

	Question	SC Johnson Feedback
Scope		
3.1	Does the draft guidance cover all the important consumer protection law issues relating to the making of environmental claims? If not, what else should this guidance include and why?	<p>We support the UK Competition and Markets Authority’s (CMA) draft guidance on substantiating green claims and tackling greenwashing, to ensure the continuing accuracy and relevance of product claims related to environmental attributes in the UK. It is key for the empowerment of consumers that they should see reliable, relevant, clear, and understandable information regarding the sustainability and environmental impact of a product.</p> <p>Consumer Awareness It is important to consider consumer awareness of environmental claims, as any information needs to be ‘actionable’ by consumers. Unfortunately, a considerable number of consumers feel more confused than empowered to make a green product choice internationally. Recent studies have found that consumers in the EU have experienced difficulty understanding which products are truly environmentally friendly¹. We would therefore recommend that the CMA provide brands with a summary of research on consumer perceptions regarding green claims, to remind companies of the key areas of consideration when formulating their own.</p> <p>Positive Examples We would also suggest that the guidance provide positive examples for businesses on how claims should be phrased to be compliant with environmental claim requirements, including a disclaimer specifying that</p>

¹ Analysis based on ecolabelindex.com data

		<p>goods should be assessed on a case-by-case basis. This would aid firms further to comply and not mislead the consumer.</p> <p>For instance, Example 1 could be amended to suggest how the messaging could be rephrased to ensure that it is compliant and not misleading. This would include details on how the manufacturer can avoid making claims that packaging alternatives are more sustainable than in practice, particularly with regard to their recyclability. We would also suggest that the guidance include an accessible visual resource, such as a pull-out diagram, for companies to consider when drafting their own claims which would include an outline of the key questions it should consider before making such claims.</p> <p>Regulatory Framework</p> <p>Although it may not be a primary consideration for this project, it is important to note that the cleaning and hygiene sector has worked with DEFRA to produce specific guidance on environmental claims. In addition, we are regulated in our use of biocides and in the classification, labelling and packaging of our products. Whilst we continue to follow all of these regulations, it should be considered whether the UK wishes to amend any of these provisions as it moves away from EU regulation. All chemical products are supported under three major pieces of chemical legislation in Europe - REACH, CLP and the BPR - but there are also many pieces of regulation specific to particular product types: Detergent Regulation, Cosmetics Regulation, Aerosol Dispensers Directive. These regulations all have an impact on the types of claims manufacturers can make on products.</p>
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3.2	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?	<p>It makes sense that there are one set of rules as, in our case, businesses are often our customers too. In cases where we sell to businesses and they operate in a consumer facing environment it cannot be helpful to have different rules for different customers.</p> <p>Under Cosmetics Regulation, the responsibility for claims on the finished cosmetic product falls under the Responsible Person placing the product on the market; however, collaboration by the whole industry and supply chain would be extremely helpful on this matter.</p>
3.3	The draft guidance, and UK consumer protection law itself, applies across all sectors of the economy and to all businesses selling goods and services. Are there any sectors which require special treatment either in the draft guidance or separately? If so, which sectors and why?	<p>In addition to consumer protection law, we have sector-specific legislation for many of our products, at EU and UK level, and our industry associations have worked with DEFRA to produce sector-specific guidance with the UK Cleaning Products Industry Association (UKCPI)² and Cosmetic Toiletry & Perfumery Association (CTPA)³.</p> <p>Under EU legislation we must abide by regulations on the classification, labelling and packaging of our products, and the use of biocides and detergents:</p> <p>Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures (CLP Regulation)⁴</p> <p>Article four of the EU CLP Regulation requires that “statements such as ‘non-toxic’, ‘non-harmful’, ‘non-polluting’, ‘ecological’ or any other statements indicating that the substance or mixture is not hazardous or</p>

² UKCPI, ‘Green Claims Guidance for the Cleaning Products Sector’, 2014. <https://www.ukcpi.org/green-claims-guidance/>

³ CTPA, ‘CTPA Environmental & Green Claims’, 2020. <https://www.ctpa.org.uk/file.php?fileid=3802>

⁴ Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures (CLP Regulation). <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02008R1272-20201114&from=EN>

		<p>any other statements that are inconsistent with the classification of that substance or mixture shall not appear on the label or packaging of any substance or mixture.”</p> <p>EU Biocidal Products Regulation (BPR, Regulation (EU) 528/2012)⁵ Article 69 of the classification, packaging and labelling of biocidal products, requires that “authorisation holders shall ensure that labels are not misleading in respect of the risks from the product to human health, animal health or the environment or its efficacy and, in any case, do not mention the indications ‘low-risk biocidal product’, ‘non-toxic’, ‘harmless’, ‘natural’, ‘environmentally friendly’, ‘animal friendly’ or similar indications.”</p> <p>Detergents Regulation (EC) No 648/2004)⁶ Article one of the Detergents Regulation harmonises the following rules for the placing on the market of detergents and of surfactants for detergents: the biodegradability of surfactants in detergents; restrictions or bans on surfactants on grounds of biodegradability; the additional labelling of detergents, including fragrance allergens”.</p> <p>We would also suggest adding an Appendix summarising the specific sectorial requirements for claims and resources available.</p>
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⁵ Biocidal Products Regulation (BPR, Regulation (EU) 528/2012). <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02012R0528-20210329>

⁶ Detergents Regulation (EC) No 648/2004). <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004R0648&from=EN>

Principles for compliance		
3.4		
3.5	<p>Are these principles the right principles under consumer protection law? If not, what other principles would help businesses comply with consumer protection law</p> <p>Principles:</p> <ul style="list-style-type: none"> • claims must be truthful and accurate • claims must be clear and unambiguous • claims must not omit or hide important relevant information • comparisons must be fair and meaningful • claims must consider the full life cycle of the product • claims must be substantiated 	<p>We believe these principles are appropriate and comprehensive.</p> <p>We operate globally and seek to run our business in the most sustainable manner⁷, taking action to end plastic waste, and to protect and preserve the environment. We have worked to embed these principles and other national and international requirements into our own Sustainability Standards across the business.</p> <p>We believe that ‘Green claims’ should be based on robust, commonly recognised and science-based methodologies, that are recognised internationally. In order to promote a framework that fosters transparent and truthful communication to consumers, we would recommend that any green claim made by product manufacturers should be substantiated with scientific data, following the paradigm “No Data, No Claim”. This would ensure, with adequate resources, that enforcement is based on actual results rather than forecasts.</p> <p>We would also urge the CMA to adopt a flexible approach for how firms may update consumer information on green claims for products, as this may go beyond mandatory requirements adding more comprehensive voluntary information depending on the product and its main consumer audience. Mandatory information requirements and essential</p>

⁷ SC Johnson, A More Sustainable World. <https://www.scjohnson.com/en/a-more-sustainable-world>

		information for consumers differs between sectors and product categories.
Case studies		
3.6	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.	<p>The examples you have chosen to cover most eventualities and have been well selected.</p> <p>However, we would also ask the CMA to consider an additional example on how “Claims should be substantiated”. For example, ‘environmentally friendly’ claims are somewhat ambiguous and broad, and may refer to many environmental aspects, such as air, soil, water impacts, packaging, formulation, making it more difficult to be substantiated by brands. An additional example on how firms can show claims to be true would be well received.</p> <p>In Example 5, you make reference to a green leaf symbol, warning against using the symbol without additional context, as it can be “misleading”. In the UK, there are 88 ‘labels of environmental excellence’ schemes available to producers, and a further 200 in the EU. We would therefore suggest that the CMA specify third party schemes are not legally required, and that a careful assessment should be carried out when considering taking part into such schemes.</p>
General and additional issues		
3.7	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	In Example 11, the use of ‘eco shampoo’ as a claim provides details on how the claim could be misleading, but the argumentation could simply be that such a claim does not meet all six principles established in the guidance. In particular, the claim is not ‘clear and unambiguous’ and fails to provide the ‘important relevant information’ as ‘eco’ is not defined. It would be helpful to manufacturers if the guidance examples summarised

		the argumentation with a conclusion that linked back to the six principles that were not being followed by the example listed.
3.8	Overall, is the draft guidance sufficiently clear and helpful for the intended audience?	Overall, the guidance is helpful. However, some additional information to qualify and explain the examples more clearly, as stated above, would be welcomed.
3.9	Are there any other comments that you wish to make on the draft guidance?	<p>International Norms</p> <p>We would like to take this opportunity to recommend that the UK continues to comply, and retain as much alignment and harmonisation, with established international rules and standards on environmental claims, as this will stimulate industry competitiveness at home and abroad.</p> <p>UK Internal Market</p> <p>We would also make reference to the United Kingdom Internal Market Act (IMA)⁸, which became law on 17 December 2020, and how it will govern the trading relationship between the nations of the UK. The Act legislates for the UK Government’s commitment to guarantee “unfettered access” for Northern Ireland (NI) businesses to the UK internal market.</p> <p>Having regard to NI's integral place in the UK’s internal market, the NI Protocol⁹ also sets out that the UK shall use their “best endeavours” to facilitate the trade between NI and other parts of the UK, in accordance with applicable legislation and taking into account their respective regulatory regimes as well as the implementation thereof. The IMA</p>

⁸ Internal Market Act, 17 December 2020: <https://www.legislation.gov.uk/ukpga/2020/27/contents/enacted>

⁹ Protocol on Ireland/ Northern Ireland, 31 December 2020:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840230/Revised_Protocol_to_the_Withdrawal_Agreement.pdf

		<p>legislation further establishes an Office of the Internal Market (OIM) within the CMA, with its objective to monitor the internal market and report on any problems.</p> <p>We would therefore like to use this opportunity to alert the CMA that there will be mandatory and prescriptive requirements coming from the European Commission for products sold in the EU and on NI markets. Such requirements may involve specific environmental information being labelled on packaging, as well as specific ways of making and substantiating environmental claims.</p> <p>It is our understanding that most products sold in the EU/NI are clustered with the GB market, with the same products being sold in both markets. Therefore, it may be worth considering how this will evolve, as products with mandatory environmental/green claims enter the UK market, based on non-UK rules. The UK Government may therefore need to take such 'evolutions' into account in the future as it draws up its own requirements.</p> <p>Enforcement</p> <p>We believe that 'Green claims' should be based on robust, commonly recognised and science-based methodologies, that are recognised internationally. In order to promote a framework that fosters transparent and truthful communication to consumers, we would recommend that any green claim made by product manufacturers should be substantiated with scientific data, following the paradigm "No Data, No Claim". This</p>
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About SC Johnson

Headquartered in Racine, Wisconsin, SC Johnson is a privately held, family-managed company, with sales volume that ranks among the top global consumer companies. We employ some 12,000 people worldwide, with operations in 70 countries and products sold in more than 100 countries around the world. In the UK SC Johnson has offices in Derbyshire, Surrey, and Richmond.

SC Johnson is one of the world’s leading manufacturers of household cleaning products and products for home cleaning, professional cleaning, home storage, air care, pest control, hygiene and skincare.