

Responsible Environmental Marketing Communications

Checklist

This checklist is intended to assist marketers, communication agencies and other practitioners in identifying when they are likely making an environmental claim and to offer guidance on questions about such claims. The checklist is designed to serve as a screening check for practitioners to help identify a number of claims and considerations in making claims, including the need for substantiation and the requirement to evaluate claims based on the net impression to the intended audience. Additional guidance is provided in Part 2 and Part 3 of the Environmental Framework. Environmental claims may apply to goods (including packaging or components), as well as services, product lines, or to an organisation or facility.



1. Do your proposed claims address:

The effect of the product, component or package on

- solid waste?
- water?
- air (smog, stratospheric ozone, nitrogen oxides (NO_x), sulphur oxides (SO_x), etc.)?
- climate (greenhouse gases, carbon offsets, carbon removal, carbon neutrality, climate positivity, etc.)?
- energy usage?
- wildlife and biodiversity?
- human health?
- environment?

The absence, reduction or presence of a specific substance?

The “**sustainability**” of the product, component or package?

Whether the product, component or package is made with or from **renewable material** or **renewable energy**?

Whether the product, component or package contains, is made with, or derives from or can be attributed to **recycled material**?

Whether the product, component or package is:

- **recyclable?**
- **compostable?**
- **degradable?**

Whether the product or package is **reusable** or **refillable**?

The future **environmental benefits or goals** of the organisation?

The impact of your products or operations on the health of the planet, the environment or the climate?

YES

If the answer is yes to one or more questions, 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.



2. Are these benefits or effects express or implied?

- Do you make express environmental claims such as those above?
- Do you use colours (e.g., green), pictures (e.g., trees, mountains, wildlife) or other elements to imply environmental or sustainability benefits?

3. Are your proposed claims specific and unambiguous?

- Vague and non-specific claims are likely to be misleading and should be avoided.



4. Are your proposed claims subject to any mandatory regulations or legislation?

- It is important to investigate applicability of local laws. You may be subject to mandatory disclosures in advertising and labelling, may be required to substantiate certain claims using specific standards or methods, or may be subject to specific regulatory requirements.
- Your ability to make a claim suggesting a unique benefit when actions are required by law may be limited.
- Your ability to make certain claims at all may be limited or restricted by applicable law.



5. Scope

Does the claim clearly indicate if it applies to the product, the packaging, or both, or to components or materials?

Does the claim indicate if it applies to the entire product line? To a facility? To the entire organisation?

- The claim should clearly identify the subject matter of the claim (i.e., whether the claim applies to a product, facility, or organisation), and what environmental attributes are involved.



6. Do you have a reasonable basis for the express and implied claim(s) you are making?

Did you have a reasonable basis for the express and implied claims you are making, such as substantiating scientific or technical data supporting the claim at the time the claim was made? Does the data reflect sound scientific principles likely to be accepted by experts qualified by education, training, and experience in the field? 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, service, facility or organisation, or detriments of a competitor's product, package, component, service, facility or organisation, should be supported by relevant test data, analyses or similar information at the time the claim is made.
- There must be a good fit between the claimed environmental attribute or characteristic and the tests or analyses offered to support that claim.

7. Are your proposed claims verifiable based on appropriate test methods or scientific data?

What is the test method used? Is it recognised by government agencies or reputable standards organisations? Do relevant authorities specify the use of only certain test methods to support the specific claim?

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, component, or package for which the claim is made (or one substantially identical) been tested? Is the information provided understandable to the typical consumer, avoiding confusing jargon?



- **Standards and test methods must be reasonable and appropriate, and results of tests, if provided in connection with advertising, must be clearly presented in terms understandable to the target audience. Tests should be conducted on products or samples of products for which the environmental claim is made.**
- **Data should be presented in a way that does not exaggerate the validity of the product claim.**



8. Generalisations

Are you making a general claim that the product, component or package is “good” for the environment (e.g., “eco-safe”, “earth friendly”, “environmentally friendly”, “sustainable”, “green” and similar claims)?

- Since environmental impacts encompass a multitude of criteria, a general claim of environmental benefit without explanation is likely to be misleading.
- A general environmental claim based on a single attribute is likely to be misleading unless the link is specific and clear.
- Claims about the benefits of carbon or greenhouse gas reduction actions should be transparent and clearly specify whether the claim involves actions to reduce carbon dioxide or all greenhouse gases, and, if the claim applies to only portions of the product's life cycle, which portions.



9. Is the claim relevant to the intended audience?

- All environmental claims must be accurate, verifiable, and presented in a way that the intended audience can understand, so that they do not mislead about the product's actual environmental impact or give the impression of greater benefits than can be substantiated.

10. Do you state or imply that the product, component, or package has unique environmental benefits?

- It may be misleading or deceptive to make a claim about an environmental benefit that suggests there is a meaningful benefit to the environment when there is not.
- Environmental benefits shared by other similar products, components, or packages should not be presented in a way that suggests the benefit is unique to the marketer's product.



11. Life cycle

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 an LCA may depend on the inputs. Marketers should ensure that the scope of an LCA adequately covers the expected environmental impacts of the product. If an LCA is used to support comparative claims, similar inputs should be included in the comparative analysis. The products or services involved should also be of the same type or category for the comparison to be fair, and disclosures of material differences in the compared products may be required. If a more limited “cradle to gate” LCA was conducted, the scope should be clear.

12. Apart from environmental benefits, does the claim relate to health, safety or other benefits*?

*this might include “free of” 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.

13. Do you state or imply that the product, component or package was made with renewable material or energy?

- An unqualified claim that a product or component was made with renewable material or energy should not be made unless the product, component, or package consists of 100% renewable content, or was made from 100% renewable energy, as applicable, excluding minor, incidental components.
- Claims about the use of purchased renewable energy or power should be substantiated through contracts with electrical utilities, renewable energy certificates (RECs), or similar evidence, using care to avoid double-counting.
- Claims about the use of facility-generated renewable energy or power should be substantiated by applicable facility data.



14. Do you state or imply that the product, component or package has recycled content or is recyclable?

- Is it clear which claim is made? Is the extent of the claim also clear?
 - Since the Mobius loop standing alone may indicate recyclability and recycled content, further disclosures may be needed if the product or package is recyclable but does not contain recycled content, or contains recycled content but is not recyclable, unless applicability of the claim is clear from the context.
- If you make a recycled content claim, does the product, component or package contain actual or attributed recycled content?
 - Marketers must be able to trace and quantify yields and losses in the recycling process to support the claimed amount of recycled content in or attributed to a product or package.
- If you make a recyclable claim, is it clear if the product, package, or both are recyclable?
 - When a product, package, or both are labelled as “recyclable”, or the Mobius loop prominently appears on the product or package, 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. Qualifiers identifying relevant limitations on the ability to recycle the product or package should be provided where appropriate.
 - As use of the Mobius loop standing alone may also convey recycled content, care should be taken to clarify the meaning of the symbol.



15. Do you state or imply that the product, component or package is compostable?

- Marketers making compostable claims should have appropriate scientific evidence that all the materials in the product or package, as applicable, will break down into or otherwise become part of usable compost in an appropriate commercial industrial composting facility or device, or in a home composting setting, in a timeframe consistent with other materials composted under the same conditions.
- If the product is compostable only in certain environments, qualifiers should be included. Further, if the product is compostable only in commercial facilities, that limitation, and the limited availability of suitable commercial facilities, should be disclosed. Marketers should be aware of – and disclose, as appropriate – other specific restrictions or requirements that may apply.



16. Do you state or imply that the product, component or package is degradable?

- A general degradability claim should not be made unless the marketer has reliable evidence that the product or package will entirely break down and return to nature in customary disposal environments including, but not limited to, traditional disposal environments such as sanitary landfills.
- If a product or package is degradable in only specific environments, that should be made clear.

17. Do you state or imply that the product or package is refillable or reusable?

- No product or packaging should be described as refillable or reusable unless it can be refilled or reused for the same or similar purpose and there is a reasonable means for the consumer to do so.
- Refillable or reusable claims for food and beverage containers should be made with due regard to applicable sanitation standards.

18. Are your proposed claims comparative in nature, explicitly or implicitly?

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 similar.

19. Can consumers access recycling or composting facilities?

Is the consumer able to access appropriate 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..



20. Have you conducted consumer perception research to assess how the claim will be perceived by consumers?

The evaluation of marketing communications, including advertisements featuring environmental claims, may be based on the net impression of the reasonable consumer (or relevant target audience). Where there are questions about how the target audience may perceive certain claims (including implied claims), consumer perception research is not mandatory, but can help marketers determine what claims are communicated, and assist them in ensuring that they have proper substantiation for their claims. If advertiser-sponsored consumer perception data is not available, a judge, regulator or self-regulatory body will apply its own judgment as to the likely takeaway by the reasonable target audience.



21. 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 audience.

22. Is the claimed benefit likely to be realised when the product, component or package is actually manufactured, used or disposed?

- An ad that makes a claim about a feature or benefit that would not likely be achieved in the actual manufacture, use or disposal is likely to be misleading and/or deceptive absent appropriate qualifiers.

23. Does the claim involve an environmental commitment or goal that is aspirational in nature and not likely to be met until many years in the future?

- An aspirational claim requires that the company demonstrate that it has a reasonable capacity and methodological approach to meet the claimed commitment or goal in the timeframe advertised.

24. Do you use your own environmental seals or logos?

- If consumers might reasonably interpret your own environmental seals and logos in environmental advertising to denote approval by an independent third-party, when that is not the case, it is likely to be misleading and/or deceptive.



25. Do you use seals or logos of third-party organisations?

Are their procedures transparent?

Are processes for standards adoption in line with recommendations from competition authorities?

Will seals and logos be misinterpreted to connote broader environmental benefits than covered by the programme?

- Independent seal organisations should adhere to fair processes in the development of standards.
- Marketers should adhere to the standards and guidelines of the seal organisations when using a seal.
- Third-party certification may not be a substitute for the advertiser's obligations to substantiate claims.



26. Are appropriate qualifiers clear and prominent, and in close proximity to the relevant claim?

- Qualifiers required to prevent a claim from being misleading should generally be presented clearly and conspicuously and in close proximity to the claim.
- Consumers are now broadly accustomed to obtaining more information on websites. However, qualifying information must be readily available in close association with the claim. Prompts encouraging consumers to visit a website for more information, or making QR codes and the like available, may be helpful to consumers, but they may not substitute for qualifiers that are necessary to prevent a claim from being misleading.

Qualification – a clarification that accurately and validly describes the limitations of an environmental claim.



28. Do you conduct training?

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.



27. Do claims require reassessment?

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?

- Advertisers have an obligation to ensure that claims are truthful and not misleading for the entire time such claims are used.
- Advertisers should reassess their claims and the supporting substantiation at reasonable intervals.
- Many environmental claims are expressly or impliedly comparative in nature. Such claims must be current and comparisons clear. Periodic retesting of the advertised product and current versions of the competitor's products may be needed to properly substantiate a comparative claim.

29. Do you depict experts?

Do individuals represented as environmental experts in your marketing communications, actually have the relevant education, training and experience in the field for which they are expressing an expert opinion?

29. Do endorsements and testimonials related to environmental claims meet applicable guidelines for endorsements, and include material connection disclosures as needed?

- Influencer marketing has become a more significant part of the advertising landscape. Advertisers should consult the ICC Code and adopt policies, including training, to ensure that influencers and endorsers are aware of general requirements and special considerations for environmental marketing claims.

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