Standards, Tools, and Best Practices to Promote Integrity in Environmental Claims in Advertising

APEC Committee on Trade and Investment

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Asia-Pacific
Economic Cooperation

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Executive Summary

This paper outlines a framework for ethical advertising practices regarding environmental claims, offering an international scan of standards, tools, and best practices. Commissioned to inform Peru's competition and intellectual property agency, the report examines regulatory models and standards from economies such as Australia; Canada; Chile; the European Union; the United Kingdom; the United States; and specific EU member economies, including France and Sweden, for example.

It highlights the challenges of "greenwashing," where brands deceptively market products as environmentally friendly, undermining genuine sustainability efforts. The paper also emphasizes the importance of protecting consumers and ensuring a level playing field in which businesses operate transparently and substantiate all environmental claims.

The paper is structured to provide a broad overview of the social and political context influencing environmental claims in advertising, followed by a review of regulatory frameworks, principles of green advertising, and recommendations for various actors in APEC economies.

The context section identifies significant areas that impact the integrity of environmental advertising, focusing on green advertising in the contexts of gender, equality, social inclusion (GESI), sustainability, and competitive markets. It underlines that marginalized groups often experience environmental harm disproportionately, stressing the need for inclusive data in advertising claims.

The regulatory frameworks section explores the frameworks governing environmental advertising claims across various economies. Each economy reviewed has tailored its policies to address local industry dynamics and social needs, aiming to prevent unfair competition arising from misleading claims.

In its principles section, the report identifies best practices for green advertising, applicable across industries. Core principles include making claims that are transparent, truthful, relevant, and substantiated.

The recommendations section translates these best practices into specific actions for actors in APEC economies to support both consumers and businesses in navigating environmental claims. For consumers, the paper suggests awareness campaigns about greenwashing, a public database of verified greenwashing cases, and a streamlined complaint system. For brands and businesses, the paper recommends consideration of options such as an extended guide addressing sector-specific issues, a pre-clearance program for green claims, and additional training resources. Finally, the paper proposes consideration of official ecolabels to certify genuinely sustainable products and conducting periodic reviews of green advertising to ensure compliance.

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1 Background

This paper seeks to explore international landscape of legal and regulatory approaches to environmental claims in advertising, situating guides such as the *Guía de Publicidad Ambiental* (*Guide on Environmental Advertising)* published by Peru's National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI). It was prepared in the context of a collaboration between INDECOPI and experts supported by the Government of Canada, which aimed to build on Peru's guide by providing training and awareness tools tailored to specific industries and advertising standards for specific products to improve regulatory compliance. By enhancing the integrity and clarity of environmental claims in advertising, the EDM project sought to protect consumers, support reputable businesses, and promote fair competition, thereby contributing to the broader goals of sustainable economic development and environmental protection.

One of the EDM project activities involved producing a report on international standards for environmental claims in advertising (in English and translated to Spanish), including international best practices to enhance compliance with standards for environmental claims, and recommending practices related to standards for environmental claims in advertising tailored to key industries and products. For the report, INDECOPI identified the jurisdictions of relevance, including several APEC economies, as well as key industries of interest, such as cosmetics, fashion, and household cleaning products.

This paper makes use of the following terms throughout:

Green advertising: This phrase describes ethical, compliant, and credible claims with relation to environmental preferability, environmental standards, issues of sustainability, and related health concerns. This is also referred to as credible environmental claims or legitimate environmental claims.

Greenwashing: This term refers to advertising, marketing or corporate practice that consists of an attempt to deceive or mislead consumers by making advertising claims or marketing products as being more environmentally friendly than they really are. Greenwashing may take many forms and may be an exaggeration or misrepresentation of better environmental practice, a claim that cannot be verified, an irrelevant or simply false claim, or an insincere articulation of values towards sustainability.

Disinformation: This term refers to information that is deliberately false or misleading. *Misinformation* is information that is unintentionally false or misleading. *Climate disinformation* is a particular strand of problematic information that is false or misleading with respect to information about environmentalism and sustainability.

The structure of this paper is as follows. The context section sets out an overview of the social, political, environmental, and economic context in which environmental claims in advertising operate. The context is crucial in informing the socio-political landscape that environmental advertising exists within, as well as the context for consumers receiving these environmental claims. The frameworks section explains the basic approach to regulating environmental claims in advertising in several economies of interest. The principles section provides a synthesis of the best practices of the selected economies by providing an overview of the leading principles governing environmental claims in advertising. The recommendations section translates these identified best practices into recommendations that consumers, businesses, and governments can consider going forward.

2 Context

This section considers the greater social context which informs the standards, tools and best practices to promote integrity in environmental claims in advertising. Three key areas provide critical context to understand how the landscape in which environmental claims in advertising exist: (i) green advertising and gender equality and social inclusion (GESI); (ii) green advertising and sustainability; and (iii) green advertising and competitive healthy markets.

2.1 Green Advertising & Gender Equality and Social Inclusion.

This paper is informed by an intersectional approach to GESI, recognizing that gender, racialization, poverty are not siloed issues but can recombine in various ways to exacerbate the impact of inequalities. GESI intersects with environmental advertising claims in numerous ways. To start, environmental impacts are never experienced across members of a population equally. Generally, it is marginalized groups – Indigenous communities, ethnic minorities, low-income individuals and families – that bear the brunt of environmental harm. A sustainable and environmentally preferable approach challenges the structures which lead to gender inequality and socio-economic disparities.

2.1.1 Environmental Data and GESI

Environmental data is essential to validate and verify claims made in advertising. A robust and sensitive approach to environment data is required as data collection often contains implicit biases and may overlook vulnerable population groups when collecting and analyzing data. Awareness of this implicit bias is discussed further in subsection 4.3.

2.1.2 Industry-specific concerns and GESI

The United Nations (UN) has underscored the significant connection between climate change and gender. Women commonly face higher risks and greater burdens from the impacts of climate change in situations of poverty, and the majority of the world's poor are women.[1] This connection extends into environmental advertising and greenwashing. Environmental claims may be targeted disproportionally to women in certain industries, such as those relating to cleaning products, feminine-hygiene products, childcare products, and in other industries where women are the primary consumers. In particular, the fashion industry is a leading contributor to environmental waste and frequent source of insincere claims of sustainability.[2] The cosmetic industry, fashion industry, and household cleaning product industry are three industries that frequently target women in their advertising campaigns.

2.1.3 Economic class and GESI

Advertising is not experienced equally by all members of a society. For one, several people do not have the freedom to make purchasing decisions based on anything other than price or availability. Nevertheless, for those consumers who have the socio-economic capacity to select between products, having environmental claims which are

[1] (United Nations, n.d.)

[2] (UNEP, 2023)

capable of fair evaluation and comparison is crucial. Recognizing the importance of low-cost purchasing for segments of the Peruvian population, this report considers the role of comparative advertising as it intersects with green advertising. Moreover, affordability remains one of the leading barriers for consumers who wish to make more sustainable choices in the market and lead a more sustainable lifestyle.[3]

2.2 Green Advertising and Sustainability

This subsection sets out the intersection between integrity in environmental claims in advertising and greater sustainability issues.

Greenwashing is among the most pressing and significant forms of disinformation, specifically climate disinformation, and misinformation campaigns. Greenwashing can take several forms. Some forms of greenwashing are more common or more obvious than others.

Some greenwashing tactics include:

- Claiming to be on track to reduce a company's polluting emissions to net zero when no credible plan is in place.
- Being purposely vague or non-specific about a company's operations or materials used.
- Applying intentionally misleading labels such as "green" or "eco-friendly," which do not have standard definitions and can be easily misinterpreted.
- Implying that a minor improvement has a major impact or promoting a product that meets the minimum regulatory requirements as if it is significantly better than the standard.
- Emphasizing a single environmental attribute while ignoring other impacts.
- Claiming to avoid illegal or non-standard practices that are irrelevant to a product.
- Communicating the sustainability attributes of a product in isolation of brand activities (and vice versa) – e.g. a garment made from recycled materials that is produced in a high-emitting factory that pollutes the air and nearby waterways.[4]

Greenwashing not only deceives consumers and the public but also thwarts serious efforts to ameliorate environmental harm to address the climate crisis. Because greenwashing creates a distorted perception of sustainability efforts and climate change science and solutions, it also has the effect of weakening public support and public mobilizing around domestic and international policies to take climate action.

Climate disinformation has been articulated as information which:

> "Undermines the existence or impacts of climate change, the unequivocal human influence on climate change, and the need for corresponding urgent action according to the IPCC scientific consensus and in line with the goals of the Paris Climate Agreement;

[3] (Deloitte LLP, 2024)

[4] (United Nations, 2024a)

> Misrepresents scientific data, including by omission or cherry-picking, in order to erode trust in climate science, climate-focused institutions, experts, and solutions; or
>
> Falsely publicises efforts as supportive of climate goals that in fact contribute to climate warming or contravene the scientific consensus on mitigation or adaptation."[5]

Greenwashing also feeds into a culture of environmental misinformation and disinformation, which limits consumers' and the public's trust and belief that change to achieve environmental sustainability is possible. As stated in a recent report from the UN: "Greenwashing undermines credible efforts to reduce emissions and address the climate crisis. Through deceptive marketing and false claims of sustainability, greenwashing misleads consumers, investors, and the public, hampering the trust, ambition, and action needed to bring about global change and secure a sustainable planet."[6]

2.3 Green Advertising and Competitive Healthy Markets

This subsection sets out the impact of greenwashing on the competitiveness of marketplaces.

When businesses engage in greenwashing, they are engaged in the marketplace based on a false premise. This makes competing with businesses engaged in greenwashing unfair. When a business engages in greenwashing, they are misleading consumers into believing that the company is doing more to protect the environment than they really are.[7] These deceptive tactics promote insincere solutions to the climate crisis. This deception, in turn, acts as an obstacle to concrete and credible climate action.

Greenwashing is not just a practice that risks harming the marketplace. It also risks causing harm to those who make unsubstantiated environmental claims. Businesses engaged in greenwashing risk significant reputational harm, which can substantially damage goodwill. Businesses making unsubstantiated environmental claims in their advertising risk irreversible harming their relationship with consumers and undermine consumers' ability to rely on advertising going forward.[8]

One example of the public backlash and loss of reputation resulting from greenwashing became known as "Dieselgate." When it was revealed to the public that Volkswagen's marketing of "clean diesel" vehicles deceived consumers, there was a significant erosion of brand loyalty, and, some say, long-term and ongoing harm to the brand.[9]

3 Regulatory Frameworks Governing Advertising Claims

This section sets out how regulatory frameworks are put in place to govern advertising claims, combining research on certain jurisdictions of interest and leading scholarships from academics and public-interest bodies. This section also considers key industries where greenwashing practices may be more prevalent and the impacts more harmful.

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[5] (Climate Action Against Disinformation, n.d.)

[6] (United Nations, 2024a)

[7] (United Nations, 2024a)

[8] (Chon, 2018)

[9] (Poier, 2020)

Mention is made of how advertising standards may be modified in recognition of the increased risk of greenwashing in such industries, for example, house-cleaning products, cosmetics, and processed foods.

3.1 Canada

In Canada, deceptive environmental claims are primarily examined under the *Competition Act*. This law is enforced by the Competition Bureau, a federal government agency. It prohibits making materially false or misleading representations in the promotion of a product, service, or any business interest.[10] The standard takes into consideration the literal meaning and general impression of the representations.

While there is a general prohibition against deceptive marketing practices under the *Competition Act*, in 2024 amendments to this *Act* included provisions which explicitly addressed environmental claims. As of June 2024, to the Commissioner of Competition may bring an application against a party found to have:

- made a representation to the public in the form of a statement, warranty or guarantee of the performance, efficacy or length of life of a product that is not based on an adequate and proper test thereof, the proof of which lies on the person making the representation;
- made a representation to the public in the form of a statement, warranty or guarantee of a product's benefits *for protecting or restoring the environment or mitigating the environmental, social and ecological causes or effects of climate change* that is not based on an adequate and proper test, the proof of which lies on the person making the representation; and
- made a representation to the public with respect to the benefits of a business or business activity *for protecting or restoring the environment or mitigating the environmental and ecological causes or effects of climate change* that is not based on adequate and proper substantiation in accordance with internationally recognized methodology, the proof of which lies on the person making the representation.

Furthermore, as of June 2025, private parties may apply to the Competition Tribunal to challenge deceptive advertising if it is in the public interest. This could, perhaps, lead to private enforcement against greenwashing using consumer protection class actions across Canada.

These revisions were called "sweeping" by some experts in the Canadian legal community, arguably placing a heavy burden on businesses and brands making environmental claims in marketing and advertising.[11] To others they represent an opportunity to build on world-renowned Canadian scholarship and advocacy in the areas of environmentalism and sustainability and protect both consumers and genuinely green businesses.[12]

The Competition Bureau also administers and enforces the *Textile Labelling Act* and *Consumer Packaging and Labelling Act*. The *Textile Labelling Act* regulates labelling sale, importation and advertising in the textile industry by requiring that consumer textile articles bear accurate and meaningful labelling information to help consumers

[10] (Canada, 2020)

[11] (Norton Rose Fullbright, 2024; Osler, Hoskin & Harcourt LLP, 2024)

[12] (Ecojustice, 2024; Montgomery & Lyon, n.d.; Nemes et al., 2022)

make informed decisions based on credible information. The *Consumer Packaging and Labelling Act* relates to the packaging, labelling, sale, importation and advertising of prepackaged non-food products. It requires that prepackaged consumer products bear accurate and meaningful labelling information to help consumers make informed purchasing decisions. Both acts, therefore, indirectly regulate greenwashing practices.

For context, sub-domestic governments, *i.e.* provincial or territorial governments, might have general provisions that prohibit false/misleading advertisement. And businesses might choose to voluntarily follow standards like the ISO.

Outside of the *Competition Act*, advertising claims are governed by Ad Standards. Ad Standards is the Canadian advertising industry's non-profit self-regulating body. It has created *Canadian Code of Advertising Standards*, revised in 2019.

This *Code* is enforced through a Consumer Complaints Procedure, which provides for a complaints process and hearing where the issue is adjudicated by the Complaints Council. The *Code* requires that advertisements be truthful and accurate (under Clause 1) of the *Code*. In 2007, an Advisory was published to inform the industry that green advertising claims may indeed be brought under Clause 1 of the *Code*.

The following were articulated as factors to determine whether an advertisement fell afoul of the truth and accuracy standards required for advertisements. Whether any environmental claim is problematic depends on various factors. These include:

- Does the environmental benefit claimed for the product appear to be supported by science-based evidence?
- Is the scientific evidence that is being used to substantiate the claim generally well-recognized and accepted by authorities on the subject?
- Is the advertisement unbalanced by singling out one environmentally positive attribute of the product while ignoring other characteristics or issues that may be harmful to the environment?
- Does the advertisement make absolute and unqualified claims, such as "environmentally friendly" or "not harmful to the environment"? Or does the advertiser qualify its claims by appropriately communicating a product's limitations?

3.2 The United States[13]

In the United States, there is no specific law targeting environmental claims at the federal level, although some states as Maryland, California or Washington have enacted their own legislation to tackle greenwashing, resulting in variations in their approaches.[14] Rather the *Federal Trade Commission Ac*t contains a provision which prohibits unfair and deceptive practices or acts generally, including deceptive advertising and commercial practices. Thus, this provision encompasses greenwashing practices and misleading environmental claims that are deceptive.

The Federal Trade Commission (FTC), which serves as the federal consumer protection agency of the economy, however, has established *Guides for the Use of Environmental Marketing Claims* ("*Green Guides*"). The *Green Guides* are not legally binding and do

[13] This section is the result of desk research conducted by the author(s) and does not necessarily reflect the views of the United States.

[14] (Rotman & David-Pennington, 2024)

not have the force of law. Rather, they are administrative guides developed by the FTC to assist in the application of the *Federal Trade Commission Act*. The *Green Guides*, initially released in 1992, is periodically updated with the last revision occurring in 2012.

The current version of the *Green Guides* cautions against broad, unqualified claims like "environmentally friendly" or "eco-friendly," as these suggest extensive benefits that are hard to prove. Marketers should not make unqualified degradable claims unless they can show the product will fully break down within a year after disposal. This is particularly relevant for items going to landfills, which generally won't degrade in that time. Also, it clarifies expectations for compostable, ozone, recyclable, recycled content, and source reduction claims. For instance, claiming "Green, made with recycled content" may be deceptive if the environmental costs of using recycled content outweigh the environmental benefits of using it.

The *Green Guides* outline the following main recommendations to marketers:

- Avoid broad claims: Marketers should not make broad, unqualified claims like "green" or "eco-friendly," as they are difficult to substantiate.
- Qualify general claims: General claims should be accompanied by specific environmental benefits, with clear and prominent qualifications.
- Focus on significant benefits: Marketers should highlight only significant benefits, avoiding the emphasis on minor or unimportant attributes.
- Analyze trade-offs: When a claim implies an overall environmental benefit from a specific attribute, marketers must analyze and demonstrate any associated trade-offs to substantiate the claim.

Alongside the *Green Guides* the FTC has released various business and consumer education resources designed to help users understand the *Guides* and promote compliance among marketers.

The *Green Guides* are currently undergoing review, and as of publication of this paper no firm release date had been provided. A public comment period on the *Green Guides* was set expire in 2023 but was extended following requests by several interested parties.[15]

The request for public comments sought input on a wide range of general and specific issues relating to the *Green Guides* including, but not limited to, the following:

- Is there a continuing need for the *Guides*? Why or why not?
- What benefits have the *Guides* provided to consumers? What evidence supports the asserted benefits?
- What modifications, if any, should be made to the *Guides* to increase their benefits to consumers?
    - What evidence supports your proposed modifications?
    - How would these modifications affect the costs the *Guides* impose on businesses, particularly on small businesses?
    - How would these modifications affect benefits to consumers?

[15] (United States of America, 2023)

- What impact have the *Guides* had on the flow of truthful information to consumers and on the flow of deceptive information to consumers?[16]

The Consumer Sentinel, a secure online database accessible to over 2,000 civil and criminal law enforcement agencies in the United States and abroad, include complaints regarding misleading environmental claims.[17] Additionally, the Securities and Exchange Commission (SEC) has enacted rules which requires disclosure of climate related data by advertisers in their registration statements and periodic reports.[18]

3.3 Australia

In Australia, there is no specific law targeted at environmental claims but the *Australian Consumer Law* (*ACL*), a federal law contained with the *Competition and Consumer Act 2010* governs consumers rights and general business conduct for business-to-consumer interactions. Within the *ACL* there are provisions which prohibit misleading or deceptive conduct in trade or commerce. This provision is used to capture environmental advertising claims which are misleading or insufficiently unsubstantiated. In addition to the *ACL* the following non-federal statutes also encompass environmental claims in advertising:

- *Fair Trading Act 1987* (NSW)
- *Consumer Affairs and Fair Trading Act 1990* (NT)
- *Fair Trading Act 1989* (Qld)
- *Fair Trading Act 1987* (SA)
- *Australian Consumer Law Act 2010* (Tas)
- *Australian Consumer Law and Fair Trading Act 2012* (Vic)
- *Fair Trading Act* 2010 (WA)
- *Fair Trading (Australian Consumer Law) Act 1992*.

ACCC (Australian Competition and Consumer Commission) is Australia's chief consumer and competition law regulator; this independent statutory authority enforces the *ACL*. In 2023, the ACCC released a guide to help businesses making environmental claims comply with the *ACL*. Compliance requires adhering to the following eight principles:

- Make accurate and truthful claims: Claims must be correct and not misleading.
- Have evidence to support claims: Claims should be backed by verifiable data and documentation.
- Do not hide or omit important information: Key information that affects the truthfulness of claims should not be withheld.
- Explain conditions or qualifications regarding claims: Any necessary conditions or limitations must be clearly indicated to ensure consumers understand the full context.
- Avoid broad and unqualified claims: Claims should be specific and not general.
- Use clear and understandable language: Claims must be accessible, avoiding technical jargon.

[16] (United States of America, 2022)
[17] (United States of America, 2014, 2024)
[18] (DLA Piper, 2024)

- Visual elements should not mislead: Images or graphics used must accurately reflect environmental claims.
- Be direct and transparent about the transition to environmental sustainability: Maintain transparency about efforts and progress in sustainability.[19]

In Australia, there is also the Australian Association of National Advertisers (AANA). The AANA is Australia's advertising and marketing industry's chief self-regulatory body. In 2024 the AANA launched a new *Environmental Claims Code* which is effective as of March 2025.[20] This *Code* is intended to foster trust and transparency for consumers to combat the practice of, and harms associated with, greenwashing. The rules in the *Code* will be substantially like the eight principles from the *ACL*.

3.4 Chile

Servicio Nacional del Consumidor (SERNAC) oversees consumer rights through *Ley N° 19.496, sobre Protección de los Derechos de los Consumidores (1997)*. The first Green Advertising Report issued by SERNAC was published in 2014, identifying 22 advertisements during monitoring from 19 June to 1 July[21]. A subsequent report in 2015 documented 24 ads (21 in print and 3 on television) from 15 June to 15 July[22], while its last report from 2016 found 12 environmental ads out of around 1,114 reviewed.

Environmental advertising in Chile is defined as advertising that appeals to the environmental attributes of a product or service. It meets specific criteria, such as making direct or indirect references to environmental attributes (e.g., "uses recycled paper"), promoting responsible attitudes toward the environment, and presenting corporate social responsibility regarding environmental practices. However, greenwashing refers to the misleading portrayal of products as environmentally friendly, often through superficial claims. The *Guía de Comunicación Verde*, referenced in SERNAC latest report (2016), identifies seven characteristics of greenwashing: hidden trade-off, no proof, vagueness, irrelevance, lesser of two evils, falsehood, and fake labels. These guidelines are intended to help consumers make informed decisions and encourage businesses to communicate honestly about their environmental performance.[23]

In 2021, SERNAC collaborated with Pacto Global Red Chile to produce the *Guía de Orientaciones para una Comunicación Sostenible*, which advises businesses on transparent communication to avoid greenwashing. In 2023, Fundación Basura published the *Guía de Bolsillo contra el Greenwashing*, aimed at educating consumers and businesses about misleading environmental claims. Moreover, a recent SERNAC survey's results (2022) revealed 52% of consumers value sustainability but 70% face information gap and high costs (66%), indicating a significant consumer knowledge deficit regarding sustainable options.

Additionally, SERNAC, in collaboration with Fundación Chile and the United Nations Environment Programme (UNEP), launched *Mi Código Verde* in 2023. This platform aims to provide consumers with clear and comparable information about sustainable

[19] (Australia, 2023b)
[20] (Australian Association of National Advertisers, 2024)
[21] (Chile, 2014)
[22] (Chile, 2015)
[23] (Chile, 2016)

products, addressing the challenges consumers face due to a lack of information on sustainable options, as highlighted by a study conducted by Fundación Chile and SERNAC. The initiative encourages responsible production practices while educating consumers on the attributes of sustainable products.[24]

Chile also has a Sustainable Consumption and Production Committee, which includes 18 public institutions focused on promoting sustainable practices and economic growth aligned with environmental preservation. Key functions of the committee include developing public policies that foster sustainability, promoting awareness about responsible consumption, and driving innovation in environmentally friendly products and processes. Notable initiatives include the Clean Production Agenda 2015-2018, aimed at reducing waste and pollution in industrial practices; the Domestic Sustainable Tourism Development Plan 2014-2018, which implements sustainable practices in the tourism sector; and the Domestic Sustainable Construction Strategy, focused on minimizing the environmental impact of the construction industry. These efforts underscore the committee's commitment to sustainable and equitable economic development aligned with environmental protection goals.

In 2022, the *Bill to Prevent and Sanction Greenwashing* (Bill N° 15.044-12) was introduced but appears to still be under review and not yet enacted or in force.

3.5 The United Kingdom

In the United Kingdom (UK), there is no specific legislation that treats environmental claims in advertising. The *UK Consumer Protection from Unfair Trading Regulations (2022)* treats unfair trading practices in business-to-consumer relationships and its scope encompasses misleading advertising claims. In the UK, advertisements which make environmental claims is regulated by the *Non-broadcast Advertising and Direct & Promotional Marketing Code* (*CAP Code*) and the *UK Code of Broadcast Advertising* (*BCAP Code*). Both the *CAP Code* and *BCAP Code* are enforced by the Advertising Standards Authority (ASA), which is a self-regulatory organization for the UK advertising industry.

The *CAP Code* has a section specifically on environmental claims, which advises marketers to take account of the Government's *Green Claims Code* and also sets out specific rules. Key requirements for environmental advertising as set out in both these documents include adherence to the following principles:

- Claims must not be likely to mislead consumers
- Claims must be substantiated through documentary evidence
- Absolute and generic claims, like "environmentally friendly" must be supported by a high level of substantiation
- Claims must be clear and easy to understand
- Advertisers must provide enough information that consumers can understand the basis of the claim being made. The information must be not ambiguous, unintelligible or untimely.
- Claims must be based on the entire lifecycle of a product unless qualified to the contrary[25]

[24] (Chile, 2018)

[25] (Advertising Standards Authority, 2010)

The Competition and Markets Authority provides additional guidance for businesses making environmental claims in the UK through *The Green Claims Code Checklist* Guidance. To disseminate this information, there is a website available with the *Code*, as well as a checklist, a YouTube video, and examples of what would run afoul of the code, and a "Green Claims" resource website for both businesses and consumers.

3.6 The European Union

The European Commission's *Directive 2005/29/EC on Unfair Commercial Practices* is a key regulatory document for environmental claims in advertising. In 2021, Guidance on the interpretation of this Directive was published which directly considered environmental claims and the interplay between this Directive and other EU legislation.

This updated guidance was given in the context of the EU's "European Green Deal," launched in 2019, which committed to a sustainable future a plan to reduce EU's greenhouse gas emissions by 55% by 2030 and become the first climate neutral continent in the world by 2050.

Two new initiatives directly address environmental claims. First, the *Directive on Empowering Consumers for the Green Transition*, adopted as *Directive 2024/825*. This *Directive* mandates transparency in consumer protection related to environmental claims and product durability. It does so by incorporated into the *Unfair Commercial Practices Directive* changes which directly target greenwashing, such as:

- Banning generic environmental claims.
- Banning product advertising with the compensation of greenhouse gas emissions.
- Stricter requirements for advertising with environmental labels, such as labels must be based on an independent third-party certification scheme or established by public authorities.

The second major initiative is the *Green Claims Directive*. This *Directive* has been proposed but, as of the date of this paper, is not yet in force. Key requirements under the *Green Claims Directive* will likely include:

- Substantiation: Businesses must obtain prior approval for environmental claims, supported by scientific evidence demonstrating environmental impacts.
- Verification: Claims must be certified by an accredited body to ensure compliance with the directive.
- Transparency: Claims should be clear and straightforward, avoiding vague terminology.
- Specificity: Claims must address specific environmental benefits rather than making general assertions.
- Avoiding Misleading Practices: Companies cannot mislead consumers about the environmental qualities or impacts of their products.
- Compliance with Standards: Eco-labels and certifications used must meet the directive's standards and be officially recognized.
- Labeling Regulation: Stricter rules apply to environmental labeling schemes, including those from outside the EU, requiring European Commission approval.
- Cooperation with Authorities: Companies must collaborate with domestic authorities enforcing the directive and provide requested information.

- Carbon Offsets: Claims based solely on carbon offsets are allowed only if companies demonstrate progress towards net-zero and disclose their total emissions offset.
- Product Comparisons: Comparisons in advertising must be fair and based on consistent evaluation methods.
- Data Recency: Claims regarding product improvements must be supported by data that is no more than five years old.

Both directives target voluntary claims in consumer transactions and do not affect business-to-business dealings. They do not replace mandatory environmental labeling or disclosures required by other EU environmental laws.

Alongside these regulatory frameworks, the EU also administers its own official ecolabel, the EU Ecolabel, also known as the EU Flower label.[26] Launched in 1992, the EU Ecolabel is a voluntary scheme promoting goods and services that meet the designated standards for environmental excellence. It is a third-party verified label, which requires independent experts to monitor compliance with the EU Ecolabel criteria and is based on multiple criteria, considering environmental impacts of products across their full lifecycle.

Some specific member states were identified as being of interest to INDECOPI. As discussed below, many of these member states rely on the applicable EU directive to anchor their regulatory approach to environmental advertising claims. To the extent these economies deviate or supplement the EU regulatory regime this is noted.

3.6.1 France

In France, there is no single specific law that governs environmental advertising claims, but rather a framework of legislation that may apply to green advertising claims, such as:

- *French Environmental Code*
- *French Consumer Code*
- Law No. 2020-105 of 10 February 2020 on fight against waste and on the circular economy
- Law No. 2021-1104 of 22 August 2021 to fight climate change and strengthen resilience to its effects

The French Council of Consumers is a joint consultative body reporting to the French Ministry of the Economy. In 2023 they published a *Practical Guide on Environmental Claims*. While this guide does not carry left force, the contents can be used by agents of the French Consumer and Competition Protection Authority (DGCCRF) to identify and sanction acts of misleading commercial practices that are take the form of environmental claims.

The French advertising self-regulating authority (Autorité de Régulation Professionnelle de la Publicité (ARPP)) has also set out best practices for environmental claims for the advertising sector. While these recommendations are not legally binding *per se* they act as guidance for the regulators and courts dealing with these issues.

[26] (European Union, 2024)

Key principles that green advertising claims must adhere to under the ARPP's Recommendation on Sustainable Development include:

- Claims regarding sustainability must address environmental development, social development and economic development
- Claims must be supported by objective, reliable evidence at the time of advertising
- Claims must be truthful and verifiable at the time of the advertisement
- Claims must be substantiated through accepted scientific practice and methods
- Claims be presented in a clear, legible way that the intended audience can easily understand
- Claims must not suggest that actions taken to be compliant with existing laws and regulations are exclusive to the product being advertised

France has developed an impressive reputation for enforcement practices and associated legal sanctions which include fines, publication of decisions, other sanctions (including withdrawing advertisement and limiting scope of commercial activity in context where offence was committed) and potential imprisonment.

Additionally, in 2024, the French Agency for Ecological Transition (ADEME) published an updated version of its *Anti-Greenwashing Guide* (initially released in July 2023). ADEME collaborates with the ARPP and the DGCCRF to oversee advertising standards and consumer protection against misleading practices. The French guide advises how to make legitimate and credible green advertising claims and how to avoid greenwashing practices. It is not a legally binding instrument, but it may be used to help guide regulators and courts treating issues of environmental claims and advertising.

3.6.2 Hungary

In Hungary there is no targeted laws that regulated environmental advertising claims. The general consumer protection laws, including *Act XLVII of 2008 on the Prohibition of Unfair Business-to-Consumer Commercial Practices* and *ACT LVII of 1996 on unfair market practices and prohibition of restriction of competition* regulate environmental claims more generally.

The Hungarian Competition Authority (Gazdasági Versenyhivatal) published *Green Marketing Guidance* in 2020. This document provides general advice on how to make and substantiate environmental claims. Key requirements for environmental advertising claims in Hungary include adherence to the following principles:

- Stated environmental benefits should be clear and easy to understand
- Consumers should be able to verify claims made
- Claims must be substantiated through clear evidence that draws on objective, persuasive, and current data and measurement methods
- Any claims regarding sustainability must be reflective of current practices and not reflect future aspirations
- Where the environmental practice is required by regulation or law it should not be claimed as a specific product feature or attribute

The Hungarian Competition Authority has also recently conducted a market study on making environmental claims (No. AL/535/2022) and the results were published in

2024.[27] The report of results included recommendations for a government-regulated labeling system for environmental impact claims to facilitate consumer trust and confidence in green advertising[28]. The clothing, cosmetics, cleaning products and daily consumer goods are key sectors of interest for Hungary's Competition Authority.

3.6.3 Latvia

In Latvia the governance of environmental claims in advertising is primarily derived from, the *EU Directive 2005/29/EC on Unfair Commercial Practices*. Although there is no targeted regulatory document in Latvia on environmental claims in advertising, the general prohibition against misleading commercial practices under the economy's *Unfair Commercial Practices Prohibition Law*, effectively encompasses misleading acts of greenwashing.

Greenwashing has been addressed by the Ministry of Environmental Protection and Regional Development on their website under the Frequently Asked Questions page. This guidance is explanatory only and promotes awareness of green advertising practices. This guidance carries no legal force. It pertains primarily to green procurement practices rather than being specific to environmental advertising claims. Nonetheless, there is an overlap in some of the topics as the Ministry's guidance pertains on defining eco-labels and green deception.[29]

3.6.4 Sweden

In Sweden, the *Swedish Marketing Practices Act* (SMPA) is the primary regulatory document for all advertising. The SMPA includes reference to marketing methods that are always considered misleading, incorporating aspects of the *EU Directive 2005/29/EC on Unfair Commercial Practices*.

The SMPA does not directly address environmental claims in advertising; this falls under SMPA's requirement to comply with good marketing practices. To determine what counts as good marketing practices, the International Chamber of Commerce (ICC)'s *Advertising and Marketing Communication Code* is relied on.

The ICC's *Code* includes the following guidance regarding environmental claims in advertising:

- Claims may require qualifiers or supplement information to be truthful and accurate
- Claims that are general and unqualified require reference to a full life cycle analysis of the product
- Claims must not mislead consumers
- Claims must be substantiated, that is capable of verification

The Swedish Advertising Ombudsman is a self-regulatory agency founded by the Swedish advertising industry and reviews whether advertisements are compliant with the ICC's Environmental Framework.[30] These decisions are publicly released, although the Ombudsman is not a governmental authority and cannot impose financial or legal

[27] "Formation and use of environmental claims by market players; related proposals and guidance: Study summarizing the result of the market analysis number AL/535/2022"
[28] (DLA Piper, 2024)
[29] (Latvia, 2020)
[30] (Sweden, 2024)

sanctions. Rather, enforcement by the Ombudsman functions on the basis of reputation, by publicly declaring an advertisement is not compliant with the ICC's *Code*.

Sweden, along with Norway, are both members of the Nordic Council of Ministers, which have come together to create the Nordic Swan Ecolabel.[31] The Nordic Swan Ecolabel, established in 1989 is a third-party certification voluntary ecolabelling scheme. This scheme draws on public consultation and establishes a set of criteria across product classes.[32]

3.6.5 Norway (EEC)

In Norway, the *Norwegian Marketing Practices Acts* (*NMPA*) governs all forms of direct-to-consumer advertising, including environmental advertising claims.[33] The NMPA has sought to incorporate several EU directives, such as *Directive 2005/29/EC on Unfair Commercial Practices*. Key requirements for environmental advertising claims in Norway include adherence to the following principles:

- Claims must be correct, clear, accurate, specific and unambiguous
- Claims must be relevant
- Claims must be substantiated through documentation within the company's possession at the time of the claim
- Claims must consider the entire lifecycle, particularly where broad or general environmental claims are being made
- Claims must be in accordance with good business practices

Other regulatory instruments in this jurisdiction include the *Act Relating to Consumer Purchases* (*NCPA*) and the *Act Pertaining to the Labeling of Consumer Goods*.

The Norwegian Consumer Authority is the leading body for marketing practices in Norway. It has produced documentary guidance for environmental claims, including their *Guidance on Sustainability Claims Made in Advertising* (2023).[34] This guide details:

- What constitutes deceptive practices
- How to properly substantiate claims
- How to formulate clear, accurate and truthful claims
- How to make fair comparisons
- How to make green claims within a brand building context
- How to make credible fair use of certification logos and symbols

Other industry specific guidance on environmental standards is offered by the Norwegian Consumer Authority.

4 Principles for Green Advertising

This section reviews and synthesizes principles underpinning some best practices for green advertising. Establishing standards and policies for legitimate and credible green

[31] (Nordic Council and the Nordic Council of Ministers, 2024)
[32] (Nordic Council of Ministers, 2024)
[33] (Marketing Control Act, 2009)
[34] (Norway, 2020)

advertising helps to address the social harms associated with greenwashing and the spread of climate disinformation.[35] The synthesis of best practices draws from a global review of the regulatory approach in various economies of interest, as well as principles identified by leading not-for-profit and public advocacy groups.

4.1 Claims should be made clearly and transparently

Green advertising claims must be clear and transparent. Claims should be stated in a way that is easy for consumers to understand. The goal of green advertising is to provide information to consumers that empowers them to make informed decisions in the market. Hiding information from, or intentionally misleading, consumers can have a lasting negative impact on the reputation of a brand or business.

4.1.1 Clarity

Green advertising claims should be specific. It is important to avoid making ambiguous, vague, and broad statements. Universal or blanket statements like "this product has a general benefit to the environment" are not helpful to consumers (and may not be accurate and relevant). Green advertising claims should be made using everyday language consumers understand. Using jargon or excessively scientific terms is unhelpful and unclear for consumers.

[35] (United Nations, 2024b)

If brands or businesses are using a third-party verification or certification scheme, they should make this clear to consumers. Businesses should avoid using logos and symbols to communicate qualities of their product and service that make it seem like they are being certified by a third-party. If a business develops its own environmental standards, it needs to make clear that the certification is not being issued by an independent third-party.

Brands and businesses should avoid using the following colours, signs, and symbols unless proper substantiation of such claims is possible:

- Green: Avoid using any shade of the colour green on labels, packaging, or branding to symbolize eco-friendliness.
- Nature Imagery: Images of green landscapes, forests, animals, or water scenes. These are often used to evoke feelings of, and associations with, sustainability.
- Leaf and Tree Symbols: Icons like leaves, trees, or small plants, intended to imply that the product or company respects or protects nature.
- Recycling Symbols: Only use recycling icons or terms like "recyclable" or "made from recycled materials" on products where a significant part of the product is indeed recyclable. Take care to make such claims when referring to a significant aspect of the product or service, and not to not mislead or exaggerate the extent to which a product or by-products of a service are recyclable.
- Vague Terms: Phrases like "eco-friendly," "green," "natural," or "environmentally safe," which may sound positive but are non-specific and can be misleading without supporting evidence or certifications.
- Unverified Certifications: Avoid using pseudo-certifications or seals that resemble authentic eco-labels but lack independent, third-party verification.
- Product Names with "Eco" or "Bio" Prefixes: Product names incorporating terms like "Eco," "Bio," or "Green" can imply sustainability or natural ingredients.

Box 1: Unclear and non-transparent signals

4.1.2 Transparency

Green advertising claims should be transparent. They should not hide or omit important information. This means relevant information should not, directly or indirectly, be concealed. Information should not be selected in a way that favors the brand or company at the cost of depriving consumers of full information. Consumers should be given all the information they need to make informed choices.

Trying to distract consumers from information or trying to hide information is not transparent. The information provided in green advertising claims should reflect the needs of the relevant consumer groups to make decisions as well as consider product and service-related needs. To be transparent, the information provided to consumers should reflect the lifecycle of a product or service.

Brands and business should consider how much information consumers need to evaluate green claims and provide it. Consumers should be able to easily evaluate green claims with the information given to them by the entity making the claim. Consumers

should not have to make a request to a brand or business to get the information they need.

Where there is not enough room to provide all information, businesses should make sure the information they provide is clear enough that on its own so that it will not mislead consumers. Where needed due to space constraints, green advertising claims should refer to supplemental information and make that extra information easy to find. For example, brands and businesses could use direct links to online resources or QR codes. The goal is to make all the information to consumers as complete and easy to understand as possible.

4.2 Claims should be truthful, accurate, and relevant

All green advertising claims should be truthful, accurate, and relevant. Brands and businesses should be expected to honour the claims they make. Advertisers should stick to the truth and not make claims that cannot be proven.

> Where a brand or businesses claims a product is "non-toxic" or a service is provided using "non-toxic" materials, this claim must be substantiated. When referring to non-toxic substances, a brand or business should consider whether they are toxic to humans, animals, and the environment. If a substance or material is toxic to one group but not another, for example toxic for animals but not humans, this should be specified. Any non-toxic claims should also be made considering the impact of a product or service with repeat use or exposure.

Box 2: Claims of non-toxicity

Consumers cannot make informed decisions in the market if they do not have truthful, relevant and accurate information. The goal of green advertising should be to give consumers information relevant to the product or service being advertised. The focus in advertising should be on the core aspects of a product or service, such as its purpose, materials, performance, or the resources used in providing a service. Green advertisements that emphasize trivial or irrelevant information are misleading.

It is also problematic for brands or businesses to leave consumers with a false impression, even if they do so by providing factually true information. For example, it

> Any claims that a product is "free from" or a service is provided using "free from" materials should be substantiated. A brand or business should not claim that its product or service is "free from" a specific ingredient, material or substance if it has been replaced by another ingredient, material or substance that may cause similar health or environmental effects. If an ingredient, material, or substance is not generally found in the product being advertised or used in the service being provided, a "free from" claim is misleading. Saying that a product is "free from" a material that is not found in any competing or analogous products would be misleading.

Box 3: Misleading "free-from" claims

is important that brands and businesses comply with legal and regulatory requirements. Yet, asserting compliance to suggest a brand or company is environmentally better to their competitors is misleading.

A brand or company should make sure consumers know exactly how environmentally friendly and sustainable a product or service really is. If a claim is only true under

certain conditions, that should be clearly stated. Green advertisements should be careful not to make things sound more impressive than they really are.

4.3 Claims should be substantiated

All claims made in green advertising should be substantiated. Greenwashing is a practice of distorting, exaggerating, or misrepresenting information. Green advertising does not do this. Advertising claims regarding the environment or sustainability cannot be purely subjective or hyperbolic as is otherwise sometimes allowable in advertising.

> Any claims that a product, part of a product, or service is performed from recycled or recyclable materials must be substantiated. If a brand or business is claiming that a product is recyclable, this statement should be referring to a substantial aspect of the product. Likewise, claims a product is made from recycled materials should refer to significant and nontrivial parts of the product. Claims should not state solely that a product is "recyclable" without being more specific as to whether this refers to the product itself or the packaging, for example.

Box 4: Unsubstantiated claims about recycling

All claims should be able to be backed up with robust and credible evidence. Brands and businesses should not say things hoping they are true or say things no one can verify. In the case of green advertising, all claims must be backed up *before* the claim is made.

Brands and businesses need to gather evidence and data to back up a green claim before putting it on packaging or in ads. The information shared in advertising must match reliable data that the brand or company has access to. This data should be gathered and studied in ways that follow scientific standards and use the best methods. Green advertising claims should be backed by the best and most recent data available.

Brands and business should check for any biases in the data they use, especially if certain groups, like women or other marginalized people, are left out. If the data come from another company, brands should make sure that source is trustworthy. Also, brands and businesses need to ensure the data they use to support claims represent the consumer demographic they are marketing and selling to and who will use their advertised products and services.

To be sure green advertising claims are trustworthy and properly substantiated, brands and businesses should have to consider the following:

- Was the evidence collected using accepted scientific methods, or is it questionable?
- Is the evidence up to date?
- Has the data been reviewed by independent experts?
- Does the evidence show "real world" conditions?
- Can consumers check this evidence themselves easily?

4.4 Claims should consider entire life cycles

Green advertising claims should be made considering the full life cycle of a product. This means claims should reflect the overall impact of the product or service, from creation to disposal.

The environmental impacts of a product or service can vary throughout its life. If a claim only covers one stage of the lifecycle, it could be misleading. Brands and businesses should provide consumers information about (a) the provenance and source of materials, (b) the production processes and practices employed, and (c) the packaging transportation, use and disposal of materials

Brands and businesses do not always need to fully explain every stage, but they should make sure any claims are true for the whole lifecycle. For instance, talking about just one part might miss important information. If a green claim is only true for one stage of the product's life, that should be made clear.

Consumers are paying more attention to how products are thrown away and their impact on the environment after use. Every part of a product's life affects its sustainability, which can influence a consumer's decision to buy it.

Consumers are increasingly purchasing "fast fashion" which means their clothing often is thrown out rather than repaired. This makes the disposal of clothing and other fashion products a relevant aspect of their overall sustainability and environmental impact. Similarly household cleaning products are often disposed of after use. For example, products used to clean floors are often dumped down toilets, drains, or onto the ground outside. Businesses and brands in these industries, in particular, should consider providing information on the following aspects of a product's lifecycle:

- The different parts that make up a product.
- Where the materials or ingredients come from and their history.
- How the materials/products are transported from place of origin to processing and to market.
- The method and/or location where the product is made or put together; the ways and places in which the product is created or assembled.
- How the product is used.
- What happens when the product is no longer needed; how the product is thrown away or recycled.
- Any rubbish produced by the product or service, and whether it is recyclable, compostable, or waste?
- The effects of the environmental benefits mentioned and how long they last.

4.5 Comparisons should be made fairly

Comparisons in green advertising should be made to give consumers truthful, accurate, and important information they need to make decisions. Fair comparative advertising is essential for a healthy and competitive market. This type of advertising is especially important for consumers who want to make well-informed choices when shopping, as economic factors might limit the options available to them. However, for those who can afford to choose between different products, it is vital to have environmental claims that can be evaluated and compared fairly.

It is important that consumers are not misled by comparative advertising claims. All information used in comparisons must be substantiated, even information about a competitor. Comparisons should help consumers make informed choices about similar or competing products or businesses. Comparative advertisements should aim to provide all the information consumers need to make a fair comparison, without suggesting through words or images that one product is greener or more environmentally friendly than another if it is not.

Comparisons should be based on fairness. This means that the products being compared must be substitutes for each other. In other words, all the products must meet the same needs and serve similar purposes. To achieve this, comparisons should focus on important, verifiable, and representative features of the products. Meaningful comparisons should help consumers make informed decisions about the products.

In sum, to engage in fair comparative advertising brands and businesses should seek to make only fair and meaningful comparisons by:

- Comparing products that can be used instead of each other. The items compared should aim to satisfy the same needs or objectives, and they should be interchangeable to a reasonable extent.
- Comparing important and verifiable and between representative features or aspects of the relevant products.
- Comparing significant characteristics of the products. Consumers should be able to easily verify the information being compared in a green advertisement.
- Giving comparisons that help consumers make knowledgeable choices between competing products or services or between two providers or producers.

4.6 Applying the Principles in Specific Industries

4.6.1 Cosmetics: Misleading Claims and Best Practices

The cosmetics industry frequently faces scrutiny for misleading environmental claims. Greenwashing in this sector often involves vague or exaggerated sustainability claims, such as "all-natural," "eco-friendly," or "free from harmful chemicals"—without clear definitions or substantiating evidence. Some brands highlight a single sustainable feature, like recyclable packaging, while ignoring broader environmental impacts such as carbon emissions from production and transportation.

A notable example is the rise of "clean beauty" marketing, where brands capitalize on consumer demand for sustainability without adhering to strict environmental standards. Some cosmetic companies have been called out for marketing their products as "organic" or "vegan" while still engaging in environmentally damaging production practices. Consumers often struggle to verify claims, emphasizing the need for transparency and substantiated evidence in green advertising.

A key principle for ensuring credibility in green advertising within the cosmetics industry is truthfulness—brands should provide clear, verifiable information about the sustainability of their ingredients, packaging, and production processes. Certifications from independent organizations, such as Ecocert or the Nordic Swan Ecolabel, can enhance trust and accountability.

4.6.2 Cleaning Products: Ensuring Transparency and Accountability

Greenwashing in the household cleaning sector is prevalent, as companies increasingly label products as "biodegradable," "natural," or "non-toxic" without standardized definitions or regulatory oversight. This can mislead consumers into believing that these products are safer for the environment than they actually are. For example, many "green" cleaning products still contain synthetic chemicals that may cause environmental harm when washed down drains.

One response to this issue has been the implementation of credible third-party certifications such as the EU Ecolabel or the Nordic Swan Ecolabel, which provide

standardized sustainability criteria. Products carrying these labels must meet strict environmental performance standards, ensuring that green claims are both relevant and substantiated.

To combat greenwashing, advertisers must ensure that environmental claims reflect the entire product lifecycle, from ingredient sourcing to disposal. Clear guidelines on what constitutes "biodegradable" or "non-toxic"—backed by transparent data—can help consumers make informed decisions and prevent misleading marketing practices.

4.6.3 Fast Fashion: Addressing Sustainability Challenges

Fast fashion brands often use sustainability-focused marketing to appeal to environmentally conscious consumers, yet many such claims lack meaningful action. Greenwashing in this industry includes misleading labels like "sustainable collections," "conscious fashion," or "recycled materials," without full disclosure of supply chain practices. Some brands promote limited eco-friendly initiatives while continuing to engage in mass production, excessive resource consumption, and exploitative labor practices.

UNEP has highlighted the dangers of greenwashing in fashion, calling for greater transparency and accountability in environmental claims. While some brands have committed to using organic fabrics or offering recycling programs, these efforts can be ineffective if they fail to address the industry's high carbon footprint and waste generation.

A key principle to apply here is transparency—brands should disclose clear information about material sourcing, production emissions, and the actual impact of their sustainability programs. Consumers should be wary of vague marketing terms and instead look for credible certifications and lifecycle assessments that verify a product's sustainability beyond surface-level claims.

4.6.4 Mining and Resource Extraction: Responsible Practices

The mining and natural resource extraction industries may engage in greenwashing by promoting selective environmental initiatives while downplaying their broader ecological footprint. Illustrative tactics include highlighting land reclamation efforts or carbon offset programs while ignoring the lasting environmental damage from resource extraction. For example, businesses and brands may market themselves as "sustainable" because they invest in renewable energy, despite ongoing deforestation, water contamination, and biodiversity loss caused by their primary operations.

Some regions have responded with stricter environmental disclosure requirements for mining and resource extraction. These frameworks demand substantiated evidence of sustainability claims, requiring companies to report on pollution, resource use, and long-term ecological impact.

The principle of fair comparisons is critical here—companies should not exaggerate minor sustainability initiatives to overshadow significant environmental harm. Regulatory oversight and third-party audits can help ensure that claims of "green mining" or "sustainable resource extraction" reflect genuine commitments to environmental responsibility.

5 Policy Recommendations

In this section, the synthesis of best practices to guide environment claims made in advertising are translated into targeted policy recommendations for various stakeholders in APEC economies. The primary focus is on recommendations that will help promote awareness of, and compliance with, existing standards particularly for industry actors as identified as a key priority.

5.1 Supporting consumers and consumer groups

Promoting awareness of green advertising practices, and what underpins legitimate environmental claims in advertising to consumers and consumer groups is crucial. Not only are consumers the intended audience of advertising claims, but consumers play an important role in the governance of environmental claims. Consumers and consumer groups, for one, play a possible role in enforcing standards around advertising by reporting and bringing attention to greenwashing practices. Moreover, consumers who are aware of greenwashing practices can opt out of purchasing from brands and businesses that engage in these marketplace practices, and in turn, reward those brands and businesses making credible and authentic green claims. Government ministries, departments, and agencies in APEC economies can take the measures to support consumers and consumers groups in discerning between greenwashing and credible green advertising and supporting environmentally sustainable products by shopping green. Following are some examples.

5.1.1 Consumer awareness campaigns

Stakeholders in several economies have engaged in awareness campaigns to engage consumers in the fight against greenwashing and to promote environmental sustainability.

These campaigns can play a useful role in helping consumers distinguish greenwashing from legitimate environmental claims. Consumers should feel empowered to not trust slogans, vague terms, or symbols and pictures alone, for example. Likewise, it is important consumers can articulate the difference between *feeling good* when making a purchase versus knowing a product is *doing good*. Just because a product or service has an aesthetic that suggests environmental preferability does not necessarily mean that product is in fact environmentally friendly or sustainable.

For instance, the UK has created a consumer facing website which incorporates graphics and YouTube videos to educate consumer on what green advertising entails.[36] Peru's intellectual property and competition authority, INDECOPI, is already active on several leading social media platforms and has created YouTube videos and podcasts on topics relevant to its mandate. This is a leading best practice in the green advertising space. Such efforts should be supported and continued.

Authorities like INDECOPI in other APEC economies may want to consider running targeted campaigns using relevant hashtags (e.g. #INDECOPILOVESGREEN #GREENMATTERS) across their social media platforms to keep consumer awareness and energy of green advertising present. Considering the various avenues, and languages, consumers will access information is an important part of developing a successful outreach and awareness campaign.

[36] (United Kingdom, n.d., 2021a)

5.1.2 Databases of greenwashing practices

Once consumers are adequately informed about the nature of greenwashing practices, informing them of instances of where greenwashing occurred can be useful. The utility of this is two-fold. For one, it empowers consumers to consider a history of deceptive practices as part of their image of a brand or business. Furthermore, it provides a location for consumers to see that an authority is actively pursuing and enforcing their standards for green advertising. The second benefit is that this negative publicity may encourage brands and businesses to not engage in greenwashing for reputational reasons.

INDECOPI, for example, has already begun to do this by including examples of greenwashing in Peru's *Guide on Environmental Advertising*. Considering developing a more robust database of ongoing investigations could continue to aid in efforts to increase transparency regarding instances of greenwashing.

This model would also be aligned with the various economies that make notices of administrative decisions regarding greenwashing practices easily accessible, such as Canada and France, for example.[37] Sweden's database of decisions also provides a model, as it is contains several functions that make it highly searchable on the basis of trades and industries, among other criteria.[38]

5.1.3 Systems for filing complaints

As a large portion of regulating greenwashing is initiated by consumers and consumer groups, maintaining an easy-to-use reporting system is important. What allows complaints to be easily filed will depend on the characteristics of the various consumer groups being supported, accounting for linguistic differences and internet access for example. Authorities in APEC economies may want to consider incorporating QR codes and other measures to make reporting from mobile devices easy to do.

Several economies already maintain relatively easy-to-find reporting systems, such the Australia; France; and the United States.[39] These economies incorporate reporting measures alongside the reporting of deceptive business practices more generally. Authorities in other APEC economies can stand out by initiating similar complaints systems that focus on reporting instances of greenwashing.

5.2 Supporting brands and businesses

Promoting awareness of green advertising practices, and what underpins legitimate environmental claims in advertising for brands and businesses is valuable. The following recommendations are suggested tools and best practices to support brands and businesses in their awareness of and compliance with standards.

5.2.1 Guides that address industry-specific issues

Guides such as INDECOPI's in Peru align with the leading best practices of regulating green advertising. Given the idiosyncratic aspects of various industries, authorities in APEC economies may consider developing overtime sub-guides that target specific industries or product-areas where greenwashing is found to be prevalent.

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[37] (Ad Standards, n.d.-b; Jury de Déontologie, n.d.)

[38] (Sweden, 2021)

[39] (Australia, n.d.; France, n.d.; United States of America, n.d.)

For instance, Canada has created targeted regulation for the textile industry specifically.[40] Another example is American Green Guides developed by the FTC, which provides specific advice on how to make renewable energy claims, in the energy sector, for example.[41] Likewise, the EU has an online resource that addresses best practices to substantiate various environmental claims on an industry basis, constructed by, in part, public consultation methods.[42]

Another way that documents like INDECOPI's *Guide* in Peru could be expanded to support brands and businesses, is to differentiate among advertising claims for products, services, processes, and entire brands. These distinctions are made in the UK Green Claims Code, for instance.[43] Differentiating between product, service, process and brand could help provide more specific advice on how to implement the stated green advertising principles across various commercial contexts. For example, Norway by making this distinction has been able to advise businesses to be careful about their branding practices that coincide with environmental advertising claims. Norway's *Marketing Control Act* specifies that marketing practices should not be employed which ignite fear or anxiety around environmental issues.

5.2.2 Pre-clearance for green advertisements

Documents like INDECOPI's *Guide* in Peru do an excellent job helping brands and businesses formulate advertisements in a way that avoids engaging in greenwashing practices. A next step to consider is to develop a pre-clearance advertising regime for green advertisements. This would involve brands and businesses sending in their advertisement which contains environmental claims, with associated documentation, *prior* to publishing their advertisement. If the advertisement is found to be compliant, the brands or businesses could make use of a symbol or logo that indicates their claims have been verified by a governmental body. In Peru, for example, INDECOPI might perhaps consider developing such a program or other collaborative effort with Consejo Nacional de Autorregulación Publicitaria (CONAR, for its Spanish acronym), for instance. This done in other jurisdictions, for example, Canada and the EU.[44]

While a pre-clearance for green advertisements could be a useful tool to ensure the accuracy of environmental claims, in some economies, including Peru, prior authorization for advertising is not allowed by law. However, alternatives within the framework of self-regulation could be explored, such as a voluntary system where companies submit their advertisements for prior verification by specialized bodies, such as CONAR or certification entities. This approach helps enhance transparency and trust in environmental advertising without imposing regulatory restrictions, making it a viable alternative for economies where pre-approval is not permitted.

5.2.3 Courses and training materials

There are various ways to cultivate awareness of green advertising standards with brands and businesses, as outlined above. Another way is to engage with brands and

[40] (Canada, 2003)
[41] (Part 260—Guides for the Use of Environmental Marketing Claims, 2012)
[42] (European Union, n.d.)
[43] (United Kingdom, 2021b)
[44](Ad Standards, n.d.-a; European Advertising Standards Alliance, n.d.)

businesses directly through offering a course to acquaint them with the requirements of the best practices around green advertising.

INDECOPI in Peru is an example of an authority that has already undertaken this effort. In collaboration with experts from Canada, efforts focused on developing and delivering a training course designed to enhance awareness and compliance with environmental advertising standards based on INDECOPI's *Guide on Environmental Advertising*. The training activity included three key components: the co-creation of a modular training course, a pilot delivery in Lima, and a series of train-the-trainer meetings and workshops. These efforts were aimed at empowering personnel, fostering public-private collaboration, and building a sustainable framework for continued education and compliance in environmental advertising.

Such efforts should continue to be supported. Eventually, materials can be expanded and promoted across social media platforms, with materials targeted at businesses and brands as the UK has done with their Green Claims Checklist.[45]

5.3 Other considerations for authorities

In Peru, INDECOPI has already taken several efforts that exemplify leading global practices in establishing a regulatory response to greenwashing and promoting awareness of and compliance with Peru's *Guide*. The following are ways INDECOPI can continue to build upon its success as an example for other APEC economies.

5.3.1 Create an official ecolabel

Using non-credible logos and symbols is one way in which greenwashing happens.[46] A way to counter this form of greenwashing is to create and proliferate an *official* ecolabel built on credible governance and standards.(Van Der Ven, 2019) Some economies have created official ecolabels. Two notable examples are the EU Ecolabel and the Official Nordic Ecolabel.[47] As established by the EU and Nordic Council, best practices for creating an official ecolabel require establishing a set of certification standards, and best practices would require it be a third-party, independent, verification process.

5.3.2 Sweeps of green advertising claims

Authorities in APEC economies may find it beneficial to conduct research sweeps of environmental claims made online. Australia, for example, has undertaken this. Its method may provide a useful template for other APEC economies on how to enact a sweep on the green advertising landscape.[48]

Acquiring timely information on how frequently deceptive or misleading environmental claims are being made, and in what industries, may help authorities in APEC economies target their future compliance and enforcement efforts. Making the results of a sweep public would also help ensure compliance with standards and guidelines if brands and businesses know that they may be publicly identified if are found to be engaging in greenwashing tactics.

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[45] (United Kingdom, 2021c)

[46] (Haight Farley, 2016; Mogyoros, 2023)

[47] (European Union, 2024; Nordic Council of Ministers, 2024)

[48] (Australia, 2023a)

5.4 Conclusion

This paper has outlined key challenges associated with greenwashing in environmental advertising and provided a framework for promoting integrity in environmental claims. Through a scan of global regulatory models, best practices, and sector-specific challenges, we have identified fundamental principles that should guide advertising standards: transparency, truthfulness, relevance, and substantiation. These principles, when effectively applied, can foster consumer trust, fair competition, and genuine environmental responsibility in APEC economies.

For policymakers, the findings emphasize the need for stronger enforcement mechanisms and clearer regulatory guidance to prevent misleading claims while encouraging businesses to adopt credible sustainability practices. Strengthening compliance measures—such as mandatory substantiation of environmental claims, independent third-party verification, and consumer complaint mechanisms—can reduce deceptive practices and promote market fairness. Additionally, public awareness campaigns and industry education programs can empower consumers and businesses to differentiate between legitimate green advertising and misleading marketing tactics.

Moving forward, APEC economies could explore harmonized approaches to regulating environmental claims while considering local industry dynamics and consumer protection needs. Regional cooperation in developing ecolabeling standards, sharing enforcement strategies, and conducting periodic reviews of environmental claims could enhance the effectiveness of these policies. As sustainability remains a central economic and trade priority, ensuring the integrity of environmental advertising will be essential for building resilient, credible, and environmentally responsible markets around the world.

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