



INSTITUTE  
OF SELF-DISCIPLINE  
ADVERTISING

# Green claims

Communicate  
sustainability  
responsibly

In recent years, the awareness of companies and consumers on the issue of eco-sustainability and the commitments to be made in relation to policies aimed at the so-called green transition. Environmental claims have therefore become an important tool advertising capable of guiding purchasing choices.

# What are green claims?

Environmental advertising (green claims) is that form of commercial communication that:

creates a link between product/service and environment;

which promotes an eco-friendly lifestyle;

which presents a brand image characterised by environmental commitment.

Environmental advertising (green claims) commonly refers to those promises that refer, implicitly or explicitly, to the relationship between the product/service and the environment; which promote an eco-friendly lifestyle; which present a corporate image characterised by environmental commitment.

The environmental benefits of a product advertised in advertising can be decisive for guide consumers' purchasing decisions and certainly deserve to be press releases to make known and share the commitment of companies that carry out concrete and significant results for the protection of the environment, also in terms of drafting of environmental balance sheets and reports.

On the basis of these assumptions and taking into account the Jury's pronouncements on the subject, Article 12 of the Self-Regulation Code for Commercial Communications – Protection of the natural environment -, introduced in 2014 as a modification of a previous regulation generic, imposes precise standards of correctness, so that 'ecological' slogans do not become phrases of mere common use, devoid of concrete meaning for the purposes of characterization and differentiation of products and companies.

# Requirements of correct environmental advertising



Clear and understandable information



Indications on the scope to which they refer



Evidence to support the claims



No vague and generic statements

## ” “On the hunt of greenwashing

Self-disciplinary bodies have always been concerned with unmasking the so-called “green” washing”, that is, that operation aimed at cloaking commercial communication in ecological promises, which do not hold up (completely or to the extent boasted in the message) advertising) to a thorough examination of the merits.

Environmental advertising must in fact be based on precise requirements, offering clear information, understandable to the consumer without ambiguity and which specifies the scope to which they refer (i.e. the product, the process, the packaging, the entire production cycle) life or part of it).

Claims must be supported by relevant, significant and verifiable data. Evidence related to the claims in the message must be solid and current (up to date (always at the time the message is disseminated) and follow updated standards of the recognized scientific methodology. Vague or generic statements are therefore banned, and environmental claims must reflect the consistency of the promised environmental benefit with the function of use, the sector and the product category of the product.

# Article 12

## Protection of the natural environment

Article 12 CA requires that it must be “enabled to clearly understand which aspect of the product or activity advertised the benefits claimed refer to” (see ex multiis pronounced. n. 27/20 and n. 69/2016).

This means that the advertiser has a particularly stringent information burden, which does not tolerate generic claims, both because of their potential danger – as can induce the consumer, on the basis of erroneous perceptions, to behave in a which can have negative consequences on the environment – both to avoid trivialising the boasts environmental, watering down the communication of those who have real green values to show. The social responsibility role that the company assumes when it communicates green is certainly marked.

## How does the IAP intervene?

UNMASKING THE  
**"GREEN WASHING"**



ART. 12  
PROTECTION  
OF THE ENVIRONMENT  
NATURAL



For example, the message for a gas and electricity offer is misleading, promising “gas at “zero emissions” and “zero impact electricity and gas”. These are in fact peremptory claims that do not they find no justification at present and give credence to the erroneous belief in the public that the combustion of gas at home does not produce emissions and that the company in question has implemented virtuous behaviors, capable of to absolutely guarantee the claimed results, whereas a productive activity without any impact on the environment cannot actually be quantified, except in terms of compensation (ing. no. 9/21).

The reference to “disinfestation solutions and smart rodent control ...100% green” without no indication to support such an absolute the promise of ecologicalness is also evident deceptive (eng. n. 6/21).

It is misleading to present the product advertised, in particular a product fish food, as having exclusive or superior characteristics, which are not proven (“the truth is that no one has a sustainability project like XXX”): the sustainable fishing, the protection of the marine environment and the use of energy renewables, measures which are also common to operators in the sector and also owned by the market leader (pron. n. 4/2021).

# **NO** **to** **peremptory claim**

Zero emissions  
Zero impact  
100% green  
100% natural  
Sustainable project

Advertising for baby diapers was deemed to be in conflict with the Code, claims (“100% natural”, “compostable”, “biodegradable”) of integral “naturalness” of the components used for production; of full biodegradability of the product and of compostability were substantially denied by the same additional information presented, in small and not very evident characters, on the packages where the presence of components made of industrially produced plastic materials, making in fact the claims are deceptive (pron. n. 69/2016).

The promise of a was considered to be without adequate proof and therefore misleading. “75% reduction in CO2 emissions” resulting from the use of cat food sachets in polycoupled compared to the use of cans. In fact, the data was based more on a scientific analysis than on based on a merely intuitive concept of common sense, according to which the comparison of weight and volume between the packages in bags (flexible and deformable by their nature) compared to those in aluminum would have led to the conclusion that the energy needed to store and moving the cans would necessarily have been higher (pron. n. 75/2013).



# Decisions on green claims

Self-disciplinary jurisprudence, pending the next community developments, plays a role important in defining and clarifying the key principles of the subject, which are expressed in the general rules. Over time, one can also observe an evolution of the evaluation parameters with the growing sensitivity towards the issues of responsibility and of environmental commitment.



## art. 12 CA

### Protection of the natural environment

Since 2014, this law has imposed precise standards of correctness so that "ecological" slogans do not become phrases of mere common use. but have a concrete answer.

## Some cases

Below is a brief but not exhaustive review of some green claims, considering that the jurisprudence, in addition to being constantly evolving, must take into account taking into account the circumstances of the specific case.

**Ecological and Organic**

**Compostable and Biodegradable**

**Recyclable and Life Cycle Assessment**

# Ecological

The Jury had the opportunity to express its opinion over twenty years ago on the value to be attributed to this expression for its semantic, scientific and social values depending on the specific advertising claim that had been contested, namely the claim “ecological gas that respects nature” to distinguish the advertised sprays (in which CFC was used to a lesser extent than competing products: not as a propellant, but as an additive).

The Jury had considered the attribution of the ecological connotation to a gas that, both even in modest quantities, it contained CFCs (chlorofluorocarbons) and therefore had effects harmful to the atmosphere and the environment. The Jury observed, with evident relevance, that:

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*Emphasize the ecological nature of the product in the current historical moment, in which the value ecological receives general approval, almost like a metavalue that goes beyond the individual political and ideological positions, wants to say wanting to appropriate a highly positive connotation, which does not appear justified if applied to a product only modestly harmful.*

Pronunciation No. 58/1989

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More permissive is the decision of the same period n. 171/89 for a car with “greener” engine, an expression considered acceptable due to the presence of the adverb “more” in order to communicate to the public the real data of the less polluting nature of the product, on the consideration of the fact that a car manufacturer, a polluting good in itself, is not required to report the results achieved only in negative terms (“less polluting”), since in this way the company would be forced to adopt a form of communication in which the positive connotation of the data would in fact be neutralized by the expression used.

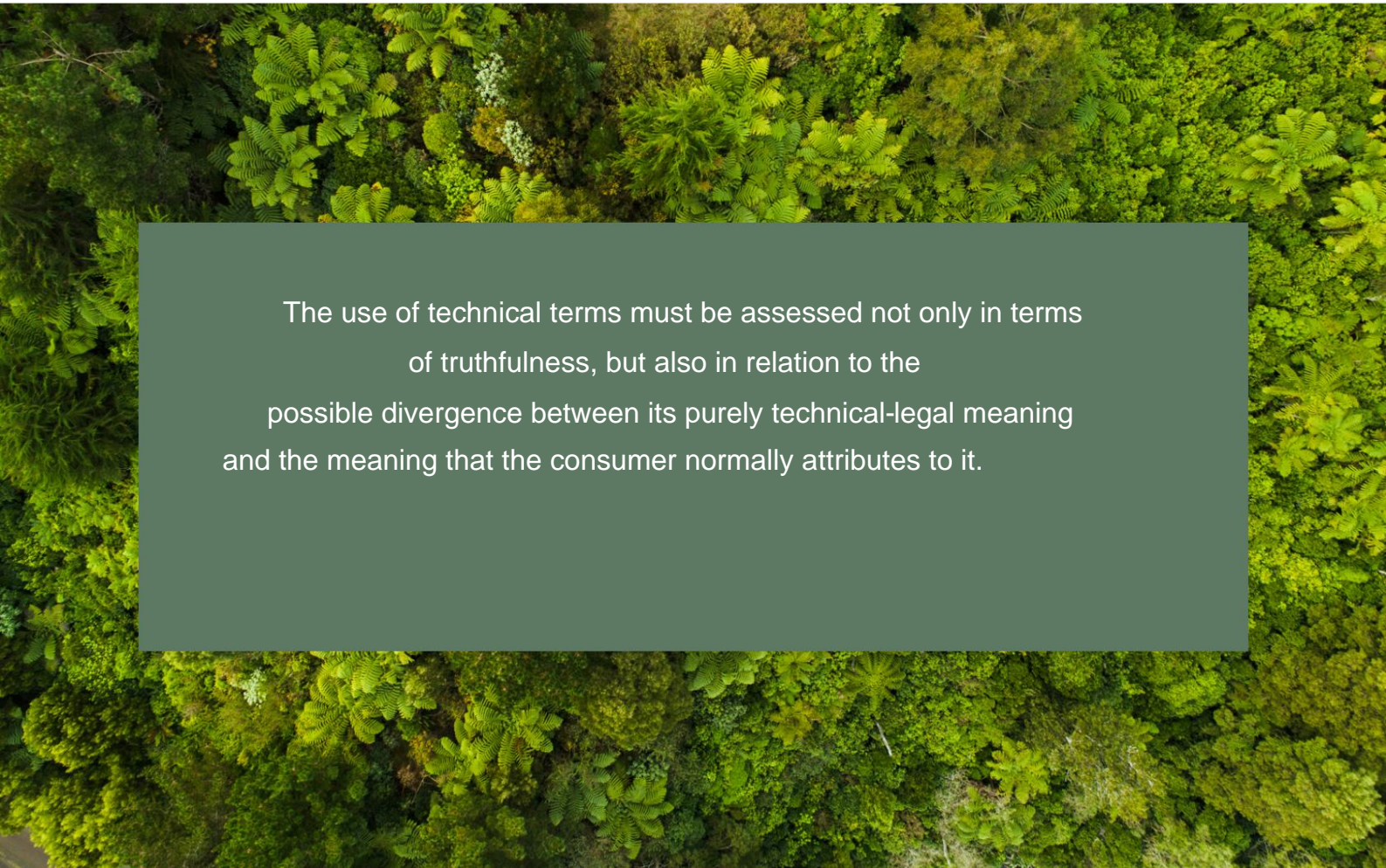
Still in relation to car advertising, the 90s slogan “who drives XXX defends the environment” would hardly be considered acceptable with the regulatory provisions and parameters of today's judgment (pron. 53/1991). Then the Jury considered it compliant with the Code in as intended to seal the economic efforts of the company, real and proven, achievement of pollution reduction targets, waste treatment and recycling, as “a fair compensatory recognition of investments in any case producing beneficial effects for the social community”.

The most recent assessment is that it should not be considered lawful to propose as ecological a product that is only less polluting than others: the message concerned a comparison between terracotta and plastic plant pots, accrediting – erroneously - the latter as “eco-friendly” with “all the advantages of a terracotta vase, without defects” (pron. n. 157/96).



The most spontaneous association between the prefix “eco” and the noun that follows usually refers to the sphere of environmental protection, but if nothing in the message refers to environmental problems it can also be understood in the sense of economic savings resulting from the use of the product. Ad for example in a message subject to a decision by the Jury, the definition of detergent as “Ecodosi” (saving energy/water, quantity of detergent) was all about elements of “waste”, referring to the negative effects that such waste produced with respect to consumers' pockets and not to ecologically negative effects (pron. n. 107/2010).

Finally, the use of technical terms, which are often accompanied by the logo or reference to the certifying body that certified the product's compliance with the necessary requirements for be classified, for example, as “compostable”, “biodegradable”, etc., must be evaluated not only in terms of truthfulness, but also in relation to the possible divergence between its purely technical-legal meaning and the meaning that is normally given to it attributes the consumer.

An aerial photograph of a dense, vibrant green forest. The foliage is thick and varied in shades of green, from bright lime to deep forest green. A semi-transparent, dark green rectangular box is centered in the lower half of the image, containing white text. The text discusses the evaluation of technical terms in advertising, specifically focusing on the divergence between technical-legal meanings and consumer perceptions.

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# Biological

Definition of the subject of EU Regulation no. 2018/848 which establishes the requirements for being able to boast of this indication, which entails the non-use of chemical products as a condition for the concession of the logo.

In the advertisement for a spreadable cream the claim “good for me and good for the planet, because it is organic and palm oil-free” (pron. no. 27/20) was considered compliant with the canons prescribed by art. 12 CA. The environmental claim was demonstrated and was connected to the organic nature of the product (the production of which complies with specific regulations in this area of organic foods). In a similar sense, a case in which the issue was whether or not it was protectable of an advertising idea, but which in relation to the boast "a cleaner agriculture, a cleaner environment more protected, healthier nutrition" for a biscuit for children that is the result of a organic and integrated production, it was stated that "organic production methods they have the very purpose of respecting the environment more and of producing products that are free from chemical residues and therefore 'healthier' (pron. n. 166/1999).



The advertising contested in injunction 30/2015, relating to household cleaners proposed as having merits of environmental respect: “Finally in the supermarkets the real organic detergent, much more than eco-friendly”, “100% natural cleaning power”, used improperly the term “organic” (the product is not contains no organic ingredients and no ingredient of natural origin), solely on the basis of of the presence in the product of a component, which in based on its particular cleansing property it would be in able to reduce the quantity of product to be used, with consequent reduction of the environmental impact in terms of substances released into the water.

# Compostable

Compostability is the ability of a starting organic material to transform into compost (fertilizer in agriculture, or for the production of biogas), exploiting its biodegradability. The industrial compostability requirements of the packaging is defined by a European standard (EN 13432:2000), adopted in Italy by the Italian National Standards Body (UNI EN 13432).

In the case discussed before Jury No. 40/19, before the introduction of the European standard, it was complained about the misleading nature of the claims relating to a new ice cream package, presented as recyclable and compostable, as they are likely to mislead the public into believing that such packages could be disposed of within domestic composting systems, in the opinion of the applicant, there are no clear indications on the behaviors to be adopted for the waste disposal.

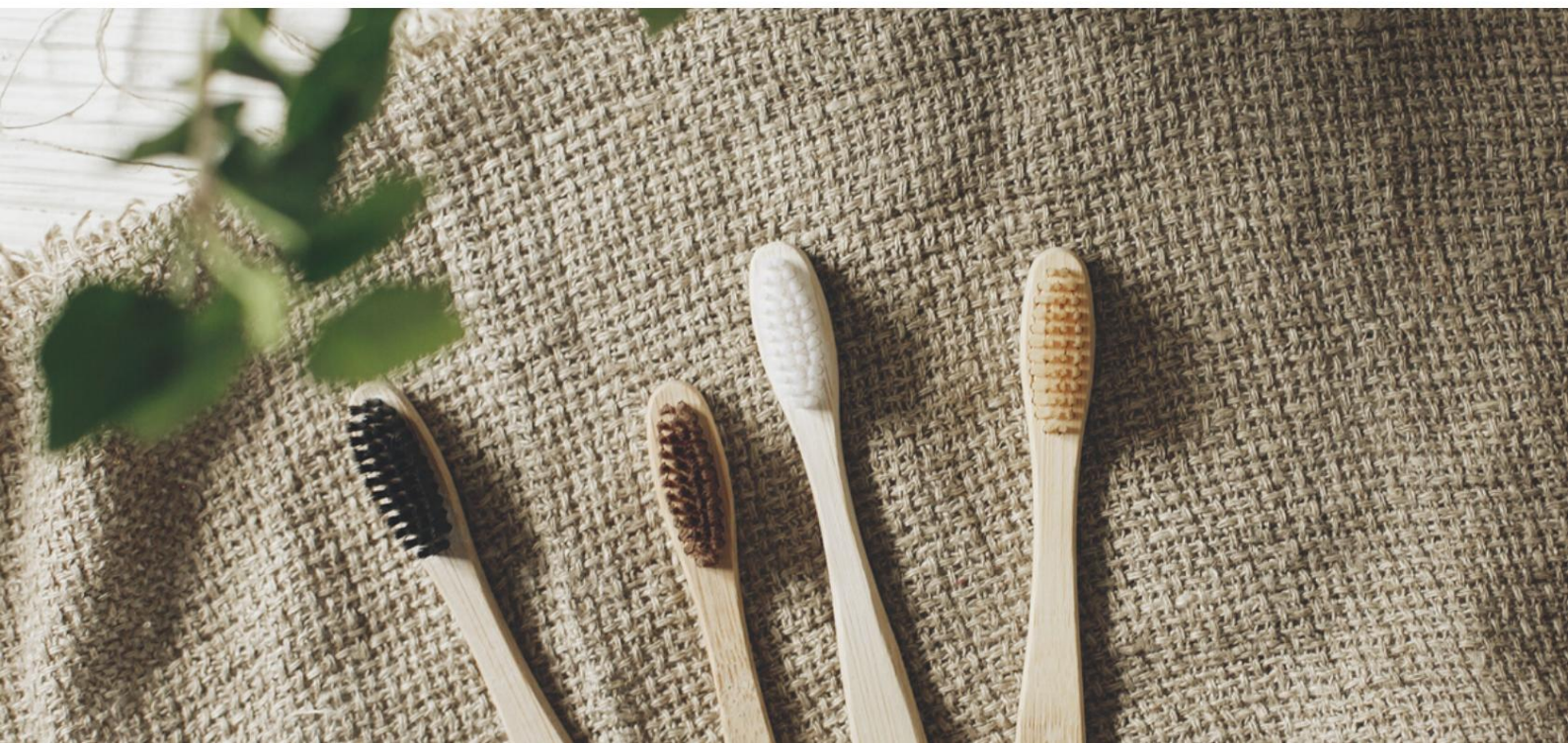


The message was deemed acceptable to the Jury where it informed correctly the consumer on waste disposal techniques, establishing a link between compostability and wet waste, for raise consumer awareness on the usefulness of separate waste collection.

More recently the Jury had the opportunity to address the issue of advertising for a sanitary towel hygienic, biodegradable and compostable (compliant with the technical standard UNI EN ISO 13432) of which the lack of warnings for consumers on the disposal phase were complained about - "wet/organic" waste collection channel subject to verification of the situation by the Municipality of membership - believing that this was an illusory promise as very few Municipalities in Italy still allow effective disposal of sanitary towels in the organic (pron. n. 9/23).

In the opinion of the Jury, however, it is not possible to impose on a company that communicates what it has done and obtained to improve the environmental situation , to also take charge of what depends on conduct of others (the Municipalities) over which it has no control whatsoever. Therefore, where it informs the public that the product is compostable and what are the disposal instructions communication can be considered correct.

Different, always in the case examined, the environmental boast "90% less CO2 emissions", which was incorrect because if the product is not treated in a plant composting the reduction of CO2 emissions is 50% and not 90%, and given that the large majority of municipalities do not send the products in question to the waste treatment plants composting becomes evident the deceptive nature of the boast, which promises a result chimerical.



# Biodegradable

The claim “completely biodegradable” can be potentially misleading. As in case of an advertisement to promote detergents: the claim was true only when referring to the vegetable raw materials used, not even additives without detergent efficacy (such as perfumes) and not even to the packaging. In the opinion of the Jury, in the absence of clarifications, the claim “completely biodegradable” is understood by the public as a synonym for “completely, 100%” (complete degradation without residues of the material) dissonant I comply with the legislation (EEC Reg. 648/2004 relating to detergents in Annex III) which defines “complete biodegradability” as degradation of at least 60% within a given period of 28 days (pron. n. 17/2013).

In line with this decision, the Jury confirmed (pronouncement no. 39/2018) the need for a balance between the legitimacy of using the expression “completely “biodegradable” if the requirements set by the legislation exist, and the need to inform the consumer, with a specific warning, that this term must be understood in light of EEC Regulation 648/2004, to suggest that this is a definition technical and not “literal”.

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~~Completely~~  
*biodegradable*

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# Recyclable

A product is recycled if it comes from recycling sources and has been subjected to recycling operations. recycling to be recovered for new use. A product is recyclable if it can be removed from the waste stream and reintroduced into the market following processing, following the parameters imposed by law.

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*A product is recycled if comes from recycled sources.*

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*A product is recyclable if it can be removed from the waste flow and reintroduced on market following of processing.*

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The claim "recycled" must clarify which part of the product, and to what extent, it refers. Mobius loop symbol is for recyclable packaging and wrapping and, with an indication percentage in the center, indicates the quantity of recycled material in the packaging.

# Life Cycle Assessment

As part of a comparative advertisement on the environmental impact of different types of plastics, disposable tableware made of traditional plastic compared to compostable plastic ones would have a greater environmental impact (pron. n. 95/2015), the Jury ruled on the admissibility of a comparison that takes into account the entire life cycle of the product and not solely of the events of its so-called end-of-life after use.

From the pronouncement we learn that the approach that takes into account the entire life cycle of the product would in fact deny the common idea that compostable plastics would have a lower environmental impact, due to their shorter degradation time (six months) compared to traditional plastics (years), also taking into account the investment economic cost necessary for the production of organic tableware (water and land consumption for the cultivation of the raw material; the energy to produce it; the resulting emissions, etc.). The message was however considered misleading because the communication to the audience of the comparison – in favour of the lower environmental impact of disposable tableware in plastic - it did not clarify whether it was based on the entire life cycle of the products, while it is common perception that the assessment of the environmental impact of the various types of plastic is mainly conducted and communicated taking into account the way in which they are initiated into their “end of life” (thrown away after first use or reused; subjected or not to recycling processes) degradation or recycling).

In another case discussed before the Jury the "eco-friendly" claim of a new bottle for mineral water referred only to a phase of the product's life, in particular its disposal, ignoring the other moments of production and making the peremptoriness of deceptive claims.



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Eco-sustainable

~~100%~~

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The affirmation of the primacy of the “100% eco-sustainable” bottle (pron. n. 86/2008) he praised the fact that its disposal was carried out in a fully eco-sustainable way, without taking into account the production process or the fact that, during the production process of both corn, PLA (polylactic acid) and the bottle advertised, there was certainly a consumption of fossil fuels and water, as well as the release of polluting emissions.

If it is permissible to communicate a full recyclability of the bottle (demonstrated data), that is, the its reusability as a material for the production of new PLA products, it cannot be fail to note that the recycling process - and in particular the recycling process new product manufacturing - involves the use of fossil fuels and the utilization of traditional processes, with consequent emission of residues into the atmosphere, making the statement: "unlike most common plastics, it is recyclable" is incorrect chemically: a new XXX Bottle is reborn from a used XXX Bottle, without using petroleum and without polluting the atmosphere”.



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