avoided. If a scientific term is deemed necessary, its meaning should be made clear and additionally explained.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

None.

1.22 Spain

1.22.1 Overview

In Spain, **one general guideline** is identified and no sectorial ones:

General guideline:

- Self-Regulation Code on Environmental Claims included in Commercial Communications (Código de autorregulación sobre argumentos ambientales en comunicaciones comerciales)

1.22.2 General guidelines

1.22.2.1 Self-Regulation Code on Environmental Claims included in Commercial Communications

This Self-Regulation Code covers advertising and other forms of commercial communications used in Spain to promote any type of products – goods or services, including corporate and brand promotion by companies and containing environmental arguments. Corporate brands are excluded from the scope of this Code.

While the content of the Code does not refer to any limitation in its scope, the Code has actually been developed by public authorities, i.e. the Ministry for Environment, rural and marine environment, and companies in the energy and automobile sector, together with Autocontrol – the national association for the self-regulation of commercial communication. On that basis, it is considered that it entered into force on the 1 September 2009 for the energy and automobile sector exclusively.

Environmental claims are defined as any reference, explicit or implicit, in writing, orally or through pictures, which refer to environmental aspects of a brand or product – goods or services, a component or a container, relevant from the environmental point of view.

The Code is based on the principle of legality, the principle of loyalty, social responsibility principle, the principle of truth and the principle of objectivity.

The Code refers to the Autocontrol Self-Regulation Code of Conduct in Advertising which includes a general chapter on unfair publicity but which does not refer to environmental claims. It also refers to the Consolidated Advertising and Marketing Communications Code by the International Chamber of Commerce Chapter E which is devoted to environmental claims and establishes 7 basic principles.

The Monitoring Committee is in charge of regular monitoring of the implementation of the Code and may propose improvements or amendments to the system. The Code's enforcement is the responsibility of the Autocontrol Advertising Jury which deals with complaints related to advertising by those companies signatory of the Code and which might have incurred in an infringement of the rules contained in the Code.

Complaints can be submitted by the signatory companies, NGOs, the Monitoring Committee, Autocontrol, public authorities, the Environmental Advisory Council (national body on environmental issues gathering stakeholders and representatives of the relevant ministries), or any company or association with legitimate interest. In addition to this '*a posteriori*' control, there is an '*a priori*' system or consultation before the environmental claim is used. In this case, the companies may voluntarily send to the Autocontrol Technical Cabinet a confidential copy of the environmental claim that they may intend to use for non-binding advice.

NAME: Self-Regulation Code on Environmental Claims included in Commercial Communications	
1. Publication details	
Year of issuance	2009
Length	15 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Code has been prepared jointly by public authorities (Ministry for Environment, rural and marine environment), companies in the energy and automobile sectors and Autocontrol, the national association for self-regulation of commercial advertising.
General or sectorial guidelines	General for all commercial communications
2. Information on coverage of guidelines	
Target group	All companies in the energy and automobile sectors signatories of the "Agreement on self-Regulation of environmental claims in commercial communications" and that have expressly adhered to this Code, undertaking to respect its rules in their commercial communications.
Aim	Establish a set of rules that will guide the companies in the development, implementation and dissemination of advertising messages which include environmental claims.
Definition of the term: "environmental claims"	Environmental claims are considered: "any reference, explicit or implicit, in writing, orally or through pictures, which refer to environmental aspects of a brand or product (good or service) a component or a container, relevant from the environmental point of view.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	The following terms are defined: Commercial communication: The Code includes specific definition of the following environmental claims: <ul style="list-style-type: none"> ▪ Compostable ▪ Degradable ▪ Recyclable ▪ Recycling ▪ Reduced energy consumption ▪ Reduced water consumption ▪ Reduced use of resources ▪ Reusable
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims are the subject of the Code which specifically refers to the following ones for which it includes a concrete definition and adds additional guiding considerations: <ul style="list-style-type: none"> ▪ Compostable

		<ul style="list-style-type: none"> ▪ Degradable ▪ Recyclable ▪ Recycling ▪ Reduced energy consumption ▪ Reduced water consumption ▪ Reduced use of resources ▪ Reusable
	<p>Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims</p>	<p>All type of products (goods and services) Company's branding are excluded from the scope</p>
	<p>Legal basis and references to other legislative provisions standards or labels</p> <p>Referral to authorities and a priori clearance, binding force, sanctions</p>	<p>The Code refers to:</p> <ul style="list-style-type: none"> ▪ the AUTOCONTROL Self-Regulation Code of Conduct in Advertising and, subsidiary to the ▪ Consolidated Advertising and Marketing Communications Code by the International Chamber of Commerce. <p>The enforcement system includes a voluntary "a priori" mechanism carried out by the Autocontrol Technical Cabinet which may provide non-binding advice on environmental claims before they are used but only on request by the companies.</p> <p>The Code set up an "a posteriori" enforcement system which is the responsibility of the Autocontrol Advertising Jury. It is based on complaints related to advertising by those companies signatory of the Code which might have incurred in an infringement of the rules contained in the Code. The complaints may be submitted by the signatory companies, NGOs, the Monitoring Committee, Autocontrol, public authorities, the Environmental Advisor Council or any company or association with legitimate interest.</p> <p>Furthermore, the Monitoring Committee ensures the regular monitoring of the system and may propose improvements or amendments to the system.</p> <p>The sanctions that can be imposed include the right of the Monitoring Committee to decide on the expulsion of the company as signatory of the Code in cases of failure to comply with a resolution issued by the Jury or when the company repeats an infringement of the Code's provisions. It may be considered the re-entry of the company but only after a year and if the company expressly agrees not to carry out the practices prohibited by the Code. The Monitoring Committee has also the right to denounce the offending company to the competent authorities or to exercise appropriate legal action in the event that a company adhering to this Code fails</p>

		to comply with the content of a resolution issued by the Jury of Advertising which is an infringement of the legislation on advertising.
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product / advertising 	Applicable to environmental claims explicit or implicit, in writing (terms) orally (sound) or through images. It applies to any type of products (goods or services) for advertising.
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	The generic or non-specific claims about environmental benefits including claims such as 'environmentally harmful', 'green', 'ecologic', 'and sustainable' should be avoided or justified by quotations which should be clear, prominent and easily understandable and must be near to the claim in order to assure that they read together.
	Are there any terms for which certain conditions are set?	The following ones are specifically defined and additional guiding conditions are included: <ul style="list-style-type: none"> ▪ Compostable ▪ Degradable ▪ Recyclable ▪ Recycling ▪ Reduced energy consumption ▪ Reduced water consumption ▪ Reduced use of resources ▪ Reusable
	Recommendations on documentation, calculation, testing methods, evidence and access to data	Registered signs which pass on to consumer environmental claims on the qualities or properties of a trademark, of a product or its components or packaging and which do not have an independent certification must be accompanied by an explanatory statement when the sign alone might be misleading. Such explanatory information could be provided by referring to other means of obtaining free access to information such as a web site. When the environmental claim refers to a reduction of specific components or elements that have an environmental impact, the claim should state clearly what has been reduced. The environmental claims should relate to processes, components or elements that produce a significant improvement in the environmental performance of the product, taking into account all the relevant elements of the product life cycle. The environmental claims related to products not containing an ingredient or component (such

		<p>as those stating that the product is “free of X” or “without X”) can only be used in cases where the level of the specified ingredient does not exceed its limit of detection.</p> <p>The environmental claims about waste disposal are acceptable only as long as the method of separation, collection or processing is generally accepted and easily accessible to a majority of consumers in the area concerned.</p> <p>Environmental superiority can only be asserted when there is a significant advantage that can be demonstrated. Comparisons should not lead to confusions with business activities, products, names, brands or any other distinctive signs of competitors.</p> <p>In relation to the use of the term degradable the Code recommends that an indication that an item is degradable should be based on some specific experimental method to provide information on the maximum level of degradation reached and the duration of the test, while being consistent with the most likely circumstances for removal.</p>
	<p>Examples provided of good practices and poor practices</p>	<p>The definitions included in the Code are examples provided for use as good practices. For example it considers:</p> <p>Degradable as any characteristic of a product or packaging that under certain conditions, decomposes to a certain degree and a period of time. This argument should not be used in the case of goods, packaging or components in the decomposition process of substances released concentrations harmful to the environment.</p> <p>Recyclable is a characteristic of a product, packaging or component that allows evading conventional treatment of waste through processes and programs available to be collected, processed and reused as raw materials or products.</p> <p>When using a symbol to represent the condition of recyclable, this will be the Möbius loop, with the form of three curved arrows forming a triangle (for graphic features of this symbol, see ISO 7000, symbol No 1135.)</p> <p>Reusable is the characteristic of a product or packaging conceived and designed to accomplish in their life cycle, a certain number of trips, rotations or uses for the same purpose for which it was designed. Within it, Refillable is the characteristic of a product or packaging that allows refilling more than once with the same or similar product, keeping its original shape</p>

		<p>without additional requirements, except for specific requirements for washing or cleaning.</p> <p>No product or packaging must be described as reusable or refillable unless it can be reused or refilled to its original purpose. These allegations should only be used in those cases where the necessary programs, services or products required for reuse or refilling, exist.</p> <p>The rest of the definitions are considered claims of superiority or comparative nature and therefore the Code refers to the conditions set out in the code for these cases.</p>
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice:</p> <p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>The Principle of Truth is presented in points 5 to 8.</p> <p>It requires commercial or marketing communication to be truthful. Therefore, it should not mislead the recipients, in particular on environmental aspects of advantages of the products, or about the actions that are carried out by the advertiser for the benefit of the environment. Nor should they omit substantial data or facts that would mislead recipients. The environmental claims should be reevaluated and updated to reflect changes in technology, in other products from competitors or in other circumstances which may alter the accuracy of the claim.</p> <p>The principle of objectivity is developed through points 9 to 12. It requires environmental claims to use simple and precise language avoiding exaggerations and ambiguity that could lead to wrong interpretations.</p> <p>Technical or scientific demonstrations on the environmental impact can only be used when they are supported by scientific evidence generally accepted. Advertising must not reproduce or make use of scientific evidence or technical or perceived as such, that are not true.</p> <p>The code includes examples for the use of certain terms clarifying when they can be used. For example: Degradable is any characteristic of a product or packaging that under certain conditions decomposes to a certain degree and a period of time. This argument should not be used in the case of goods, packaging or components in the decomposition process of substances released concentrations harmful to the environment.</p> <p>Consistency with UCPD Guidance:</p>

		<p>The Spanish Code reflects all the elements required to comply with the concept of objective misleading practice under the UCPD Guidance. It refers not only to the need for the information to be truth but also to the fact that information should not mislead consumers or that the lack of substantial data should not mislead them. It also requires objective wording that is precise to avoid wrong interpretations. It provides with examples on certain terms which aim at preventing any objective misleading practice. It also refers to the evidence required to verify the information as per Article 12 of the Directive.</p>
	<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit.</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>The signs and symbols used in commercial communications should not be misleading as to its source, meaning, or on the characteristics of the goods or services they accompany. They must be easily distinguishable from other signs and symbols, or should not falsely suggest the existence of official approval or third party certification.</p> <p>When a symbol appears on a product because the manufacturer has sponsored or contributed financially to the organization whose symbol is shown, that fact must be made clear and in particular, it should not imply that the use of the symbol represents an endorsement by the sponsored entity.</p> <p>The comparative environmental claims should be specific and make clear the basis for comparison. In particular environmental claim must indicate the time elapsed since the completion of the improvement. The comparative arguments must be drafted so that it is clear what is the advantage expressed, and whether it is an absolute or relative advantage. The comparative arguments can be based on:</p> <ul style="list-style-type: none"> (i) rates, in which case, expressed as absolute differences. (ii) absolute values, in which case the advantage must be expressed as relative improvements. <p>Environmental claims related to the fact that a product does not contain an ingredient or component (for example, the product is 'free of X' or 'without X'), can be used only in cases where the level of the substance specified does not exceed its limit of detection.</p> <p>Registered signs which pass on to consumer environmental claims on the qualities or properties of a trademark, of a product or its components or packaging and which do not have an independent certification must be</p>

		<p>accompanied by an explanatory statement when the sign alone might be misleading. Such explanatory information could be provided by referring to other means of obtaining free access to information such as a web site.</p> <p>Reduction in water consumption associated with the use of a product that is performing the function for which it was conceived, compared with the amount of water used by other products performing an equivalent function. This claim must refer to the reductions achieved during the use of the product and not those achieved to manufacture or package it. By its nature, this is a claim of comparative or superiority nature and therefore it must meet the conditions set out in the code for these cases.</p> <p>Consistency with UCPD Guidance:</p> <p>While the Spanish Code does not refer expressly to the concept of subjective misleading practices as defined under the UCPD Guidance, it reflects it with the requirements and examples provided all along the text. It refers to different situations to avoid that communications give impressions on consumers about environmental benefits of products which are not true. It provides with examples on certain terms which aim at preventing subjective misleading practices. It also refers to the evidence required to verify the information about the environmental benefits of the product in comparison with other products or in the use of symbols or the use of registered signs to avoid that they are misleading.</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Under the principle of truth point 7 requires environmental claims to be based on evidence that would be generally accepted, objective, sufficient and verifiable. An environmental claim can only be considered verifiable if that verification can be performed without needing to have access to confidential information. Commercial communications cannot imply that the claims enjoy universal acceptance if there is a reasonable doubt or division of opinion among scientists on the issue.</p> <p>Furthermore point 22 and 23 states that technical or scientific evidence on the environmental impact of a product has to be supported by scientific evidence generally accepted and should not reproduce untruthful scientific evidence. Advertising must not reproduce or make use of scientific and technical evidence, or that are perceived as such, if they are not true.</p> <p>The supervisory role of the competent</p>

		<p>authorities is referred to under the implementation rules where it describes the Self-regulatory system and enables the Monitoring Committee to sue the offending company to the competent authorities or to exercise appropriate legal action in the event that any of the companies adhering to the Code fails to implement a resolution issued by the Jury of Advertising related to infringement of the legislation on advertising.</p> <p>Consistency with UCPD Guidance:</p> <p>The scientific evidence of the information is a permanent requirement in the Spanish Code which therefore fully complies with the requirement under the UCPD Guidance and Article 12 of the Directive.</p> <p>The Code expressly requires evidence to be objective, sufficient and verifiable and requires scientific evidence used to be related to generally accepted scientific evidence. It does not refer to a specific mechanism for the verification by the public authorities of the scientific evidence used. However, as it is a self-regulatory code the role of the public authorities is mentioned as a subsidiary control system.</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics 	<p>The environmental claims of a product should be specific, relevant and objective. They must refer to the specific product or the range or technology being promoted. They must be relevant to that product and used only in the appropriate context. They must be relevant to the area where the environmental impact occurs and must be specific as to its object.</p> <p>It must indicate if the claim applies to the product as a whole or only to one of its components or elements or to its container. They must be specific as to the stage or property that refers to. It therefore should not give an impression that they cover more stages of the life cycle of the product or its properties than those that are tested. The claim must be specific as to the environmental aspect or improvement subject of the claim.</p> <p>The claim should not be formulated with different terminologies so that it would imply many different benefits for a single environmental change.</p> <p>Any kind of additional information concerning the environmental claim should be presented in a way that it is clear that it should be read together with the environmental claim and should be close to it and should not contradict</p>

	<p>the claim exactly covers;</p>	<p>the main argument. If additional information is offered through an overlay or scroll, attention should be paid to the size of the signs, the contrast with the background and the speed pace in the screen and should comply with the requirements under Annex I.</p> <p>Consistency with UCPD Guidance:</p> <p>The Spanish Code complies fully with the UCPD Guidance requirements regarding clarity and accuracy of the claims and its provisions should be helpful to companies, enforces and consumers for avoiding misleading environmental claims.</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>The signs and symbols used in commercial communications should not be misleading as to its source, meaning, or on the characteristics of the goods or services they accompany. They must be easily distinguishable from other signs and symbols, or should not falsely suggest the existence of official approval or third party certification.</p> <p>When a symbol appears on a product because the manufacturer has sponsored or contributed financially to the organization whose symbol shown, that fact must be made clear and in particular, it should not imply that the use of the symbol represents an endorsement by the sponsored entity.</p> <p>Consistency with UCPD Guidance:</p> <p>While limited to the use of signs and symbols, the Code reflects the spirit of the UCPD in relation to the use of signs or logos leading consumers to the false understanding that they have been subject to approval or endorsement. There is, however, no reference to the situation where companies could claim to be signatories of the code of conduct.</p>

1.22.3 Summary

The Spanish **Self-Regulation Code on Environmental Claims included in Commercial Communications** sets up a voluntary system which has entered into force only to cover advertising by energy and automobile's sectors. This limitation in the scope is not clear in the content of the Code but it has been prepared and open for signature only to the companies in those sectors. This is the weakest point of this Code that could be applicable to other sectors. It seems that consideration is been given to open the Code's scope but no decision has been reached yet.

The Code's definition of environmental claim is: any references, explicit or implicit, in writing, orally or through pictures, which refer to environmental aspects of a brand or products (goods or services) a component or a container, relevant from the environmental point of view.

It is worth noting that environmental claims under the Guidance document on the implementation and application of Directive 2005/29/EC are defined as the 'practice of suggesting or otherwise creating the impression (in the context of a commercial communication, marketing or advertising) that a product or a service, is environmentally friendly (i.e. it has a positive impact on the environment) or is less damaging to the environment than competing goods or services'. This may be due to, for example, its composition, the way it has been manufactured or produced, the way it can be disposed of and the reduction in energy or pollution which can be expected from its use. When such claims are not true or cannot be verified this practice can be described as 'greenwashing'.

While both definitions are different, we conclude that the Spanish Code's definition is in line with the key elements of the EU's Guidance document on the implementation and application of Directive 2005/29/EC.

The Code sets up an effective enforcement system that includes an interesting voluntary 'a priori' mechanism which enables the Autocontrol Technical Cabinet to provide, on request of the companies, non-binding advice on environmental claims before they are used. This effective tool is complemented with the more usual element setting up an 'a posteriori' enforcement system based on complaints related to advertising by those companies signatory of the Code which might have incurred in an infringement of the rules contained in the Code. The complaints system is open to signatory companies, NGOs, the Monitoring Committee, Autocontrol, public authorities, the Environmental Advisor Council or any company or association with legitimate interest. Furthermore, the Monitoring Committee has the right to decide on the expulsion of the company as signatory of the Code for breaching the Code's provision or the resolution of the Autocontrol Advertising Jury.

The Code includes examples of definitions of certain terms which are helpful for the improved implementation of the Code. The terms include:

- compostable;
- degradable;
- recyclable;
- recycling;
- reduced energy consumption;
- reduced water consumption;
- reduced use of resources;
- reusable.

However, only the terms degradable, recyclable and reusable/refillable provide examples of good practice. The rest of the definitions are considered claims of superiority or comparative nature and therefore the Code refers to the conditions set out in the code for these cases.

- *Objective misleading practice*

The Spanish Code reflects all of the elements required to comply with the concept of objective misleading practice under the UCPD Guidance. The description of the Principle of Truth not only refers to the need for the information to be truth but also to the fact that information should not mislead consumers or that the lack of substantial data should not mislead them. It also requires scientific evidence to be truth as per Article 12 of the Directive.

The Code is also based on the Principle of Objectivity which requires objective wording to be precise to avoid wrong interpretations. It provides examples on certain terms which aim at preventing any objective misleading practice. The Code includes examples for the use of certain terms such as degradable which is defined as any

characteristic of a product or packaging that, under certain conditions, decomposes to a certain degree and within a period of time. The Code forbids the use of this claim in the case of goods, packaging or components in the decomposition process of substances released concentrations harmful to the environment.

- *Subjective misleading practice*

While the Spanish Code does not refer expressly to the concept of subjective misleading practices as defined under the UCPD Guidance, it reflects it the requirements and examples provided in the text.

It refers to signs and symbols used in commercial communications and it requires that they should not be misleading as to their source, meaning, or on the characteristics of the goods or services they accompany.

The Code deals extensively with comparative environmental claims requiring them to be specific and make clear the basis for comparison, describing clearly what the advantage is, and whether it is an absolute or relative advantage.

The Code allows the use of environmental claims related to the fact that a product does not contain an ingredient or component, e.g. the product is 'free of X' or 'without X', but only in cases where the level of the substance specified does not exceed its limit of detection.

It provides an example of a good practice for avoiding objective misleading practice when defining reduction in water consumption associated with the use of a product performing the function for which it was conceived, compared with the amount of water used by other products performing an equivalent function. This claim must refer to the reductions achieved during the use of the product and not those achieved to manufacture or package it. By its nature, this is a claim of comparative or superiority nature and therefore the Code refers to the conditions set out for these cases.

- *Scientific evidence*

The scientific evidence of the information is a permanent requirement in the Spanish Code which therefore fully complies with the requirement under the UCPD Guidance and Article 12 of the Directive.

The Code expressly requires evidence to be objective, sufficient and verifiable and requires the scientific evidence used to be related to generally-accepted scientific evidence. It does not refer to a specific mechanism for the verification by the public authorities of the scientific evidence used. However, as it is a self-regulatory code the role of the public authorities is mentioned as a subsidiary control system.

- *Clarity and accuracy of the claims*

The Spanish Code complies fully with the UCPD Guidance requirements regarding the clarity and accuracy of the claims and its provisions should be helpful to companies, enforces and consumers for avoiding misleading environmental claims.

It requires that environmental claims of a product should be specific, relevant and objective. The claim must indicate if it applies to the product as a whole or only to one of its components or elements or to its container. It therefore should not give an impression that they cover more stages of the life cycle of the product or its properties than those that are tested. The claim must be specific as to the environmental aspect or improvement subject of the claim. The claim should not be formulated with different terminologies so that it would imply many different benefits for a single environmental change. Any kind of additional information concerning the

environmental claim should be presented in a way that it is clear that it should be read together with the environmental claim and should be close to it and should not contradict the main argument.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

While limited to the use of signs and symbols, the Code reflects the spirit of the UCPD in relation to the use of signs or logos leading consumers to the false understanding that they have been subject to third party approval or endorsement. There is, however, no reference to the situation where companies could claim to be signatories of the code of conduct.

1.23 Sweden

1.23.1 Overview

In Sweden, **one sectorial** and no general guidelines are identified.

There are no guidelines from authorities on environmental claims available in Sweden. There is some general information and guidelines in the preparatory work for the transposing legislation of Directive 2005/29²⁹ but these are just general guidelines relating to any kind of claims, e.g. exaggerating claims. There is extensive case law in the area, and the courts as well as the Swedish Consumer Agency use the international ISO standard 14021 developed by the International Chamber of Commerce (ICC) as a guideline.³⁰

Swedish providers of goods and services can apply for different kinds of environmental labels, e.g. Svanen, Bra Miljöval, Miljömärkt, and EU Ecolabel³¹, but these can only be obtained after submitting an application. The respective websites of each label contain some information about the labels, but no guidelines.

Sectorial guideline:

- Guidance on the use of environmental claims in the marketing of new cars, trucks and buses, Car Sweden (BIL Sweden) 2012, available at: http://www.bilsweden.se/publikationer/bestall_publicationer/nedladdningsbara-publicationer/bil-sweden-miljovagledning

1.23.2 Sectorial guidelines

1.23.2.1 Guidance on the use of environmental claims in the marketing of new cars, trucks and buses, Car Sweden (BIL Sweden) 2012

The guidance applies to environmental claims in the marketing of new cars, trucks and buses. It summarises the applicable legislation and case law in the area. The guidance lists best practice principles regarding environmental claims, comparisons, sustainable development and the use of imagery and symbols. The principles given are of a general nature, relating to all forms of claims and thus also leave room for interpretation. According to the guidance document, environmental claims should:

- be specific;
- not be misleading;
- be verifiable;
- be capable of substantiation.

Guidance on the use of environmental claims in the marketing of new cars, trucks and buses	
1. publication details	
Year of issuance	2012
Length	16 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	<ul style="list-style-type: none"> ▪ BIL Sweden ▪ Advokatfirman för Marknadsrätt (<i>Law firm for marketing law</i>) ▪ Yttra Konsumentkommunikation (<i>Speak</i>)

²⁹ Government Bill 2007/08:115.

³⁰ See, for example, the Swedish Consumer Agency's case against Mercedes-Benz Sweden, available at: <http://www.konsumentverket.se/PageFiles/148628/Dom2011-12.pdf>.

³¹(2013). *Miljömärkning*. Retrieved from: <http://www.konsumentverket.se/Vara-omraden/Hallbar-konsumtion/Miljomassigt-hallbart/markning/>.

		<i>Consumer Communication)</i>
	General or sectorial guidance document	Sectorial guidance document
2.	Information on coverage of guidelines	
	Target group	Agents and sellers who import, sell and market cars, trucks and buses
	Aim	The purpose of the guide is to promote the use of understandable, truthful and relevant environmental claims about cars.
	Definition of the term: "environmental claims"	Environmental claims mean all forms of statements, symbols or graphics, and presentations designed to describe a car's environmental aspects. An environmental statement may appear in brochures, technical data sheets, advertising and other advertising in different media.
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	N/A
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental statements which appear in brochures, technical data sheets, advertising and other advertising in different media.
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	new cars, trucks and buses
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Marketing law (Markandsföringslag) ICC standard ISO 14021 SS-EN ISO14021:1999 Marketing Ombudsman Case law
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ terms ▪ images ▪ colours ▪ sound ▪ On-product/advertising 	All forms of claims
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	<ul style="list-style-type: none"> ▪ Organic (in all circumstances) ▪ Sustainable development (in all circumstances) ▪ Ecological sustainability (in all circumstances)
	Are there any terms for which certain conditions are set?	N/A

	Recommendations on documentation, calculation, testing methods, evidence and access to data	All claims shall be based on scientific methods which are sufficiently thorough and comprehensive to support the claim
	Examples provided of good practices and poor practices	N/A
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>Expressively states that marketing claims should be correct, verifiable and not misleading, as well as truthful and clear</p> <p>Consistency with UCPD Guidance: Yes, the guidelines explicitly state that the claims have to be correct, verifiable and not misleading, as well as truthful and clear. This is also required by the UCPD guidance.</p>
	<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an</p>	<p>Imagery and symbols: a) Use of "green" imagery The use of "green" imagery, such as featuring leaves, trees, or vegetation should not be used unless there is a relevant connection to the claim. Phrases such as "free from..." or "no emissions of..." shall not be used in connection with substances which never appear in vehicles. Environmental claims shall be kept up to date as laws and technology change over time.</p> <p>Consistency with UCPD Guidance: Yes, just as the UCDP guidance, the guidelines give clear examples of subjective misleading claims which have to be avoided.</p>

<p>average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Claims do not have to be independently verified. All claims should be based on scientific methods which are sufficiently thorough and comprehensive to support the claim. All environmental claims must be made on the basis of evidence that can be checked. The underlying information necessary to substantiate the statement must be made available on request. Consistency with UCPD Guidance: There is no direct requirement to seek independent verification but it is recommended in the guidelines that claims have to be based on scientific measures and verifiable evidence.</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Environmental claims should not infer benefits that relate to aspects that would not normally be relevant to that vehicle. Comparisons must compare like with like and should not present a risk of brand confusion with competing operators or their goods and services. Consistency with UCPD Guidance: The recommendations in the Swedish guidelines do not reflect all the requirements relating to clarity and accuracy of claims in the UCPD guidance and are less specific.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos 	<p>Use of "green" imagery The use of "green" imagery, such as featuring leaves, trees, or vegetation should not be used</p>

<ul style="list-style-type: none"> ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>unless there is a relevant connection to the claim.</p> <p>Consistency with UCPD Guidance: The recommendations in the Swedish guidelines do not reflect all the requirements relating to prohibited practices listed in the UCPD guidance.</p>
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1.23.3 Summary

The guidance on the use of environmental claims in the marketing of new cars, trucks and buses is generally in conformity with the UCPD guidance.

- *Objective misleading practice*

The guidance expressively states that marketing claims should be correct, verifiable and not misleading, as well as truthful and clear. The guideline further gives specific examples of which terms to be avoided, such as claims relating to organic components, to sustainable development and to ecological sustainability. Further, all claims shall be based on scientific methods which are sufficiently thorough and comprehensive to support the claim.

- *Subjective misleading practice*

Regarding subjective misleading practice, the guidelines provide clear examples of subjective misleading claims which have to be avoided, such as the use of 'green' imagery.

- *Scientific evidence*

Claims do not have to be independently verified but they should be based on scientific methods which are sufficiently thorough and comprehensive to support the claim. Further, they have to be based on evidence that can be verified. This evidence has to be made available on request.

- *Clarity and accuracy of the claims*

The recommendations in the Swedish guidelines do not reflect all of the requirements relating to clarity and accuracy of claims in the UCPD guidance and are less specific. However, the guideline states that comparisons must compare like with like.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

None.

1.24 UK

1.24.1 Overview

In the UK, **both general and sectorial guidelines** are available.

Ten guidelines on environmental claims were identified in the UK. One guideline sets general recommendations and criteria for all environmental claims; two general guidelines are applicable to the broadcast advertising and non-broadcast advertising sector. The others are much more specific and set recommendations for certain type of claims, e.g. biodegradable, public relations, industrial/economic sectors, e.g. automotive sector, or products, e.g. growing media.

General guidelines:

- Green Claims Guidance, Defra, 2011 – replacing the Green Claims Code), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69301/pb13453-green-claims-guidance.pdf
- The UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (Cap Code), CAP, 2010, available at: <http://www.cap.org.uk/Advertising-Codes.aspx>
- The UK Code of Broadcast Advertising (BCAP), CAP, 2010, available at: <http://www.cap.org.uk/Advertising-Codes/Broadcast/BCAP-Code.aspx>

Sectorial guidelines:

- Guidance on 'CFC Free' and other environmental claims and statements on aerosols, Bama, Dti and Defra, 2003, available at: <http://archive.defra.gov.uk/environment/business/marketing/glc/documents/aerosolsguide.pdf>
- Guidance on 'Biodegradable' and other environmental claims in the Cleaning Products Sector, Ukcpi, Dti and Defra, 2003, available at: <http://archive.defra.gov.uk/environment/business/marketing/glc/documents/cleaninproducts.pdf>
- Guidance on environmental claims on growing media, Growing Media Association, Dti and Defra, 2003, available at: <http://archive.defra.gov.uk/environment/business/marketing/glc/documents/growinmediaguide.pdf>
- Guidance on 'no added lead' and other environmental claims and statements in the Decorative Coatings Sector, BCF, available at: <http://archive.defra.gov.uk/environment/business/marketing/glc/documents/decorativecoatingsguide.pdf>
- Best Practice Principles for Environmental claims in the automotive sector, Society of Motor Manufacturers and Traders, Low Carbon Vehicle Partnership and ISBA, 2011, available at: <http://www.smmmt.co.uk/2011/11/best-practice-principles-for-environmental-claims/>
- Best Practice Guidelines for Environmental Sustainability Communications, The Chartered Institute of Public Relations, 2007, available at:

http://www.cipr.co.uk/sites/default/files/Environmental_Sustainability_Guidelines_0.pdf

1.24.2 General guidelines

1.24.2.1 Green Claims Guidance

The general Green Claims Guidance prepared by DEFRA sets a detailed Consistency check procedure in order to make a good environmental claim in marketing and advertising. They apply to all forms of communication, marketing or advertising relating to the environmental attributes of products, services or organisations. The procedure is divided into three steps to be followed by traders preparing an environmental claim:

- 1) To ensure that the content is relevant and reflects a genuine benefit;
- 2) To ensure the clear and accurate presentation of the claim;
- 3) To check if the claim can be readily substantiated.

Every step is differentiated in several sub-steps outlining what a company has to consider when drafting a claim. These guidelines refer to misleading practices under step 2 by requiring similar criteria than the UCPD Guidance document prepared by the Commission. In addition, the guidance document gives both, good and best-practice examples for the correct drafting of a claim throughout the entire process. It refers to more specific guidance documents for individual sectors and also lists the legal and enforcement requirements for environmental claims. It is very detailed and refers to the criteria included in the Commission Guidance for implementation of UCPD. It however does not explicitly refer to the abuse of consumer's concern or emotions.

The general Green Claims Guidance is the framework for all sectorial guidance documents published by UK authorities and includes the principles established in Annex 1 of the 2000 Green Claims Code while replacing it.

This guidance provides that a green claim should be:

- Truthful, accurate, and able to be substantiated.
- Relevant to the product in question and the environmental issues connected with it.
- Clear about what environmental issue or aspect of the product the claim refers to.
- Explicit about the meaning of any symbol used in the claim – unless the symbol is required by law, or is backed up by regulations or standards, or is part of an independent certification scheme.
- In plain language and in line with standard definitions.
- It also mentions that a green claim should not:
 - Be vague or ambiguous, for instance by simply trying to give a good impression about general concern for the environment.
 - Imply that it commands universal acceptance if there is actually some significant doubt or division of scientific opinion over the issue in question.
 - Imply more than it actually covers, if the claim refers to limited aspects of a product or its production, or does not deal with a significant issue for that type of product.
 - Make comparisons, unless the comparison is relevant, clear and specific.
 - Imply that a product or service is exceptional if the claim is based on what is standard practice anyway.
 - Use language that exaggerates the advantages of the environmental feature the claim refers to.
 - Imply that the product or service is endorsed or certified by another organisation when it has not been.

Green Claims Guidance	
1. publication details	
Year of issuance	2011
Length	40 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Department for Environment, Food and Rural Affairs
General or sectorial guidelines	General guidance document
2. Information on coverage of guidelines	
Target group	<p>Anyone producing, selling, marketing or advertising products or services in the UK and more specifically at those making environmental claims</p> <p>Regulatory bodies that assess environmental claims</p> <p>Non-profit organizations or consumers with an interest in environmental claims</p>
Aim	<p>“The purpose of the guidance is to promote the use of clear, accurate and relevant environmental claims in marketing and advertising.</p> <p>Good environmental claims that accurately convey the environmental attributes of products help consumers to make informed choices. Misleading, false, meaningless or unclear information can result in consumers losing confidence in environmental claims and labels in general, lead to unfair business competition and discourage companies from making truthful claims. So this guidance aims to:</p> <p>Support business in making robust environmental claims;</p> <p>Give firms confidence that their claims meet good practice standards in the domestic market, Europe and internationally;</p> <p>Improve the standard of environmental claims found in the domestic market; and</p> <p>Reduce unfair competition by minimizing claims that may be unfair or misleading”</p>
Definition of the term: “environmental claims”	<p>“An environmental or green claim is the communication of the environmental attributes of a product, service or organization. Claims can come in a variety of forms, for example: statements about environmental sustainability, corporate marketing campaigns and declarations about recyclability, energy and water efficiency,</p>

		or labels on products. A claim may also include imagery such as landscapes and wildlife, or specially-developed symbols, pictures or labels.”
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	Annex 5: Defined Environmental Terms: refers to the definition provided by ISO 14021 for the following terms: Compostable; Degradable; Designed for disassembly; Extended life product; Recovered energy; Recyclable; Recycled content; Reduced energy consumption; Reduced resource use; Reduced water consumption; Reusable and refillable; Waste reduction; Carbon footprint; Carbon neutral; Renewable; Renewable energy
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	“This guidance applies to all forms of communication, marketing or advertising relating to the environmental attributes of products, services or organizations.
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All types of statements, information, symbols and graphics on packaging, labelling, advertising, in all media (including websites) and made by any organization. It is mainly aimed at providing useful information for those making self-declared claims in environmental statements, graphics or imagery (i.e. made without independent third-party certification), but it also provides good practice for any type of claim including third party certification and labels”
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	The international standard on self-declared environmental claims ISO 14021 The UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (CAP code) and Code of Broadcast Advertising (BCAP) The European Commission Guidance for Making and Assessing Environmental Claims Guidelines on the EU Unfair Commercial Practices Directive European Energy labels The Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations Annex 2: Legislative requirements: The Consumer Protection from Unfair Trading Regulations 2008 (CPRs) The Business Protection from Misleading Marketing Regulations 2008 The Sale and Supply of Goods to Consumers Regulations 2002
	Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ Terms ▪ 	This includes all types of statements, information, symbols and graphics on packaging, labelling, advertising, in all media (including websites) and made by any organization.

	<ul style="list-style-type: none"> ▪ Images ▪ ▪ Colours ▪ ▪ Sound ▪ ▪ On-product / advertising 	
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	N/A
	Are there any terms for which certain conditions are set?	N/A
	Recommendations on documentation, calculation, testing methods, evidence and access to data	<p>Companies should be transparent in making relevant information available to back up a claim.</p> <p>For consumers wishing to find out further information about the basis of a claim, a link to further information on company website can be helpful.</p> <p>If information to substantiate a claim includes confidential business information, the company should consider whether there would be adequate evidence to verify the claim if that confidential information was excluded or made anonymous, and whether they would be willing to supply that confidential information to regulatory or enforcement bodies in confidence.</p> <p>The company should be prepared to provide all information to substantiate a claim to an enforcement or regulatory body.</p>
	Examples provided of good practices and poor practices	<p>The guideline under its different sections provide a series of examples:</p> <p>Section 'Ensure the content is relevant and reflects a genuine benefit'</p> <p>Example of good and poor practice regarding claims considering the full impact of a product service or organization</p> <p>Example of good and poor practice regarding claims focusing on the most relevant, or important environmental impact</p> <p>Example of good and poor practice regarding fair comparisons with a clear basis</p> <p>Section 'Present the claim clearly and</p>

		<p>accurately'</p> <p>Example of good and poor practice regarding misinterpretation and omitting any significant information</p> <p>Example of good and poor practice regarding whether a claim refers to the whole product or just part of it</p> <p>Example of good and poor practice whether a claim is specific about what environmental attribute or process is addressed</p> <p>Example of good and poor practice if the language used is intuitive, clear and easy to understand</p> <p>Example of good and poor practice of a relevant and not misleading imagery</p> <p>Section 'Check the claim can be readily substantiated'</p> <p>Example of good and poor practice whether assumptions are based on realistic outcomes</p> <p>Examples on standards, testing methods, or best practice guidance to use to substantiate a claim</p> <p>Example of good and poor practice on how to substantiate an aspirational claims</p> <p>Examples on what information to be retained</p>
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>Presentation of claims: Claims are presented in a truthful and accurate way that would not mislead consumers: All environmental claims should not contain false information about the product, service or others on the market; If a claim is literally true, it should not be misinterpreted by consumers or be unlikely to happen in practice.</p> <p>Consistency with UCPD Guidance: The recommendation on the presentation of claims clearly state that a claim shall not mislead the consumers and is thus in line with the UCPD Guidance</p>
	<p>Subjective misleading practice The UCPD guidance provides that:</p>	<p>All environmental claims about consumer products in the UK are subject to the fairness tests in the Consumer Protection from Unfair</p>

<p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>Trading Regulations 2008. Under these regulations, a commercial practice is unfair, and therefore prohibited, if it amounts to conduct towards consumers that is below a level which may be expected in accordance with honest market practice or good faith (i.e. misleading actions or omissions, aggressive behaviour and/or specific banned practices).</p> <p>Presentation of claims: Claims should not omit significant information; Claims should accurately represent the scale of the benefit, and should not overstate the environmental benefits; Claims should not be restated using different terminology to imply multiple benefits for a single environmental change.</p> <p>The scope or boundaries to which the claim applies is clear: For a single product or service it should be clear for an average consumer whether the claim covers the complete offering, only one of the components, or the packaging; The particular environmental attribute or process should be clearly and specifically mentioned; For multi-product claims, it should be clear whether the claim refers to all products within a company portfolio or only certain products; Any material identification symbol should not be presented in a way which appears to make a claim.</p> <p>Plain language and information is specific and unambiguous: Plain language should be used and the creation or use of new terms or phrases in relation to environmental performance where other wording will work just as well should be avoided.; Broad overarching terms should not be used be rather specific ones. Terms chosen should be intuitive clear and easy for consumers to understand; Vague or ambiguous terms or phrases (e.g. green, environmentally friendly) that have more potential to be misinterpreted must be avoided; Vague and undefined terms have much higher risk of challenge to marketing claims; The concepts involved in sustainability are highly complex; New and emerging terms when describing environmental concepts must be used carefully; Words or phrases with established definitions, or used in the context of a specific environment scheme, are used in line with the definitions and criteria that underpins their use. The amount and type of supporting information is clear, helpful and appropriate: it is necessary to explain terms or claims made in the main text as well as to consider how much information a consumer is likely to read on a product; Explanatory statements should be</p>
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		<p>sufficiently clear, prominent and straightforward as well as consistent and complementary to the main text; Links to further information on a website may be useful for those consumers that are interested.</p> <p>Consistency with UCPD Guidance: The guideline provides recommendation on how a claim shall be drafted to not subjectively mislead consumers in and is thus in line with the UCPD Guidance</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>The guidance requires having robust and/or scientifically accepted evidence to substantiate your claim. More precisely, it refers to: Achievement of environmental performance: A company should be able to adequately substantiate any environmental claim that it makes; the evidence and assessments forming the basis of the claim is objective and of a kind that can be fully traced and referenced; They should not be presented as resting on something widely accepted if the balance of scientific evidence does not support that; When relying on scientific or other test data, care should be taken that the most appropriate standards, test methods, or latest guidance on best practice are used; Assumptions used in such assessments are reasonable and based on realistic outcomes; It may be relevant to seek independent verification; It is advisable to regularly review and update all claims to make sure they remain relevant and reflect changes such as new legislation or improvements in competing products</p> <p>Targets or aspirations about environmental performance in the future: claims should be supported by publicly available plans or a strategy that provides details about the intended actions to achieve the target; they should be monitored over time with reports on progress against clear indicators to benchmark performance; the scope of the claim should be achievable, realistic, feasible and relevant to overall corporate strategy or a product or service; companies should report on the progress they are making and third-party verification may be desirable.</p> <p>Consistency with UCPD Guidance: The guidance document clearly establishes that scientific evidence is required and is thus in line with the UCPD Guidance.</p>
	<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for</p>	<p>When decisions have been taken about the content of the environmental claim, the following principles are the foundation for best practice on how to present it.</p> <p>Ensure claims are presented in a truthful and</p>

<p>the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>accurate way that would not mislead consumers.</p> <p>Be clear on the scope or boundaries to which the claim applies.</p> <p>Use plain language and information that is specific and unambiguous.</p> <p>Ensure the amount and type of supporting information is clear, helpful and appropriate.</p> <p>Ensure any labels, symbols or pictures are clear and relevant.</p> <p>Consistency with UCPD Guidance: The UK guidance does not refer to all aspects presented in the UCPD Guidance; however it includes clear requirements regarding the clarity and accuracy of a claim.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>Any labels, symbols or pictures are clear and relevant:</p> <p>A logo or symbol should not be created or presented in a manner that may imply it has been endorsed by another organisation when it has not; Organisations must not use the names or logos of a government agency or other recognised organisation if a product or service has not met the relevant standards, criteria or received appropriate certification in compliance with legal requirements.</p> <p>Consistency with UCPD Guidance: The UK guidance does not refer to all prohibited practices listed in Annex 1 of the UCPD but lists referral examples of prohibited practices.</p>

1.24.2.2 The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (The CAP Code), Chapter 11, Environmental Claims

The CAP guidance is applicable to all communications of marketing communications in the non-broadcast Advertising, Sales Promotion and Direct Marketing sector. The guidance does not focus only on environmental claims but also includes rules regarding amongst others misleading advertising, political advertisements and sales promotions.

The section on environmental claims is very concise, it covers environmental claims in the non-broadcasting advertising sector in general, e.g. no reference to good and bad practices, access to data and testing requirements. Nonetheless, the guidance provides an overview of what is important in order to draft a good environmental claim.

Marketing (The CAP Code), Chapter 11, Environmental Claims	
1. Publication details	
Year of issuance	2010
Length	Chapter 11: 1 page
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Committee of Advertising Practice (CAP) (self-regulatory body)
General or sectorial guidance document	Sectorial guidance
2. Information on coverage of guidelines	
Target group	Marketers dealing with non-broadcast advertisements, sales promotions and direct marketing communications
Aim	rule book to ensure the integrity of advertising, promotions and direct marketing (in preface)
Definition of the term: "environmental claims",	N/A
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	No definitions, however it requires that the meaning of all terms used in marketing communications must be clear to consumers
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	N/A
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	The CAP covers the content of non-broadcast advertisements, sales promotions and direct marketing communications (marketing communications) and is not focused on environmental claims.
Legal basis and references to other legislative provisions or standards or guidance documents or labels Referral to authorities and a priori clearance, binding force, sanctions	Directives 2005/29/EC and 2006/114/EC (in preface) Consumer Protection from Unfair Trading Regulations 2008 The Business Protection from Misleading Marketing Regulations 2008. Defra Green Claims Code Directive (EC) No 2010/30/EU The Energy Information Regulations 2011 on labelling and standard product information of the consumption of energy and other resources by energy-related products and its subsequent delegated regulations Department for Business, Innovation and Skills

		(in preface) Office of Fair Trading (in preface) The Advertising Standards Authority (ASA) (in preface)
	Applicable to the following form of claims: <ul style="list-style-type: none"> ▪ Terms ▪ Images ▪ Colours ▪ Sound ▪ On-product / advertising 	All claims
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	N/A
	Are there any terms for which certain conditions are set?	N/A
	Recommendations on documentation, calculation, testing methods, evidence and access to data	N/A
	Examples provided of good practices and poor practices	N/A
4.	Consistency check criteria based on UCPD Guidance	
	Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product or which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that	No direct reference to the criterion. Consistency with UCPD Guidance: No direct reference to the criterion. The guidance on environmental claims is just one chapter of the general guidance applicable to non-broadcast advertising.

	<p>any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	
	<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>If a product has never had a demonstrably adverse effect on the environment, marketing communications must not imply that the formulation has changed to improve the product in the way claimed. Marketers may, however, claim that a product has always been designed in a way that omits an ingredient or process known to harm the environment.</p> <p>Marketing communications must not mislead consumers about the environmental benefit that a product offers; for example, by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or by highlighting an environmental benefit that results from a legal obligation if competing products are subject to that legal obligation</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance illustrates clear examples of possible subjective misleading practices which comply with the UCPD Guidance.</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Absolute claims must be supported by a high level of substantiation. Comparative claims such as "greener" or "friendlier" can be justified, for example, if the advertised product provides a total environmental benefit over that of the marketer's previous product or competitor products and the basis of the comparison is clear.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance does not directly refer to verification and scientific evidence requirements but includes general requirements in</p>

		substantiation.
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>The basis of environmental claims must be clear. Unqualified claims could mislead if they omit significant information.</p> <p>Marketers must base environmental claims on the full life cycle of the advertised product, unless the marketing communication states otherwise, and must make clear the limits of the life cycle. If a general claim cannot be justified, a more limited claim about specific aspects of a product might be justifiable. Marketers must ensure claims that are based on only part of the advertised product's life cycle do not mislead consumers about the product's total environmental impact.</p> <p>Can be both without and with explanation.</p> <p>Absolute claims must be supported by a high level of substantiation. Comparative claims such as "greener" or "friendlier" can be justified, for example, if the advertised product provides a total environmental benefit over that of the marketer's previous product or competitor products and the basis of the comparison is clear.</p> <p>Consistency with UCPD Guidance:</p> <p>The UK guidance does not refer to all aspects of the UCPD Guidance; however it includes clear requirements regarding the clarity and accuracy of a claim.</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>No direct reference to the criterion.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion.</p> <p>The guidance on environmental claims is just one chapter of the general guidance applicable to non-broadcast advertising.</p>

1.24.2.3 The UK Code of Broadcast Advertising (BCAP Code), Chapter 9, Environmental Claims

The BCAP is the equivalent of the CAP for Broadcast advertising. It does not focus on environmental claims but addresses other claims of the broadcasting industry. The content of the guidance relating to environmental claims is nearly identical to the wording and content used in the CAP guidance.

The UK Code of Broadcast Advertising (BCAP Code), Chapter 9, Environmental Claims	
1. Publication details	
Year of issuance	2010
Length	Chapter 9: 1 page
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	The Committee of Advertising Practice (CAP) (self-regulatory body)
General or sectorial guidelines	Sectorial guidance
2. Information on coverage of guidelines	
Target group	Advertisers and program sponsoring credits licensed by Ofcom
Aim	Inform advertisers and broadcasters of the standards expected in the content and scheduling of broadcast advertisements and to protect consumers
Definition of the term: "environmental claims",	a "claim" can be implied or direct, written, spoken or visual. The name of a product can constitute a claim (in introduction)
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	N/A
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	All claims in advertisement
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All products in broadcasting advertisements including teleshopping, content on self-promotional television channels, television text and interactive television advertisements) and programme sponsorship credits on radio and television services licensed by Ofcom
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Defra Green Claims Code
Applicable to the following form of claims: <ul style="list-style-type: none"> ▪ Terms ▪ Images ▪ Colours ▪ Sound ▪ On-product / advertising 	All forms of claims

3.	Content of the environmental claim	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	N/A
	Are there any terms for which certain conditions are set?	N/A
	Recommendations on documentation, calculation, testing methods, evidence and access to data	N/A
	Examples provided of good practices and poor practices	N/A
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice:</p> <p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>No direct reference to the criterion.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion. The guidance on environmental claims is just one chapter of the general guidance applicable to broadcasting advertising.</p>
	<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement</p>	<p>If a product has never had a demonstrably adverse effect on the environment, marketing communications must not imply that the formulation has changed to improve the product in the way claimed. Marketers may, however, claim that a product has always been designed in a way that omits an ingredient or process known to harm the environment.</p> <p>Advertisements must not mislead consumers</p>

<p>showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>about the environmental benefit that a product or service offers; for example, by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or services by highlighting an environmental benefit that results from a legal obligation if competing products are subject to the same requirements.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance illustrates clear examples of possible subjective misleading practices that are in line with UCPD Guidelines. .</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Absolute claims must be supported by a high level of substantiation. Comparative claims such as "greener" or "friendlier" can be justified, for example, if the advertised product provides a total environmental benefit over that of the marketer's previous product or competitor products and the basis of the comparison is clear.</p> <p>Advertisements must not suggest that their claims are universally accepted if a significant division of informed or scientific opinion exists</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance does not directly refer to verification and scientific evidence requirements but includes general requirements in substantiation.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it</p>	<p>The basis of environmental claims must be clear. Unqualified claims could mislead if they omit significant information.</p> <p>The meaning of all terms used in advertisements must be clear to consumers.</p> <p>Advertisements must base environmental claims on the full life cycle of the advertised product, unless the marketing communication states</p>

<p>should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>otherwise, and must make clear the limits of the life cycle. If a general claim cannot be justified, a more limited claim about specific aspects of a product might be justifiable. Marketers must ensure claims that are based on only part of the advertised product's life cycle do not mislead consumers about the product's total environmental impact.</p> <p>Absolute claims must be supported by a high level of substantiation. Comparative claims such as "greener" or "friendlier" can be justified, for example, if the advertised product provides a total environmental benefit over that of the marketer's previous product or competitor products and the basis of the comparison is clear.</p> <p>Consistency with UCPD Guidance:</p> <p>The UK guidance does not refer to all aspects of the UCPD Guidance; however it includes clear requirements regarding the clarity and accuracy of a claim.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>No direct reference to the criterion.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion. However the guidance on environmental claims is just one chapter of the general guidance applicable to broadcasting advertising.</p>

1.24.3 Sectorial guidelines

These guideline documents set recommendations for certain type of claims, e.g. biodegradable and CFC Free, industrial/economic sectors, e.g. automotive sector, or products, e.g. growing media. They were prepared by the private sector, e.g. industry/business associations, often in cooperation with Defra. Some of these guidelines refer to the Defra 'Green claims- Practical Guidance', or the 'UK Green Claims Code' (2000) replaced by the Green Claims Guidance (2011).

1.24.3.1 Guidance on 'CFC Free' and other environmental claims and statements on Aerosols

This guideline applies to environmental claims on aerosols products with a focus on claims relating to CFCs (Chlorofluorocarbons) and the recycling of these products. The document prohibits certain terms to be used and provides for alternatives. It further explains how claims relating to CFCs and recycling can be misleading. It refers to the green Claims Practical Guidance regarding the drafting of other environmental

statements on aerosols. It does not contain other explicit recommendations regarding clarity or accuracy. The British Aerosol Manufacturers' Association published a shorter version of this guidance on its website. The content and wording used is nearly identical.

	Guidance on 'CFC Free' and other environmental claims and statements on Aerosols	
1.	publication details	
	Year of issuance	2003
	Length	5 pages
	Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	<ul style="list-style-type: none"> ▪ British Aerosol Manufacturers' Association (BAMA) ▪ Department of Trade and Industry (DTI) ▪ Department for Environment, Food and Rural Affairs
	General or sectorial guidance document	sectorial guidance document
2.	Information on coverage of guidelines	
	Target group	Companies that develop, manufacture or retail aerosols or aerosol products and more specifically at those making environmental claims
	Aim	"to provide clear, user-friendly advice for companies [...] who wish to make environmental claims for their products"
	Definition of the terms: "environmental claims",	N/A
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	N/A
	Types of claims are covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Environmental claims relating to CFCs, Recycling and other environmental claims and statements on Aerosols, Aerosols and aerosol products
	What is excluded from the scope	All other environmental claims not relating to Aerosols
	Legal basis and references to other legislative provisions, standards, guidance documents or labels	Defra "Green claims- Practical Guidance" UK Green Claims Code
	Referral to authorities and a priori clearance, binding force,	

	sanctions	
	Applicable to the following form of claims <ul style="list-style-type: none"> ▪ Terms ▪ Images ▪ Colours ▪ Sound ▪ On-product / advertising 	Terms on above mentioned products
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	CFC free', 'this aerosol contains no CFCs'
	Are there any terms for which certain conditions are set?	'Claims related to recycling of aerosols should have the following wording: please recycle- when empty'
	Recommendations/ on documentation, calculation, testing methods, evidence and access to data	N/A
	Examples provided of good practices and poor practices	Goof practice: 'Aerosols do not contain CFCs'
4.	Consistency check criteria based on UCPD Guidance and UCP Directive	
	Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of	No direct reference to the criterion. Consistency with UCPD Guidance: No direct reference to the criterion. This guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references to objective misleading practice.

	evidence which can be verified by the competent authorities.
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees)as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>No direct reference to the criterion</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion. This guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references to subjective misleading practice.</p> <p>In relation to the use of the term CFC free it is: misleading because they imply that the product is in some way exceptional whereas CFC was prohibited.</p>
	<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p> <p>No scientific evidence to be verified.</p> <p>Consistency with UCPD Guidance:</p> <p>No scientific evidence to be verified. However this guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references to scientific evidence.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria</p>	<p>No direct reference to the criterion.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion However this guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references to</p>

<p>for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>clarity and accuracy of claims.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>No reference to prohibited practices.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion However this guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references to prohibited practice.</p>

1.24.3.2 Guidance on 'Biodegradable' and other environmental claims in the cleaning products sector

The guidance on Biodegradables focuses on the use of the terms 'environmentally friendly' and 'biodegradable'. It further covers the 'washright' user logo. It provides examples for claims not to be used and further establishes what a specific and substantiated claim should look like. The guidance does not contain information on objective and subjective misleading practice, however detailed testing and documentation is required.

Guidance on 'Biodegradable' and other environmental claims in the cleaning

products sector		
1.	Publication details	
	Year of issuance	2003
	Length	7 pages
	Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	<ul style="list-style-type: none"> ▪ UK Cleaning Products Industry Association (UKCPI) ▪ Department of Trade and Industry (DTI) ▪ Department for Environment, Food and Rural Affairs
	General or sectorial guidance document	Sectorial guidance document
2.	Information on coverage of guidelines	
	Target group	Companies that develop, manufacture or retail cleaning products and more specifically at those making environmental claims
	Aim	"to provide clear, user-friendly advice for companies [...] who wish to make environmental claims for their products"
	Definition of the term: "environmental claims"	N/A
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<p>"A <i>Specific</i> claim is one which:</p> <p>Makes it clear that the claim refers to the constituents of the product and not the packaging;</p> <p>Refers to specific components of the product (other than the surfactant) which have been tested to a recognised standard (ISO 14021 sets out the hierarchy of acceptable test standards, as outlined below)."</p> <p>Specifies the ultimate biodegradation products and avoids phrases such as "harmless".</p>
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	<p>Claims relating to cleaning product groups in the areas:</p> <ul style="list-style-type: none"> ▪ Environmental friendly ▪ Biodegradable ▪ Surfactant biodegradability ▪ Product biodegradability ▪ User information (Washright)

		<ul style="list-style-type: none"> ▪ Other environmental claims on cleaning products
	<p>Legal basis and references to other legislative provisions standards or labels</p> <p>Referral to authorities and a priori clearance, binding force, sanctions</p>	<p>UK Green Claims Code</p> <p>ISO 14021</p> <p>Green Claims – Practical Guide</p>
	<p>Applicable to the following form of claims:</p> <ul style="list-style-type: none"> ▪ Terms ▪ Images ▪ Colours ▪ Sound ▪ On-product / advertising 	terms and images/logos
3.	Requirements and recommendations from guidelines	
	<p>Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?</p>	<p>Environmentally friendly: vague or non-specific broadly implying that a product is environmentally friendly or can be misleading to consumers are prohibited</p> <p>Biodegradable: 'Surfactants used in this product rapidly biodegrade to water, CO2 and mineral salts'</p> <p>"Biodegradable"</p> <p>"Biodegrades to harmless components"</p>
	<p>Are there any terms for which certain conditions are set?</p>	N/A
	<p>Recommendations/Requirements on documentation, calculation, testing methods, evidence and access to data</p>	<p>Test method: claims on degradability should only be made in relation to a specific test method that includes maximum level of degradation and test duration. The preference order of the selection of the test methods is indicated.</p> <p>Documentation requirements:</p> <ul style="list-style-type: none"> ▪ Identification of the relevant standard or test method used; ▪ Documented evidence, if verification of the claim cannot be made by testing the finished product. ▪ Test results, where these are necessary for claim verification; ▪ Contact details of any independent party carrying out the testing; ▪ If a claim involves a comparison with other products, then a description of the method used, test results and any assumption made should be clearly stated

		<ul style="list-style-type: none"> ▪ Evidence that the claim will continue to be accurate during the period over which the product is on the market and longer, depending on the life of the product.” ▪ Recommendations to voluntarily disclose data.
	Examples provided of good practices and poor practices	<p>Biodegradability claims:</p> <p>Where the claim relates to the ingredients of the product:</p> <p>“After use the ingredients in this product rapidly biodegrade to [insert ultimate biodegradation product(s) e.g. water, CO2 and mineral salts].”</p> <p>The following claims are <i>unacceptable</i> and should be avoided:</p> <ul style="list-style-type: none"> ▪ “Biodegradable” ▪ “Biodegrades to harmless components
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice:</p> <p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term ‘biodegradable’ when that is not the case (e.g. on a product for which no tests have been carried out); use of the term ‘pesticides-free’ when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>No direct reference to the criterion.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion. The guidance on environmental claims is just one chapter of the general guidance applicable to non-broadcast advertising.</p>
	<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement</p>	<p>No explicit reference. Some claims do not contain false information but may deceive the average consumer.</p> <p>Claims reflecting on the fulfilment of legal requirements are not recommended to make.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance illustrates clear examples of possible subjective misleading practices which</p>

<p>showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>comply with the UCPD Guidance.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Clearly any claim should be both verifiable and substantiated and this is a requirement of both the UK Green Claims Code and ISO 14021. This does not mean that claims have to be independently verified but that relevant information needs to be to hand in case the claim is questioned or challenged. ISO 14021 requires that claims about degradability should only be made in relation to a specific test method that includes maximum level of degradation and test duration.</p> <p>To substantiate a claim relating to biodegradability, a company should be able to provide test results. It would not be necessary to refer to the test method in the actual claim, but the test results should be made available upon request. So claims that rely on confidential information for their verification should be avoided.</p> <p>The selection of test methods should follow, in order of preference,</p> <ul style="list-style-type: none"> (i) International Standards (ii) Recognised standards that have international acceptability (e.g. CEN or BS standards)

		<p>(iii) Methods developed by industry provided they have been subjected to peer review.</p> <p>The following information should be documented and retained:</p> <p>Identification of the relevant standard or test method used;</p> <p>Documentary evidence, if verification of the claim cannot be made by testing the finished product. (Note that a claim referring to the product's environmental performance must derive from a consideration of all the individual ingredients);</p> <p>Test results, where these are necessary for claim verification;</p> <p>Contact details of any independent party carrying out the testing;</p> <p>If a claim involves a comparison with other products, then a description of the method used, test results and any assumption made should be clearly stated (It's essential that any comparative claims must be based on delivery of equal cleaning performance);</p> <p>Evidence that the claim will continue to be accurate during the period over which the product is on the market and longer, depending on the life of the product.</p> <p>Although not required, the credibility of your environmental claims will be significantly improved by two additional activities:</p> <p>Voluntarily disclosing the information necessary for the verification of an environmental claim; and</p> <p>Having your claims independently verified.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance provides elaborated verification and scientific evidence requirements and is thus in line with the UPCD guidance.</p>
	Clarity and accuracy of the	A Specific claim is one which:

<p>claims</p> <p>The UCPD Guidance provides that:</p> <p>clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Makes it clear that the claim refers to the constituents of the product and not the packaging;</p> <p>Refers to specific components of the product (other than the surfactant) which have been tested to a recognised standard (ISO 14021 sets out the hierarchy of acceptable test standards, as outlined below).</p> <p>Existing legislation currently sets legal requirements for the biodegradability of surfactants. If surfactants simply comply with legal requirements for biodegradability, then it is recommended that no claim should be made.</p> <p>This is because such a claim would imply that the product is exceptional when in fact all products in the marketplace will share the same characteristic.</p> <p>Specifies the ultimate biodegradation products and avoids phrases such as "harmless".</p> <p>Consistency with UCPD Guidance:</p> <p>The UK guidance does not refer to all aspects of the UCPD Guidance; however it includes clear requirements regarding the clarity and accuracy of a claim.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body 	<p>No direct reference to the criterion.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion. This guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references prohibited practices.</p>

1.24.3.3 Guidance on environmental claims on growing media

The guideline document on growing media focuses on environmental claims concerning peat content and claims covering general environmental attributes, e.g. recycled, harmless, and environmentally friendly. The guidance provides for calculation and substantiation requirements of environmental claims and establishes several examples of terms to be avoided and used instead. The guideline further provides how claims should be drafted and covers most of the criteria established in the UCPD guidance. Accordingly, a good environmental claim is one which is:

- truthful, accurate and able to be substantiated;
- relevant to the product and its environmental impacts;
- clear about the environmental benefits being claimed;
- explicit about the meaning of any symbol or logo.

Guidance on environmental claims on growing media	
1. Publication details	
Year of issuance	2003
Length	13 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	<ul style="list-style-type: none"> ▪ Growing Media Association (GMA) ▪ Department of Trade and Industry (DTI) ▪ Department for Environment, Food and Rural Affairs
General or sectorial guidance document	Sectorial guidance document
2. Information on coverage of guidelines	
Target group	Companies that manufacture or sell growing media products in the UK and more specifically at those making environmental claims
Aim	"to provide clear, user-friendly advice for companies [...] who wish to make environmental claims for their products"
Definition of the term: "environmental claims",	<p><i>self-declared environmental claims:</i></p> <p>"Any self-declared statement, symbol or graphic that:</p> <ol style="list-style-type: none"> 1 refers to an environmental aspect of a product, a component or product packaging; 2. is made on products, on product packaging, in product literature or advertisements.
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<p>Within the growing media sector, examples would include statements about the peat content of a product or recycled material content."</p> <p>Explanation of the terms "specific" and "directly applicable to the product contents" in relation to peat sourcing references with examples (see below)</p> <p>Recycled material: material that would otherwise have ended up as waste</p>
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Self-declared environmental claims
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	<p>Claims relating to peat content ('pet free' or 'peat reduced'), more precisely:</p> <p>Self-declared claims about the peat content of the product (peat free; X% peat content; peat reduced; Peat sourced from ...; renewable; sustainable)</p> <p>Self-declared claim about the environmental</p>

		<p>properties of the product (recycled, environmentally friendly, harmless, natural, renewable , sustainable)</p> <p>Use of an existing labelling scheme</p>
	<p>Legal basis and references to other legislative provisions or standards or guidance documents or labels</p> <p>Referral to authorities and a priori clearance, binding force, sanctions</p>	<p>UK Green Claims Code</p> <p>ISO 14021</p> <p>ISO14024 and ISO/TR 14025</p> <p>Forest Stewardship Council (FSC)</p> <p>Pan-European Forest Certification Council (PEFC)</p> <p>UK Green Claims – Practical Guidance</p> <p>European Ecolabel</p>
	<p>Applicable to the following form of claims:</p> <ul style="list-style-type: none"> ▪ Terms ▪ Images ▪ Colours ▪ Sound ▪ On-product / advertising 	<p>Terms and labels</p>
3.	Recommendations from guidelines	
	<p>Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?</p>	<p>“peat free” if peat has never been associated with the product</p> <p>‘Peat produced as part of an environmental policy which reconciles the need for horticultural peat with the need to conserve peatlands...’: vague and not specific</p> <p>‘renewable peatland resource’, ‘renewable’</p> <p>‘sustainable’</p> <p>‘sustainably managed’</p> <p>environmentally friendly’</p> <p>‘ harmless’</p> <p>‘natural’</p>
	<p>Are there any terms for which certain conditions are set?</p>	<p>‘peat free’ may be used on growing media in a number of formats preferable if the claim ‘peat free’ is accompanied by a description of the dominant product contents: (a) by itself, (b) as part of the product description, for example ‘peat free soil improver’ or ‘peat free mulch’, (c) in text on the back of the product or in product literature</p> <p>‘recycled material’ should not be used to refer to material that would typically be re-used during a manufacturing process e.g. off-cuts that can be</p>

		reintegrated into the process as a raw material.
	Recommendations on documentation, calculation, testing methods, evidence and access to data	<p>Calculation of 'peat reduced', claims must be:</p> <ul style="list-style-type: none"> ▪ Calculated by volume and not by weight (due to differences in weight of peat-alternatives); ▪ State the basis for the comparison. If comparing against a previous version it should give the date when the higher level of peat was used and the amount or percentage change; ▪ State the actual percentage peat content or level of reduction. <p>This information needs to be clearly presented, of reasonable size and in reasonable proximity to the claim 'peat reduced'.</p> <p>Peat sourcing references:</p> <p>References to protected areas should be specific i.e. they should make reference to recognised national or international designations</p> <p>References to compliance with government, NGO or industry codes of conduct should be explicit and indicate where the code can be viewed</p> <p>References to corporate policies on peat sourcing or peat dilution should be (a) specific, (b) directly applicable to the product contents and (c) indicate where the full policy can be viewed</p> <p>Documentation:</p> <ul style="list-style-type: none"> ▪ This documentation should be kept at least as long as the product is on the market, taking into account expected shelf-life; <p>Recycling claims:</p> <ol style="list-style-type: none"> 1. Relate to material that would otherwise have ended up as waste; 2. State the percentage of the product that is recycled material; 3. Avoid any confusion over whether it is the product or the packaging that is recycled via explicitly referring to 'the product' or 'growing media'
	Examples provided of good practices and poor practices	<p>Content of peat:</p> <p>a) peat free</p> <p>"Peat Free – this product contains more than 70% bark."</p> <p>If it is likely that small residual amounts of peat could be present, the 'peat free' claim should be accompanied on the packaging by the caveat, "This product may contain residual levels (maximum 5% in volume) of secondary peat not</p>

		<p>deliberately sourced for the product”.</p> <p>b) X % of peat</p> <p>‘100% peat’</p> <p>‘75% peat’</p> <p>‘this product contains no more than x% peat’</p> <p>‘this product contains a minimum of x% peat’</p> <p>‘this product contains a maximum of x% peat’</p> <p>c) peat reduced</p> <p>‘Peat reduced, contains x% less peat than our previous version (date)’</p> <p>‘Peat reduced, contains x% peat compared to y% in (date)’</p> <p>A product that has changed from having 100% to 80% peat content could claim any of the following:</p> <p>‘Peat reduced, contains 20% less peat than our previous version (date)’</p> <p>‘Peat reduced, contains 80% peat compared to 100% in (date)’</p> <p>“This product contains 50% peat. All [Company name] products containing peat are subject to our corporate policy which aims to reduce peat content over time. Further information on this policy is available from X.”</p> <p>d) peat sourcing references</p> <p>“Peat not sourced from SSSIs or their national equivalent”</p> <p>‘This product conforms to the International Peat Society’s Wise Use of Peat Guidelines. Further information on these Guidelines is available from X’</p> <p>In comparison, a claim such as ‘Conforms to government standards’ would therefore be unacceptable as it is vague and refers to a legal requirement</p> <p>‘Peat in this product is sourced according to [company name] policy on peat protection. Copies of this policy and further information is available from X’</p>
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		<p>"This product contains 50% peat. All [Company name] products containing peat are subject to our corporate policy which aims to reduce peat content over time. Further information on this policy is available from X."</p> <p>Recycled:</p> <p>'80% recycled growing media'</p> <p>'This product is made from 80% recycled material from post-consumer waste'</p> <p>'This product is made from 100% recycled mushroom compost'</p> <p>'Contains 80% recycled growing media'</p>
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice:</p> <p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>All claims are substantiated before use to ensure that they are fair and truthful.</p> <p>Consistency with UCPD Guidance:</p> <p>The UK guidance does not refer to all aspects of the UCPD; however it states that claims shall be fair and truthful.</p>
	<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement</p>	<p>Peat reduced</p> <p>The claim 'peat reduced' used on its own could be misleading because it can be interpreted in different ways. It could imply either that the product contains significantly less peat than previous versions, or than similar products currently on the market.</p> <p>Environmentally Friendly</p>

<p>showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>An environmental claim that is vague or non-specific and which broadly implies that a product is environmentally friendly or benign can be misleading to consumers and should not be made. So claims such as 'environmentally friendly' should be avoided.</p> <p>'Harmless'</p> <p>This claim should not be made as it may be interpreted as implying that the product has no environmental impacts.</p> <p>'Natural'</p> <p>The use of this claim is considered vague and unspecific and therefore misleading to the consumer. Its use may be considered acceptable where it is accompanied by an appropriate qualifying statement, e.g. 'peat is a product naturally formed by...'</p> <p>'Renewable'</p> <p>This is a difficult issue with regard to peat, as some might consider that peat can be managed as a renewable resource. However, given that there is no widely accepted national/international definition of a 'renewable peatland resource' this term should not be used in any claims about peat growing media.</p> <p>'Sustainable'</p> <p>There is no currently accepted national or international definition or method of proving whether a peat source is sustainably managed. As a result, claims using the term 'sustainable' should not be used. The same issue applies to other possible constituents of growing media products, such as timber or bark, so again the use of 'sustainable' should not be used. For timber products certification schemes exist such as the Forest Stewardship Council (FSC) and the Pan-European Forest Certification Council (PEFC) and these can of course be referred to for certified constituents/ingredients in line with the terms and conditions set by such schemes.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance illustrates clear examples of possible subjective misleading practices that are in line with UCPD Guidance.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Scientific evidence</p> <p>Claims do not have to be independently verified but all claims made should be verifiable. This means that the claimant should be able to provide documented evidence to substantiate the claim, referring to a particular test method where</p>


		<p>relevant. For example, it will be necessary for producers to be able to provide evidence to demonstrate that a content claim is not in excess of the stated percentage.</p> <p>Substantiation in general:</p> <p>All claims are substantiated before use to ensure that they are fair and truthful;</p> <p>All claims made should be verifiable. This means that the claimant should be able to provide documented evidence to substantiate the claim, referring to a particular test method where relevant. For example, it will be necessary for producers to be able to provide evidence to demonstrate that a content claim is not in excess of the stated percentage;</p> <p>This documentation should be kept at least as long as the product is on the market, taking into account expected shelf-life;</p> <p>Comparative claims, e.g. 'peat reduced, contains XX% less peat than previous version (<i>date</i>)', should be based on accurate calculations based on volume and not weight. Given that this example makes reference to a previous version of the product, it would be necessary to keep adequate information on the content of the previous version in order to demonstrate that a reduction has indeed occurred</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance document contains clear and detailed information regarding substantiation; However it does not require all environmental claims to be independently verified but requires all claims to be verifiable.</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: 	<p>Example of non-specific claim:</p> <p>The following claim is vague and non-specific and would therefore NOT be considered acceptable:</p> <p>'Peat produced as part of an environmental policy which reconciles the need for horticultural peat with the need to conserve peatlands...'</p> <p>Definition directly applicable to the product contents:</p> <p>The critical issue is that by communicating a corporate policy on a product it does not imply something inaccurate about the product the claim is made on. For example, if a peat-containing product does <i>not</i> state percentage (%) peat content or level of peat reduction but</p>

	<p>recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable);</p> <ul style="list-style-type: none"> ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p><i>does</i> have information about a corporate peat dilution policy it implies to the consumer that the product itself has been significantly diluted (which may or may not be the case). To clear up any confusion the solution would be to state percentage (%) peat content/level of reduction for the particular product being purchased AND information on the corporate peat dilution policy, for example:</p> <p>"This product contains 50% peat. All [Company name] products containing peat are subject to our corporate policy which aims to reduce peat content over time.</p> <p>Further information on this policy is available from X."</p> <p>Similarly, for peat sourcing, it is clearer to state where the peat used in the product (or did not) come from rather than just refer to the fact that the producer has a corporate policy on peat sourcing.</p> <p>Comparative claims should be based on accurate calculations based on volume and not weight. Given that this example makes reference to a previous version of the product, it would be necessary to keep adequate information on the content of the previous version in order to demonstrate that a reduction has indeed occurred.</p> <p>Consistency with UCPD Guidance:</p> <p>The UK guidance does not refer to all aspects of the UCPD Guidance; however it includes clear requirements regarding the clarity and accuracy of a claim.</p>
	<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>No direct reference to the criterion.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion. This guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references prohibited practices.</p>

1.24.3.4 Guidance on 'no added lead' and other environmental claims and statements in the decorative coatings sector

The guidance document 'no added lead' and other environmental claims and statements in the Decorative Coatings Sector focuses on claims related to the lead content and VOC in decorative coatings. It also provides examples of health and safety warnings regarding the stripping of old painted surfaces which may contain lead. The guidance further explains why certain claims should not be used and gives examples of best practice. It refers throughout the guidance to the UK Green Claims Guidance document.

Guidance on environmental claims on 'no added lead' and other environmental claims and statements in the decorative coatings sector	
1. Publication details	
Year of issuance	2003
Length	3 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	<ul style="list-style-type: none"> ▪ The British Coatings Federation (BCF) ▪ Department for Environmental Food and Rural Affairs (Defra)
General or sectorial guidance document	Sectorial guidance document
2. Overall information regarding the environmental claims covered	
Target group	All companies that develop, manufacture or retail decorative coatings
Aim	providing clear, user-friendly advice for companies in the decorative coatings sector
Definition of the term: "environmental claims"	N/A
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	N/A
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims referring to: Claims relating to lead content Health and safety warning regarding the stripping of 'old' painted surfaces VOC (volatile organic compounds) statements
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	Products in the decorative coatings sector
Legal basis and references to other legislative provisions or standards or guidance	Statutory Instrument (SI 2005:2773) Defra Green Claims Guidance

	documents or labels Referral to authorities and a priori clearance, binding force, sanctions	
	Applicable to the following form of claims: <ul style="list-style-type: none"> Terms Images Colours Sound On-product/advertising 	Terms used on products and advertising VOC labelling scheme
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	'lead free' 'this product contains no added lead'
	Are there any terms for which certain conditions are set?	N/A
	Recommendations on documentation, calculation, testing methods, evidence and access to data	N/A
	Examples provided of good practices and poor practices	<p>Examples of Health and Safety warnings: 'special precautions should be taken during surface preparation of pre-1980s paint surfaces over wood and metal as they may contain harmful lead. For further advice contact.....[advice centre name, address and telephone number]'</p> <p>Regarding VOC statements:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Minimal: VOC content 0 – 0.29% VOCs (Volatile Organic Compounds) Contribute to atmospheric pollution</p> </div> <p>Or:</p>  <p><i>VOC symbol is protected, used under licence.</i></p>
4.	Consistency check criteria based on UCPD Guidance	
	Objective misleading practice:	No direct reference to the criterion.

<p>The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion. This guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references to objective misleading practice.</p>
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an</p>	<p>The retail sale of all lead-containing decorative coatings to the general public has been prohibited for some time. The BCF, Defra and the DTI therefore agree that companies should not be making claims confirming the absence of lead in retail decorative coatings, given that this is a legislative requirement. BCF members also apply this restriction to decorative coatings supplied for professional use. As a result, claims such as:</p> <p>'lead free'</p> <p>'this product contains no added lead' should not be made, as they are considered misleading to consumers and in breach of the <i>UK Green Claims Code</i>.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance illustrates clear examples of possible subjective misleading practices that comply with the UCPD Guidance.</p>

<p>environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>The British coatings industry has adopted a VOC labelling scheme for decorative coatings.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>No direct reference to the criterion.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion. However this guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references to clarity and accuracy of a claim.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD)</p>	<p>The Coating Industry established an own label for VOC in the products.</p> <p>Consistency with UCPD Guidance:</p> <p>No direct reference to the criterion. However this guidance document is a sectorial one focusing on very specific claims and refers to the Green Claims Guidance which includes references prohibited practices.</p>

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1.24.3.5 Best Practice Principles for Environmental claims in the automotive sector

The guidance on environmental claims in the automotive sector is clearly structured and lists best practice principles regarding environmental claims, comparisons, accessibility and the use of imagery and symbols. The principles given are of a general nature, relating to all forms of claims and thus also leave room for interpretation.

According to the guidance document, environmental claims should:

- be specific;
- not mislead;
- be capable of substantiation;
- be transparent, unambiguous and clearly expressed;
- follow a common-sense approach.

It covers most of the requirements established in the UCPD guidance. The guidance document contains in its annex references to several other guidance documents.

Best Practice Principles for Environmental claims in the automotive sector		
1.	Publication details	
	Year of issuance	2011
	Length	5 pages
	Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Low Carbon Vehicle Partnership (LowCVP) Society of Motor Manufacturers and Traders (SMMT) Incorporated Society of British Advertisers (ISBA)
	General or sectorial guidance document	Sectorial guidance document
2.	Information on coverage of guidelines	
	Target group	UK consumers, the automotive industry and its marketers in the sphere of marketing communications for passenger cars and light commercial vehicles (up to 3.5)
	Aim	Contribution to the Integrated Approach by increasing consumer understanding of the environmental performance of buildings (the Integrated Approach is a sharing of responsibility between stakeholders, such as the automotive industry, fuel supply industry, government – at local, national and European levels – and, of key importance, consumers.)
	Definition of the term:	An environmental claim means information appearing in marketing communications which

	"environmental claims",	can be taken as saying something about its environmental aspects.
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	A marketing communication includes advertising as well as other techniques, such as promotions, sponsorships, and direct marketing, and should be interpreted broadly to mean any form of communication produced directly by or on behalf of marketers intended primarily to promote products or to influence consumer behaviour
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Claims in marketing communications
	Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All products in in-showroom advertising, marketers' editorial content, press releases, corporate reports and marketing information on corporate websites and other non-paid-for space under the advertiser's control
	Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	<p>European whole vehicle type approval;</p> <p>CO2 and tailpipe emission standards;</p> <p>The End of Life Vehicles Directive;</p> <p>The CO2 Labelling Directive and specific to the UK, the colour-coded CO2 labels for new and used cars, which are industry voluntary initiatives;</p> <p>The Passenger Car (Fuel consumption and CO2 Emissions Information) Regulations 2001 (as amended) and related Vehicle Certification Agency (VCA) Guidance Notes Practice and other such guides on labelling;</p> <p>International standards such as ISO 14021 on environmental labelling;</p> <p>The Consumer Protection from Unfair Trading Regulations 2008;</p> <p>The Business Protection from Misleading Marketing Regulations 2008;</p> <p>The UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) effective from 1 September 2010;</p> <p>The UK Code of Broadcast Advertising BCAP Code) effective from 1 September 2010;</p> <p>Defra Green Claims Code 1998 (updated 2000)</p>

		and Green Claims Guidance 2011; Advertising and Marketing Communication Practice Consolidated International Chamber of Commerce (ICC) Code – August 2006.
	Applicable to the following form of claims: <ul style="list-style-type: none"> ▪ Terms ▪ Images ▪ Colours ▪ Sound ▪ On-product / advertising 	All forms of claims
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	N/A
	Are there any terms for which certain conditions are set?	N/A
	Recommendations on documentation, calculation, testing methods, evidence and access to data	N/A
	Examples provided of good practices and poor practices	Accessibility of information a) Consumer information should be easily accessible. For instance, where vehicle manufacturers provide CO2 emissions or fuel consumption information on their websites, they should ensure it is available within the minimum practical number of clicks.
4.	Consistency check criteria based on UCPD Guidance	
	Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests	Expressively states that marketing claims should be legal, decent and truthful. Consistency with UCPD Guidance: The recommendation clearly states that a claim shall be truthful and is thus in line with the UCPD Guidance

<p>have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	
<p>Subjective misleading practice</p> <p>The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>Imagery and symbols:</p> <p>a) Use of "green" imagery</p> <p>The use of "green" imagery, such as featuring trees, vegetation or the colour green, should convey a level of environmental performance that is proportionate to the wording of the environmental claim and should be used with great care.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance illustrates a clear example of possible subjective misleading practices that are in line with the UCPD Guidance.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Claims do not have to be independently verified.</p> <p>Environmental claims should not imply that they are universally accepted if there is a significant division of informed or scientific opinion.</p>

		<p>g) All environmental claims should be reassessed regularly and withdrawn if they are no longer capable of substantiation</p> <p>Consistency with UCPD Guidance:</p> <p>The recommendations do not require independent verification but they require all claims to be reassessed regularly and be capable of substantiation.</p>
	<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <p>whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable);</p> <p>whether the claim refers to a company (applying to all its products) or only to certain products;</p> <p>if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers;</p>	<p>Plain language should be adopted and terms defined so consumers can understand technical data.</p> <p>It should be clear whether environmental claims apply to the vehicle, to particular components or technology, or to the vehicle manufacturer.</p> <p>Where environmental claims infer benefits that conform to the law or to industry standards, this must be stated.</p> <p>Environmental claims should not infer benefits that relate to aspects that would not normally be relevant to that vehicle/component/technology, or corporate practice.</p> <p>Data quoted in comparisons should be clearly defined and adhere to commonly adopted current industry standards. The following are examples of commonly used measures, but are not an exhaustive list of the units used: carbon dioxide (CO₂) is usually measured in grams/km; fuel economy in litres/100 km or miles per gallon; and regulated emissions referenced to Euro standards, e.g. Euro 6.</p> <p>If only one drive cycle is quoted for fuel economy or CO₂ performance in advertising headlines, the combined cycle data should be used in preference to urban or extra-urban cycle data.</p> <p>Comparisons must compare like with like and make it clear whether they relate to a model range, specific vehicle or attribute.</p> <p>When referring to regulated emissions in comparisons, the Euro Standard for all vehicles compared should be stated. Test data for regulated emissions should not be used inappropriately.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance document requires understandable language, clarity on whether the claim covers the whole product or components; It includes clear examples of data and requirements related to the clarity and accuracy of environmental claims that are in line with the Guidance.</p>

<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>Use of “green” symbols and endorsements</p> <p>Third party endorsements, “green” logos and kite marks must be depicted clearly; must only be used with the consent of the relevant third party and in such manner that does not mislead.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance document does not refer to prohibited practices in Annex 1 but includes general references regarding the use of green symbols and endorsements. Further, it refers to the Green Claims guidance which includes reference to prohibited activities.</p>
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1.24.3.6 CIPR Best practice Guidelines for Environmental Sustainability Communications

These guidelines set recommendations for public relation practitioners undertaking environmental and sustainability communications in government, NGOs and pressure groups. They focus on ‘greenwashing’ claims, their causes, and how they can be avoided.

They provide indirect examples and include 10 practical tips to draft good sustainability communications:

- Ask what the purpose of the communication is? Is it just for public relation sake? If so, question the story.
- Be transparent. Keep the message simple and clear, do not use ambiguous language or blur with scientific terms.
- Be honest and don’t exaggerate. This will install a level of trust with stakeholders, particularly the media.
- Back up all your claims with robust statistics that where possible are verified by independent industry leading standards.
- Actions, not words. Do not blur the difference between an aspiration and an action.
- Spokespeople. Some of the science is complex and any spokesperson needs to be suitably knowledgeable to communicate effectively and clearly the issues.
- Message delivery. Ensure during the tactical implementation of the campaign that actions back up the messaging, e.g. a recycling campaign release that is sent hard copy on recycled paper.
- Check your facts. Once you have done this, check them again.
- Governance. Ensure strict governance is in place to regularly communicate back to stakeholders on your story.
- Think continuous sustained improvement – be a leader! What is the next step for your organisation to improve further?

The guidelines stress that practitioners are not bound by this guideline but by the CIPR Code of Conduct which is also bound by the principles on integrity, competence and confidentiality.

CIPR Best practice Guidelines for Environmental Sustainability Communications		
1.	Publication details	
	Year of issuance	2007
	Length	8 pages
	Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	Chartered Institute of Public Relations
	General or sectorial guidance document	sectorial guidance document
2.	Information on coverage of guidelines	
	Target group	Public relation practitioners that are undertaking environmental and sustainability communications especially in government, NGOs and pressure groups.
	Aim	To serve as a point of reference for the practitioners mentioned above
	Definition of the term: "environmental claims",	The CIPR uses the definition of environmental claims provided in the Defra Green Claims Code and defines a 'claim' as information appearing on a product, its packaging, or in related literature or media material, which can be taken as saying something about the environmental aspects of a company / organization or product or service. It can take the form of text, symbols, or graphics. It further defines "green wash" as: a term that is used to describe the actions of a company, government, or other organization, which promotes positive environmental practices, whilst acting in a way that is opposite or does not adhere to the claim. It highlights a disconnection between aspiration and real world impacts.
	Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	
	Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims Sustainability claims
	Product groups covered: (good, services, goods and services),	Environmental claims in communications/public relations

	Company branding, Labelling schemes, Indirect claims	
	Legal basis and references to other legislative provisions or standards or guidance documents or labels Referral to authorities and a priori clearance, binding force, sanctions	The Trade Descriptions Act 1968 The Fair Trading Act 1973 ISO 14063 on environmental communication ISO 14021 on self-declared environmental claims EMAS Defra Geen Claims Guidance The Advertising Standards Authority as acting with regard to false and misleading claims
	Applicable to the following form of claims: <ul style="list-style-type: none">▪ Terms▪ Images▪ Colours▪ Sound▪ On-product / advertising	All forms of claims
3.	Recommendations from guidelines	
	Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	Claims should always avoid the vague use of terms such as 'green', 'non-polluting' and so on. Likewise, they should avoid linking vague descriptions, such as 'friendly' or 'kind', with words like 'earth', 'nature', 'environment', 'eco' and 'ozone'.
	Are there any terms for which certain conditions are set?	N/A
	Recommendations on documentation, calculation, testing methods, evidence and access to data	Backing up claims: ‘In order to maintain the credibility of the PR industry and the client or organisation that you represent, we recommend that all statistics and claims made in communications are done so in conjunction with ‘proof points’. Proof points are defined as ‘a robust and reasonable explanation for the statistics, statements or claims used’.” Transparency: To help the media and consumer understand claims, particularly those that require scientific knowledge to understand or proof, communications should be as clear as possible. Be aware of the audience with whom you are communicating to. Scientific terminology may be used in suitable circumstances but should be used responsibly and should not be used to ‘merely blind with science’. ⁹ Ambiguity should be avoided at all costs.
	Examples provided of good practices and poor practices	Greenwashing bad practice: changing the name, or label, of a product, to give the ‘feeling of nature’, for example putting an image of a forest

		on a bottle of harmful chemicals.
4.	Consistency check criteria based on UCPD Guidance	
	<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that:</p> <p>The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1).</p> <p>Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides.</p> <p>In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>The guidelines explicitly state to be honest while drafting an environmental claim.</p> <p>Consistency with UCPD Guidance:</p> <p>The recommendation clearly states that a claim shall be honest and is thus in line with the UCPD Guidance</p>
	<p>Subjective misleading practice The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit)</p> <p>Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name.</p> <p>Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory</p>	<p>Examples for subjective misleading practice: trying to give a good impression about general concern for the environment. Claims should always avoid the vague use of terms such as 'green', 'non-polluting' and so on. Likewise, they should avoid linking vague descriptions, such as 'friendly' or 'kind', with words like 'earth', 'nature', 'environment', 'eco' and 'ozone'.</p> <p>Further Greenwashing bad practice: changing the name, or label, of a product, to give the 'feeling of nature', for example putting an image of a forest on a bottle of harmful chemicals.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance illustrates clear examples of possible subjective misleading practices.</p>

<p>conditions but within an average home environment it only reduces water by 25%.</p> <p>Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Where possible claims should be independently verified.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components (e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>Being vague or ambiguous: For instance, by simply trying to give a good impression about general concern for the environment. Claims should always avoid the vague use of terms such as 'green', 'non-polluting' and so on. Likewise, they should avoid linking vague descriptions, such as 'friendly' or 'kind', with words like 'earth', 'nature', 'environment', 'eco' and 'ozone'. Equally, a 'claim' should not imply that it commands universal acceptance if there is actually some significant doubt or division of scientific opinion over the issue in question. A risk analysis should be undertaken before communicating if this is the case, this should inform the Q and A's, which should be developed for all sustainability communications. The communicator should attempt to obtain evidence of the claim's robustness via appropriate accreditation, such as ISO, EMAS or Acorn.</p> <p>Consistency with UCPD Guidance:</p> <p>The UK guidance does not refer to all aspects of the UCPD Guidance; however it includes clear requirements regarding the clarity and accuracy of a claim.</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a 	<p>In order to avoid confusion and misleading practice, the guidelines suggest the use of existing industry standards (issued by the UN, Defra, the Carbon Trust, WRAP or the trade body that represents the industry in which the organisation operates) and suggests independent verification. Further, when using a different</p>

	<p>signatory of a code of conduct</p> <ul style="list-style-type: none"> ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>standard to back up, or prove a claim, the guidance requires to clearly state why this has been done, and the rationale for having done so.</p> <p>Consistency with UCPD Guidance:</p> <p>The guidance document refers to some of the prohibited practices and suggests "better practice".</p>
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1.24.4 Summary

The UK has produced several guidelines that define and set recommendations on how environmental claims should be designed or drafted to comply with the law. The general Green Claims Guidance prepared by DEFRA establishes the overarching framework for all environmental claims and guidance documents in the UK, while the sectorial guidelines set specific recommendations or good and bad practices with regard to certain types of claims, e.g. public relations, or products, e.g. growing media.

The general Green Claims Guidance sets a detailed Consistency check procedure to ensure the use and design of good environmental claim. The procedure is divided into three steps to be followed by traders preparing an environmental claim:

- to ensure that the content is relevant and reflects a genuine benefit;
- to ensure the clear and accurate presentation of the claim;
- to check if the claim can be readily substantiated.

The UK guidelines do not explicitly refer to the UCPD guidance document prepared by the Commission but they contain more or less the same criteria to assess whether or not an environmental claim is misleading. The following paragraphs describe how the UCPD requirements are interpreted and covered in the UK by the General and Sectorial Guidelines.

○ *Objective misleading practice*

According to the General Guidelines, environmental claims must be presented in a truthful and accurate way that would not mislead consumers. All environmental claims should not contain false information about the product, service or others on the market. The Guidelines acknowledge that if a claim is literally true, consumers will not misinterpret them or it would be very unlikely that they do. The Guideline on environmental claims on growing media requires that all claims are substantiated before use to ensure that they are fair and truthful. The guideline on the automotive sector states that marketing claims should be legal, decent and truthful.

○ *Subjective misleading practice*

The UK General Guidelines do not exactly refer to the terms 'subjective misleading' but such criterion has been identified in their recommendations. The General Guidelines provide that claims should accurately represent the scale of the benefit, and should not overstate the environmental benefits; claims should not be restated using different terminology to imply multiple benefits for a single environmental change. They specify that for a single product or service it should be clear for an average consumer whether the claim covers the complete offering, only one of the components, or the packaging and that the particular environmental attribute or process should be clearly and specifically mentioned. They stress that for multi-product claims, it should be clear whether the claim refers to all products within a

company portfolio or only certain products. They mention that it is necessary to consider how much information a consumer is likely to read on a product.

All guidelines suggest that the use of vague or ambiguous terms such as environmentally friendly, harmless, natural, sustainable are potentially misleading to consumers.

The Sectorial Guidelines provide specific examples of subjective misleading. For instance, the sale of aerosol containing CFC or lead-containing decorative coatings are now prohibited in the UK, therefore the guidelines consider that the use of 'CFC free' on aerosol or 'lead-free' in decorative coatings is misleading for consumers because they imply that the product is exceptional. Similarly, the use of the claim 'one tree planted for every tree cut down' or 'without tropical hardwood' is considered misleading because the vast majority of paper and card will come from forests that are replanted on a commercial basis and are made of softwood and not from tropical hardwood.

The guidelines from the automotive sector recommend that the use of 'green' imagery, such as featuring trees, vegetation or the colour green, should convey a level of environmental performance that is proportionate to the wording of the environmental claim and should be used with great care.

Concerning products that have never had a demonstrably adverse effect on the environment, the UK Code of Broadcast Advertising recommends that marketing communications should not imply that the formulation has changed to improve the product in the way claimed. It also mentions that advertisements must not mislead consumers about the environmental benefit that a product or service offers, e.g. by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or services, or by highlighting an environmental benefit that results from a legal obligation if competing products are subject to the same requirements.

- *Scientific evidence*

Such criterion is clearly mentioned and developed in the UK guidelines. The general guidelines require having robust and/or scientifically accepted evidence to substantiate environmental claims. They specifically define how to substantiate the achievement of environmental performance, e.g. evidence and assessments forming the basis of the claim is objective and of a kind that can be fully traced and referenced, and targets or aspirations about environmental performance in the future, e.g. claims should be supported by publicly available plans or a strategy that provides details about the intended actions to achieve the target. The guidelines stress that this requirement does not mean that claims have to be independently verified but that relevant information needs to be at hand in case the claim is questioned, e.g. test results of biodegradability. Regarding claims that refer to a certain percentage of material/substance the guidelines for growing media mention that it will be necessary for the producers to provide evidence to demonstrate that a content claim is not in excess of the stated percentage. These guidelines mention that the documentation related to the claim should be kept at least as long as the product is on the market, taking into account expected shelf-life.

Guidelines on growing media recommend that comparative claims should be based on accurate calculations and where they make reference to a previous version of the product, it would be necessary to keep adequate information on the content of the previous version in order to demonstrate that the stated reduction/improvement has occurred.

Several guidelines underline that environmental claims should not imply that they are universally accepted even in case there is a significant division of informed or scientific

opinion. They further suggest that all environmental claims should be reassessed regularly and withdrawn if they are no longer capable of substantiation.

Both of the UK Codes of Broadcast and Non-broadcast Advertising recommend that absolute claims should be supported by a high level of substantiation. Comparative claims such as 'greener' or 'friendlier' can be justified, for example, if the advertised product provides a total environmental benefit over that of the marketer's previous product or competitor products and the basis of the comparison is clear.

- *Clarity and accuracy of the claims*

The general guidelines detail the following principles to ensure that a claim is clear and accurate:

- Claims must be presented in a truthful and accurate way that would not mislead consumers.
- The scope or boundaries to which the claim applies must be clear.
- Plain language and information must be specific and unambiguous.
- The amount and type of supporting information must be clear, helpful and appropriate.
- Any labels, symbols or pictures are clear and relevant.

The guidelines on biodegradable claims define a specific claim as a claim that makes it clear it refers to: the constituents of the product and not the packaging; to specific components of the product that have been tested to a recognised standard; to the ultimate biodegradation products; avoids the use of unclear terminology such as 'harmless'.

The guidelines on the automotive sector recommend that plain language should be adopted and terms defined so that consumers can understand technical data. They stress that it should be clear whether environmental claims apply to the vehicle, to particular components or technology, or to the vehicle manufacturer. They underline that data quoted in comparisons should be clearly defined and adhere to commonly adopted current industry standards. They further mention that comparisons must compare 'like with like' and make it clear whether they relate to a model range, specific vehicle or attribute.

Both of the UK Codes of Broadcast and Non-broadcast Advertising recommend that marketers must base environmental claims on the full life cycle of the advertised product, unless the marketing communication states otherwise, and must make clear the limits of the life cycle.

- *Reference to relevant Annex 1 prohibited practices in UCPD*

The guidelines, in general, suggest using existing labelling or product declaration schemes, e.g. EU Eco-label, to avoid confusion or falsely-suggested endorsements. They otherwise recommend that the labels, symbols are clear and relevant. The general guidelines underline that a logo or symbol should not be created or presented in a manner that may imply it has been endorsed by another organisation when it has not. Organisations must not use the names or logos of a government agency or other recognised organisations if a product or service has not met the relevant standards, criteria or received the appropriate certification in compliance with legal requirements.

1.25 Other guidelines relevant for the study

1.25.1 January 2012 revised guides for the use of environmental marketing claims by the US Federal Trade Commission³²

The US Federal Trade Commission issued in January 2012 new revised guides for the use of environmental marketing claims. These guides provide general principles, specific guidance on the use of particular environmental claims³³ and examples. The general principles apply to:

- qualifications and disclosure;
- distinction between benefits of product, package and service;
- overstatement of environmental attribute;
- comparative claims.

The practical guide to environmental claims for traders and consumers	
1. publication details	
Year of issuance	2012
Length	36 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	US Federal Trade Commission
General or sectorial guidelines	General guideline
2. Information on coverage of guidelines	
Target group	Marketers of environmental claims
Aim	The guides help marketers avoid making environmental marketing claims that are unfair or deceptive under Section 5 of the Federal Trade Chamber Act, 15 U.S.C. § 45.
Definition of the term: "environmental claims"	Claims about the environmental attributes of a product, package, or service in connection with the marketing, offering for sale, or sale of such item or service to individuals. These guides also apply to business-to-business transactions. The guides apply to environmental claims in labelling, advertising, promotional materials, and all other forms of marketing in any medium, whether asserted directly or by implication, through words, symbols, logos, depictions, product brand names, or any other means
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	The guides refers to General environmental benefit claims, carbon offsets, certification and seals of approval, compostable claims, degradable claims, free of claims, non-toxic

³² Can be retrieved from http://www.ftc.gov/sites/default/files/documents/federal_register_notices/guides-use-environmental-marketing-claims-green-guides/greenguidesfrn.pdf

³³ General environmental benefit claims, carbon offsets, certification and seals of approval, compostable claims, degradable claims, free of claims, non-toxic claims, ozone safe and ozone friendly claims, recyclable claims, recycled content claims, refillable claims, renewable energy claims, renewable materials claims, source reduction claims.

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	claims, ozone safe and ozone friendly claims, recyclable claims, recycled content claims, refillable claims, renewable energy claims, renewable materials claims, source reduction claims
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims only.
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All products packages or services in connection with the marketing, offering for sale, or sale of such item or service to individuals
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	The guides help marketers avoid making environmental marketing claims that are unfair or deceptive under Section 5 of the FTC Act, 15 U.S.C. § 45. They do not confer any rights on any person and do not operate to bind the FTC or the public. The Commission, however, can take action under the FTC Act if a marketer makes an environmental claim inconsistent with the guides. In any such enforcement action, the Commission must prove that the challenged act or practice is unfair or deceptive in violation of Section 5 of the FTC Act.
Applicable to the following forms of claims: <ul style="list-style-type: none"> ▪ Terms ▪ Images ▪ Colours ▪ Sound ▪ On-product / advertising 	All these forms , the guide specifies that: labelling, advertising, promotional materials, and all other forms of marketing in any medium, whether asserted directly or by implication, through words, symbols, logos, depictions, product brand names, or any other means
3. Recommendations from guidelines	
Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	The guides recommend that the use of the term 'Eco friendly' 'environmentally preferable should not be used as it is highly unlikely that the marketer can substantiate these claims.
Are there any terms for which certain conditions are set?	- Carbon offsets, recyclable, compostable, degradable, free-of x, non-toxic, ozone-safe ozone friendly, recycled content, refillable package, renewable materials claims, source reduction claim
Recommendations on documentation, calculation, testing methods, evidence and access to data	The guides provide that in the context of environmental marketing claims, a reasonable basis often requires competent and reliable scientific evidence. Such evidence consists of tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons and are generally accepted in the profession to yield accurate and reliable results. Such evidence should be sufficient in quality and quantity based on

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	<p>standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that each of the marketing claims is true.</p> <p>Carbon offsets: Given the complexities of carbon offsets, sellers should employ competent and reliable scientific and accounting methods to properly quantify claimed emission reductions and to ensure that they do not sell the same reduction more than one time.</p>
Examples provided of good practices and poor practices	<p>Good practices</p> <p>Distinction between benefits of product, package, and service A soft drink bottle is labelled "recycled." The bottle is made entirely from recycled materials, but the bottle cap is not. Because the bottle cap is a minor, incidental component of the package, the claim is not deceptive.</p> <p>Biodegradable A marketer advertises its shampoo as "biodegradable" without qualification. The advertisement makes clear that only the shampoo, and not the bottle, is biodegradable. The marketer has competent and reliable scientific evidence demonstrating that the shampoo, which is customarily disposed in sewage systems, will break down and decompose into elements found in nature in a reasonably short period of time in the sewage system environment. Therefore, the claim is not deceptive.</p> <p>A fiber pot containing a plant is labelled "biodegradable." The pot is customarily buried in the soil along with the plant. Once buried, the pot fully decomposes during the growing season, allowing the roots of the plant to grow into the surrounding soil. The unqualified claim is not deceptive.</p> <p>Refillable claims Small bottle of fabric softener states that it is in a "handy refillable container." In the same market area, the manufacturer also sells a large-sized bottle that consumers use to refill the smaller bottles. The claim is not deceptive because there is a reasonable means for the consumer to refill the smaller container.</p> <p>Renewable energy claims A company uses 100% non-renewable energy to manufacture all parts of its product, but powers the assembly process entirely with renewable energy. If the marketer advertised its product as "assembled using renewable energy," the claim would not be deceptive.</p>

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	<p>Renewable material A marketer's packaging states that "Our packaging is made from 50% plant based renewable materials. Because we turn fast-growing plants into bio-plastics, only half of our product is made from petroleum-based materials." By identifying the material used and explaining why the material is renewable, the marketer has minimised the risk of unintended claims that the product is made with recycled content, recyclable, and biodegradable. The marketer has adequately qualified the amount of renewable materials in the product.</p> <p>Examples of poor practice</p> <p>Distinction between benefits of product package and service A plastic package containing a new shower curtain is labelled "recyclable" without further elaboration. Because the context of the claim does not make clear whether it refers to the plastic package or the shower curtain, the claim is deceptive if any part of either the package or the curtain, other than minor, incidental components, cannot be recycled.</p> <p>Overstatement of environmental attribute An area rug is labelled "50% more recycled content than before." The manufacturer increased the recycled content of its rug from 2% recycled fiber to 3%. Although the claim is technically true, it likely conveys the false impression that the manufacturer has increased significantly the use of recycled fiber.</p> <p>A trash bag is labelled "recyclable" without qualification. Because trash bags ordinarily are not separated from other trash at the landfill or incinerator for recycling, they are highly unlikely to be used again for any purpose. Even if the bag is technically capable of being recycled, the claim is deceptive since it asserts an environmental benefit where no meaningful benefit exists.</p> <p>Comparative claims An advertiser notes that its glass bathroom tiles contain "20% more recycled content." Depending on the context, the claim could be a comparison either to the advertiser's immediately preceding product or to its competitors' products. The advertiser should have substantiation for both interpretations. Otherwise, the advertiser should make the basis for comparison clear, for example, by saying "20% more recycled content than our previous bathroom tiles."</p> <p>An advertiser claims that "our plastic diaper liner has the most recycled content." The diaper liner</p>

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	<p>has more recycled content, calculated as a percentage of weight, than any other on the market, although it is still well under 100%. The claim likely conveys that the product contains a significant percentage of recycled content and has significantly more recycled content than its competitors. If the advertiser cannot substantiate these messages, the claim would be deceptive.</p> <p>A product is advertised as "environmentally preferable." This claim likely conveys that the product is environmentally superior to other products. Because it is highly unlikely that the marketer can substantiate the messages conveyed by this statement, this claim is deceptive</p> <p>General Environmental Benefit Claims.</p> <p>The brand name "Eco-friendly" likely conveys that the product has far reaching environmental benefits and may convey that the product has no negative environmental impact. Because it is highly unlikely that the marketer can substantiate these claims, the use of such a brand name is deceptive</p> <p>A marketer states that its packaging is now "Greener than our previous packaging." The packaging weighs 15% less than previous packaging, but it is not recyclable nor has it been improved in any other material respect. The claim is deceptive because reasonable consumers likely would interpret "Greener" in this context to mean that other significant environmental aspects of the packaging also are improved over previous packaging.</p> <p>A marketer's advertisement features a picture of a laser printer in a bird's nest balancing on a tree branch, surrounded by a dense forest. In green type, the marketer states, "Buy our printer. Make a change." Although the advertisement does not expressly claim that the product has environmental benefits, the featured images, in combination with the text, likely convey that the product has far-reaching environmental benefits and may convey that the product has no negative environmental impact.</p> <p>Manufacturer's website states, "Eco-smart gas-powered lawn mower with improved fuel efficiency!" The manufacturer increased the fuel efficiency by 1/10 of a percent. Although the manufacturer's claim that it has improved its fuel efficiency technically is true, it likely conveys the false impression that the manufacturer has significantly increased the mower's fuel efficiency</p> <p>Carbon offsets</p>

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	<p>On its website, an online travel agency invites consumers to purchase offsets to “neutralise the carbon emissions from your flight.” The proceeds from the offset sales fund future projects that will not reduce greenhouse gas emissions for two years. The claim likely conveys that the emission reductions either already have occurred or will occur in the near future. Therefore, the advertisement is deceptive</p> <p>An offset provider claims that its product “will offset your own ‘dirty’ driving habits.” The offset is based on methane capture at a landfill facility. State law requires this facility to capture all methane emitted from the landfill. The claim is deceptive because the emission reduction would have occurred regardless of whether consumers purchased the offsets</p> <p>Certifications and seals of approval</p> <p>An advertisement for paint features a “GreenLogo” seal and the statement “GreenLogo for Environmental Excellence.” This advertisement likely conveys that:</p> <p>(1) the GreenLogo seal is awarded by an independent, third-party certifier with appropriate expertise in evaluating the environmental attributes of paint; and (2) the product has far-reaching environmental benefits. If the paint manufacturer awarded the seal to its own product, and no independent, third-party certifier objectively evaluated the paint using independent standards, the claim would be deceptive.</p> <p>A manufacturer advertises its product as “certified by the American Institute of Degradable Materials.” Because the advertisement does not mention that the American Institute of Degradable Materials (“AIDM”) is an industry trade association, the certification likely conveys that it was awarded by an independent certifier.</p> <p>A marketer’s package features a seal of approval with the text “Certified Non-Toxic.” The seal is awarded by a certifier with appropriate expertise in evaluating ingredient safety and potential toxicity. It applies standards developed by a voluntary consensus standard body. Although non-industry members comprise a majority of the certifier’s board, an industry veto could override any proposed changes to the standards. This certification likely conveys that the product is certified by an independent organization. This claim would be deceptive because industry members can veto any proposed changes to the standards.</p>

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	<p>A marketer's industry sales brochure for overhead lighting features a seal with the text "EcoFriendly Building Association" to show that the marketer is a member of that organization. Although the lighting manufacturer is, in fact, a member, this association has not evaluated the environmental attributes of the marketer's product.</p> <p>This advertisement would be deceptive because it likely conveys that the EcoFriendly Building Association evaluated the product through testing or other objective standards. It also is likely to convey that the lighting has far-reaching environmental benefits.</p> <p>A product label contains an environmental seal, either in the form of a globe icon or a globe icon with the text "EarthSmart." EarthSmart is an independent, third party certifier with appropriate expertise in evaluating chemical emissions of products.</p> <p>While the marketer meets EarthSmart's standards for reduced chemical emissions during product usage, the product has no other specific environmental benefits. Either seal likely conveys that the product has far-reaching environmental benefits, and that EarthSmart certified the product for all of these benefits. If the marketer cannot substantiate these claims, the use of the seal would be deceptive.</p> <p>A one-quart bottle of window cleaner features a seal with the text "Environment Approved," granted by an independent, third-party certifier with appropriate expertise. The certifier granted the seal after evaluating 35 environmental attributes. This seal likely conveys that the product has far-reaching environmental benefits and that Environment Approved certified the product for all of these benefits and therefore is likely deceptive.</p> <p>Compostable claims</p> <p>A manufacturer makes an unqualified claim that its package is compostable. Although municipal or institutional composting facilities exist where the product is sold, the package will not break down into usable compost in a home compost pile or device.</p> <p>Nationally marketed lawn and leaf bags state "compostable" on each bag. The bags also feature text disclosing that the bag is not designed for use in home compost piles. Yard trimmings programs in many communities compost these bags, but such programs are not available to a substantial majority of consumers or communities where the bag is sold. The claim</p>

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	<p>is deceptive because it likely conveys that composting facilities are available to a substantial majority of consumers or communities.</p> <p>A marketer advertises its trash bags using an unqualified "degradable" claim. The marketer relies on soil burial tests to show that the product will decompose in the presence of water and oxygen. Consumers, however, place trash bags into the solid waste stream, which customarily terminates in incineration facilities or landfills where they will not degrade within one year</p> <p>Free of claims</p> <p>A package of t-shirts is labelled "Shirts made with a chlorine-free bleaching process." The shirts, however, are bleached with a process that releases a reduced, but still significant, amount of the same harmful byproducts associated with chlorine bleaching. The claim overstates the product's benefits because reasonable consumers likely would interpret it to mean that the product's manufacture does not cause any of the environmental risks posed by chlorine bleaching.</p> <p>Manufacturer advertises its insulation as "formaldehyde free." Although the manufacturer does not use formaldehyde as a binding agent to produce the insulation, tests show that the insulation still emits trace amounts of formaldehyde. The seller has substantiation that formaldehyde is present in trace amounts in virtually all indoor and (to a lesser extent) outdoor environments and that its insulation emits less formaldehyde than is typically present in outdoor environments. Further, the seller has substantiation that the trace amounts of formaldehyde emitted by the insulation do not cause material harm that consumers typically associate with formaldehyde. In this context, the trace levels of formaldehyde emissions likely are inconsequential to consumers.</p> <p>Recyclable</p> <p>A paperboard package is marketed nationally and labeled either "Recyclable where facilities exist" or "Recyclable – Check to see if recycling facilities exist in your area." Recycling programs for these packages are available to some consumers, but not available to a substantial majority of consumers nationwide. Both claims are deceptive because they do not adequately disclose the limited availability of recycling programs.</p> <p>A manufacturer advertises its toner cartridges for computer printers as</p>

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	<p>“Recyclable. Contact your local dealer for details.” Although all of the company’s dealers recycle cartridges, the dealers are not located in a substantial majority of communities where cartridges are sold. Therefore, the claim is deceptive.</p> <p>Recycled content claims</p> <p>A paperboard package with 20% recycled fiber by weight is labelled “20% post-consumer recycled fiber.” The recycled content was composed of overrun newspaper stock never sold to customers. Because the newspapers never reached consumers,</p> <p>A product in a multi-component package, such as a paperboard box in a shrink-wrapped plastic cover, indicates that it has recycled packaging. The paperboard box is made entirely of recycled material, but the plastic cover is not. The claim is deceptive because, without qualification, it suggests that both components are recycled.</p> <p>Refillable claims</p> <p>A container is labelled “refillable three times.” The manufacturer has the capability to refill returned containers and can show that the container will withstand being refilled at least three times. The manufacturer, however, has established no collection program. The unqualified claim is deceptive because there is no means to return the container to the manufacturer for refill.</p> <p>Renewable energy claims</p> <p>A marketer advertises its clothing line as “made with wind power.” The marketer buys wind energy for 50% of the energy it uses to make the clothing in its line. The marketer’s claim is deceptive because reasonable consumers likely interpret the claim to mean that the power was composed entirely of renewable energy.</p> <p>A toy manufacturer places solar panels on the roof of its plant to generate power, and advertises that its plant is “100% solar-powered.” The manufacturer, however, sells renewable energy certificates based on the renewable attributes of all the power it generates. Even if the manufacturer uses the electricity generated by the solar panels, it has, by selling renewable energy certificates, transferred the right to characterise that electricity as renewable.</p> <p>Renewable material claim</p> <p>Flooring is “made with renewable materials.” Reasonable consumers likely interpret this claim to mean that the flooring also is made with recycled content, recyclable, and biodegradable. Unless the marketer has substantiation for these</p>

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	<p>implied claims, the unqualified "made with renewable materials" claim is deceptive.</p> <p>Source reduction claim</p> <p>An advertiser claims that disposal of its product generates "10% less waste." The marketer does not accompany this claim with a general environmental benefit claim. Because this claim could be a comparison to the advertiser's immediately preceding product or to its competitors' products, the advertiser should have substantiation for both interpretations.</p>
4. Consistency check criteria based on UCPD Guidance	
<p>Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term 'biodegradable' when that is not the case (e.g. on a product for which no tests have been carried out); use of the term 'pesticides-free' when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified by the competent authorities.</p>	<p>The guides state that marketers must ensure that all reasonable interpretations of their claims are truthful. For example the guides mention that a product labelled ozone-friendly cannot have such claims if it contains ozone-depleting substances. It also states that a container that can be burned in incinerator facilities to produce heat and power but cannot be recycled into another product or package, any claim that the container is recyclable is misleading.</p> <p>Recycled content claims: It is deceptive to represent, directly or by implication, that an item contains recycled content unless it is composed of materials that have been recovered or otherwise diverted from the waste stream, either during the manufacturing process (pre-consumer), or after consumer use (post-consumer). If the source of recycled content includes pre-consumer material, the advertiser should have substantiation that the pre-consumer material would otherwise have entered the waste stream. Recycled content claims may – but do not have to – distinguish between pre-consumer and post-consumer materials. Where a marketer distinguishes between pre-consumer and post-consumer materials, it should have substantiation for any express or implied claim about the percentage of pre-consumer or post-consumer content in an item.</p> <p>Renewable energy claims: A marketer should not make unqualified renewable energy claims, directly or by implication, if fossil fuel, or electricity derived from fossil fuel, is used to manufacture any part of the advertised item or is used to power any part of the advertised service, unless the marketer has matched such non-renewable energy use with renewable energy certificates.</p> <p>Certifications and seals of approval Third-party certification does not eliminate a marketer's obligation to ensure that it has</p>

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	<p>substantiation for all claims reasonably communicated by the certification. This is in line with the UCPD guidelines</p>
<p>Subjective misleading practice The UCPD guidance provides that: The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>The US guides do not explicitly refer to subjective misleading however they explain principles and provide examples that are quite similar to the UCP guidelines</p> <p>Overstatement of environmental attributes</p> <p>The guides provide that an environmental marketing claim should not overstate, directly or by implication, an environmental attribute or benefit. Marketers should not state or imply environmental benefits if the benefits are negligible.</p> <p>General environmental benefit claims</p> <p>(a) It is deceptive to misrepresent, directly or by implication, that a product, package, or service offers a general environmental benefit. (b) Unqualified general environmental benefit claims are difficult to interpret and likely convey a wide range of meanings. In many cases, such claims likely convey that the product, package, or service has specific and far-reaching environmental benefits and may convey that the item or service has no negative environmental impact.</p> <p>Environmental benefit required by law</p> <p>It is deceptive to claim, directly or by implication, that a carbon offset represents an emission reduction if the reduction, or the activity that caused the reduction, was required by law.</p> <p>Environmental benefit mentioned only if feasible</p> <p>Recyclable claim 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.</p> <p>Refillable claim The marketer may either provide a system for the collection and refill of the package, or offer for sale a product that consumers can purchase to refill the original package.</p>

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	<p>Substitution leading to similar environmental/health issues</p> <p>A truthful claim that a product, package, or service is free of, or does not contain or use, a substance may nevertheless be deceptive if: (1) the product, package, or service contains or uses substances that pose the same or similar environmental risks as the substance that is not present; or (2) the substance has not been associated with the product category.</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>In the context of environmental marketing claims, a reasonable basis often requires competent and reliable scientific evidence. Such evidence consists of tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons and are generally accepted in the profession to yield accurate and reliable results. Such evidence should be sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that each of the marketing claims is true.</p> <p>Degradable claims: A marketer making an unqualified degradable claim should have competent and reliable scientific evidence that the entire item will completely break down and return to nature (i.e., decompose into elements found in nature) within a reasonably short period of time after customary disposal.</p> <p>Non-toxic claims: A non-toxic claim likely conveys that a product, package, or service is non-toxic both for humans and for the environment generally. Therefore, marketers making non-toxic claims should have competent and reliable scientific evidence that the product, package, or service is non-toxic for humans and for the environment or should clearly and prominently qualify their claims to avoid deception.</p> <p>This is in line with the UCPD guidance</p>
<p>Clarity and accuracy of the claims The UCPD Guidance provides that: Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average</p>	<p>Qualifications and disclosure The guides provide that to prevent deceptive claims, qualifications and disclosures should be clear, prominent, and understandable. To make disclosures clear and prominent, marketers should use plain language and sufficiently large type, should place disclosures in close proximity to the qualified claim, and should avoid making inconsistent statements or using distracting elements that could undercut or contradict the</p>

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<p>consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>disclosure.</p> <p>General Environmental Benefit Claims Unqualified general environmental benefit claims are difficult to interpret and likely convey a wide range of meanings. In many cases, such claims likely convey that the product, package, or service has specific and far-reaching environmental benefits and may convey that the item or service has no negative environmental impact. Because it is highly unlikely that marketers can substantiate all reasonable interpretations of these claims, marketers should not make unqualified general environmental benefit claims. Marketers should use clear and prominent qualifying language that limits the claim to a specific benefit or benefits.</p> <p>Recyclable claims 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.</p> <p>Degradable claims Degradable claims should be qualified clearly and prominently to the extent necessary to avoid deception about: (1) the product's or package's ability to degrade in the environment where it is customarily disposed; and (2) the rate and extent of degradation.</p> <p>Renewable energy claims It is deceptive to make an unqualified "made with renewable energy" claim unless all, or virtually all, of the significant manufacturing processes involved in making the product or package are powered with renewable energy or non-renewable energy matched by renewable energy certificates. When this is not the case, marketers should clearly and prominently specify the percentage of renewable energy that powered the significant manufacturing processes involved in making the product or package.</p> <p>Recycled content claims For items that are partially made of recycled material, the marketer should clearly and prominently qualify the claim to avoid deception about the amount or percentage, by weight, of recycled content in the finished product or package.</p> <p>Certifications and Seals of Approval Marketers should use clear and prominent qualifying language that clearly conveys that the certification or seal refers only to specific and</p>

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	limited benefits.
Reference to relevant Annex 1 prohibited practices in UCPD: <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body (See Page 43 in UCPD guidance)	A marketer's use of the name, logo, or seal of approval of a third-party certifier or organization may be an endorsement, which should meet the criteria for endorsements provided in the FTC's Endorsement Guides, 16 C.F.R. Part 255, including Definitions (§ 255.0), General Considerations (§ 255.1), Expert Endorsements (§ 255.3), Endorsements by Organizations (§ 255.4), and Disclosure of Material Connections (§ 255.5).

1.25.2 The Consolidated ICC Code of Advertising and Marketing Communication Practice³⁴

The 2011 Consolidated version of the ICC Code includes an entire Chapter on environmental claims in Marketing Communications to be read in conjunction with the general provisions on advertising and marketing communication practice. It mentions that it was prepared based on national and international guidance, including, but not limited to, certain provisions of the International Standard ISO 14021 on 'Self-declared environmental claims,' relevant to the marketing communication context, rather than technical prescriptions.

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1. publication details	
Year of issuance	2011
Length	4 pages
Prepared by (e.g. national authorities, self-regulatory bodies, sectorial business associations)	International Chamber of Commerce a self-regulatory body
General or sectorial guidelines	General guidelines
2. Information on coverage of guidelines	
Target group	advertisers, marketers, advertising practitioners or agencies, in the media, or in related functions.
Aim	The Consolidated ICC Code is intended primarily as an instrument of self-regulation for commercial communications; however, its provisions may also be useful in regulating other, non-commercial forms of advertising and communication and it may be used by the Courts as a reference document within the framework of applicable legislation. ICC recommends its adoption and use worldwide
Definition of the term: "environmental claims"	Any claim in which explicit or implicit reference is made to environmental or ecological aspects

³⁴ ICC commission (2011). *Advertising and Marketing Communication Practice (Consolidated ICC Code)*. Retrieved from: [http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2011/Advertising-and-Marketing-Communication-Practice-\(Consolidated-ICC-Code\)/](http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2011/Advertising-and-Marketing-Communication-Practice-(Consolidated-ICC-Code)/).

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	relating to the production, packaging, distribution, use/consumption or disposal of products. Environmental claims can be made in any medium, including labelling, Package inserts, promotional and point-of-sales materials, product literature as well as via telephone or digital or electronic media such as e-mail and the internet
Definition of specific terms: which claims/terms are defined? (glossary or conditions fixed for use of certain terms)	<p>The term "<i>environmental aspect</i>" means an element of an organisation's activities or products that can interact with the environment;</p> <p>The term "<i>environmental claim</i>" means any statement, symbol or graphic that indicates an environmental aspect of a product, a component or packaging;</p> <p>The term "<i>environmental impact</i>" means any change to the environment, whether adverse or beneficial, wholly or partially resulting from an organisation's activities or products;</p> <p>The term "<i>life cycle</i>" means consecutive and interlinked stages of a product system, from raw material acquisition or generation of natural resources to final disposal;</p> <p>The term "<i>product</i>" refers to any goods or services. "<i>Product</i>" normally includes the wrapping, container etc. in which the goods are delivered; however, in the environmental context it is often appropriate to refer separately to the packaging, which then means any material that is used to protect or contain a product during transportation, storage, marketing or use;</p> <p>The term "<i>qualification</i>" means an explanatory statement that accurately and truthfully describes the limits of the claim;</p> <p>The term "<i>waste</i>" refers to anything for which the generator or holder has no further use and which is discarded or released into the environment</p>
Types of claims covered: e.g. environmental claims, ethical claims, organic, sustainable	Environmental claims
Product groups covered: (good, services, goods and services), Company branding, Labelling schemes, Indirect claims	All products defined as anything that constitutes the subject of an advertisement; this usually means goods or services, but is not restrictive: where appropriate the Code may be applied more widely, e.g. to concepts.
Legal basis and references to other legislative provisions standards or labels Referral to authorities and a priori clearance, binding force, sanctions	Reference to International Standard ISO 14021 on 'Self-declared environmental claims,'
Applicable to the following	All forms of environmental claims

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forms of claims: <ul style="list-style-type: none"> ▪ Terms ▪ Images ▪ Colours ▪ Sound ▪ On-product / advertising 	
3. Recommendations from guidelines	
Are there any terms for which the guidelines indicate they should be avoided in all circumstances/in certain circumstances?	No.
Are there any terms for which certain conditions are set?	Claims such as “environmentally friendly,” “ecologically safe,” “green,” “sustainable,” “carbon friendly” or any other claim implying that a product or an activity has no impact – or only a positive impact – on the environment, should not be used without qualification unless a very high standard of proof is available.
Recommendations on documentation, calculation, testing methods, evidence and access to data	Marketing communications should use technical demonstrations or scientific findings about environmental impact only when they are backed by reliable scientific evidence. An environmental claim relating to health, safety or any other benefit should be made only where it is supported by reliable scientific evidence.
Examples provided of good practices and poor practices	No examples of good and poor practices
4. Consistency check criteria based on UCPD Guidance	
Objective misleading practice: The UCPD Guidance on objective misleading provides that: The environmental claim is misleading because it contains false information and is therefore untruthful, in relation to one of the items of the list provided for by Article 6(1). Example: use of the term ‘biodegradable’ when that is not the case (e.g. on a product for which no tests have been carried out); use of the term ‘pesticides-free’ when the product actually contains some pesticides. In conjunction with Article 12 of the Directive, this means that any environmental claims must be made on the basis of evidence which can be verified	All marketing communications should be truthful. X-free claim Claims that a product does not contain a particular ingredient or component, e.g. that the product is “X-free”, should be used only when the level of the specified substance does not exceed that of an acknowledged trace contaminant or background level.

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by the competent authorities.	
<p>Subjective misleading practice The UCPD guidance provides that:</p> <p>The impression the commercial communication produces on consumer suggesting him an environmental benefit) Example: advertisement showing a car in a green forest; use of natural objects (flowers, trees) as symbols; use of vague and general environmental benefits of a product ('environmentally friendly, green, nature's friend, ecological, sustainable'); greening of brand names or of a product's name. Example: a manufacturer of a washing machine claims that his new model reduces water usage by 75%. This may have been true in certain laboratory conditions but within an average home environment it only reduces water by 25%. Example: a food product is claimed to be produced in an environmentally friendly manner, based on a label or certification scheme which in fact only ensures that the farmer complies with the environmental baseline under EU law (cross-compliances).</p>	<p>Marketing communication should be so framed as not to abuse consumers' concern for the environment, or exploit their possible lack of environmental knowledge</p> <p>Marketing communication should not contain any statement or visual treatment likely to mislead consumers in any way about the environmental aspects or advantages of products, or about actions being taken by the marketer in favour of the environment. Overstatement of environmental attributes, such as highlighting a marginal improvement as a major gain, or use of statistics in a misleading way ("we have doubled the recycled content of our product" when there was only a small percentage to begin with) are examples. Marketing communications that refer to specific products or activities should not imply, without appropriate substantiation, that they extend to the whole performance of a company, group or industry.</p> <p>General environmental claims</p> <p>Vague or non-specific claims of environmental benefit, which may convey a range of meanings to consumers, should be made only if they are valid, without qualification, in all reasonably foreseeable circumstances. If this is not the case, general environmental claims should either be qualified or avoided. In particular, claims such as "environmentally friendly," "ecologically safe," "green," "sustainable," "carbon friendly" or any other claim implying that a product or an activity has no impact – or only a positive impact – on the environment, should not be used without qualification unless a very high standard of proof is available.</p> <p>Absence of components not related to the product</p> <p>Environmental claims should not be based on the absence of a component, ingredient, feature or impact that has never been associated with the product category concerned</p> <p>Common components</p> <p>Conversely, generic features or ingredients, which are common to all or most products in the category concerned, should not be presented as if they were a unique or remarkable characteristic of the product being promoted</p>
<p>Scientific evidence to be verified by competent authorities (Article 12 of the UCPD)</p>	<p>Marketing communications should use technical demonstrations or scientific findings about environmental impact only when they are backed by reliable scientific evidence</p> <p>An environmental claim relating to health, safety or any other benefit should be made only where</p>

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	<p>it is supported by reliable scientific evidence</p> <p>Sustainable claims</p> <p>As long as there are no definitive, generally accepted methods for measuring sustainability or confirming its accomplishment, no claim to have achieved it should be made.</p>
<p>Clarity and accuracy of the claims</p> <p>The UCPD Guidance provides that:</p> <p>Clarity and accuracy of the claims are important criteria for the assessment by national enforcers. In particular, it should be mentioned in a way to be clear for the average consumer:</p> <ul style="list-style-type: none"> ▪ whether the claim covers the whole product or only one of its components(e.g.: recyclable packaging where the content is not recyclable or a part of the packaging if the packaging is only partially recyclable); ▪ whether the claim refers to a company (applying to all its products) or only to certain products; ▪ if the claim does not cover the product's entire life cycle, which stage of the lifecycle or the product characteristics the claim exactly covers; 	<p>An environmental claim should be relevant to the particular product being promoted and relate only to aspects that already exist or are likely to be realised during the product's life, including customary and usual disposal or reasonably foreseeable improper disposal.</p> <p>It should be clear to what the claim relates, e.g. the product, a specific ingredient of the product, or its packaging or a specific ingredient of the packaging. A pre-existing but previously undisclosed aspect should not be presented as new. Environmental claims should be up to date and should, where appropriate, be reassessed with regard to relevant developments.</p> <p>Qualifications should be clear, prominent and readily understandable; the qualification should appear in close proximity to the claim being qualified, to ensure that they are read together. There may be circumstances where it is appropriate to use a qualifier that refers a consumer to a website where accurate additional information may be obtained.</p> <p>This technique is particularly suitable for communicating about after-use disposal. For example, it is not possible to provide a complete list of areas where a product may be accepted for recycling on a product package. A claim such as "Recyclable in many communities, visit to check on facilities near you," provides a means of advising consumers where to locate information on communities where a particular material or product is accepted for recycling.</p> <p>Comparative claim:</p> <p>Any comparative claim should be specific and the basis for the comparison should be clear. Environmental superiority over competitors should be claimed only when a significant advantage can be demonstrated. Products being compared should meet the same needs and be intended for the same purpose.</p> <p>Comparative claims, whether the comparison is with the marketer's own previous process or product or with those of a competitor, should be worded in such a way as to make it clear whether the advantage being claimed is absolute or relative.</p> <p>Improvements related to a product and its packaging should be presented separately, and should not be combined, in keeping with the</p>

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	<p>principle that claims should be specific and clearly relate to the product, an ingredient of the product, or the packaging or ingredient of the packaging.</p> <p>Product life-cycle</p> <p>Environmental claims should not be presented in such a way as to imply that they relate to more stages of a product's life-cycle, or to more of its properties, than is justified by the evidence; it should always be clear to which stage or which property a claim refers. A lifecycle benefits claim should be substantiated by a life cycle analysis. When a claim refers to the reduction of components or elements having an environmental impact, it should be clear what has been reduced. Such claims are justified only if they relate to alternative processes, components or elements which result in a significant environmental improvement.</p> <p>Scientific terms:</p> <p>An environmental claim relating to health, safety or any other benefit should be made only where it is supported by reliable scientific evidence</p>
<p>Reference to relevant Annex 1 prohibited practices in UCPD:</p> <ul style="list-style-type: none"> ▪ unauthorised use of logos ▪ false approval or endorsement by public or private bodies ▪ falsely claiming to be a signatory of a code of conduct ▪ falsely claiming that a code of conduct has been endorsed by a public or private body <p>(See Page 43 in UCPD guidance)</p>	<p>Environmental signs or symbols should be used in marketing communication only when the source of those signs or symbols is clearly indicated and there is no likelihood of confusion over their meaning. Such signs and symbols should not be used in such a way as falsely to suggest official approval or third-party certification.</p>



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