

Recycling claims:

How to identify greenwashing

Plastic recycling claims cover a wide range of voluntary business-to-consumer communication practices regarding the recyclability of plastic packaging. Plastic recycling claims are commonly made on packaging, but may also be made in adverts, in store and via collection bins, via online grocery shopping platforms and on trader webpages.

Plastic recycling claims include labels or instructions explaining whether the plastic packaging is recyclable, how to recycle the packaging and how much recycled content is in the packaging,

Most plastic recycling claims generally involve circular or triangular 'closed loop' symbols, which communicate to consumers that plastic recycling is a circular and closed loop process, giving a connotation of environmental 'neutrality'. Accompanying green imagery signal to consumers that recycling is a sustainable, green and/or environmentally positive action.

Legal framework: [UCPD article 6: Misleading actions](#) and [article 7: Misleading omissions](#) + [UCPD Guidance \(2.8\)](#)

Does the recycling claim contains false information and is therefore untruthful?

OR

Does the product's overall presentation deceive or is likely to deceive the average consumer in any way, including overall presentation' 'even if the information provided is factually correct'?

KEY PRINCIPLES, UCPD GUIDANCE

*"Based on **Articles 6 and 7 UCPD** on misleading actions and omissions, **green claims must be truthful, not contain false information** and be presented **in a clear, specific, accurate and unambiguous manner**, so that consumers are not misled.*

*Based on **Article 12 UCPD**, **traders must have the evidence to support their claims** and be ready to provide it to competent enforcement authorities in an understandable way if the claim is challenged."*

Checklist A: false or misleading

➔ Content and scope of the information conveyed through a green claim:

1. Are the environmental claims truthful and do not contain false information?
 - Do they include correct information about the main characteristics of the product (e.g. “I am made of 100% recycled plastic” when only the body of the bottle is made of recycled material)?
 - Are the environmental claims only true and accurate under certain conditions or with caveats, and are these clear? (e.g. For example, if a plastic item is marked as ‘recyclable’ but does not explain that the customer needs to take the item to an in-store collection scheme rather than recycle via their home collection, this is likely to be misleading)
 - Do they include only technically correct information? (e.g. “I am recyclable”)? Note that technically accurate information can still be misleading to the average consumer, who lacks expertise to know that the product is very unlikely to ever be recycled and relies primarily on the impression created by the claim.
2. Are the environmental claims specific on the environmental benefit?
 - Do they give vague and general statements of these benefits (e.g. “I am recyclable” claim)?
 - Are they disconnected from the relevant aspect of the product (e.g. the packaging or certain of its parts) the claim refers to (e.g. “Bottle made of recycled content”)?
3. Are the environmental claims an accurate representation of the scale of the environmental benefits?
 - Do they overstate the benefit(s) achieved (e.g. “We collected x tonnes of used clothes in our shops”)?
 - Do they highlight minor sustainability benefits whilst omitting more significant negative impact over products lifecycle, including supply chain, on health or environment?
4. Are the environmental claims clear and unambiguous?
 - Is it clear which aspect of the product or its life cycle they refer to?
 - Does it only concern one of several impacts on the environment?
 - If they are accompanied by an asterisk or equivalent, is the asterisk explained clearly and prominently on the product and in close proximity of the claim (e.g. “excluding cap and label” for a recycled content claim on a bottle)?
 - If content is attributed via mass balance, is it disclosed? Is the word ‘attributed’ mentioned alongside the environmental benefit (e.g. ‘recycled content’)? Is the word attributed explained, notably the fact that the claimed content may not be in the specific product?

➔ **Presentation**, *i.e. non-verbal elements, the images and overall product presentation (i.e. layout, choice of colours, images, pictures, sounds, symbols or labels)*

- Does the imagery (e.g. *green colour or circular imagery*) imply that the product has a positive (or neutral) environmental impact?
- Does the imagery (e.g. *nature picture or green colour*) exaggerate the claimed environmental benefit(s)?
- Does the imagery (e.g. ‘circular imagery’) create a false impression on the environmental benefit(s) of the use of the material (here, recycled / recyclable material), including

compared to the general environmental impact(s) of the product (e.g. water sold in plastic bottles as compared to tap water)?

- Does the imagery (e.g. ‘circular imagery’) create a false overall impression about the product’s end-of-life impacts (e.g., closed loop recycling)?
- Are images, colours, symbols and words evoking elements of nature used that can mislead consumers in their evaluation of the environmental benefit(s) of the product?

➔ Environmental claims by highly polluting industries

In cases where an environmental claim is used by so-called highly polluting industries (e.g. products derived from fossil fuels), environmental claims must be accurate in a sense of being relative, e.g. ‘less harmful for the environment’ instead of ‘environmentally friendly’. This enables the average consumer to better understand the relative impact of the product. An environmental claim should in any case relate to aspects that are significant in terms of the product’s total environmental impacts over its life cycle. Highly polluting industries may be required by courts or authorities to make it clear to the consumer in their environmental claims that the product has an overall negative impact on the environment (i.e. this is material information).

Checklist B: transactional decision

- ➔ Does the recycling claim cause or is likely to cause the average consumer to take a transactional decision that they would not have taken otherwise in relation to the **main characteristics of the product**?

Main characteristics of the product: including its composition, e.g. whether the product, or its packaging, is recycled or recyclable, and more generally also the environmental impact of a product.

Please note that commercial practices listed in Annex I 'Commercial practices which are in all circumstances considered unfair' of the UCPD Directive do not require the test mentioned in point B.

Checklist C: substantiation

➔ Burden of proof

Are the environmental claims **substantiated**?

- Do the traders have evidence to support their claims and are they ready to provide it to competent enforcement authorities in an understandable way if the claim is challenged?
- Is the substantiation provided by traders based on robust, independent, verifiable and generally recognised evidence, which takes into account updated scientific findings and methods?
- Do expert studies give rise to significant disagreement or doubt over environmental impacts?
- Is the substantiating information easily accessible to consumers, for example via a QR code that links to the trader’s webpage?

