



# BEUC CALLS FOR AN EFFECTIVE BAN ON MISLEADING GREEN CLAIMS

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## Summary

Consumers today are confronted with an increasing number of green claims, which are in most cases unsubstantiated. For this reason, consumers are hardly enabled to take more sustainable choices. BEUC therefore sees an urgent need for the European Commission to take action against misleading green claims and to set the policy framework right to address this shortcoming.

In this position paper we show some examples of misleading green advertisements related to all areas of daily life of consumers such as electrical appliances, cosmetic products, detergents, cars, drinks and electricity offers.

Moreover, we outline some successful court cases which have been brought forward by consumer organizations. We argue however that a case by case action is not effective and is therefore unable to remove a large number of misleading green claims.

Finally, we outline our political demands to better regulate green claims through amending the Unfair Commercial Practices Directive or through an additional legal framework.

## Introduction

At the beginning of 2011, BEUC published a joint position paper with ANEC in which we outline our preliminary thoughts regarding the upcoming revision of the EU Action Plan on Sustainable Consumption and Production<sup>1</sup>.

In this additional paper, BEUC takes a closer look to misleading green claims and calls on the Commission to propose concrete measures in the future SCP Action Plan to tackle green claims. The paper is divided in three parts. In the first part we show several categories of products where consumers are faced with potentially misleading green claims. These green claims are examples which have been provided by our member organisations throughout Europe and which we have found in the internet or newspaper articles. The examples illustrate that consumers potentially face misleading green information in all areas of daily life, be it food and drink, cosmetic products, cars, electricity offers or electric household appliances.

In the second part, we are giving an overview about some successful court cases where consumer organisations started an action against manufacturers and/or retailers which did not comply with the requirements of the Unfair Commercial Practices Directive and which used misleading green claims. With these examples we demonstrate that a case by case action is not effective and therefore does not eliminate a large number of misleading claims. Thus, a new approach is needed to enforce the rules on unfair and misleading advertisements which make use of green claims.

In the third part, we outline our political demands related to better substantiating green claims to prevent that consumers will be misled.

### **Part 1: Examples of claims which may potentially be misleading for consumers**

The OECD Committee on Consumer Policy (CCP) held a Workshop on 15-16 April 2010 on *Enhancing the Value and Effectiveness of Environmental Claims: Protecting and Empowering Consumers*. For the purpose of this paper, we define “green claims” as outlined in the OECD workshop report<sup>2</sup>:

- Environmental claims made by firms, also termed “green claims”, are assertions made about the environmentally beneficial qualities or characteristics of their goods and services. They can refer to the manner in which products are produced, packaged, distributed, used, consumed and/or disposed of. In addition to environmental aspects, these claims are sometimes defined to include the socially responsible or ethical manner in which products are produced and distributed.

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<sup>1</sup> ANEC/BEUC preliminary thoughts in view of the revision of the EU Action Plan on Sustainable Consumption & Production, x/022/2011.

<sup>2</sup> OECD workshop “Enhancing the value and effectiveness of environmental claims: Protecting and empowering consumers”, See: [http://www.oecd.org/document/48/0,3746,en\\_2649\\_34267\\_44582320\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/48/0,3746,en_2649_34267_44582320_1_1_1_1,00.html)

- Claims can appear on a product (*i.e.* good or service) label, its packaging, in related literature or advertising material, as well as in promotional and point-of-sales material, and other forms of marketing. Claims can take the form of words, symbols, emblems, logos, graphics, colours and product brand names. They can be transmitted through the written media, including newspapers and magazines, electronic media such as television and radio, and digital media such as the Internet.


BEUC and its member organisations collected examples of potentially misleading claims in the following product and service categories:

- Cars
- Household appliances
- Cosmetic products
- Detergents
- Food and Drink
- Electricity offers

We share these examples of potentially misleading claims with policy makers to demonstrate the need for action. We are not saying that these claims are illegal under the current UCP Directive.

In general, the European Court of Justice assumes that the average consumer is reasonably well-informed and reasonably observant and circumspect. However, every claim would have to be evaluated taking its target group and other factors into account.

1.1 Cars: powerful cars in a healthy and green environment

Manufacturer and product name	Picture of product	Claim	Comment
<p>Audi</p> <p>A 4</p>	 <p><a href="http://observatoiredelapublicite.fr/2010/09/20/375/">http://observatoiredelapublicite.fr/2010/09/20/375/</a> posted: 20 September 2010</p>	<p>« Économies d'énergie, papier recyclé, tri des déchets ... L'Audi A4 TDI 2.0TDIe serait une suite logique. »</p>	<p>The French « L'Observatoire Indépendant de la publicité » says that the advertisement is not in line with existing French rules (such as the codes de la consommation et de l'environnement , lois et décrets et règles déontologiques professionnelles ) because consumers could be misled about the property of the car which still consumes 119 g of CO2. Moreover, it</p>

			<p>implies that consumers should change their behavior with regard to recycling and waste sorting but not the way how they move.</p>
<p><b>VW</b> <b>Passat</b></p>	 <p><a href="http://www.verbraucherfuersklima.de/cps/rde/xchg/projektklima/hs.xsl/von_gruenen_autos_unter_bluehenden_baeumen___greenwashing">http://www.verbraucherfuersklima.de/cps/rde/xchg/projektklima/hs.xsl/von_gruenen_autos_unter_bluehenden_baeumen___greenwashing</a></p>	<p>--</p>	<p>The claim is made implicitly through setting the car into a beautiful and healthy environment. However, this may contradict International Chamber of Commerce rules on advertising which specify that “in particular, claims such as “environmentally friendly,” “ecologically safe,” “green,” “sustainable,” “carbon friendly” or any other claim implying that a product or an activity has no impact</p>

	_in_der_autowerbung.htm		<p>– or only a positive impact – on the environment, should not be used without qualification unless a very high standard of proof is available..</p> <p>See:  <a href="http://www.codescentre.com/images/downloads/660%20consolidated%20iccode_2011_final%20with%20covers.pdf">http://www.codescentre.com/images/downloads/660%20consolidated%20iccode_2011_final%20with%20covers.pdf</a>, p. 37.</p>

## 1.2 Electrical Household appliances

Product name/ manufacturer	Picture of product	Claim	Comment
Washing machine Miele W58001WPS and BOSCH WAE281NOEX		A+++AA	<p>The EU Energy Labelling scheme has been revised in 2009 and introduces new classes up to A+++. The labelling format for the advertisement leaflet has been chosen by the retailer. It says in very tiny letters at the left side of the label "energy" and in the box A+++AA. However, the category of "energy" is not very visible and the letters of "AA" do not directly refer to the energy consumption as they stand for washing efficiency and drying efficiency. The same information is not given for the second machine. This practice is not against existing EU law but it is nonetheless very misleading for consumers and shows the need to revise the EU Energy Labelling Directive.</p>





A++

Both pictures have been taken from "Excellent" advertisement folder for November 2011.

### 1.3 Cosmetics and personal care products

The consumer center of Hamburg collected a list with misleading green claims which is available at the following website (in German):

[http://www.vzh.de/ernaehrung/30524/Greenwashing%20bei%20Kosmetik-Dateien\\_912Kosmetik.pdf](http://www.vzh.de/ernaehrung/30524/Greenwashing%20bei%20Kosmetik-Dateien_912Kosmetik.pdf)

Below, we extracted some of the pictures and descriptions from this list.  
The following assessment criteria have been used:



High potential to mislead as "bio" or "organic" is used as part of the brand name despite the fact that it is not organic cosmetics. Or there were severe misleading information which suggests that the product fulfills requirements for organic cosmetics although this is not the case.






Middle potential to mislead consumers as large scale pictures and names refer to organic cosmetics despite no requirements for organic cosmetics are fulfilled.



Low potential to mislead: exaggerated reference to natural or organic ingredients although it is not an organic product.

Product name/ manufacturer	Picture of product	Advertisement with organic aspects/ large picture of aspects on the product	Ingredients as declared on product	Assessment of consumer center Hamburg
Permanent-Natural Colors Hair dye  Schwarzkopf & Henkel			<p>Toluene- 2,5- Diamine Sulfate, Cetearth-20, Glycol Distearate, Octyldodecanol, Glyceryl Stearate, Sodium Laureth Sulfate, Resorcinol, Hydroxyethyl Urea, Potassium Hydroxide, Sodium Cetearyl Sulfate, Serine, Propylene Glycol, Oleic Acid, Parfum, m- Aminophenol, Silica, Sodium Sulfite, Tetrasodium EDTA, Carbomer, Potassium Stearate, Glycerin, 2- Amino-4-Hydroxyethylaminoanisole Sulfate, Linalool, Citronellol, Ascorbic Acid, Urea, Butylphenyl Methylpropinal, Linoleamidopropyl PG- Dimonium Chloride Phosphate, Sodium Sulfate, Aloe Barbadensis Leaf Extract</p> <p>Aqua, Hydrogen Peroxide, Cetearyl Alcohol, PEG- 40 Castor Oil, Disodium Pyrophosphate, Sodium Cetearyl Sulfate, Disodium EDTA, Sodium Benzoate, Phosphoric Acid</p> <p>Aqua, Cetearyl Alcohol, Paraffinum Liquidum, Dimethicone,</p>	<p>Does not comply with criteria for organic cosmetics such as NaTrue<sup>3</sup>.</p> <p>Contains for instance chemical hair dyes such as Toluene-2,5- Diamine Sulfate, a long list of chemicals such as Tetrasodium EDTA and preservatives such as methylparabene.</p> 

<sup>3</sup> <http://www.natrue.org/>


			<p>Quaternium-87, Distearoylethyl Hydroxyethylmonium Methosulfate, Isopropyl Myristate, Stearamidopropyl Dimethylamine, Cetrimonium Chloride, Cetyl Palmitate, Citric Acid, Sodium PCA, Propylene Glycol, Phenoxyethanol, Methylparaben, Parfum, Polyquaternium-37, Dimethiconol, Propylene Glycol Dicaprylate/ Dicaprate, Panthenol, Niacinamide, Polyquaternium-10, PPG-1 Trideceth-6, Aloe Barbardensis Leaf Extract</p>	
<p><b>Birkin</b></p> <p>hairtonic with the power of natural birchtree-juice</p>			<p>Aqua, Alcohol Denat, Betula Alba Sap/ Betula Alba Juice, Benzophenone-4, PEG-40 Hydrogenated Castor Oil, Sodium Salicylate, Dihydroxypropyl PEG-5 Linoleammonium Chloride, Allantoin, Menthol, Polysorbate 20, Limonene, Linalool, Hydrolyzed Wheat Protein, Caprylic Acid, Coumarin, Capric Acid, Eugenol, Glycerin, Tocopheryl Acetate, Benzyl Alcohol, Hydrolyzed wheat starch, Linolenic Acid, Retinyl Palmitate, Citric Acid, Disodium Phosphate, Oleic Acid, CI 15985/ Yellow 6, CI 19140/ Yellow 5, Linoleic Acid, Biotin, Palmitic Acid, Stearic Acid, CI 42090/ Blue 1, Sodium Hydroxide, Parfum/ Fragrance, (C31171/1)</p>	<p><b>Does not comply with criteria for organic cosmetics</b> such as NaTrue.</p> <p>Contains e.g. artificial UV-filter like Benzophenone as well as several dyestuffs like azo dye gamboge S.</p> 

<p><b>Schauma</b></p> <p>BIO pomegranate shampoo</p>			<p>Aqua, Ammonium Lauryl Sulfate, Cocamidopropyl Betaine, Coco- Glucoside, Sodium Chloride, Citric Acid, Sodium Benzoate, Propylene Glycol, Polyquaternium-10, Limonene, Niacinamide, Panthenol, Parfum, Geraniol, Aspalathus Linearis Leaf Extract, Punica Granatum Fruit Extract</p>	<p><b>Does not comply with criteria for organic cosmetics such as NaTrue.</b></p> <p>Contains e.g. synthetic humectant like Propylene Glycol, tenside like ammonium lauryl sulphate and film forming subsistences like Polyquaterium-10.</p>
<p>Aloe Vera shower Gel</p> <p>Village Cosmetics GmbH and CO. KG</p>			<p>Aqua, Sodium Laureth Sulfate, Sodium Chloride, Cocamidopropyl Betaine, Tocopheryl Acetate, Aloe Barbadensis, Glycerin, Propylene Glycol, PEG-7 Glyceryl Cocoate, PEG-40 Hydrogenated Castor Oil, Parfum, Benzyl Alcohol, 2- Bromo-2-Nitropropane-1,3-Diol, Benzophenone-4, Amyl Cinnamal</p>	<p><b>Does not comply with criteria for organic cosmetics such NaTrue.</b></p> <p>Contains e.g. formaldehyde demerging antidegradants like 2-Bromo-2- Nitropropane-1,3-Diol and synthetic wash active substances like sodium laureth sulfats and emulsifying agent like PEG-40.</p>

<p><b>Pantene Pro-V naturefusion shampoo</b></p> <p>Procter &amp; Gamble</p>		<p><i>"Von der Natur inspiriert."</i></p> <p>Inspired by nature</p>	<p>Aqua, Sodium, Laureth Sulfate, Cocamidopropyl Betaine, Sodium Chloride, Cocamide MEA, Sodium Citrate, Citric Acid, Sodium Xylenesulfonate, Parfum, Dimethiconol, Cassia Hydroxypropyltrimonium Chloride, Sodium Benzoate, Disodium EDTA, PEG-7M, Benzyl Salicylate Benzyl Alcohol, Zingiber Officinale Root Extract, Panthenyl Ethyl Ether, Panthenol, Calendula Officinalis Flower Extract, Aloe Barbadensis Leaf Juice Powder, Butylphenyl Methylpropional, Propylene Glycol, Hexyl Cinnamal, Sodium Diethylenetriamine Pentamethylene Phosphonate, Alpha- Isomethyl Ionone, Etidronic Acid, Linalool, Tertasodium EDTA, Lactic Acid, Trideceth-9, PEG-40 Hydrogenated Castor Oil, Methylchloroisothiazolinone, CI 19140, CI 15510, Potassium Sorbate, Methylisothiazolinone</p>	<p><b>Does not comply with criteria for organic cosmetics such as NaTrue.</b></p> <p>Contains e.g. artificial color- and antidegradant like orange II and methylchloroisothiazolinone and tensides like laureth sulfats.</p>

<p><b>Nettle Oil Balance Hair Conditioner</b></p> <p>The Body Shop</p>		 <p><b>NETTLE OIL BALANCE CONDITIONER</b> Oil-reducing, revitalising conditioner with astringent nettle leaf extract.</p>	<p>Aqua, Cetearyl Alcohol, Cetrimonium Chloride, Glycerin, Benzyl Alcohol, Phenoxyethanol, Hydroxyethylcellulose, Parfum, Mel, Citric Acid, Propylene Glycol, Wheat Amino Acids, Sodium Chloride; Disodium EDTA, Urtica dioica, Potassium Sorbate, Methylparaben, Butylparaben, Ethylparaben, Isobutylparaben, Propylparaben</p>	<p><b>Does not comply with criteria for organic cosmetics such as NaTrue.</b></p> <p>Contains e.g. artificial antidegradants like methyparaben, complex creators like disodium EDTA and synthetic hairconditioningliquid like Cetrimonium chloryds.</p> 
<p><b>Spa Vegetal bodypeeling</b></p> <p>Yves Rocher</p>		 <p>„Die Pflanzenkosmetik“</p> <p>The vegetable cosmetic</p>	<p>Aqua, Polyethylene, Alcohol Denat., Propylene Glycol, Kaolin, Polysorbate 20, Parfum, Acer Saccharum, Carbomer, Xanthan Gum, Methylparaben, Cocamidopropyl Betaine, Zea Mays, Cetearyl Alcohol, Sodium Cocoyl Isethionate, Disodium Lauryl Sulfosuccinate, Glycerin, Hydrogenated Castor Oil, Tocopheryl Acetat, Allantoin, Ethylparaben, Sodium Hydroxide, Propylparaben, Limonene, Citronellol, Butylphenyl Methylpropional, Tetrasodium EDTA, Linalool, Geraniol, CI 19140, CI 42090, CI 77891</p>	<p><b>Does not comply with criteria for organic cosmetics such as NaTrue.</b></p> <p>Contains e.g. polyethylene, tetrasodium EDTA as well as further synthetic color- and antidegradants like parabene or CI 19 140 (yellow colourant)</p> 

### 1.4 Detergents and cleaning products

Product name/ manufacturer	Picture of product	Green claim	Comment
<p><b>Procter &amp; Gamble</b></p> <p><b>Ariel with Actilift</b></p>		<p>Campaign: "Por un futuro sostenible"</p> <p>(For a sustainable future)</p>	<p>The advertisement says that you save 10 litres of water because no pre-wash is needed. We consider this misleading as today pre-wash is only needed in rare cases and comparable products would also be able to deliver a good washing result without prewash. Moreover, a washing cycle with 70 litres of water seems to be extremely high as because of Ecodesign of washing machines the water consumption will be considerably limited</p>



Ecoballs





<http://www.deco.proteste.pt/roupa/ecoballs-e-ecogenie-ball-lavagem-pouco-eficaz-s593331.htm>

"REPLACE  
REGULAR  
LAUNDRY  
DETERGENTS  
- SAVE MONEY  
AND HELP THE  
ENVIRONMENT  
"

Ecoballs and Ecogenie Ball are plastic balls with very little small balls inside, intended to put into the drum of washing machine. Selling argument: wash your clothes without detergent, saving water, energy and environment.

We consider this claim to be misleading as some of our member organisations have tested it and the product does not deliver its performance. Thus, consumers may need to wash the laundry again and thereby use more resources as if they had washed with other detergents.

### 1.5 Food and Drink

Product name/ manufacturer	Picture of product	Claim	Comment
Activia/ Danone	 <p>For more information (in German) see:  <a href="http://www.duh.de/pressemitteilung.html?&amp;tx_tt_news[tt_news]=2659">http://www.duh.de/pressemitteilung.html?&amp;tx_tt_news[tt_news]=2659</a></p>  <p>See: <a href="http://www.activia.de/">http://www.activia.de/</a></p>	"Cup made of renewable resources"	<p>The German Environmental organization "Deutsche Umwelthilfe" (DHU) gave a written warning to Danone in 2011 concerning the new plastic container for Activia Yoghurt made from "bioplastic". DHU considers the claim concerning the packaging to be misleading as a study had shown that the environmental balance would not be better than the old plastic packaging. The bioplastic is made of poly milk acid based on maize starch. Danone is focusing on the fact that the new packaging has a lesser negative impact on the climate and use of fossil resources. However, in other environmental impact categories, this new material performs worse than the old plastic packaging which was made of polystyrol. Moreover, Danone recommended to consumers to dispose of the empty packaging into the "yellow bag" which is used to collect among other materials, plastic to recycle it. However, this is misleading as the new bioplastic packaging is not recycled but incinerated as the German recycling chain does not allow separating and treating separately this material.</p>

<p>Volvic/ Danone</p>	 <p><a href="http://www.volvic.de/engagement/die-erste-flasche-aus-oeko-pet.php">http://www.volvic.de/engagement/die-erste-flasche-aus-oeko-pet.php</a></p>	<p>The first bottle made of eco-PET;</p> <p>“Due to optimizing our logistic and because of innovative packaging ideas, we reduce our CO2 footprint by the end of 2011 by 40%.”</p>	<p>Two different issues may mislead the consumer here. First, the label indicates “45% Öko-PET”. However, an apteryx refers to a sentence in tiny letters which explains that only 20% are made from renewable resource while 25% are made of recycled PET. Second, the claim on carbon footprint may mislead the consumer because this information cannot be easily verified and is meaningless to consumers.</p>
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Font Vella



“Ecoligera”,  
Ecologica,  
Económica

The advertisement applies an own label which is meaningless for consumers as it cannot be compared to other products. Moreover, it gives water in plastic bottles a green touch although drinking tap water may be more sustainable.

## 1.6 Electricity providers

Product name/ manufacturer	Picture of product	Claim	Comment
RWE	 <p>Einige Ideen von RWE: Weniger CO<sub>2</sub> durch Innovationen</p> <p>Wer sich am meisten über unsere Investitionen freut? Das Klima.</p> <p><small>Investitionen sind notwendig, um die Klimaziele zu erreichen. Die Energieerzeugung muss sich wandeln. RWE investiert in erneuerbare Energien, um den CO<sub>2</sub>-Ausstoß zu senken. Dies ist ein wichtiger Schritt zur Erreichung der Klimaziele.</small></p> <p><small>Die Investition in die Erneuerbaren Energien ist ein wichtiger Schritt zur Erreichung der Klimaziele. RWE investiert in erneuerbare Energien, um den CO<sub>2</sub>-Ausstoß zu senken. Dies ist ein wichtiger Schritt zur Erreichung der Klimaziele.</small></p> <p><small>Die Investition in die Erneuerbaren Energien ist ein wichtiger Schritt zur Erreichung der Klimaziele. RWE investiert in erneuerbare Energien, um den CO<sub>2</sub>-Ausstoß zu senken. Dies ist ein wichtiger Schritt zur Erreichung der Klimaziele.</small></p> <p>RWE</p>	<p>“Who is going to profit the most of our investment? The climate.”</p>	<p>This seems to be misleading as it suggests that nuclear power plants are good for the climate while more environmental aspects are of key concern such as nuclear waste.</p>

taz, 25.10.07

## **Part 2: Description of successful court cases by consumer organisations against misleading green claims**

### **2.1 Federation of German Consumer Organisations (vzbv) – action in the area of cars**

The Federation of German Consumer Organisations (vzbv) has been active against misleading car advertisements since 2009 in the context of the project “für mich. für dich. fürs klima” (“For me. For you. For the climate”). They took action against advertisements which used climate protection arguments. Vzbv admonished for instance Opel as this car manufacturer advertised for its model “Insignia ecoFlex” with “climate friendly CO2 emissions”. Also VW had been admonished because they used in a catalogue the slogan “Driving with a perfect conscience” and “highest environmental sustainability”.

Both producers agreed not to use these slogans in the future.

### **2.2 Consumer Centre Hamburg (VZHH)**

The consumer center Hamburg (a vzbv member) took legal action against the retailer Media Markt in 2010 because they used in an advertisement the slogan “very energy saving” for a refrigerator/freezer (manufactured by Samsung, model RL-24FCAS) which was of energy efficiency class “A”. This had been considered to be misleading as 308 out of 543 appliances already belonged to class “A+” and almost 17% of all available appliances on the German market belonged even to energy efficiency class “A++”. As the consumer center Hamburg won the case, the retailer was not allowed to use this advertisement anymore.

These cases hint towards two very large problems with enforcing the Unfair Commercial Practices Directive:

#### **Scope of court decision limited to the individual retailer and claim**

First, the advertisement has been considered to be misleading only for this particular case. In case another retailer would use the same advertisement and wording, the consumer organization would need to start a new case against this retailer. However, this costs too many resources. From our perspective, a case by case action is neither efficient nor effective and therefore does not eliminate a large number of misleading claims.

#### **Difficult enforcement of non measurable parameters**

Second, enforcing the Unfair Commercial Practices Directive is very difficult for consumer organizations and the national authorities when no “measurable” parameters are involved. For instance because of the provisions of the EU Energy Label, it was clear that a refrigerator of class “A” is not energy saving when there are models on the market which perform already two classes higher. However, such measurable indicators are rarely available in most types of advertisement. Thus, a successful enforcement is less likely.

## **Part 3: The need to better regulate misleading green claims**

### **3.1 Better knowledge about the effects of misleading green claims is needed**

The advertising and marketing of products influences consumer choice. The increasing number of manufacturers and retailers' own-labels, as well as misleading/incorrect labels and misleading advertising, is confusing for consumers.

We therefore recommend to the European Commission to more actively monitor the use of green claims and to report on this issue. More data is needed to better understand which marketing practices lead to consumer confusion. In order to take into account different cultural contexts, Member States should be obliged to report regularly to the European Commission on the use of green claims in their markets. When looking at claims, it should be ensured that both products and services will be covered.

The findings of this research could first be used to design better policies. Moreover, it could be used to develop training and advice for people who design advertisement and product packaging to ensure that these will not be misleading.

### **3.2 The UCP Directive should be amended or additional legislation should be developed which requires the substantiation of claims<sup>4</sup>**

The Commission should explore policy options in order to prevent the use of misleading and unreliable green claims and better control 'green washing', i.e. green marketing and advertising.

One option to be considered is amending the Unfair Commercial Practices Directive<sup>5</sup> (UCPD) to introduce specific requirements for green claims and green washing. Examples of green claims should also be included in Annex 1 of the UCPD which lists commercial practices that are in all circumstances considered unfair. Furthermore, a more effective implementation of this directive – which differs among Member States – ought to be guaranteed.

Another option could comprise the development of legislation on green claims whereby any claim would be required to be substantiated by business and approved by an independent body before being used on a product. Such a mechanism already exists for nutritional and health claims for foods<sup>6</sup>.

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<sup>4</sup> Chapter 2 is based on the joint position paper with ANEC "ANEC/BEUC preliminary thoughts in view of the revision of the EU Action Plan on Sustainable Consumption & Production", x/O22/2011.

<sup>5</sup> Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market.

<sup>6</sup> See Regulation (EC) No 1924/2006 on nutrition and health claims made on foods: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:404:0009:0025:EN:PDF>

We urge the Commission to:

- **Explore policy routes** to regulate and thereby sanction the use of misleading and unsubstantiated green claims and better control green marketing and advertising.
- To this aim, consider amending the Unfair Commercial Practices Directive (UCPD) to address green claims or introduce new legislation (based on the model of the health/nutritional food claims).

END.