

The Nappy Alliance Consultation Response
Draft guidance on environmental claims on goods and services (July 2021)

Full document (see [here](#))

Consultation questions (see [here](#))

Submission on behalf of [The Nappy Alliance](#)

The Nappy Alliance is a coalition of independent providers of reusable nappies which exists to promote the benefits of reusable nappies and greater choice for parents.

Would you like your response to be confidential?

No

What is your name?

[✂] [REDACTED]

What is your email address?

[✂] [REDACTED]

Are you responding as an individual / business / on behalf of an organisation?

On behalf of an organisation

What type of organisation are you responding on behalf of?

Industry association

What sector is your organisation primarily active in?

Reusable nappy industry

If you wish, please provide your organisation's name

The Nappy Alliance

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3.1 Does the draft guidance cover all the important consumer protection law issues relating to the making of environmental claims?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?

3.2 The draft guidance applies to business-to-consumer relationships, and to a more limited extent, to business-to-business relationships.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?

3.3 The draft guidance, and UK consumer protection law itself, applies across all sectors of the economy and to all businesses selling goods and services. Are there any sectors which require special treatment either in the draft guidance or separately?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?

Principles for compliance

3.4 The guidance sets out six principles for business compliance with consumer protection law to avoid 'greenwashing'.

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

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.

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3.7 Which, if any, aspects of the draft guidance do you consider need further clarification or explanation, and why? In responding, please specify which Chapter and section of the draft guidance (and, where appropriate, the issue) each of your comments relate to.

3.8 Overall, is the draft guidance sufficiently clear and helpful for the intended audience?

3.9 Are there any other comments that you wish to make on the draft guidance?

The Nappy Alliance is a coalition of independent providers of reusable nappies which exists to promote the benefits of reusable nappies and greater choice for parents. We believe that the government should aim to reduce reliance on single-use nappies, and that this can be easily done through the provision of better education and cost-positive financial incentives.

We welcome the Competition and Market Authorities (CMAs) draft guidance and principles on environmental claims on goods and services, and support the government's ambition to help businesses understand and comply with their existing obligations under consumer protection law when making environmental claims.

The Nappy Alliance are particularly concerned about plastics marketed as "biodegradable", "compostable", "eco-friendly", and other similar labels. We have long been concerned about these labels being used in our industry, since they are too often unsubstantiated and cause confusion amongst consumers.

A growing number of single-use nappies are marketed as "biodegradable", "compostable", "eco-friendly", and other similar labels. However, these products cannot breakdown in domestic composting environments and the UK simply does not have the advanced, purpose-made industrial facilities required to process these products on a large enough scale to be effective. The UK's waste management system is not equipped to process single-use nappies in this way, as well as any other products with similar properties. This means that, regardless of whether or not they can theoretically biodegrade or be composted, the vast majority of these nappies end up being incinerated or sent to landfill, just like regular single-use nappies.

Worryingly, labels that tell consumers that the single-use nappies they have purchased are "biodegradable" or "compostable" contribute to single-use nappy waste being mismanaged. Consumers often think these products can go in the recycling bin, leading to the contamination of waste in recycling streams, their food waste or regular compost bin. Single-use nappies are a leading cause of contamination in recycled waste streams. When asked which bin dirty nappies should go in, 22% of respondents in a survey by the North London Waste Authority said a bin other than the residual bin, whilst 11% specifically said the recycling bin. 13% of those putting dirty nappies in the wrong bin took their information from on-package labelling.

In addition, plastic that is marketed as "natural", "bio-based", or "plant-based", amongst others, also have disastrous impacts on our environment. Around 600,000 hectares of agricultural land - nearly four times the size of London - would be required to produce less than 0.5 per cent of global plastic demand today. Scaling up production of these materials would compete with agriculture, driving biodiversity loss and climate change and is simply not a solution to the challenges we face.

In July 2021, the Environmental Coalition on Standards (ECOS) published a [report](#) alongside Rethink Plastic and #BreakFreeFromPlastic titled “Too good to be true? A study of green claims on plastic products”. The research found that *“None of the ‘biodegradable’ diapers encountered in our research were fully biodegradable. No information is given on what the biodegradable parts of the diaper are and how they should be separated from the non-biodegradable parts. Claims are also seldom supported by publicly known labels or standards.”*

To add, the report found that *“Many of the self-proclaimed ‘compostable’ products are, by nature, likely to be contaminated after their use; this is certainly the case for sachets, pouches, wet wipes, and diapers. However, none of the examined claims provide clarity on whether the products should be composted along with this waste material. While some are certified as partially or fully compostable, they may not be accepted in composting facilities or may lead to contaminants release into agricultural land.”*

Furthermore, ECOS found that nappies with eco labels had the *“greatest number of vaguest claims”* of any of the products they looked at, demonstrating that nappies are clearly a product where there is a lot of greenwashing taking place by manufacturers.

The Nappy Alliance urges the CMA to consider and adopt the recommendations laid out in the ECOS report, particularly the following:

- compostability claims should reflect the common practices of most composting facilities - otherwise, claiming compostability can be potentially misleading, as in the case of diapers, which may not be accepted in composting plants after use, due to contamination issues.
- Make sustainable products the norm. With better access to sustainable products, consumers’ confidence in their ability to reduce their environmental footprint will also increase.

It is clear that we need to move away from single-use products - be they recycled, “biodegradable” or otherwise - and do more to promote and support reuse. Reducing reliance on single-use plastic products like single-use nappies also supports the objectives of the 25 Year Environment Plan to eliminate all avoidable waste by 2050 and all avoidable plastic waste by 2042.

We are not calling for a ban on single-use nappies but believe that manufacturers should be challenged on supplying false information on environmental standards, often advertised on the packaging of single-use nappies. If the government is to regulate such claims through extended producer responsibility and other measures, it must establish environmental standards for products like nappies that would define the characteristics required for a nappy to be traded, advertised or promoted as “reusable”, “biodegradable”, “eco-friendly”, “environmentally friendly” and other similar terms.

The Nappy Alliance is working closely with Baroness Bennett of Manor Castle to table an amendment to the Environment Bill. The amendment (see [here](#) no. 292) seeks to:

- Establish environmental standards for nappies that would define the characteristics required for a nappy to be traded, advertised, or promoted as “reusable”, “biodegradable”, “eco-friendly”, “environmentally friendly” and other similar terms.

This amendment was tabled to the Environment Bill during the 4th day of the Environment Bill Committee Stage debate. The amendment has to date received notable cross-party support in the House of Lords, and will be voted on in September 2021, when parliament returns from recess for the Report Stage debate.

In the run-up to COP26, promoting reusable nappies is a way for the UK government to show leadership on an important but often overlooked source of unnecessary single-use plastic waste. It is clear to us that single-use nappies are the next item to address on the single-use plastics agenda, something that is being recognised in other parts of the UK and internationally.