

***CRTF/NC/CO FINAL DRAFT – April 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. All claims are subject to the general provisions of the Code. 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 sets out to provide globally accepted principles of marketing communications involving environmental claims. This chapter is principle-based with the goal of promoting truthful, non-deceptive environmental claims. Thus, it does not adopt or incorporate by reference any specific legal regime, standard or guideline. Since the area of environmental claims is a fast changing one where new laws and industry standards are being adopted and revised, however, marketers should ensure compliance with applicable legal requirements when making environmental claims.

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 this Code. It thus focuses solely on environmental claims, including those made in the context of sustainability, circularity or other general claims, and does not address social compliance claims. Claims expressing aspirations, goals or commitments to achieve certain environmental performance or objectives in the future are also covered.

There are many different specific environmental claims and their use and importance to consumers may vary. As set out in the interpretation section of the code, the meaning of a claim should be established on the basis of how it is likely to be perceived by the consumer in the overall context of the communication.

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

* the use of terms such as climate 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.

The general principles set out herein apply whether or not a claim is expressly addressed here or in the ICC Framework for Responsible Environmental Marketing Communications (the Framework).

Environmental claims made in any medium, including logos and private labels, package inserts, promotional and point-of-sales materials, and related literature as well as digital interactive media[[1]](#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:

For the purpose of this Chapter the term:

* “***environmental aspect***” or **“environmental attribute”** means an element of an organisation’s activities or products that have an impact on the environment.
* “***environmental claim***” means any statement, symbol, sound, or graphic that indicates or implies an environmental aspect of a product, a component or ingredient of it, packaging or constituent of it, or an activity, facility or operation.
* “***environmental impact***” means any change to the environment, whether adverse or beneficial, wholly, or partially resulting from an organisation’s activities or products.
* “***life cycle***” means consecutive and interlinked stages of a product system, from raw material acquisition or generation of natural resources to final disposal.
* “***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.
* “***qualification***” means an explanatory statement that accurately and truthfully describes the limits of the claim.
* “***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 reliable scientific evidence. Care should be taken to assure that the substantiating data relied upon reflects the relevant product or activity and the claimed environmental aspects, attributes or performance featured in the marketing communication. See the Framework for further details on substantiation)

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.

As described in Article 6 of the Code, marketers need to monitor and review environmental claims regularly to ensure ongoing compliance, accuracy, and relevance. Typically, reliable scientific evidence, such as test data, analyses, studies and other documentation, are required to meet this standard.

**Article D2 – Honest and truthful presentation**

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

**D 2.1 General approach**

Marketing communications should not contain any environmental claims f, which are 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 e.g. claiming “we have doubled the recycled content of our product” when there was only a small percentage of recycled content used to begin with.

An environmental claim should be relevant to the specific focus of the marketing communication e.g. the products or activities in question. This should relate only to aspects or attributes 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 of the product, or its packaging or a specific constituent of the packaging, or the marketer’s facilities or operations. Aspirational claims should be realistic.

Improvements related to a product and its packaging should normally be presented separately, and 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. A claim concerning a combination of elements such as packaging and product combination can only be made if it really concerns both. This would not be the case, for example, if the claim only concerns the product packaging and the significant impacts of the packaging and product combination are different from the significant impacts of the packaging alone.

Claims concerning a combination of elements, for example, inclusion of recycled content in a product or product packaged in compostable packaging, should both be supported by appropriate scientific evidence and qualified as needed to properly convey relevant limitations (e.g., our products include 20% recycled content and our packaging is compostable in industrial facilities, which are limited and may not be available near you).

Marketing communications that refer to specific environmental claims should not imply, without appropriate substantiation, that they extend to the whole performance of a product, company, group, sector, or industry. Such specific claims should be qualified as needed to avoid a misleading impression, i.e. If the limited nature of the claim is not otherwise clear from the claim itself or the context in which the claim is presented, then the claim should be appropriately qualified.

A pre-existing but previously undisclosed aspect should not be presented as “new”.

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

**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.

Special care should be taken before claiming sustainability achievements. Marketers should be cognizant of ongoing work to establish relevant methods to measure and validate sustainability. Any relevant limitations should be made clear. An unqualified “sustainability” claim may be understood to involve company actions beyond efforts to reduce environmental impacts. Claims may be perceived as stating or implying that they involve social and economic impacts, such as support for fair working conditions, diversity and inclusion, communities, or charities, or the like, as well. Hence, 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 scientific 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 *an entire* product, facility or operation is “sustainable” without qualification simply because it has some positive environmental benefits.

**D 2.3 Qualifications**

All qualifications should be clear, prominent, and readily understandable; the qualification should be provided in close proximity to the claim being qualified, to ensure that they are understood 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 only in some communities, visit [URL] to check if there are 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 the environmental impact of what’s advertised only when they are backed by reliable scientific evidence.

In line with Article 9, 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

An environmental claim relating to health, safety or any other benefit should be made only where it is supported by reliable scientific evidence. Also, such claim may require different reliable scientific evidence as they relate to aspects other than the environment, see Article D6.

**Article D4 –Comparisons**

Any environmental claim should be specific and the basis for the comparison should be clear and understandable to reasonable consumers. Environmental superiority over competitors should be claimed only when an 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.

**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 be clear to which stage or which property a claim refers. A life-cycle benefits claim should be substantiated by a full life cycle analysis (cradle to grave). If an alternative lifecycle analysis is used (cradle to gate), the more limited scope of that life-cycle analysis should be disclosed.

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 meaningful environmental improvement.

Environmental claims generally should not be based on the absence of a component, ingredient, feature, or impact that has never been associated with the product category concerned. Such claims could be justified if they respond to potential misperceptions about the use of the identified component, ingredient, feature, or impact. If so, qualifiers may be needed to avoid consumers being misled about the nature of the product, process, activity etc. 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[[2]](#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, or when compulsory by law. Such marks should not be used in a way that falsely suggests official approval or independent third-party certification.

Marketers should ensure that the basis for any third-party certification is clear. Certification of environmental claims should be based on reliable scientific evidence. Typically, this requires access to the appropriate underlying documentation. Where claims are verified by such a certifying 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), should truthfully represent the attributes of the advertised product based on reliable scientific evidence as set out in ArticleD1. A product claimed to involve recycled or renewable content that is made from less than substantially all recycled or renewable content should avoid any risk of misleading consumers, e.g. by disclosing the percentage. A product claimed to be recyclable or compostable should disclose the extent of availability of these disposal methods if availability is limited.

Marketing communications that include compostability claims should disclose if a product is compostable only in industrial settings, and if so, whether facilities are limited, or if the resulting compost is subject to any use limits. A claim that a product’s packaging is refillable, or reusable should provide handling instructions 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[[3]](#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

Additional information and guidance relating to responsible environmental marketing is provided via the Marketing section on the ICC website, iccwbo.org/MarketingCode.

1. [↑](#footnote-ref-4)
2. “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)
3. www.codescentre.com [↑](#footnote-ref-6)