

The Consumer Ombudsman's guidelines

THE USE OF ENVIRONMENTALLY ORIENTED CLAIMS IN MARKETING

These guidelines have been drawn up for the benefit of advertisers who are considering the use of claims on the environmental impact of products in planned advertising or marketing campaigns. The guidelines are based on section 2 of the Consumer Protection Act, and on past rulings of the Market Court and the Consumer Ombudsman.

IMPORTANCE OF ENVIRONMENTAL IMPACT SHOULD FIRST BE ASSESSED

Information about the environmental impact of products is important to consumers. You may use environmentally oriented claims in your marketing when you are certain that the product you are marketing has some environmental effect worth advertising,

When marketing a product only the important and relevant things about the product's environmental impact should be mentioned.

When the importance of environmental claims is being assessed, all the other products in the same product group should be considered as well. Using the term "phosphate-free" is irrelevant unless there are similar products on the market which actually do contain phosphate.

The relevance of the environmental claim should be assessed in relation to all the effects the product has on the environment. Is it relevant to emphasise that the packaging of a

product contains 3% recycled material, if the product itself is known to be extremely harmful to the environment? Is there any point in using new, environmentally friendly packaging as the main argument of marketing, if the product could just as well be sold without packaging?

ENVIRONMENTAL IMPACT SHOULD BE MADE CLEAR

The important environmentally friendly features of the product should be explained clearly and unambiguously.

It should also be clear whether the environmental claims apply to the packaging or to the product itself.

Generalisations and unspecified or ambiguous expressions should be avoided.

Only terminology that consumers can understand should be used. The expressions used in marketing will be assessed according to how the consumer can interpret them. If the expressions used are found to be ambiguous, they should be changed.

Claims should be precise; the effect the choices of individual consumers have on the environment should not be exaggerated. Frightful, inflated visions of the consequences of the consumer's choice of product should not be created. For instance, inadequate insulation in a detached house does not noticeably contribute to the greenhouse effect.

Only the facts should be given, if there is no certainty of the environmental impact of the product's manufacturing process, raw materials or use. Consumers should be left to draw their own conclusions.

OVERALL IMPRESSION SHOULD BE ASSESSED

Marketing using environmentally oriented claims is judged according to the overall impression it conveys to consumers. This overall impression should correspond to the facts.

It follows that the overall impression given by the marketing should be based on the actual facts.

Reference should not be made to environmental effects for which there are conflicting research results.

GENERALISATIONS ARE POSSIBLE ONLY WHEN THE ENTIRE LIFE CYCLE OF THE PRODUCT IS KNOWN

"Environmentally friendly" or similar expressions ("green", "natural", "ecological product" can only be used, if a thorough study of the entire life cycle of the product has been made. For example, according to the Market Court (MT: 1992:26), the expression "for a cleaner environment" is too imprecise and general to be used in marketing cars.

This kind of general statement can be used if the product has considerably less environmental impact during its entire life cycle, “from cradle to grave”, than other products in the same product group.

Any general claim regarding the environmental impact of the product should be supported by a study which covers the product’s environmental impact during its entire life cycle.

If Nordic or EU environmental symbol criteria have been established for the product group to which the product being advertised belongs, an application can be made for the right to display such a symbol on the product. It is far preferable to use a symbol of this kind rather than generalised statements regarding the product’s environmental friendliness. In any case, care should be taken to ensure that environmental claims are supported by a study of the product’s entire life cycle corresponding to that required by the environmental symbol criteria.

An environmental symbol from an independent third party gives an unambiguous and reliable impression of the product’s environmental features. It is better to use such symbols rather than one’s own.

In decision number 2001:009, the Market Court prohibited an enterprise from using a symbol of its own invention. This symbol was used, without legitimate grounds, by the company to emphasise the environmental friendliness of its activities, despite the latter not being a form of recycling that could be especially considered to conserve the environment. Such a symbol may cloud the consumers’ impression of environmentally conserving recycling activities.

Biodegradable or degradable

If a claim in regard to the degradability of the product is not specified, proof should be obtained that the entire product is entirely or almost entirely biodegradable. Make your claim specific, if you do not mean that the entire product is biodegradable. The use of “biodegradable” with regard to detergents, for instance, often indicates that the tensides in them are degradable according to OECD norms. This should be specified in marketing.

If the product is said to be degradable in certain conditions, these should have relevance to the target group. If degradability requires certain conditions, these should be mentioned. The products of decomposition should not be harmful to the environment. Waste contained at landfills does not decompose to any great degree. Mention should also be made of the agent of decomposition, i.e. sunlight or microbes.

If a product can well be sold without packaging, one should consider whether the degradability of the packaging in fact has any real significance.

The expression “can be composted”, or other expression relating to waste disposal, should be approached in the same way as “biodegradable”, i.e. an explanation should be given regarding what exactly is required to compost or incinerate the product. Special requirements, such as whether the product needs to be washed before burning, or whether some other fuel must be added, should always be mentioned. The method of waste disposal is pointless, if many of those in the target group do not have access to it.

Recovery, recycling

It should be sufficiently clear

- whether reference is being made to the product itself, the packaging, or the raw material
- whether it is the product or the packaging which is made from recycled material and to what extent, and
- whether the consumer can recycle or re-use the product or its packaging.

Claims made about recovery or recyclability must always be supportable. The use of the established European recycling symbol on plastic containers is not illegal as such. However, the claim is of no particular importance, if there are no plastic recycling points available to the consumer, or if it is impossible to buy a refill.

ONLY COMPARE SIMILAR PRODUCTS

Comparisons can only be made between products of the same product group. Comparing matches with lighters, or fabric nappies with disposable ones, is very difficult to do in a reliable way. How, for example, can one objectively compare the negative effects of the production and use of fabric nappies, on the one hand, and the environmental effects of the discarding of disposable nappies, on the other?

Before comparing one particular feature of a product, check that the life cycles of the products being compared do not fundamentally differ from one another.

Before expressions of comparison (e.g. “the best insulation”) are used in conjunction with environmental claims, proof should be obtained that the product in question really does have less environmental impact than any other product in the same group. The obligation to produce proof concerns the product’s entire life cycle, unless the comparison specifically applies to only part of it.