

Zero Waste Scotland exists to lead Scotland to use products and resources responsibly, focusing on where we can have the greatest impact on climate change.

Using evidence and insight, our goal is to inform policy, and motivate individuals and businesses to embrace the environmental, economic, and social benefits of a circular economy.

We are a not-for-profit environmental organisation, funded by the Scottish Government and European Regional Development Fund.

3.2 The draft guidance applies to business-to-consumer relationships, and to a more limited extent, to business-to-business relationships.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

Yes, it is helpful to cover both. Public-sector procurers in Scotland have a duty to consider sustainability and climate change when making procurement decisions, and access to clear, accurate information is critical to enable this. It would be beneficial to clarify in the main body of the guidance which portions are applicable to business-to-business claims.

Procurement professionals may make decisions about the specification of goods or services they want to procure based on perceptions of the impact of products or materials. As a result, reducing misleading claims targeted at consumers may have a knock-on benefit for business-to-business claims. However, it would also be good to clarify whether this applies to claims that are made when tendering to provide a product or service.

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.

We do not have any comments to make on the majority of the principles. In our view, principle e (considering the full life cycle of the product) is fundamental to avoiding greenwashing. It would be beneficial for this principle to be first and foremost in guidance. This would ensure that businesses understand the importance of a factual basis for all claims.

It is good to see that the guidance draws out the importance of considering all types of environmental impact. It is important to stress that life cycle analysis should be undertaken by a skilled professional, using a robust methodology. A good guide for requirements would be the Product Environmental Footprint developed by the EU. The 2020 EU circular economy action plan includes a proposal that companies substantiate their environmental claims using these methods. Businesses could also consider Environmental Product Declarations or referring to PAS2050. Zero Waste Scotland, Edinburgh Napier University and Cambridge Architectural Research Ltd have also developed the Scottish Waste Environmental Footprint Tool ([SWEFT](#)).

We would suggest that paragraph 3.99, which lists aspects of a product or service's environmental impact over its life cycle, should also make reference to the extraction of raw materials and transportation impacts throughout the supply chain.

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.

Our answer to this question considers the topics that have been covered in the examples throughout the text, as well as the case studies at the end of the guidance.

It would be beneficial to have examples or case studies that focus on the following issues:

- Offsetting- the guidance does state that businesses need to make clear where they are using offsetting to reduce their impact, and that offsetting schemes used should meet relevant standards. It would be useful to include an example focussed on inappropriate claims around offsetting- such as claims about zero emission flights, or ambiguity about the level of benefit provided by an offsetting scheme
- Plastic and alternative packaging- It should be stressed that alternative packaging materials do still have an environmental impact, so statements inferring that packaging is green because it is plastic free should be avoided. The impact may be different to plastic, but there is still an environmental impact.
- Circular economy- There is increasing public awareness of the concept of a circular economy, which works on the principles of designing out waste and pollution, keeping products and materials in use, and regenerating natural systems. Businesses are starting to use references to the circular economy as part of green claims, so it would be good to include an example of the potential for misleading claims here, for example where only some components of a product could be reused or repaired.

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

This draft guidance is a positive step to ensure consumers are able to make informed decisions when purchasing products and services.

It is good to see compostable, biodegradable and recyclable noted as terms that need to be used appropriately. It would be useful to also make reference to some additional terms, namely:

- Bio-based plastic- made using polymers derived from plant-based materials. Items made with bio-based plastics should not be referred to as plastic-free.
- Bio-plastics- this can refer to plastics that are bio-based, or those that are biodegradable. It's therefore a confusing term which should be avoided.
- Reusable- the EU's Single Use Plastics Directive (which the UK has committed to implementing) includes criteria for whether a product can be considered to be reusable

It may also be worth setting out the differences between biodegradable and compostable more clearly. The UK Government's [call for evidence](#) on 'standards for bio-based, biodegradable, and compostable plastics' contains good definitions. It is also worth noting that compostable plastics should also not be referred to as plastic free. The [UK Plastics Pact](#) has some guidance on statements to avoid, and recommended statements.

In terms of the wider policy context, it is worth noting that there is ongoing work to develop a new Extended Producer Responsibility scheme for packaging across the UK. This will include criteria that packaging must meet in order to be considered to be recyclable.