



Sent on: Friday, July 16, 2021 2:16:20 PM

To: [misleadinggreenclaims@cma.gov.uk](mailto:misleadinggreenclaims@cma.gov.uk)

Subject: Comments on draft guidance

Hello,

Please see some comments from Essity UK Ltd. below concerning the draft guidance. We welcome the opportunity to comment.

**Does the draft guidance cover all the important consumer protection law issues relating to the making of environmental claims?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

We welcome the development of the guidance and believe that it should apply equally to all organisations, private and public sector, large and small, based in the UK and overseas for products and claims directed towards the UK marketplace.

It would be helpful to include:

- An appendix highlighting any specific requirements or claims to avoid by sector either due to legislation/ordinary feature (e.g. no microbeads in cosmetics is legislative and no chlorine bleach in paper products is industry practice).
- Examples of what good looks like including types of references, disclaimers and substantiation requirements – particularly where a claim is made about one element of the product/packaging and not the full lifecycle – including clarification of positioning on pack and print advertising
- A flowchart/decision tree to support good claim development

**The draft guidance applies to business-to-consumer relationships, and to a more limited extent, to business-to-business relationships.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

Yes. SMEs in particular will rely on information provided by suppliers to make decisions.

We welcome the comments on independent 3<sup>rd</sup> party awards on the basis of formal assessment against a standard by a certifying body. However, particularly in the B2B sector, there are a growing number of distributor “standards” with an award/label based on their own interpretation of what good looks like and completing their own product assessments. This could, without intention, be misleading and is a concern.

**The draft guidance, and UK consumer protection law itself, applies across all sectors of the economy and to all businesses selling goods and services. Are there any sectors which require special treatment either in the draft guidance or separately?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

This guidance should apply to all sectors that could make environmental claims on product and packaging that could be used within the UK.

**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.**

The principles outlined in the draft guidance seem aligned with consumer protection law.

**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.**

Biodegradability/Compostability claims – e.g. if only part of a product is manufactured from these components/it is unlikely to be disposed of in a fashion that would enable the product to biodegrade/compost appropriately.

Comparative advertising where assumptions or omissions are made about the competitor product's ingredients or sourcing practices.

The definition of plastic (compostable plastics) – or where businesses can find this information.

Recyclable vs. 100% recyclable

**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.**

Biodegradability/compostability claims - which should be required to be independently substantiated by a certifying body and the standard stated and should be against the whole product or packaging. It should also be made clear that the product/packaging must be disposed of in specific environmental conditions for this to be achieved.

Many claims compare materials so guidance should be given on how to do this objectively and topics for consideration including responsible sourcing of raw materials, life cycle assessment and disposal. The guidance should recognise that the weighting of elements in the lifecycle assessment will vary according to product type and sector.

This should also include clarification of expectations on clause 3.10 about conditions or caveats being placed close enough to the claim to be seen – what is a must to include and what could be pointed to a website.

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

It would be helpful to include:

- An appendix highlighting any specific requirements or claims to avoid by sector either due to legislation/ordinary feature (e.g. no microbeads in cosmetics is legislative and no chlorine bleach in paper products is common practice)
- Examples of what good looks like including types of references, disclaimers and substantiation requirements – particularly where a claim is made about one element of the product/packaging and not the full lifecycle - including clarification of positioning on pack and print advertising
- A flowchart/decision tree to support good claim development

Many thanks,

[✂] [REDACTED]

[REDACTED]



**ESSITY UK LTD**