GUIDELINES FOR ADVERTISEMENTS MAKING ENVIRONMENTAL/GREEN CLAIMS

Preamble:

Consumers are increasingly demanding products and services which minimise harm to, or have a positive effect on, the environment. As a result, there has been a proliferation of products, services and businesses which claim to meet that demand. If claims of being green and sustainable are not reliable and verifiable, consumers cannot fully leverage their purchasing decisions to reward better environmental performance. In addition, they may be misled in choosing products or services based on unclear or false claims.

In view of the above, the goal of this guideline is to – i) demonstrate how advertisers can make true, clear, evidence-based claims that consumers can understand and trust; ii) assist consumers make more informed choices if they want to make purchasing decisions based on environmental claims and iii) explain the approach ASCI would take in investigating whether environmental claims are likely to contravene the ASCI Code

'Environmental Claims/Green Claims'

Environmental claims include claims that suggest or create an impression that a product (and/or its packaging) or a service as a whole:

1) has a neutral or positive impact on the environment;

2) is comparably less damaging to the environment than a previous version of the same product or service; or

3) is less damaging to the environment than competing goods or services; or

4) has specific environmental benefits.

Environmental/Green claims can be explicit or implicit. They can appear in advertisements, marketing material, branding (including business and trading names), on packaging or in other information provided to consumers. All aspects of a claim would be relevant, such as:

- the meaning of any terms used;
- the qualifications and explanations of what is said;
- the evidence that supports those claims;
- the information that is not included or hidden;
- the colours, pictures and logos used; and
- the overall presentation.

Greenwashing

Greenwashing refers to unsubstantiated, false, deceptive, misleading environmental claims about products, services, processes, brands or operations as a whole, or claims that omit or hide information, to give the impression that they are less harmful or more beneficial to the environment than they actually are. Greenwashing violates Chapter I of the ASCI code on misleading advertisements. In order not to breach Chapter I of the ASCI code, advertisements must adhere to the following guidelines.

GUIDELINES:

1. Absolute claims such as but not limited to "environment friendly", "eco-friendly", "sustainable", "planet friendly" that imply that the entire product advertised has no impact or only a positive impact or reduces adverse impact must be capable of being substantiated by robust data and/ or well-recognised and credible accreditations. Such absolute claims cannot be diluted by means of a disclaimer or any other clarificatory mechanism such as a QR code or website link etc.

2. Comparative claims such as "greener" or "friendlier" would need evidence that the advertised product or service provides an environmental benefit over that of the advertiser's previous product or service or competitor products or services and the basis of such comparison is made clear.

3. A general environmental claim must be based on the full life cycle of the advertised product or service, unless the advertisement states otherwise, and must make clear the limits of the life cycle. If a general environmental claim cannot be justified, a more limited claim about specific aspects of a product or service might be justifiable. Claims that are based on only part of an advertised product or service's life cycle must not mislead consumers about the product or service's total environmental impact.

4. Unless it is clear from the context, an environmental claim should specify whether it refers to the product, the product's packaging, a service, or just to a portion of the product, package, or service.

5. Advertisements must not mislead consumers about the environmental benefit that a product or service offers by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or services. Similarly, advertisements must not claim an environmental benefit that results from a legal obligation if competing products are subject to the same requirements.

   Where such 'free-of' claim is necessary to equip the consumers with relevant information, an appropriate disclaimer should be added to indicate the purpose e.g. "XX-Free: (Names of regulation) prohibit the use of (name of prohibited substance/ingredient) in (category of products)". It would be deceptive to claim that a product is "free-of" a substance if it is free of one substance but includes another that is known to pose a similar or higher environmental risk.

6. Where the use of Certifications or Seals of Approval create the impression of an environmental claim to consumers, then the advertiser should make clear what attributes of the product or service have been evaluated by the certifier. The advertiser should ensure that the certifying agency is nationally/internationally accredited by a certifying authority for eg. agency accredited by the UN council/committee, BIS etc.

7. An advertiser shall not use visual elements in an advertisement which results in the advertisement conveying a false impression that the product is less harmful or more beneficial to the environment, when seen as a whole, unless required under law. For example, logos representing a recycling process on packaging and/or in advertising material can significantly influence a consumer's impression of the environmental impact of a product or service.

Visual elements for the above purpose shall not include the colour scheme related to nature or environment or images of natural ingredients or natural elements used on the products / packaging / services as a part of its creative brand identity or trademark/tradename unless such elements used are connected directly to any Environmental Claim made on such products / packaging / services to influence a consumer's impression of the environmental impact of a product, packaging or service. For example, a green coloured packaging with natural ingredients contained in the product will not be considered as contributing to a green claim unless it refers to an environmental claim

8. Advertisers should refrain from making aspirational claims on the products/ packaging/services about future environmental objectives unless they have developed clear and actionable plans detailing how those objectives will be achieved.

9. For carbon offset claims where the offset does not occur within the next two years, advertisers should clearly and prominently disclose the same. Advertisements should not claim directly or by implication that a carbon offset represents an emission reduction if the reduction, or the activity that caused the reduction, was required by law.

10. For claims pertaining to the product being compostable, biodegradable, recyclable, non-toxic, free-of etc. advertisers should qualify the aspects to which such claims are being attributed, and the extent of the same. All such claims should have competent and reliable scientific evidence to show that:

    a) The product or the qualified component where applicable will break down within a reasonably short period of time after customary disposal.

    b) The product is free of elements that can lead to environmental hazards.

Note: These guidelines are effective February 15th 2024.

Chairman
Board of Governors, ASCI
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