

London, 7 July 2021

TO: misleadinggreenclaims@cma.gov.uk

Dear CMA team,

We would like to thank you for the opportunity to provide feedback on your recently published Draft guidance on environmental claims on goods and services . We believe your guidance is robust and we would like to inform you that we have used it in our recent report [\*Synthetics Anonymous: Fashion Brands Addiction to Fossil Fuels\*](#) to analyse green claims that fashion brands are making around their products. Our findings show that 59% of claims were unsubstantiated or misleading to consumers.

We analysed over 4,000 products from 12 brands' online Spring/Summer 2021 (all websites were accessed from the UK) collections to assess the prevalence of synthetic fibres in today's fashion. We wanted to better understand the composition of products and claims that companies make directly to their customers – and how this compares with policies and commitments they publish online or disclose to civil society. The brands we investigated were: ASOS, Boohoo, Forever21, Gucci, George at Asda, H&M, Louis Vuitton, M&S, Uniqlo, Walmart, Zalando and Zara. These were chosen to represent a range of brands: from luxury to low-cost, department stores and online-only, those who put sustainability at the forefront of their communications and ultra-fast-fashion brands for whom this is not a consideration. For the analysis, a selection of products was randomly chosen across the following male and female categories: shirts/tops, non-jeans-based trousers, jackets/coats, dresses, kidswear and hoodies/sweatshirts, with data collected on material composition, sustainability claims (if any) and certifications to support such claims. We found that 39% of products had some kind of green claim. We then analysed these claims on the basis of the CMA draft guidance to establish whether or not they were substantiated.

In addition to a large number of false claims, we also found a wide variation between brands with some of them making no claims at all, while others making a significant number of misleading claims. The worst offenders were H&M with 96% false claims, ASOS with 89% and M&S with 88% false claims. H&M's Conscious Collection was also found to contain an even higher share of synthetics than the main one (72% compared to 61%). This is problematic, because synthetic fibres shed microplastic, leading to significant environmental pollution and potential health risks. We also found a myriad of misleading claims by brands with regards to recyclability of their products, despite the fact that currently less than 1% of clothes are recycled back into new clothes and most brands have no take-back scheme and no investment in fibre-to-fibre recycling technologies to change this.

In light of these findings we would like to encourage you to proceed with your guidance and consider going even further. We would like to recommend that you consider to **blacklist confusing or misleading claims & labels** (e.g.

unsubstantiated use of “green”, “sustainable”, and “climate/ ocean friendly”) and explore setting up a **pre-approval process** for green claims and labels, as currently applied by EFSA for food health claims.

**Third party certification schemes** should not be taken at face value, but should be analysed to establish whether or not they are enough to substantiate any claims that the brands are making. For example, our research has shown that brands regularly use Better Cotton Initiative (BCI) in their communication with their customers. BCI has numerous shortcomings, including weak environmental standards; it tolerates high use of pesticides (some of which are banned in the EU) and synthetic fertilisers, and is agnostic towards the use of genetically modified cotton, which we believe is misleading to the consumers. In addition, it is sourced through a system known as ‘mass balance’, whereby it is mixed with ordinary cotton throughout the supply chain. As a result, BCI cotton cannot guarantee that any of the fibre in the end product actually comes from so-called ‘better’ production practices.

Our previous research on plastic packaging – published in the report entitled [Talking Trash: The Corporate Playbook of False Solutions to the Plastic Crisis](#) - shows that companies also use voluntary commitments (made either as an individual company or as part of a group commitment) to greenwash their image and to give the impression to their customers that they are taking the plastic pollution crisis seriously. We would like to encourage you to also consider ways to address such practices, specifically investigate broken commitments (see the example of [Coca-Cola’s 30-year history of broken commitments](#) revealed in our research).

We also welcome your commitment to enforce this guidance in different sectors, and would encourage you to take a robust approach to enforcement upon the formal adoption of the guidance. This will send a clear message to companies and promote a culture of compliance from the outset.

Yours sincerely,

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Changing Markets Foundation

## References

### [\*Synthetics Anonymous: Fashion Brands Addiction to Fossil Fuels\*](#)

This report investigates the behaviour of some of the biggest fashion brands and retailers regarding their use of synthetic fibres and transparency about doing so. We reached out to 46 brands with a questionnaire, finding that the majority of brands are dragging their feet on reducing their reliance on fossil-fuel based fibres, with some well-known brands landing in the red-zone for heavy use of synthetics or lack of transparency. No brand was deemed to be a frontrunner on the issue of synthetics. We also conducted meticulous online research of over 4,000 products, seeking to establish what brands are doing on the ground. Our findings not only expose fashion brands' heavy addiction to synthetics but also demonstrate rampant greenwashing across their voluntary commitments and products, with as much as 59% of green claims for the products we assessed being unsubstantiated or misleading.

### [Talking Trash: The Corporate Playbook of False Solutions to the Plastic Crisis](#)

This report investigates industry tactics in the face of an unprecedented plastic pollution crisis and growing public pressure to address it. Based on research and investigations in over 15 countries across five continents, it reveals how – behind the veil of nice-sounding initiatives and commitments – the industry has obstructed and undermined proven legislative solutions for decades. Our case studies show that not only have voluntary initiatives failed to contain the plastics crisis, but also that companies have used these initiatives as a tactic to delay and derail progressive legislation – all while distracting consumers and governments with empty promises and false solutions.