

Competitions and Markets Authority
The Cabot, 25 Cabot Square,
London
E14 4QZ

14th July 2021

Environmental claims guidance for businesses

We are responding to the CMA draft guidance on environmental claims on goods and services, dated 21st May 2021.

Two Sides is a not-for-profit global campaign funded by the paper and print industry to promote the sustainable nature of paper and paper-based packaging. We provide facts and information to inform consumers and stakeholders on the sustainable nature of the industry and products.

Greenwashing is a real issue for our sector, where organisations are making misleading statements that moving to digital communication is better for the environment. These negative messages threaten an industry which employs 116,000 people in more than 8,400 business in the UK (1,096,000 and 115,700 in the EU). *For more information on Two Sides see Appendix 2.*

We are pleased that the Competition and Markets Authority (CMA) are developing this guidance and will support this development as may be required.

We provide the following feedback as follows;

1. Scope

It is noted that CMA guidance is focused on consumers. Greenwashing is equally prevalent, and damaging, in Business to Business (B2B) activity. We believe B2B should be covered implicitly within this guidance, and how this may be regulated by CMA or other authority like Trading Standards.

The Guidance applies to all businesses. The definition of businesses is not qualified but, should not be restricted to private limited and publicly listed companies. Public sector should be included and within scope, particularly;

- Government departments
- Regional and Local Authorities
- Wider public sector. Example NHS
- Universities, Schools and other educational establishments
- Charities, Not-for-profit organisations and NGOs

Currently ASA standards do not apply to these categories. It would appear inexcusable that guidance created by government for commercial business does not also apply to the public sector.

2. Principles for compliance

We believe that the principles **F: Claims must be substantiated** should be defined more precisely. Too often, our experience is that organisations cite aged and subjective references (often media articles and opinion pieces), and are often not regionally specific. Our recommendation is that;

- a) Principle F amended to read - **claims must be substantiated by current and credible sources**
- b) 3.109 is amended to read;
Most environmental claims are likely to be objective or factual claims that can be tested against scientific or other evidence. Given the requirement that claims must be truthful and accurate, businesses should have **current and credible evidence, regionally specific**, to support them.
- c) This, should be further explained in the section **What this means** 3.112, to;
Businesses should therefore be able to back up their claims. They should hold robust, credible and up to date evidence, **regionally specific**, that supports them. Where they compare their products or activities to one or more competitor's, that evidence should cover all of them.

3. General and additional comments

- 1) **3.17 Similarly, businesses should not focus on a minor part of what they do if their main or core business produces significant negative effects.**

We feel this is a hugely important point which could so easily be emphasised with an example. We would like to see an example related specifically to the paper and print industry, due to the significant amount of cases, and suggest the following;

Example

An energy company is emailing its customers to tell them they are being switched to paperless billing. The email reads, "**Help us save the planet with paperless bills**". It goes on to say, "**It's a small change, but by joining thousands of other paperless customers, you're helping us protect our environment**". Not only is there no substantiation of potential environmental benefits, they would be completely de minimis to the company's overall footprint and impacts and in no way could be defined as saving the planet.

See Appendix 1 - evidence British Gas customer email screenshot 2020

- 2) It is not consistent to the boundaries of what is covered throughout the document. As examples;
 - a. product, service, brand or business (2.5)
 - b. product, process, brand or business (examples 3.9 -3.10 -3.11 - 3.12)

We recommend these are consistent, and that **process/processes** is always included in the boundaries throughout the document.

3) Customer Communications

Beyond “selling” and “marketing” of a product, service or company, this should also address an organisation’s wider communications. It should also specifically cover blogs and advertorials which are not named or covered currently.

We recommend that in **What does this guidance cover 2.11** is expanded to;

This guidance is based on the CMA’s views on the law relating to unfair commercial practices. It applies to all commercial practices, which can include various dimensions of a trader’s behaviour, including but not limited to how it markets its products, services or brand and **any form of customer communications**. This includes advertisements, **blogs, articles and advertorials**, product labelling and packaging or other accompanying information, and even product names.

4. Case Studies

We would also advocate that 2 additional case studies are added covering;

Case Study 1: Customer communications

An online retailer uses environmental messages to encourage their customers to switch to paperless statements on their website and printed on paper statements.

Website statements - *“Save some trees and get your statements online! And you’ll be helping save the planet too”. - “Go paperless! Help us save paper and protect the environment by choosing to just view your statements online.”*

On paper statements - *“Save a tree – go paper free! Switch to online statements and show a tree you love it!”*

These claims propagate the myth that paper is a primary cause of deforestation and is negative for the environment. European forests, from where paper is made, are growing in size. A healthy market for forest products, such as paper, encourages the long-term growth of forests through sustainable forest management which, in turn, helps to mitigate climate change by absorbing CO₂. These statements could give the consumer a misleading impression and is contrary to Principle (a).

Emotive language is used: *“Save some trees, show a tree you love it, help save the planet, help us save paper and protect the environment, I want to help”*. This overall impression not only urges customers into action to switch to online documents as an emotional response, but also presents an untrue representation of the environmental impact of digital communications. This is contrary to Principle (b)

These messages give the impression that digital documents have no, or less, impact on the environment than paper ones. On this basis customers are being asked to choose digital statements over paper statements. The main reason for going paperless may be to save the traders cost. Environmental reasons may enable a quicker transition to a less costly method of statement

distribution, and customers may be more easily persuaded to switch if they are led to believe that they are doing it for environmental reasons. This is contrary to Principles (c) and (d).

The environmental impact of digital communications has been ignored completely with no consideration for the devices customers must use to receive them and the actions that will follow: opening, sharing, downloading, storing and in many cases printing the electronic documents at home. All these actions contribute to CO₂ emissions. Also, the electronic devices necessary to “*just view your statements online*” have a lifecycle that should be assessed.

Consumers cannot assess the detailed construction of the business’ processes and the trader needs to have carried out a detailed analysis which supports their claims. To comply with Principle (e), a complete life cycle analysis of the two options needs to be conducted for a true comparison.

Finally, the business must be able to substantiate the claim to comply with Principle (f). It is unlikely the business holds robust, credible, regional and up to date evidence to support their claims. Also, there is significant conflicting evidence contesting the theory that digital communications are better for the environment than paper communications.

Case Study 2: Advertising feature

A business has paid for a feature to appear in a national newspaper promoting bamboo toilet paper. The headline is “*Don’t wipe away forests*” and quotes a magazine article about the number of trees cut down to make traditional toilet paper. It continues to talk about the growth rate of bamboo compared to trees and claims bamboo is a sustainable alternative.

A source is provided: National Geographic – Toilet paper wipes out 27,000 trees a day

The feature is written to be taken literally, in an editorial style, and could mislead consumers about the environmental performance of the product for a number of reasons.

The claim focuses narrowly on only part of the product’s life cycle. It does not reflect the overall impact on the environment but refers to the product’s overall sustainability. This could give the consumer a misleading impression and is contrary to Principles, (a), (b), (c) and (d).

The source referenced does not include a date or a link, and on searching the magazine’s (National Geographic) website no items were found. A more general search of the internet finds many social media posts and blogs quoting the same message which appears to have started 4 years previously.

The source does not appear to exist and this subjective statement has been circulating around the internet ever since. It is a favourite amongst alternative tissue traders, citing it as a fact about the sustainability of their products.

Consumers are influenced to believe traditional toilet paper contributes to deforestation at a rate of 27,000 trees a day. The lack of the original source and the length of time the statement has been circulating, is contrary to Principle (f).

A comparison is made between the growth rates of bamboo and trees, and the fact that bamboo grows quicker is cited as making it more sustainable. Wood fibre, from trees, has recognised sustainability characteristics including; the biodiversity benefits and helping tackle climate change by absorbing and storing CO₂ in its longer growth cycle. Tree pulp for toilet paper often comes from

by-products of the lumber industry, and not just whole trees. Many brands use recycled fibre contributing to a circular economy. The rate of growth of the raw material is not a major factor that contributes to the sustainability of a product. As the comparison is not between important, relevant, verifiable and representative features, this is contrary to Principle (e).

Two Sides wholly supports CMA's development of this guidance to business on environmental claims on goods and services. We would welcome the opportunity to support CMA through further consultation as may be required.

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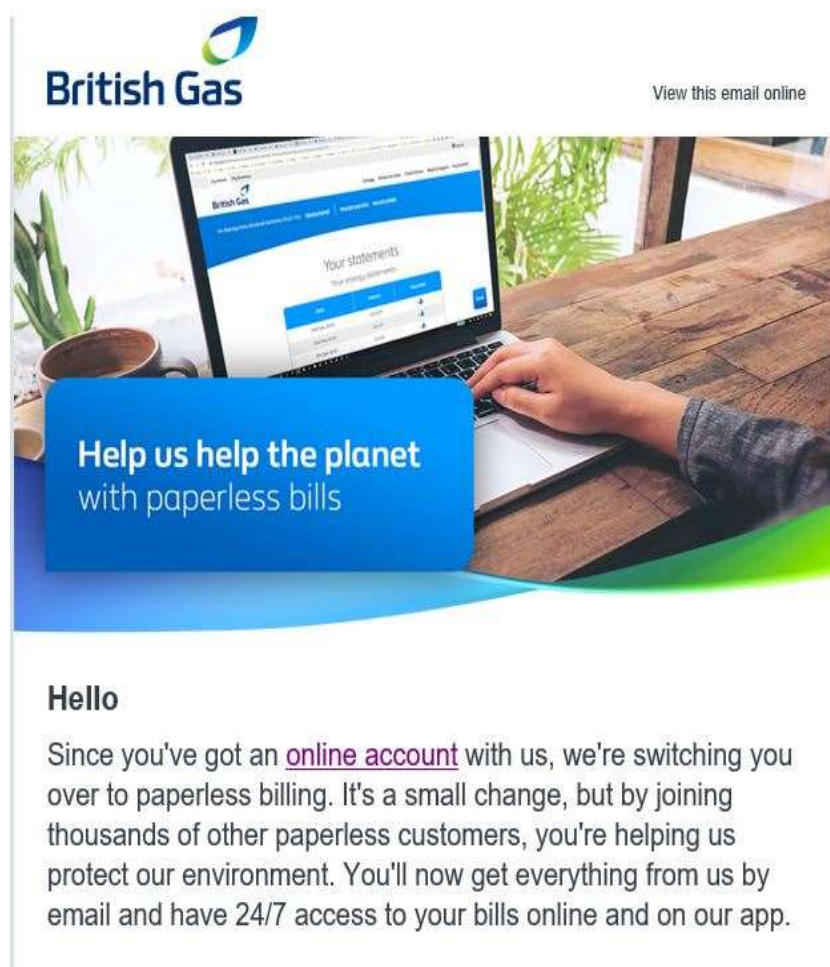
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Appendix 1 - Screenshots and Case Studies

Evidence for example

British Gas customer email screenshot, 2020.



Two Sides UK

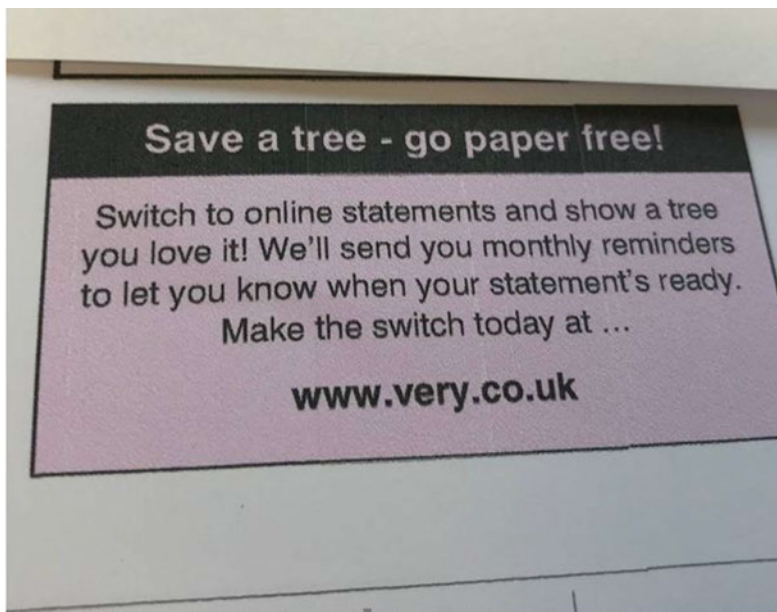
+44 (0)1327 262920 enquiries@twosides.info www.twosides.info @TwoSidesUK
iCon Centre, Eastern Way, Daventry, NN11 0QB, United Kingdom



Evidence for Case Study 1: Customer communications

Screenshot of message printed on paper statements, February 2021.

“Save a tree – go paper free! Switch to online statements and show a tree you love it!



Screenshot of Very webpage <https://www.very.co.uk/online-statements.page> , July 2021.

“Save some trees and get your statements online! And you’ll be helping save the planet too”.

A screenshot of the Very website's online statements page. The top navigation bar includes the Very logo, a search bar with the text "Search Very", and icons for Account, Saved, and Basket. Below the navigation bar is a horizontal menu with categories: New In, Designer Brands, Women, Men, Child & Baby, Toys, Sports & Leisure, Home & Garden, Electricals, Gaming & DVD, Gifts & Jewellery, Beauty, Wellbeing, Sale (highlighted in red), and Clearance. The main content area features a large green banner with a stack of paper statements on the left. The text on the banner reads: "SAVE SOME TREES AND GET YOUR STATEMENTS ONLINE!" in large, bold, white letters. Below this, it says "WE'LL SEND YOU E-MAIL AND SMS REMINDERS TO LET YOU KNOW WHEN YOUR NEW ONE IS READY EVERY MONTH", "YOU GET 24 HOUR SECURE ACCESS, WITH EXACTLY THE SAME INFO YOU GET ON YOUR PAPER STATEMENT", and "AND YOU'LL BE HELPING SAVE THE PLANET TOO". At the bottom of the banner are two buttons: "Read our FAQ's >>" and "Go Paperless Today >>".

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+44 (0)1327 262920 enquiries@twosides.info www.twosides.info @TwoSidesUK
iCon Centre, Eastern Way, Daventry, NN11 0QB, United Kingdom



Screenshot of transactional page of the Very website, 2020.

“Go paperless! Help us save paper and protect the environment by choosing to just view your statements online.” Link **“I want to help”**

derId=611797882856&_requestid=194907



1. Sign in | 2. Delivery | 3. Payment | 4. Complete

Order complete

✓ Your order has been placed, thank you!
Order reference number 611797882856 [Print order](#)

We'll send you an email to confirm all the details and you'll also be able to view it via your [Recent Orders](#) in 15 minutes.

Stay in the know!


Sign up to receive our email and text updates and you'll be the first to hear about:


- ✓ Money off deals
- ✓ Exclusive discounts
- ✓ Sales and events
- ✓ The latest products

Don't miss out on all the amazing offers and savings everyone else gets!

[Sign me up](#)

[Sign out](#) [Return to shop](#)

 **Go paperless!**
Help us save paper and protect the environment by choosing to just view your statements online. [I want to help](#)

 **Go paperless!**
Help us save paper and protect the environment by choosing to just view your statements online. [I want to help](#)

Case Study 2: Advertising feature

Screenshot Tiboo Pure Bamboo advertisement in Saturday Guardian, February 2021.

...technology
packed into an easy-spray bottle for your home.

Source: Effect of Lamiclean against viruses (human coronavirus, influenza A), bacteria and gases (ammonia) by IFO Biomedical Science Association (IBMSA)

Don't wipe away our forests

DID YOU KNOW THAT 27,000 TREES are cut down every single day for traditional toilet paper production, creating huge areas of deforestation to our planet?*

Tiboo Pure Bamboo® products contain 0% wood fibre and 100% bamboo. As a sustainable alternative to trees, their pure bamboo grows quicker than any other plant on the planet, and up to 30 times quicker than trees.

Pure bamboo doesn't need to be replanted. Instead, it's given a trim and will grow back fully within months, unlike trees

that can take over 30 years to regrow. Tiboo® Pure Bamboo will produce 35% more oxygen than trees and is naturally hypoallergenic, anti-fungal and anti-bacterial.



If you want the most sensational toilet tissue that is silky soft and great for your skin, or a kitchen towel that is as strong as an ox, then visit their website now at tiboobamboo.co.uk

Source: National Geographic – Toilet paper wipes out 27,000 trees a day

tiboo
PURE BAMBOO

Luxury in lockdown

Appendix 2

About Two Sides

Two Sides is a not-for-profit global initiative funded by the print and paper industry to promote the sustainable nature of paper and paper-based packaging. We provide facts and information to inform consumers and business on the sustainable nature of the industry and products. We tackle organisations making misleading statements that are hugely damaging to the sector.

Greenwashing is a real issue for the print and paper sector, where organisations are making misleading statements that moving to digital communication is better for the environment. The principal reason is of course to save costs. Sensational marketing statements like; “move to email away from tree mail” or, “move to electronic statements and stop us cutting down any more trees”, are hugely damaging to an industry with a very good sustainable story to tell. These negative messages threaten an industry which employs 116,000 people in more than 8,400 business in the UK (1,096,000 and 115,700 in the EU).

Paper is made from trees, a natural and renewable material and has a great recycling story. Opposed to deforestation, the paper industry actually creates forest growth. Forests in Europe are growing by the equivalent of 1500 football pitches every day. We have an enviable recycling record of any material, 72% graphics paper and 84% paper packaging.

Two Sides Anti-Greenwash campaign.

Since 2010, the Two Sides campaign has successfully influenced the change or removal of misleading environmental claims by more than 780 organisations, 177 in the UK, including many of the world’s largest corporations.

We have published an information sheet, “**Go Green, Go Paperless**” Messages are Misleading to help explain to businesses the sustainable nature of paper products, and actively trying to engage industry associations to better inform their members.

Two Sides Resources

Two Sides, on behalf of the print, paper and paper-packaging industry, produces facts and resources to better inform business and consumers. These include;

- **Myths & Facts Booklet** – covering the key myths and truths about the print and paper industry
- **Packaging Facts Booklet** - covering the key myths and truths about paper-based packaging
- **Facts sheets** – 11 detailed fact sheets covering the key topics and concerns raised about the sector
- **Consumer Research** – Global research, conducted by independent research organisation Toluna, that explores and understands changing consumer preferences, perceptions, and attitudes towards print, paper and paper packaging on;
 - Environmental Perceptions
 - Reading Habits
 - Packaging Preferences
 - Attitudes towards Tissue Product

All these resources can be found at www.twosides.info

Or, by emailing enquiries@twosides.info

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