

Draft Guidance on Environmental Claims on Goods and Services

Overview

General Comments

Scottish Water provides public water and wastewater services across Scotland. We welcome the opportunity to respond to the CMA's consultation on draft environmental claims guidance for businesses and our response to each question is outlined below.

Detailed Response

Specific Comments

3.1	Does the draft guidance cover all the important consumer protection law issues relating to the making of environmental claims?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>In our view, the CMA should also focus on where misleading environmental claims lead to consumer confusion, causing inappropriate disposal of products, adverse impacts upon customers and possible damage to the environment.</p> <p>Scottish Water considers that guidance on “flushability” should be included in relation to wet wipes as claims must consider the full life cycle of the product. A Water UK article identified that wet wipes make up 93% of the material causing sewer blockages and that sewer blockages cost customers in the UK £100m in 2017 (https://www.water.org.uk/news-item/new-proof-that-flushing-wipes-is-a-major-cause-of-sewer-blockages/).</p> <p>A recent YouGov Survey of 1,000 adults in Scotland carried out for Scottish Water found that 11% of people persistently flushed items other than the 3Ps (pee, poo & paper) down the toilet and that 92% of people said disposing of household waste including wipes etc was an important issue to them which suggests that further guidance would be welcomed. Our assessment of this work is that customers are more aware than ever of environmental impacts from behaviours in the home but require support to change behaviours. Our view is that clear and consistent labelling of products and communications would be a good way of achieving this.</p> <p>The majority of wet wipes sold in the UK contains plastic. Wet wipes containing plastic are commonly made of polyester and polypropylene and the plastic parts can take up to 500 years to breakdown in a landfill. (https://zerowasteurope.eu/wp-content/uploads/2019/12/bffp_single_use_menstrual_products_baby_nappies_and_wet_wipes.pdf)</p> <p>Wet wipes cause persistent sewer blockages and impacts on the environment. Wet wipes containing plastic will eventually break down to form microplastics impacting wildlife and the environment. <i>Many products are inappropriately labelled as “flushable” when they may contain plastic and cause blockages.</i></p> <p><i>The Water Industry Specification “Fine to Flush” WIS 4-02-06</i> introduced in January 2019 applies to products where “the intended use of the product as shown on the labelling or manufacturer’s</p>

literature shall be such that, when used, is likely to become contaminated with faecal or other bodily waste that may contain water borne diseases”. The “Fine to Flush” specification means that the product does not contain petro-chemical derived plastic fibres and that it has passed a stringent set of tests to prove that it will not cause sewer blockages. Details of the Water Industry Specification can be found at:
<https://www.water.org.uk/wp-content/uploads/2019/01/Fine-to-flush-WIS-4-02-06-January-2019.pdf>

Wet wipes which do not achieve the Water Industry *Fine to Flush* specification are not designed to be flushed. Approximately 300,000 sewer blockages occur every year in the UK, creating impacts on customers and generating clean-up costs for homeowners and for businesses. When wet wipes combine with fats, oils and grease that are often inappropriately disposed of to the sewerage system, these can cause significant ‘fat-bergs’ which may completely block sewers. It is estimated that 11 billion wet wipes are used in the UK annually and 25% are inappropriately flushed down the toilet.

Scottish Water deals with approximately 36,000 blockages in the sewerage system on an annual basis of which 80% are estimated to be caused by items inappropriately flushed down the toilet. These items can also cause operational difficulties at pumps and at the wastewater treatment works causing the release of sewage related debris to the environment. Dealing with these sewer blockages also contributes to increased carbon emissions for the water industry.

Scottish Water considers that only products that achieve the Fine to Flush specification can be advertised and labelled as flushable. All other products should be clearly labelled “DO NOT FLUSH” so consumers are not misled and are able to make informed decisions.

Scottish Water also considers that all products likely to be flushed down the toilet containing plastic should be clearly labelled “contains plastic”, “do not flush”, and “harms the environment” so customers are aware of the material that the product is made from, the harm it may cause and the appropriate disposal route. This will avoid consumers being “greenwashed” in relation to wet wipes and other products containing plastic.

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?
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Yes, Scottish Water considers it is helpful to cover both in order to encourage the manufacturing, wholesale and retail elements of the trail to work together.

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?
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We believe that wet wipe manufacturers and retailers should play their part in ensuring responsible disposal of the products they produce. This should be done by either improving awareness among their customers with accurate labelling, or by ensuring their products breakdown in sewer infrastructure in a way that does not increase the risk of environmental harm. Environmental harm caused by misleading environmental claims is particularly acute in relation to products that are erroneously marketed as ‘flushable’, but which do not disintegrate in the sewer system when flushed.

Sewer blockages cost UK water customers £100 million annually to resolve and have a major impact on the environment, resulting in serious incidents of river pollution and posing a severe threat to wildlife. Thousands of properties suffer sewer flooding caused by wet wipe-originated blockages every year, causing distress for homeowners and business, and leading to high clean-

up bills and increased insurance costs.

Consumer awareness around this issue is low, and wet wipes which do not achieve the Water Industry Specification *Fine to Flush* are commonly disposed of by being flushed down toilets. 11 billion wet wipes are used every year in the UK, and it is believed that they account for 93% of material in blockages. The majority of these contain plastic and are not designed to break down in sewers. Proper enforcement around misleading claims of “flushability” would, rightly, put the onus on manufacturers to provide full and accurate information to consumers. In turn, this would reduce consumer confusion and incentivise the redesign of products to ensure that they break down in sewers without causing blockages.

To prevent harm to the environment and damage to sewerage infrastructure it is critical that consumers are given full and accurate information so that they can make an informed decision when purchasing, using and disposing of wet wipes. There is considerable consumer confusion around which products are truly ‘flushable’ and which products should not be flushed, with inconsistent labelling and misleading marketing contributing to this.

We have contended for some time that labelling products as ‘flushable’ when they contain plastic and have not been designed or tested against an industry approved specification to determine “flushability”, is misleading. The CMA’s consultation on draft environmental claims guidance for businesses is, therefore, a very welcome development.

3.5 PRINCIPLES - Are these principles the right principles under consumer protection law? If not, what other principles would help businesses comply with consumer protection law?

Scottish Water supports these six principles, in particular numbers 1 & 3 which state:

“... must be truthful and accurate”
and
“... must not omit or hide important information: Claims must not prevent someone from making an informed choice because of the information they leave out...”

and considers that clear labelling of any product containing plastic and likely to be flushed down the toilet, is important information; as is whether that product has achieved the *Fine to Flush* specification.

3.6 CASE STUDIES - 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.

Since many products are sold as flushable when they do not achieve the *Water Industry Specification “Fine to Flush” WIS 4-02-06* Scottish Water would consider that a case study in relation to claims on “flushability” and whether a product contains plastic would be helpful.

In October 2019, the Advertising Standards Authority ruled that Kimberly-Clark had misled consumers in claims of “flushability”, having not included information on *Fine to Flush* in their advertising. More specifically, the ASA ruled that, to make an informed decision, it was material for consumers to know that the *Fine to Flush* accreditation existed to determine a product’s “flushability”. In the absence of qualifying information to that effect, the ASA concluded that the claim ‘flushable’ was misleading. Kimberly-Clark subsequently announced that they would be adopting *Fine to Flush* specifications, and five Kimberly-Clark products have subsequently achieved certification as *Fine to Flush*. Our concern is that while there are other products that are using the term ‘flushable’ without *Fine to Flush* accreditation, consumers will be misled.

To reduce environmental harm and damage caused to the sewer system by these products

packaging should:

- be clearly labelled at point of sale as **Fine to Flush** or **DO NOT FLUSH**
- contain information on whether or not a product contains plastics
- not be marked as flushable if the product inside has not passed the *Fine to Flush* specification

3.8

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

Scottish Water would like reference to be made to “flushability” within the guidance.

3.9

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

Scottish Water is keen to ensure that customers can make informed decisions regarding the appropriate disposal of products in order to protect the sewer network and the environment, and would welcome being included in further discussions, if appropriate.

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