***CRTF/NC/CO V1 DRAFT – January 2024***

**Chapter D: Environmental Claims in Marketing Communications**

This chapter is to be read in conjunction with the General Provisions and Definitions on Advertising and Marketing Communications and the Introduction regarding interpretation, application, jurisdiction, and relationship with the law. Additional guidance for marketers interested in environmental claims is available in the ICC Framework for Responsible Environmental Marketing Communications.

**Scope and application of chapter D**

This chapter draws on national and international guidance on environmental claims.[[1]](#footnote-2)

This chapter applies to all marketing communications containing environmental claims, i.e. any claim in which explicit or implicit reference is made to environmental or ecological aspects relating to the production, packaging, distribution, provision, use/consumption or disposal of anything being communicated within the scope and application of the ICC Marketing Communications code.[[2]](#footnote-3) Claims expressing aspirations, goals or commitments to achieve certain environmental performance, objectives in the future are also covered.

There are many different specific environmental claims and their use and importance to consumers may vary. These general principles, however, apply to all environmental claims whether or not they are expressly addressed in the Code.

Further guidance on the use of selected environmental claims often appearing in marketing communication, is provided in the ICC Framework for Responsible Environmental Marketing Communications. This addresses for example:

* the use of terms such as climate/planet neutral or positive and sustainable particularly in relation to vague and aspirational claims.
* specific terms such as carbon neutral, negative or positive, circular economy, recycling and renewable or recoverable energy.
* detailed guidance regarding product lifecycle and the use of logos, certificates, standards, and symbols.

Again, however, general principles always apply whether or not a claim is expressly addressed in the Framework.

Environmental claims made in any medium, including labelling, package inserts, promotional and point-of-sales materials, related literature as well as digital interactive media[[3]](#footnote-4). are covered by this chapter.

**Terms specific to environmental claims**

The following definitions relate specifically to this chapter and should be read in conjunction with the general definitions contained in the General Provisions:

* The term “***environmental aspect***” means an element of an organisation’s activities, products or services that can interact with the environment.
* The term “***environmental claim***” means any statement, symbol, sound, or graphic that indicates an environmental aspect of a product, a component or ingredient of it, packaging or constituent of it, or an activity, facility or operation.
* The term “***environmental impact***” means any change to the environment, whether adverse or beneficial, wholly, or partially resulting from an organisation’s activities or products.
* The term “***life cycle***” means consecutive and interlinked stages of a product system, from raw material acquisition or generation of natural resources to final disposal.
* The term “***product***” as defined in the general definitions of this code includes any goods or services. “Product” 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.
* The term “***qualification***” means an explanatory statement that accurately and truthfully describes the limits of the claim.
* The term “***waste***” refers to anything for which the generator or holder has no further use and which is discarded or released into the environment.

**Article D1 – Substantiation**

All express or implied environmental claims should be substantiated by appropriate data. Care should be taken to assure that the substantiating data relied upon reflects the claimed environmental attributes or performance featured in the marketing communication.

To substantiate aspirational claims or claims expressing goals or commitments related to achieving certain environmental metrics in the future, marketers should have appropriate evidence establishing that it has reasonable plans in place to achieve the stated aspiration, goal or commitment in the timeframe specified.

**Article D2 – Honest and truthful presentation**

Environmental marketing communications should be framed so as neither to abuse consumers’ concern for the environment nor exploit their possible lack of environmental knowledge.

**D 2.1 General approach** Marketing communications should not contain any written or visual content which is likely to mislead consumers in any way about environmental aspects or advantages of what’s being communicated, or about actions being taken by the marketer in favour of the environment.

Marketing communications should not overstate environmental attributes, such as highlighting a marginal improvement as a major gain or using statistics in a misleading manner (for example, claiming “we have doubled the recycled content of our product” when there was only a small percentage of recycled content used to begin with).

Marketing communications that refer to specific claims should not imply, without appropriate substantiation, that they extend to the whole performance of a company, group, sector, or industry, and qualify the claim as needed to avoid a misleading impression. If it is not clear from the claim and/or the context then the range of the claim should be disclosed.An environmental claim should be relevant to the specific focus of the marketing communication and relate only to aspects that already exist or are likely to be realised during for example a product’s life, including customary and usual disposal or reasonably foreseeable improper disposal. It should be clear to what the claim relates, e.g. the product a specific ingredient or aspect, or its packaging or a specific constituent 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.

**D 2.2 Vague or general, non-specific claims**

Vague or general, non-specific claims of environmental benefit may convey a range of meanings to consumers. Such claims should be made only if they are valid, without qualification, in all reasonably foreseeable circumstances. 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.

There are no definitive, generally accepted methods for measuring sustainability or confirming its accomplishment, so extreme caution should be taken in claiming to have achieved it. An unqualified “sustainability” claim may be understood to involve company actions beyond efforts to reduce environmental impacts. Claims may state or imply that the claim involves social and economic impacts, such as support for fair working conditions, diversity and inclusion, communities or charities, or the like, as well. Marketers making sustainability claims should be mindful that consumers may take away a broader corporate social responsibility message. They should be able to substantiate all direct and implied messages and qualify claims accordingly.

A specific claim about individual environmental attributes supported by reliable evidence could be linked to a claim of “sustainability” (for example, “our products are sustainable because they are made of 100% post-consumer recycled content and are recyclable”); however, marketers should avoid stating or implying that a product is “sustainable” without qualification simply because it has some positive environmental benefits.

**D 2.3 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 refer a consumer to a QR code or website where accurate additional information may be obtained. 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’s package. A claim such as “Recyclable in some communities, visit [URL] to check on facilities near you,” provides both the relevant qualifier (that available recycling facilities are limited), plus a means of advising consumers where to locate information on communities where a particular material or product is accepted for recycling.

**Article D3 – Scientific research**

Marketing communications should use technical demonstrations or scientific findings about environmental impact of what’s advertised only when they are backed by reliable scientific evidence.

Environmental or scientific jargon or terminology is acceptable provided it is relevant to the claimed environmental performance and used in a way that can be readily understood by those to whom the message is directed. (See also article 9 of the Code - Use of technical/scientific data and terminology).

An environmental claim relating to health, safety or any other benefit should be made only where it is supported by reliable scientific evidence.

**Article D4 –Comparisons**

Any comparative environmental 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. Whatever is being compared in a marketing communication should meet the same needs and be intended for the same purpose.

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.

Improvements related to a product and its packaging should be presented separately, and should not be combined, in keeping with the principle that claims should be specific and clearly relate to the product, an ingredient or element of the product, or the packaging or constituent of the packaging.

**Article D5 – Product life-cycle**

Environmental claims should not be presented in such a way as to imply that they relate to more stages of a product lifecycle, 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 life-cycle benefits claim should be substantiated by a life cycle analysis. The scope of the life-cycle analysis should be disclosed if it encompasses only certain aspects of the life cycle (e.g., cradle to grave).

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. Environmental marketing communications should not state or imply that reductions or benefits required by law or mandatory standards are voluntary.

**Article D6 – Claims regarding components and elements**

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 unless qualified to indicate that the product or category has never been associated with the particular component, ingredient, feature or impact. Conversely, generic features or ingredients, which are common to all or most products in the category concerned, or required by law, standards or otherwise, should not be presented as if they were a unique or remarkable characteristic of the product being promoted.

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[[4]](#footnote-5) or background level. Claims that a product, package, or component is “free” of a chemical or substance often are intended as an express or implied health claim in addition to an environmental claim. The substantiation necessary to support an express or implied health or safety claim may be different from the substantiation required to support the environmental benefit claim. The advertiser should be sure of having reliable scientific evidence to support an express or implied health and safety claim in accordance with other relevant provisions of the Code.

**Article D7 – Certifications, signs and symbols**

Environmental signs, logos, labels 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 independent third-party certification. Marketers should ensure that the basis for any third-party certification is clear, and they have clear access by the certifying organization to the tests and documentation supporting the certification. Where claims are verified by a certification body, care should be taken that marketing communications do not misrepresent or exaggerate the scope and limits of the certification achieved.

**Article D8 – Environmental attribute claims**

Environmental claims referring to a product’s makeup or constituents (for example, made with recycled or renewable content) or waste handling (for example, recyclable or compostable), must truthfully represent the attributes of the advertised product based on robust evidence. A product claimed to involve recycled or renewable content that is made from less than substantially all recycled or renewable content should disclose the percentage. A product claimed to be recyclable or compostable should disclose the extent of availability of these disposal methods if availability is limited, and also disclose any technical limitations that may apply (for example, if a product is compostable only in industrial settings, or if resulting compost is subject to any use limits). A product that is refillable or reusable should describe any handling criteria to maintain safety.

**Article D9 – Responsibility**

For this chapter, the rules on responsibility laid down in the General Provisions apply (see article 24).

**Additional guidance[[5]](#footnote-6)**

Terms important in communicating environmental attributes of products tend to change. The ICC Framework for Responsible Environmental Marketing Communications provides a non-exhaustive set of additional examples, definitions of common terms, and a checklist of factors that should be considered when developing marketing communications that include an environmental claim.

The ICC via the ICC Academy also provides an online educational course and certificate on Responsible Green Marketing Communications, details of which can be found here.

1. This includes, but is not limited to, regulatory guidance from the Federal Trade Commission (FTC), the UK Competition and Markets authority, as well as guidance from voluntary standards, such as certain provisions of the International Standard ISO 14021 on ‘Self-declared environmental claims,’ relevant to the marketing communication context, but rather than technical prescriptions from any standard, which are not part of this code. [↑](#footnote-ref-2)
2. Environmental and social governance (ESG) claims may include claims that go beyond the environmental impacts or attributes of products or operations and affect social practices and policies, including claims related to labour practices (child labour, forced labour, and slavery, labour practices, diversity and inclusion) workplace health and safety, and more. This Chapter focuses solely on environmental claims including those made in the context of sustainability and does not address social compliance claims. aAll claims however are subject to the general provisions of the Code. [↑](#footnote-ref-3)
3. See definition for digital interactive media s in the Introduction of the Code. [↑](#footnote-ref-4)
4. “Trace contaminant” and “background level” are not precise terms. "Trace contaminant" implies primarily manufacturing impurity, whereas "background level" is typically used in the context of naturally occurring substances. Claims often need to be based on specific substance-by-substance assessment to demonstrate that the level is below that causing harm. Also, the exact definition of trace contaminants may depend on the product area concerned. If the substance is not added intentionally during processing, and manufacturing operations limit the potential for cross-contamination, a claim such as “no intentionally added xx” may be appropriate. However, if achieving the claimed reduction results in an increase in other harmful materials, the claim may be misleading. [↑](#footnote-ref-5)
5. www.codescentre.com [↑](#footnote-ref-6)