

Environmental Claims Tip Sheet



- 1. Encourage your Marketing & Comms teams to involve Legal in the business' green claims strategy from the outset:** this helps to manage expectations with your internal clients about what can/cannot be said about your products/business and reminds them of the requirement to collate substantiating material and talk to suppliers etc before committing to a particular "green" marketing campaign. This should help to avoid internal conflicts (and wasted costs) later on.
- 2. Keep a dossier of substantiating evidence for all claims:** ensure all environmental claims are supported by robust, credible and up-to-date evidence. Internal data/records can be sufficient for this, however independent verification/certification will make environmental claims more robust. Keep a dossier of substantiating evidence for each claim on file and do not sign-off any claim unless you are satisfied with this evidence.
- 3. Record your decision making/risk analysis for claims:** keep a separate (confidential and privileged) record of all advice and any risk assessment you conduct for each environmental claim. This information can serve as a refresher and inform any discussions the business has with regulators should the claim be challenged further down the line.
- 4. Be specific and avoid vague terms such as "green", "sustainable", "environmentally-friendly", "eco", "less", "more", "better":** claims should be as specific as possible – avoid making broad, absolute claims or comparative claims unless you clearly explain what they mean/compare to. Marketing & Comms teams should steer clear of these vague/unclear terms (or anything similar) which both the CMA and ASA consider to be misleading.



5. **Make qualifying information clear to consumers:** if a claim is only accurate where a qualification/ caveat is applied, ensure that such qualifying information is clear, prominent and close enough to the main claim to be easily seen by consumers before they make any purchasing decision. If this is challenging due to space limitations, consider other ways to provide this information to consumers (eg, using a QR code or linking out to a website).
6. **Put yourself in the consumer's shoes:** take a step back - if the meaning of a claim seems unclear or leaves you asking questions, that's a strong indication that it will be potentially confusing or misleading to consumers. If in doubt, claims should be more specific.
7. **Consider the full life cycle of the product:** you should consider the effect of the full life cycle of a product on the accuracy of an environmental claim. If an environmental claim relates to a product as a whole (eg, "environmentally-friendly cheese" on a cheese label) it will be more likely to mislead if it doesn't account for the full product lifecycle. If a claim relates to a specific part of a product, such as the packaging only (eg, "40% less plastic than [X product]"), it will be less likely to mislead.
8. **Ensure comparisons are fair and meaningful:** make sure any comparative claims compare 'like with like' – ie, products intended for the same purpose and using the same measures/metrics. Ensure the basis of any comparison is clear.
9. **Be transparent about the use of carbon offsetting/carbon credits:** where carbon neutrality claims are based on the use of carbon offsetting/carbon credits, you must make this clear to consumers and provide details of the credits purchased/scheme used. According to the CMA, failure to do so risks misleading consumers into thinking that a product/business doesn't generate any emissions.
10. **Ensure claims about future goals are backed-up:** make sure that any claims relating to the business' future environmental goals are supported by a clear, verifiable and internally documented strategy to deliver them. Statements of intent should be in proportion to the business' actual efforts. They will be less likely to mislead if they are based on specific, short term and measurable commitments.
11. **Ensure contracts with ad agencies are robust:** if you're using an ad agency, ensure the contract contains appropriate warranty and/or indemnity provisions in relation to the content created.

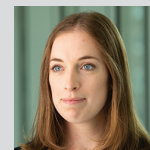
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