

July 15th, 2021

CMA Consultation document on "Draft Guidance on environmental claims on goods and services"

I. Scope

1. Does the draft guidance cover all important consumer protection law issues relating to the making of environmental claims? If not, what else should this guidance include and why?

Reckitt: Yes

2. The draft guidance applies to business to consumer relationships, and to a more limited extent, to business-to-business relationships. Is it helpful to cover both?

Reckitt: Yes, it is.

II. Principles for compliance

1. The guidance sets out six principles for business compliance with consumer protection law to avoid 'greenwashing'. Are these principles the right principles under consumer protection law? If not, what other principles would help businesses comply with consumer protection law?

Reckitt: Yes, they are right.

III. Case Studies

1. To help businesses engage with the principles, guidance and consumer protection law compliance more generally, we have included a range of case studies. Would further case studies be helpful? If so, please suggest topics for these case studies and, if possible, provide examples of when these issues would arise.

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Reckitt: Yes, further case studies would be helpful with not only negative examples but also positive ones as well as illustrations in the format of "Do" and "Don't". For example:

- "Natural"/" Naturally derived"/ "plant based" content claims. Would be helpful to include some national or international standards in terms of definitions to follow eg. ISO standards for cosmetics.
- Positive, non-misleading examples of general "eco" claims. For example, which impact has a successfully obtained third party certification assessing the whole lifecycle on the possibility to make a general "eco-friendly" or equivalent claim?

IV. General and additional issues

1. Which, if any, aspects of the draft guidance do you consider need further clarification or explanation, and why? In responding, please specify which Chapter and section of the draft guidance (and, where appropriate, the issue) each of your comments relate to.

Reckitt: NA

2. Overall, is the draft guidance sufficiently clear and helpful for the intended audience?

Reckitt: It's a clear guidance for lawyers but not necessarily for businesses, might benefit from being more "user-friendly" so marketing teams may also read and understand this. Having sections divided by categories of "claims", claims illustrations and bullet points might help to achieve this.

3. Are there any other comments that you wish to make on the draft guidance?

Reckitt: When referencing other applicable sector specific rules, might be helpful to have links to those rules or have an Annex with the list of additional links and where to go for more information.

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