



International Chamber of Commerce

The world business organization

Framework



Prepared by ICC Commission on
Marketing and Advertising

Framework for Responsible Environmental Marketing Communications

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**Commission on Marketing and Advertising
Task Force on Code Revision**

ICC Framework for Responsible Environmental Marketing Communications

As the world's foremost business organization, the International Chamber of Commerce (ICC) promotes high standards of business ethics through the development and dissemination of codes and guidance on responsible marketing and advertising communications. One of ICC's landmark achievements is the Consolidated ICC Code of Advertising and Marketing Communication Practice (Code) issued in 2006. The Code provides practical guidance to the business sector, including advertisers and advertising agencies, as well as to self-regulatory advertising organizations and national governments. By promoting self-regulation in the business sector in accordance with the highest ethical and legal standards, the Code provides assurance to consumers that businesses abiding by the Code can be relied upon to provide truthful advertising.

Background: The ICC Code and application to sustainability and green claims

The Code sets forth general principles governing all marketing communications, and includes a separate section on environmental claims. The Code defines "advertisement" or "advertising" as any form of marketing communication carried by the media, usually in return for payment or other valuable consideration.¹ It includes a broad admonition that advertisers avoid or appropriately qualify general claims of environmental benefit, a position that has been the underpinning of advertising guidance for years. General environmental claims that may prove difficult to substantiate using accepted scientific methods should be avoided.

There has been renewed interest in green marketing by advertisers and marketers, consumers, self-regulatory organizations and governments, because of an increase in the number of claims, many of them vague, non-specific or general in nature. One reason for the proliferation of these general and vague claims may be the growing interest by the media, government, investor advisory and stock rating agencies, and consumers about the impact of human activities on the environment and how to promote "sustainable" consumption and use. In turn, many companies have adopted "sustainability" programmes or appointed corporate officers to focus on improving environmental sustainability. Social responsibility initiatives that include environmental compliance, workplace safety, fair labour practices, and more, are sometimes also addressed in "sustainability" programmes.

Chapter E of the Code also specifically addresses "sustainability" claims, saying:

As long as there are no definitive, generally accepted methods for measuring sustainability or confirming its accomplishments, no claim to have achieved it should be made.

One notable recent development in advertising is the proliferation of "green" claims and growing interest in concepts of "environmental sustainability" and "sustainable development," with commensurate growth in general claims that products or services are "eco-friendly," "green," "sustainable," "carbon neutral" and the like.

Use of the term "sustainable" itself in marketing communications and otherwise may create questions about whether the reference is to environmental "sustainability" or to the broader concept of

¹ Obviously the Code does not apply indiscriminately to every type of corporate communication. For example, the Code does not apply to corporate public affairs messages in press releases and other media statements, nor to information in annual reports and the like, or information required to be included on product labels. Likewise, statements on matters of public policy fall outside the scope of the Code.

sustainability linked to the World Commission on Environment and Development's 1987 report, Our Common Future (also known as the Brundtland Report²), that defined "sustainable development" as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". "Sustainability" encompasses considerations of economic activity, social values, action by public and private institutions and environmental impacts, but many "sustainability" claims seen in the marketplace focus on the environmental aspects of the product or service.

At present there is no consistent global framework by which to evaluate "sustainability" claims in connection with either overall environmental effects or the three pillars commonly viewed to comprise the underpinnings of sustainability. Consequently, the ICC view has been and remains that broad claims that products or services are "sustainable" or "sustainably produced", and advertising and marketing claims of sustainability need to be carefully couched and appropriately qualified and substantiated to avoid misleading consumers. As with other types of environmental marketing claims, avoiding vague and non-specific claims is key. Sustainability claims pursuant to compliance with well-defined programmes, backed by verification procedures or audits, may meet this exacting standard.

At the same time, other new environmental claims in advertising in addition to "sustainable" claims have become important in the marketplace. This includes claims that may be general in nature, such as carbon neutral, no or low greenhouse gas emissions, and related claims. Other emerging claims include new types of degradability claims, more frequent claims that products are "free" of certain chemicals or materials, claims that products are locally produced or organic, and many more. Advertisers also continue to make recyclability and recycled content claims, compostability claims, as well as claims related to energy usage and waste reduction.

The popularity of green claims has been accompanied by criticism that businesses are overstating or misrepresenting the environmental benefits or attributes of a product or service, or the impact of a company's practices on the environment. This is sometimes characterized as "greenwashing" by critics and has the potential to both undermine consumer confidence and penalize marketers who adhere to appropriate guidelines on truthful and non-deceptive advertising.

Given these changing dynamics, it is appropriate to re-examine existing ICC guidance on "green" claims, beginning with definitions and measurements. As new terms and concepts enter the marketing lexicon, ICC offers this Framework in response to the growth of environmental claims. In short, ICC finds that the existing guidance and principles work well and provide ample guidance to advertisers on environmental claims. ICC will continue to study the broader issue of sustainability in advertising for possible future guidance as part of the code revision process.

Composition of the framework

To aid in understanding principles and concepts underlying sound environmental advertising claims practices, ICC is supplementing the Code and Chapter E governing environmental marketing claims with this Framework for Responsible Environmental Marketing Communications. Included as part of this Framework is a checklist aimed at those developing marketing communications campaigns around environmental claims, and a chart that provides an easy reference to relevant Code provisions, Chapter E principles, and interpretations and comments on specific current issues related to environmental marketing.

The importance of advertising to a free market economy and informed consumers

As with all guidance issued by the ICC Marketing and Advertising Commission, this Framework for Responsible Environmental Marketing Communications is predicated on the principle that freedom of commercial speech in the sale of all legal products and services is a fundamental tenet of free markets, and that free markets promote innovation and competition, benefitting consumers by giving them more choices and efficient pricing. All products, services, and other human activities have an impact on the environment, the economy and our social world. Advertising promotes economic

² UNESCO Education – UN Decade for Education for Sustainable Development;
http://portal.unesco.org/education/en/ev.php-URL_ID=48796&URL_DO=DO_TOPIC&URL_SECTION=201.html

development, supports consumer choice, and helps foster innovation and competition as companies compete to provide consumers with products and services that reflect their interests and concerns.

At the same time, the global business community is keenly aware that the proper functioning of a free market economy depends on consumers receiving accurate and non-misleading information about products and services. Consequently, the goal of this Framework is to provide added guidance in response to the growing complexity of environmental or “green” marketing claims, including general claims of “sustainability”.

What are “green” claims?

A “green” or “environmental” claim is any type of claim where explicit or implicit reference is made to the environmental or ecological aspects relating to the production, packaging, distribution, use/consumption or disposal of products. Environmental claims can be made in any medium, including packaging, labelling, package inserts, promotional and point of sales materials, product literature, radio and television, as well as via digital or electronic media such as e-mail, telephone and the Internet.

A green claim can be a statement or representation about the environmental benefits of a particular product or service. It can relate to a single attribute of the product. Such claims can focus on a product’s chemical content, whether or not the product can be recycled, emissions or impacts on specific media (air, water, land), the type of raw material used in the product, and other attributes that affect the environment. A green claim can also communicate information about the environmental impact of a company’s manufacturing practices, as well as the company’s mission and values regarding its impact on the environment. Such claims may refer to a “carbon neutral” production process, or a company’s efforts to make its administrative functioning more environmentally “sustainable.” “Green” claims can include pictures, colours and logos as well. As with all types of advertising, green or sustainable claims in advertising must be evaluated in their entirety to assess how the reasonable consumer will interpret the advertising message. Advertisers must be especially cognisant of the potential that linking a single, truthful environmental claim (for example, that a package is “recyclable”) to a broad claim that the product is “safe” for the environment, “sustainable,” or the like, will mislead consumers about aspects or attributes of the product that may not be so favourable.

ICC recognizes that there indeed is a difference between claims that express an inspirational aspect of a company’s commitment to the three pillars of sustainable development or to improving the environment, and claims about a particular product or service. This Framework is not intended to in any way limit or discourage companies from continuing to innovate or communicate accurately their progress in meeting and achieving sustainability objectives. Rather, it is hoped that the Framework will prove a valuable reminder to them of how to truthfully advertise the benefits and impacts of their products or services on the environment.

ICC Code provisions on green claims

As a general matter, the Code already requires that all marketing communication be legal, decent, honest, and truthful. As applied to green claims, this overarching concept means that environmental claims should be based on sound, appropriate scientific information relevant to actual use, operation or disposal of the advertised product, not unsupported assumptions. Additionally, all marketing communication should be prepared with a due sense of social and professional responsibility, and should conform to the principles of fair competition, as generally accepted in business. The Code also provides that marketing communication should not condone or encourage actions contrary to accepted standards of environmentally responsible behaviour.

Chapter E of the Code is devoted to environmental claims, which are defined as any statement, symbol, or graphic that indicates an environmental aspect of a product, a product component, or its packaging. This section of the Code addresses honest and truthful presentation of environmental claims; use of scientific research; superiority and comparative claims; claims related to a product's life-cycle, components, and elements; use of signs and symbols; and claims regarding the handling of waste.

Chapter E of the Code defines the following common environmental claims:

1. Compostable.
2. Degradable.
3. Designed for disassembly.
4. Extended life product.
5. Recovered energy.
6. Recyclable.
7. Recycled content, and recycled material.
8. Recovered or reclaimed material.
9. Reduced energy consumption, energy-efficient, energy-conserving, and energy-saving.
10. Reduced resource use.
11. Reduced water consumption, water-efficient, water-conserving, and water saving.
12. Reusable and refillable.
13. Waste reduction.

The specific claims covered in Chapter E of the Code are important and reflect the types of claims most common at the time the Code was updated. However, new claims are quickly entering the marketplace. ICC therefore offers this Framework to remind and guide advertisers in this evolving situation. Framework guidance is intended to be flexible, allowing for application to the broad range of green claims now in existence and likely to enter the marketplace while ICC assesses the need for revisions to the Code to address new claims.

Framework guidance

As with all aspects of the ICC Code, users must remember first of all that they must comply with applicable laws or regulations in advertising and marketing their products. For example, in the U.S., detailed regulations apply to energy claims on products such as appliances. The EU Energy Label is similar. The U.S. Federal Trade Commission (FTC) has issued Guides for the Use of Environmental Marketing Claims, which it is also currently reviewing, while the Competition Bureau in Canada, in conjunction with the Canadian Standards Association, has issued updated guidance on environmental marketing. Voluntary standards bodies, such as the International Organization for Standardization (ISO), developed a standard on self-declared environmental claims, which ICC and many national self-regulatory organizations find useful.

A key challenge in providing useful guidance on green claims is accounting for consumer perception. The question of consumer perception is central to the goal of the Code: to ensure that the product, as advertised, meets consumer expectations. While a universal definition of an advertising claim may be of some use, a definition on its own cannot account for a consumer's impression of the claim's meaning. Thus, ICC recognizes the danger of simply adopting standard definitions of terms, as Code provisions on use of such terms in advertising necessarily must consider consumer perception.

All marketing communications should be judged by their likely impact on the reasonable consumer, having regard to the characteristics of the targeted group and the medium used. A consumer's interpretation of a green claim is affected by the context in which it is presented, the level of knowledge and experience (e.g., professional or sophisticated users versus typical consumers), and form in which it is conveyed. As such, a green claim that is scientifically accurate could still be deceptive if it misleads consumers because of what it implies or omits. Moreover, even reasonable consumers may have different interpretations of one claim presented in a particular context. Advertising the environmental aspects of a product often requires qualification and additional explanation, not merely the use of buzz words to attract consumers. As a result, using green claims is a more complex undertaking than many advertisers realize.

Take the symbol for recycling: the three chasing arrows. Consumer research demonstrates that consumers may perceive the symbol to mean that a product is both made from recycled materials and recyclable at the end of its life cycle, or that both the product and the package in which it is contained can be recycled. A “recyclable” claim may also imply that consumers can recycle the product in their communities. Even this well-known symbol used for many years has been shown to be unclear without additional qualification, which demonstrates the importance of considering consumer perception and use of clear qualifiers to assure that the advertisement is truthful and not misleading.

Conclusion

As a leader in responsible marketing, ICC is prepared to address a recent innovation in advertising: the use of “green” claims. These claims must be analyzed within the backdrop of the overall provisions of the Code as well as local legal and regulatory requirements. It is important for users of this framework guide to remember that all “green” or “sustainability” claims are indeed covered by the existing ICC Code. Our intent in providing this framework guide is to provide a helpful approach for advertising industry stakeholders to use in developing and analyzing such claims, consistent with general principles of the Code and specific guidelines in Chapter E on environmental claims.

ICC Framework for Responsible Environmental Marketing Communications

APPENDIX 1

ENVIRONMENTAL CLAIMS CHECKLIST

This checklist is intended to assist advertisers and advertising agencies in identifying when they are making an environmental claim, and offers guidance on questions about such advertising.

- Do your proposed claims address:
 - The effect of the product, component or package on solid waste?
 - The effect of the product, component or package on water?
 - The effect of the product, component or package on air (smog, stratospheric ozone, etc.)?
 - The effect of the product, component or package on global warming, greenhouse gases, etc.?
 - The effect of the product, component or package on energy usage?
 - The effect of the product, component or package on wildlife?
 - The effect of the product, component or package on human health?
 - The overall effect of the product, component or package on the environment?
 - The absence, reduction or presence of a specific substance?
 - The “sustainability” of the product, component or package?
 - Other?
 - You are making an environmental claim and should evaluate the net impression of the advertising to assure that it is not deceptive or misleading to the intended target audience.

- Are these benefits or effects express or implied?
 - Do you make express statements such as those above?
 - Do you use colours (e.g., green), pictures (e.g., trees, mountains, wildlife) or other elements to connote environmental or sustainability benefits?
 - You are making an environmental claim and should evaluate the net impression of the advertising to assure that it is not deceptive or misleading to the intended target audience.

- Are your proposed claims subject to any mandatory regulations or legislation?
 - You may be subject to more stringent or specific disclosures in advertising and labelling.
 - Are your proposed claims specific and unambiguous? Vague and non-specific claims are likely to be misleading and should be avoided.

- Does the claim clearly indicate if it applies to the product, the packaging, or both, or to components or materials?
 - The claim should clearly identify to what aspect of the product it applies.

- Are your proposed claims verifiable based on appropriate test methods or scientific data?
 - What is the test method used? Is it recognized by government agencies or reputable standards organizations?
 - Does the method accurately reflect how the product, component or package will likely be used or disposed of by the consumer in the manner reflected by the claim?
 - Has the product for which the claim is made (or one substantially identical) been tested?
 - Is the information provided understandable to the reasonable consumer, avoiding confusing jargon?
 - Standards and test methods must be reasonable and appropriate, and results provided must be clearly presented. Tests should be conducted on products or samples of products for which the environmental claim is made.

- Are you making a general claim that the product, component or package is “good” for the environment based on a single attribute (e.g., “eco-safe,” “earth friendly,” “environmentally friendly,” “sustainable,” “green,” “carbon neutral” and similar claims)?
 - Since environmental impacts encompass a multitude of criteria a general claim of environmental benefit linked to a single attribute is likely to be misleading unless the relationship is specific and clear.
- Is the claim relevant?
 - It may be misleading or deceptive to make a claim about an environmental benefit that suggests there is a meaningful benefit when there is not.
- Does it state or imply that the product is unique when it is not?
 - Environmental benefits shared by other similar products should not be presented in a way that suggests the benefit is unique to the advertiser’s product.
- Are you making a claim based on the product life cycle? What stages of the life cycle are considered (e.g. raw material production, manufacturing, transport to market, disposal)?
 - Most guidance on environmental claims does not address claims based on life cycle analysis (LCA). The results of a LCA may depend on the inputs. Advertisers should ensure that the scope of the LCA adequately covers the expected environmental impacts of the product. If an LCA is used to support comparative claims the identical inputs should be included in the comparative analysis.
- Does the claim relate to health, safety or other benefits apart from environmental benefits (this might include “free” claims as well as claims such as “safe,” “safer,” “non-toxic,” “pesticide-free” or “organic”)?
 - Express or implied health claims must have a reasonable basis. To meet that standard, each claim may have to be independently substantiated with appropriate scientific research or support.
- Are your proposed claims comparative in nature? If so, is the comparison to:
 - An earlier version of the product, component or package?
 - A competitive product, component or package?
 - The basis for any comparison regarding environmental benefits, attributes or burdens should be clear and the conditions of use of the compared product, component or package substantially identical.
- Must the consumer be able to access external facilities (e.g., recycling infrastructure, home composting, municipal composting, etc.) so that the claimed benefit can be achieved? If so are these facilities reasonably available to the requisite number or proportion of users, consistent with local guidance?
 - Limitations on the ability to, e.g. recycle, or compost, the advertised item should be clearly identified.
- Have you conducted consumer perception research to assess how the claim will be perceived by consumers?
 - Remember that the evaluation of advertisements, including advertisements featuring environmental claims, is based on the net impression of the reasonable consumer or target.
- If the claim is literally true, could it be misinterpreted to convey a broader benefit? Does it exaggerate the environmental benefit or features?
 - Remember that the evaluation of advertisements, including advertisements featuring environmental claims, is based on the net impression of the reasonable consumer or target.

- Is the claimed benefit likely to be realized when the product, component or package is actually manufactured, used or disposed?
 - An ad that makes a claim about a feature or benefit that a typical consumer would not be likely to achieve, is likely to be misleading and/or deceptive.

- Do you use your own environmental seals or logos?
 - If a consumer might interpret your own environmental seals and logos in environmental advertising to denote approval by an independent third party, it may be misleading and/or deceptive.

- Do you use seals or logos of third party organizations? Are their procedures transparent? Are processes for standards adoption in line with recommendations of competition authorities? Will seals and logos be misinterpreted to connote broader environmental benefits than covered by the programme?
 - Independent seal organizations should adhere to fair processes in the development of standards. Failure to do so may implicate competition law considerations.

- Are appropriate qualifiers clear and prominent, and in close proximity to the relevant claim?
 - Qualifiers should not generally be presented in small typeface in a location distant from the claim. Consumers are now broadly accustomed to obtaining more information from visiting websites. Qualifiers that prompt consumers to visit a website for more information may suffice, particularly for instructing the consumer about proper environmental disposal options.

- Do you periodically reassess the claim, especially a comparative claim, based on changed circumstances and developments to assure that it remains accurate and not misleading?
 - Claims must be current.

- Are in-house marketers and outside marketing agencies trained to understand legal requirements and recommended best practices in making environmental and sustainability claims?
 - Training and education regarding good advertising practices is recommended for all marketing communications.

- Do you have a reasonable basis for the express and implied claim(s) you are making? Did you have substantiating scientific data at the time the claim was made? Is the data readily available in the event of a challenge or question? Do you have procedures to retain the substantiating information for an appropriate period related to the useful life of the product?
 - Any objective performance claim likely to be material to a consumer, such as a claim about environmental benefits of a product, package, component or service, or detriments of a competitor's product, package, component or service, must be able to be supported on a reasonable basis at the time the claim is made.

APPENDIX 2

ICC FRAMEWORK FOR RESPONSIBLE ENVIRONMENTAL MARKETING COMMUNICATIONS

This chart, Appendix 2 of the ICC Framework for Responsible Environmental Marketing Communications, provides a summary of the principles of the Consolidated ICC Code of Advertising and Marketing Communication Practice (Code) and those outlined in Chapter E on environmental claims, and supplements them with additional commentary and guidance to aid practitioners in applying the principles to environmental advertising. Chapter E of the Code was initially drafted after a broad review of relevant guidance on environmental marketing around the world. Sources include the International Standards Organization (ISO) 14021 standard, the U.S. Federal Trade Commission (FTC) Guides for the Use of Environmental Marketing Claims, and other guidelines on environmental marketing claims. Many terms popular in environmental advertising today are not expressly defined in any of the existing relevant guidelines or standards. However, regardless of whether or not a specific claim is defined, good advertising principles should be followed. The guidance in column one and column two is drawn directly from the Code and Chapter E, respectively. The guidance in column three reflects recommendations of the ICC Commission on Marketing and Advertising on some practical ways to implement the provisions of the Code and Chapter E.

<p align="center">ICC PRINCIPLES GENERAL PROVISIONS ON ADVERTISING AND MARKETING COMMUNICATION PRACTICE</p>	<p align="center">ICC PRINCIPLES CHAPTER E – ENVIRONMENTAL CLAIMS IN MARKETING COMMUNICATIONS</p>	<p align="center">OTHER CONSIDERATIONS IN ENVIRONMENTAL MARKETING COMMUNICATIONS</p>
<p><u>Article 1</u> All marketing communication should be legal, decent, honest, and truthful.</p> <p>All marketing communications should be prepared with a due sense of social and professional responsibility and should conform to the principles of fair competition, as generally accepted in business.</p> <p>No communication should be such as to impair public confidence in marketing.</p>	<p><u>Article E1</u> Marketing communications should not contain any statement or visual treatment likely to mislead consumers about the environmental aspects or advantages of the product, or about actions being taken by the marketer in favour of the environment.</p> <p>Corporate communications may refer to specific products or activities, but should not imply without justification that they extend to the whole performance of a company, group or industry.</p>	<p>The starting point for the evaluation is the applicable legal framework in which the claim will be made. Advertisers must comply with applicable environmental requirements, including advertising or labelling requirements mandated by law, such as energy labelling requirements for, e.g., appliances, insulation, light bulbs, or car mileage. Specific environmental marketing claims may be regulated at local level. Environmental or sustainable claims must have a sound scientific basis. Claims should be conveyed consistent with the nature and scope of the evidence that supports both the express and implied messages that the reasonable consumer is likely to take away from the message.</p> <p>Overstating the environmental, social or economic benefits of a product, service or activity, or failing to provide adequate substantiation for such claims, pose great potential harm to the marketplace as a whole. While some have termed false, deceptive or misleading environmental claims “greenwashing,” they are no different from any other type of deceptive or misleading claim in marketing communications. Marketing</p>

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		<p>communication should respect the spirit of ICC, local and sectoral self-regulatory codes, in order to maintain confidence both in marketing communication and in the self-regulation system.</p>
<p><u>Article 3</u> Marketing communication should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.</p>	<p><u>Article E1</u> Marketing communication should be so framed as not to abuse consumers' concern for the environment, or exploit their possible lack of environmental knowledge.</p>	<p>Where claims or terminology used in marketing communication might reasonably be interpreted by a consumer as environmental claims, they should be supported by relevant and appropriate scientific evidence.</p>
<p><u>Article 5</u> Marketing communication should not contain any statement, or audio or visual treatment which, directly or by implication, omission, ambiguity or exaggeration, is likely to mislead the consumer, in particular, but not exclusively, with regard to:</p> <ul style="list-style-type: none"> - Compliance with standards. - Official recognition or approval. 	<p><u>Article E1</u> Vague or non-specific claims of environmental benefit, which may convey a range of meanings to consumers, should be made only if they are valid, without qualification, in all reasonably foreseeable circumstances. If that is not the case, general environmental claims should either be qualified or avoided.</p>	<p>Information and claims about a product's environmental attributes should be judged by the likely perception of the reasonable consumer. Scientific terminology or references are acceptable provided they are relevant and used in a way that can be readily understood by the reasonable consumer to whom the message is directed. Vague or non-specific claims (sometimes called "general" claims) include claims such as "environmentally friendly," "eco-safe," "planet-," "earth-" or "nature- friendly," "green," "sustainable," "earth healthy," "ozone safe," "carbon neutral" and similar statements that communicate that the product, component or service is generally good for the environment</p>

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<ul style="list-style-type: none"> - Characteristics of the product which are material, i.e. likely to influence the consumer's choice, such as: - Nature, composition, method of manufacture. - Efficiency and performance. - Geographical origin. - Environmental impact. 	<p><u>Article E5</u> Environmental signs or symbols should be used in marketing communication only when the source of those signs or symbols is clearly indicated and there is no likelihood of confusion over their meaning. Such signs and symbols should not be used in such a way as to falsely suggest official approval or third-party certification.</p> <p><u>Article E4</u> Environmental claims should not be presented in such a way as to imply that they relate to more stages of a product's life-cycle, or to more of its properties, than is justified by the evidence. When a claim refers to the reduction of components or elements having an environmental impact, it should be clear what has been reduced.</p>	<p>or has no harmful effects on the environment.</p> <p>Marketing communications should be truthful in regard to standards that a product meets, or certification that a product receives. The standards or tests should assess conditions of actual use or disposal of the product or package.</p> <p>Advertisers should not use the names or logos of a government agency or other recognized organization in a manner that indicates or implies the advertisers' products or services meet standards set by such other organization if they do not. For example, marketing communication should not claim that a product has been certified as "organic" if the product has not received such certification, consistent with applicable legal standards and regulations, to the extent applicable. Note that such claims may be subject to legal restrictions. Use of any name or logo in advertising should be avoided if such use would result in any misleading implication to the reasonable consumer. An example is a company-developed logo that is likely to suggest to the consumer that the environmental attributes of the product or service have been verified by an independent third party. In addition,</p>

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		<p>organizations that develop environmental and other standards must assure that their procedures comply with relevant competition law obligations.</p> <p>Copy, sound and visual presentations in marketing communication for products should accurately represent the material characteristics of the product featured in the communication, such as:</p> <ul style="list-style-type: none"> - The nature and source of raw materials used to make the product. - The processing methods applied to the raw materials. - The product’s use of energy, or energy efficiency. - The contents and emissions of the finished product. - End of life disposal capabilities, such as recyclability or degradability. - Any other environmental aspects. <p>ICC does not propose that all marketing communications that include claims about the environment must include an environmental “report card” or address every conceivable impact of the product on the environment. ICC supports the usefulness and appropriateness of</p>

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	<p><i>Article E4</i> Environmental claims should not be based on the absence of a component, ingredient, feature or impact that has never been associated with the product category concerned. Conversely, generic features or ingredients, which are common to all or most products in the category concerned, should not be presented as if they were a unique or remarkable characteristic of the product being promoted.</p>	<p>truthful and non-misleading, single-attribute, environmental claims. Some claims that are literally true may be misleading because they exaggerate the benefits of the product. For example, a claim that a product contains “twice as much recycled content” when the amount was very low to begin with could be misleading. Claims conveyed through statements that a product “does not contain” a chemical, or is “free” of that chemical may also fall in this category. These claims may be misleading if the substance had never been associated with the particular product. For example, dishwashing liquid might be advertised as containing “no CFCs” or being “CFC-free.” However, if dishwashing liquid products had never contained CFCs, the implication that the product has been improved through removal of CFCs may be deceptive. At the same time, there may be circumstances where such a claim would be helpful to consumers, for example, if consumers might believe CFCs were an ingredient because it is common in the product category. The issue of “relevance” must be considered in the context of the totality of the claim and developments in the marketplace, and the net impression from the totality of the claims by the advertiser.</p>

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<p><u>Article 6</u> Marketing communication should not:</p> <ul style="list-style-type: none"> - misuse technical data, e.g. research results or quotations from technical and scientific publications; - present statistics in such a way as to exaggerate the validity of a product claim; - use scientific terminology or vocabulary in such a way as to falsely suggest that a product claim has scientific validity. 	<p><u>Article E1</u> In particular, claims such as “environmentally friendly” or “ecologically safe,” implying that a product or an activity has no impact – or only a positive impact – on the environment, should not be used unless a very high standard of proof is available. As long as there are no definitive, generally accepted methods for measuring sustainability or confirming its accomplishments, no claim to have achieved it should be made.</p>	<p>All environmental benefit information and claims should be supported by reliable scientific evidence. Many tests exist to evaluate specific aspects of a product’s impact on the environment, such as its ability to degrade or be composted.</p> <p>Tests and statistics should relate to conditions likely to be experienced by the consumer to assure that the test is an appropriate way to substantiate an advertising claim. Further, tests should be conducted on the actual product (or one that is substantially identical) to assure that the results are applicable to the advertised product for which the claim is made. For example, tests on raw materials may not be fully representative of the performance of finished products.</p> <p>Scientific terminology should be used in a way that can be readily understood by those to whom the message is directed. Advertisers must be able to support claims at the time the claim is made but are not required to include supporting information in marketing communications. However, if they do, the additional information provided must be truthful and not misleading.</p>

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	<p>Qualifications should be clear, prominent and readily understandable; the qualification should appear in close proximity to the claim being qualified, to ensure that they are read together.</p>	<p>Even apparently simple environmental claims may require qualification or explanation. For example, when a product is labelled as “recyclable,” a consumer may not understand whether the package, the product itself, or both are recyclable. Also, the consumer may not understand whether the product or package is merely capable of being recycled, or can actually be recycled in the local community. Advertisers should consider whether qualifiers should be integrated into the advertisement to ensure that the claim is clear to the consumer.</p> <p>Consumers are now familiar with using the Internet to locate information, and have widespread access to online resources. There may be circumstances where it is appropriate to use a qualifier that refers a consumer to a website where accurate additional information may be obtained. An example might be: “Recyclable in some communities. Visit [insert URL] for information on available facilities.” Particularly where the claim relates to end of life disposal, the consumer will have the ability to take appropriate action by checking online when the product is ready to be discarded, and providing such information could encourage</p>

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	<p><u>Article E2</u> An environmental claim relating to health, safety or any other benefit should be made only where it is supported by reliable scientific evidence.</p>	<p>consumers to actually check on recycling options in local areas.</p> <p>Claims that a product, package or component is “free” of a chemical or substance often are intended as an express or implied health claim, for example. 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 must be sure to have reliable scientific evidence to support an express or implied health and safety claim.</p>
<p><u>Article 8</u> Descriptions, claims, or illustrations relating to verifiable facts in a marketing communication should be capable of substantiation. Such substantiation should be available so that evidence can be produced without delay and upon request to the self-regulatory organizations responsible for the implementation of the Code.</p>	<p><u>Article E2</u> Marketing communications should use technical demonstrations or scientific findings about environmental impact only when they are backed by reliable scientific evidence.</p> <p><u>Article E4</u> Environmental claims should not be presented in such a way as to imply that they relate to more stages of a product’s life-cycle, or to more of its properties, than is justified by the evidence; it should always be clear to which stage or which property a claim refers.</p>	<p>Advertisers must be able to support all express or implied claims about health, safety or impact on the environment by reliable scientific evidence, but the evidence does not have to be included in the marketing communication. Claims related to a product and its packaging should be presented separately, and should not be combined. In some cases, whether the claim applies to a product or its packaging will be apparent. For example, a claim that a milk container is “recyclable” self-evidently applies to the carton and not the milk. No reasonable consumer would think that in this situation the</p>

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		<p>claim applies to the milk. In contrast, a “recyclable” claim for a paperboard carton with a wax paper inner liner should clarify if the claim applies to the paperboard carton, the inner liner, or both.</p>
<p><u>Article 9</u> Marketing communication should be clearly distinguishable as such, whatever their form and whatever the medium used. Marketing communication should not misrepresent their true purpose.</p>	<p><u>Article E1</u> Corporate communications may refer to specific products or activities, but should not imply without justification that they extend to the whole performance of a company, group or industry.</p>	<p>Corporate communications intended to convey broad organizational goals or aspirations about the environment or sustainability initiatives are not intended to be affected by the Code as they are typically not intended as an advertising claim. Many companies, for example, have environmental or corporate sustainability programmes under which they issue reports that are typically provided in a context that will assure there is no confusion with advertising claims.</p>
<p><u>Article 11</u> Marketing communication containing comparisons should be so designed that the comparison is not likely to mislead, and should comply with the principles of fair competition. Points of comparison should be based on facts which can be substantiated and should not be unfairly selected.</p>	<p><u>Article E3</u> Any comparative claims should be specific and the basis for comparison should be clear. Environmental superiority over competitors should be claimed only when a significant advantage can be demonstrated. Products being compared should meet the same needs and be intended for the same purpose.</p> <p>Comparative claims, whether the comparison is with the marketer’s own previous process or</p>	<p>Claims that a product “does not contain” a chemical, or is “free” of that chemical are often used to establish a comparison between different versions of the same product, or to establish a comparison with a competitor’s products. Such claims can be misleading if in fact the product does contain the chemical or, even if it does not, contains a similar chemical with a similar impact.</p>

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	<p>product or with those of a competitor, should be worded in such a way as to make it clear whether the advantage being claimed is absolute or relative.</p> <p><i>Article E4</i> When a claim refers to the reduction of components or elements having an environmental impact, it should be clear what has been reduced. Such claims are justified only if they relate to alternative processes, components or elements which result in a significant environmental improvement, taking all relevant aspects of the product’s life cycle into account.</p> <p>Claims that a product does not contain a particular ingredient or component, e.g. that the product is “X-free”, should be used only when the level of the specified substance does not exceed that of an acknowledged trace contaminant or background level.</p>	<p>The relevant aspect of the product’s life cycle to be considered will depend on the claim, unless the claim relates to a general environmental claim, or implies that the product has no harmful effect on the environment, the scientific analysis required to support the claim should relate to the claimed attribute, or attributes, that reasonably can be inferred from the claimed attribute. A CFC-free claim may be misleading if it implies that the product has no impact on stratospheric ozone, or no impact (or only a positive impact) on air quality. A “free” claim may also be misleading if it implies to the reasonable consumer that the compared product is unsafe, toxic or harmful when it is not.</p> <p>For example, advertising a product as superior to a competitor’s product because it is “CFC-free” may be misleading if the product or class of products had never contained CFCs or contains other chemicals that may also have an impact on depletion of stratospheric ozone.</p> <p>Determining what level is “trace” or “background” in particular circumstances may be difficult;</p>

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		<p>reference to levels regulated by environmental or health and safety laws, laboratory methods and detection limits, or other standards, may be appropriate. 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.</p>
	<p><u>Article E6</u> Environmental claims referring to waste handling are acceptable provided that the recommended method of separation, collection, processing or disposal is generally accepted or conveniently available to a reasonable proportion of consumers in the area concerned. If not, the extent of availability should be accurately described.</p>	<p>Check for local codes or guidance on the required level of availability, as it may be different in different jurisdictions.</p>

Chapter E provides detailed guidance on use of some common environmental claims. Specific claims discussed in Chapter E are illustrative, not exhaustive. Principles provided in the Code and in Chapter E should be considered and applied as to other environmental claims not specifically addressed.

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<p><u>Chapter E – List of selected environmental claims</u> Chapter E provides detailed guidance on use of some common environmental claims. Specific claims discussed in Chapter E are illustrative, not exhaustive. Principles provided in the Code and in Chapter E should be considered and applied as to other environmental claims not specifically addressed.</p> <p><u>Compostable</u> Characteristic of a product, packaging or associated component that allows it to biodegrade, generating a relatively homogeneous and stable humus-like substance. This claim should not be made if the compost, composting system or environment is negatively affected to an appreciable extent. Where appropriate, a compostability claim should be qualified with reference to the type of facility or process recommended, availability of composting facilities if not suited for home composting and other features.</p>	<p>The advertiser should have competent and reliable evidence that all the materials in the product or package will break down into or otherwise become part of usable compost. If this will occur only in facilities other than home composting facilities, this fact should be clearly disclosed.</p>
<p><u>Degradable</u> A characteristic of a product or packaging that, in specific conditions, allows it to break down to a specific extent within a given time. The claim should not be made for a product or packaging, or any component, which releases substances in concentrations harmful to the environment. A degradability claim should relate to a specific test method which includes a maximum level of degradation and test duration, and should be relevant to the likely circumstances of disposal.</p>	<p>Specific claims about degradability, such a “photodegradable,” “biodegradable,” and “oxobiodegradable” are all degradability claims. Generally it is difficult to establish that a product will degrade in sanitary landfill. In some instances a product, package or component may meet relevant test methods for “degradability” when the product is improperly disposed of rather than in customary use or disposal. Identifying this feature may offer a benefit if the marketing communication also avoids encouraging consumers to dispose of the product or package irresponsibly, and can establish that the degradability attributes will not be harmful in customary disposal conditions such as sanitary landfill.</p>
<p><u>Designed for disassembly</u> A characteristic of a product’s design enabling the product to be taken apart at the end of its useful life in a way that allows components and parts</p>	<p>Claims about the ability to reclaim or reuse specific components should be treated similarly.</p>

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<p>to be reused, recycled, recovered for energy or in some other way diverted from the waste stream.</p> <p>Where appropriate, a claim of design for disassembly should be accompanied by a statement explaining to which components it applies and also specifying by whom disassembly is to be carried out (e.g. by the consumer or by a specialist). Such a claim may need to be qualified with regard to, for example, the availability of the process in question and any tools or equipment required. Consumer information on the disassembly method, etc. Should be provided where appropriate.</p>	
<p><u>Extended life product</u></p> <p>A product designed to provide prolonged use, based on either improved durability or the presence of a feature enabling it to be upgraded, and resulting in reduced resource use or reduced waste. This claim is comparative by nature, and should fulfill the appropriate requirements.</p> <p>A claim of extended life should be accompanied by an explanation of the need to upgrade or of improved durability, as the case may be.</p>	<p>The comparative nature of extended life claims requires qualification as to whether the comparison is to a competitor’s product, an earlier version of the advertiser’s product, etc..</p>
<p><u>Recovered energy</u></p> <p>A characteristic of a product made using energy recovered from material, or energies which would otherwise have been disposed of as waste but has been collected through managed processes. In this context, the recovered energy may itself constitute the product.</p> <p>Anyone proposing to make a claim of this kind should ensure that adverse effects on the environment resulting from the collection and conversion of waste into energy are managed and controlled. Where appropriate, a claim of recovered energy should be accompanied by details of the type</p>	<p>A more recent type of related claim is renewable energy claims, meaning energy is generated through renewable sources. Recovered and renewable energy claims are particularly difficult for consumers and even sophisticated business customers to understand. It is important that the scientific basis for the claim is clear and transparent. Another example is claims that the product, packaging or component is “carbon neutral,” does not contribute to greenhouse warming, and similar claims. Because all human activity will potentially involve the release of substances linked to carbon generation and global warming, substantiating information on the</p>

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<p>and quantity of waste used for recovery.</p>	<p>measures taken to limit or reduce carbon contributions, and the scientific basis for such claims, should be readily available.</p>
<p><u>Recyclable</u> A characteristic of a product, packaging or associated component enabling it to be diverted from the waste stream through available processes and programmes, and to be collected, processed and returned to use in the form of raw materials or products.</p> <p>Where appropriate, a claim of recyclability should be qualified having regard to the availability of collection facilities.</p> <p>If a symbol is used, it should be the Mobius Loop, which consists of three twisted chasing arrows forming a triangle. This symbol should be used only for claims of recyclability or recycled content. The Mobius Loop without a percentage value is taken to be a claim of recyclability. If there is any likelihood of confusion, the precise meaning of the symbol should be clarified by an explanatory statement, e.g. the words “recyclable” or “x% recycled contents”. If there is any likelihood of confusion about whether the symbol relates to the product or the packaging, it should be accompanied by an explanatory statement.</p>	<p>An unqualified claim of “recyclability” includes the terms “recyclable,” “100% recyclable,” and “please recycle.” “Recyclable where facilities exist” is also viewed as an unqualified claim of recyclability under most guidance and requires further disclosures regarding the availability of collection facilities.</p> <p>Check for local guidance on the extent to which collection facilities must be available for an unqualified claim of recyclable to be made. Some areas (e.g., the U.S.) apply a “substantial majority” test rather than a “reasonable proportion” standard. In other words, a qualifier about the extent of available facilities is needed if the product, packaging or component is not recyclable to a “substantial majority” of consumers or communities.</p> <p>Claims should clearly specify whether the product, packaging or component is recyclable, contains recycled content, or both.</p> <p>The inconspicuous use of a symbol to identify plastic resins, called a Resin Identification Code (RIC), is not a claim of recyclability or recycled content.</p>
<p><u>a) Recycled content</u> Proportion, by mass, of recycled material present in a product or packaging. Only pre-consumer and post-consumer materials are</p>	<p>Regrinding, reusing, and reprocessing waste or scrap within the advertiser’s operation does not qualify as pre-consumer material.</p>

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<p>considered as recycled content. Pre-consumer material means material diverted from the waste stream during a manufacturing process and not reclaimed as part of that same process. Post-consumer material means material generated by households or other end-users which can no longer be used for its original purpose.</p> <p><i>b) Recycled material</i> Material that has been reprocessed from recovered (reclaimed) material by means of a manufacturing process and made into a final product or into a component for incorporation into a product.</p> <p><i>c) Recovered (reclaimed) material</i> Material that would otherwise have been disposed of as waste or used for energy recovery, but has instead been collected and recovered (reclaimed) as material input, in lieu of new primary material, for a recycling or manufacturing process.</p> <p>Where a claim under a) – c) is made, the percentage of recycled material should be stated. The percentages for product and packaging should be stated separately and not combined. If a symbol is used, it should be the Mobius Loop with a percentage value and, where appropriate, an explanatory statement.</p>	<p>An unqualified claim of recycled content should not be made unless all but an insignificant amount of the product is made of recycled content; otherwise a percentage qualifier is needed.</p>
<p><i>Reduced energy consumption (energy-efficient, energy-conserving, energy-saving)</i> Reduction in the amount of energy consumed by a product performing the function for which it was designed when compared with the energy used by other products performing the equivalent function. Claims in this category relate to energy reduction in the use of goods and delivery of services, but not in the manufacturing process of a product or its packaging. Such</p>	<p>In some jurisdictions, for some product categories, energy use, consumption, efficiency and savings claims are highly regulated. Product categories may include appliances, light bulbs, cars and home insulation. Requirements that require testing, labelling and advertising, take precedence.</p>

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<p>claims are comparative by nature and fulfill the appropriate requirements.</p>	
<p><u>Reduced resource use</u> A reduction in the amount of material, energy or water used to produce or distribute a product or its packaging or specified associated components. This claim is comparative by nature and should fulfill the appropriate requirements. A claim of reduced resource use should be expressed in terms of percentage reduction. The percentages for product and packaging should be stated separately and not combined. When a claim of reduced resource use is made, the type of resource concerned should be stated, and the percentage reduction should be expressed separately for each resource. If the claimed reduction causes an increase in the consumption of another resource, the resource affected and the percentage increase should be stated.</p>	<p>Chapter E of the Code provides specific guidance on energy and water efficiency, conserving and saving claims. Vague and non-specific claims such as uses “less” raw materials, water, energy or the like, or general statements such as “source reduced,” are unlikely to provide adequate information to a consumer based on the inherently comparative nature of the claim.</p>
<p><u>Reduced water consumption (water-efficient, water-conserving, water-saving)</u> Reduction in the consumption of water associated with the use of a product performing the function for which it was designed when compared with the amount of water used by other products performing an equivalent function. Claims in this category relate to water reduction in the use of the product, but not in the manufacturing process of the product or its packaging. Such claims are comparative by nature, and should fulfill the appropriate requirements.</p>	<p>Reduction in the amount of water used in processing may offer significant benefits and can be truthfully communicated, with appropriate qualifiers and clear comparisons, in advertising.</p>
<p><u>a) Reusable</u> A characteristic of a product or packaging conceived and designed to accomplish within its anticipated life cycle more than one application,</p>	<p>If there is a limit, based on safety, quality or other reasons, on the number of times the product or package may be reused or refilled, those limits should be clearly disclosed.</p>

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<p>rotation or use for the same purpose for which it was conceived.</p> <p><i>b) Refillable</i> A characteristic of a product or packaging that can be filled with the same or a similar product more than once, in its original form and without additional processing except for specified requirements such as cleaning or washing.</p> <p>No product or packaging should be described as reusable or refillable unless it can be reused or refilled for its original purpose. Such claims should be made only where programmes, facilities or products exist for the same purpose. Where appropriate, a claim should be qualified with regard to the availability of programmes or facilities, or to any limit on the number of times the product can be reused or refilled.</p>	
<p><i>Waste reduction</i> Reduction in the quantity (mass) of material entering the waste stream as a result of a change in a product, process or packaging, but excluding the in-process re-utilisation of materials. This claim is comparative by nature, and should fulfill the appropriate requirements.</p> <p>Waste may include discharges to air and water as well as solid waste from processes, and waste reduction may occur at the production, distribution, use and disposal stages. Claims may be based not only on a reduction of water content of solid waste, but also on a reduction in mass through waste treatment processes. A reduction claim may also relate to the transfer of waste to other users who intend to utilise it for a constructive purpose.</p>	<p>Vague and non-specific claims such as uses “less” raw materials, water, energy or the like, or general statements such as “source reduced,” are unlikely to provide adequate information to a consumer based on the inherently comparative nature of the claim.</p>

The International Chamber of Commerce (ICC)

ICC is the world business organization, a representative body that speaks with authority on behalf of enterprises from all sectors in every part of the world.

The fundamental mission of ICC is to promote trade and investment across frontiers and help business corporations meet the challenges and opportunities of globalization. Its conviction that trade is a powerful force for peace and prosperity dates from the organization's origins early in the last century. The small group of far-sighted business leaders who founded ICC called themselves "the merchants of peace".

ICC has three main activities: rules-setting, dispute resolution and policy. Because its member companies and associations are themselves engaged in international business, ICC has unrivalled authority in making rules that govern the conduct of business across borders. Although these rules are voluntary, they are observed in countless thousands of transactions every day and have become part of the fabric of international trade.

ICC also provides essential services, foremost among them the ICC International Court of Arbitration, the world's leading arbitral institution. Another service is the World Chambers Federation, ICC's worldwide network of chambers of commerce, fostering interaction and exchange of chamber best practice.

Business leaders and experts drawn from the ICC membership establish the business stance on broad issues of trade and investment policy as well as on vital technical and sectoral subjects. These include financial services, information technologies, telecommunications, marketing ethics, the environment, transportation, competition law and intellectual property, among others.

ICC enjoys a close working relationship with the United Nations and other intergovernmental organizations, including the World Trade Organization and the G8.

ICC was founded in 1919. Today it groups hundreds of thousands of member companies and associations from over 130 countries. National committees work with their members to address the concerns of business in their countries and convey to their governments the business views formulated by ICC.

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International Chamber of Commerce

The world business organization

Policy and Business Practices

38 Cours Albert 1er, 75008 Paris, France

Tel +33 (0)1 49 53 28 28 Fax +33 (0)1 49 53 28 59

E-mail icc@iccwbo.org Website www.iccwbo.org