

## CPIN response to CMA Draft consumer protection law guidance and consultation: Misleading Environmental Claims

15 July 2021

- The Consumer and Public Interest Network (CPIN) is an independent organization that exists to empower and protect consumers through effective consumer representation in British Standards. We believe that all consumers have a right to safe and accessible goods and services, clear information, fair treatment, effective systems of redress and a healthy environment. Please see CPIN's [Consumers and Standards](#) leaflet for more on how CPIN works.
- Sustainability is one of CPIN's priority areas; our goal is to ensure that organizations follow sustainable business practice and help consumers to make green choices. Find out more in CPIN's [Sustainability](#) and [Ethics](#) leaflets.
- CPIN welcomes any initiative that helps consumers understand an item's environmental credentials and ensures that product and service claims are accurate, clear and not misleading. As such, we are supportive of the CMA's new guidance.
- We know from CPIN research on recycling that inadequate or confusing labelling on packaging can be a barrier to consumers' ability to recycle effectively. The same principles around clarity of environmental claims on products and services will be key to consumers' ability to confidently make sustainable choices. \*
- The practice of greenwashing, whereby PR/marketing firms use carefully nuanced small print disclaimers, sometimes backed by biased or inadequate research studies to make their products or services look more environmentally sustainable, can be particularly problematic for consumers to navigate. For example, CPIN is aware of a major regional airport that claims to be 100% carbon-neutral and only notes in the small print that this excludes flights. CPIN believes that any disclaimer that consumers would regard as fundamental to their decision making should be as prominent as the product claim.
- The high-level principles in new CMA guidance are sound and the guidance includes some useful examples of how this would work in practice. However, CPIN believes that the guidance would benefit from being complemented and supported by British Standards, with consumer representatives as key stakeholders.
- British Standards can help in this area by providing detailed good practice guidance for organizations and help them to meet sustainable development goals. In relation to environmental claims, British Standards have the ability to clearly set out steps that a responsible business can follow to meet the CMA's expectations and help consumers make the right choice. For example, by:
  - Outlining a consistent approach to labelling across products/services and manufacturers
  - Potentially, setting out benchmarks that products and services must meet in order to make certain claims, based on real consumer expectations and behaviours.
- Examples of existing, relevant standards that it would be valuable for the CMA to refer to include (but are not limited to):

- ISO/TS 17033:2019 – Ethical claims and supporting information, which offers guidelines on making robust, credible and verifiable ethical claims.
- PAS 224:2020 – 100% plant-based foods – Characteristics and composition – Code of practice. CPIN representatives played a key role in ensuring that real consumer viewpoints were reflected in the definition of plant-based food used in this PAS.
- ISO 26000: 2010 – Guidance on social responsibility. In addition to standards that focus specifically on green issues, CPIN aims to address sustainability in a wide range of product and service standards.
- There are inevitably areas where Standards do not currently exist and development of relevant Standards could support the CMA’s guidance. For example, a recent piece of research by Consumers International identified a number of areas of consumer confusion around on-package labels and claims relating to plastic packaging, where new Standards could help address this confusion.

\* Snapshot survey of 32 CPIN members in July 2020. Less than half of CPIN members we asked said that they found it easy or very easy to know which waste items can be recycled. Clearer labelling was regarded as the number one thing that could be implemented by industry to make it easier to recycle effectively.