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ENVIRONMENTAL CLAIMS

Background

Advertisements should take account of Government guidance including the Green Claims Code published by DEFRA and BIS.

Rules

- 9.1 **Radio Central Copy Clearance** Radio broadcasters must ensure advertisements subject to this section are centrally cleared.
- 9.2 The basis of environmental claims must be clear. Unqualified claims could mislead if they omit significant information.
- 9.3 The meaning of all terms used in advertisements must be clear to consumers.
- 9.4 Absolute claims must be supported by a high level of substantiation. Comparative claims such as "greener" or "friendlier" can be justified, for example, if the advertised product or service provides a total environmental benefit over that of the advertiser's previous product or service or competitor products or services and the basis of the comparison is clear.
- 9.5 Environmental claims must be based on the full life cycle of the advertised product or service, unless the advertisement states otherwise, and must make clear the limits of the life cycle. If a general claim cannot be justified, a more limited claim about specific aspects of a product or service might be justifiable. Claims that are based on only part of an advertised product or service's life cycle must not mislead consumers about the product or service's total environmental impact.
- 9.6 Advertisements must not suggest that their claims are universally accepted if a significant division of informed or scientific opinion exists.
- 9.7 If a product or service has never had a demonstrably adverse effect on the environment, advertisements must not imply that the formulation has changed to improve the product or service in the way claimed. Advertisements may, however, claim that a product or service has always been designed in a way that omits an ingredient or process known to harm the environment.
- 9.8 Advertisements must not mislead consumers about the environmental benefit that a product or service offers; for example, by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or services by highlighting an environmental benefit that results from a legal obligation if competing products are subject to the same requirements.

9.9 This rule must be read in conjunction with Directive (EC) No 2010/30/EU and the Energy Information Regulations 2011 on labelling and standard product information of the consumption of energy and other resources by energy-related products and its subsequent delegated regulations. The Directive introduces an information and labelling framework whereby delegated regulations will detail which products need to contain an energy efficiency rating or fiche. The rule only applies to products which are subject to a delegated regulation.

From 1 August 2017 Regulation EU 2017/1369 mandates a rescaling of existing energy labelling to provide more accurate information for consumers, including in advertising, where the energy efficiency class of a product and the range of classes available will need to be given. The existing delegated regulation continues to apply whilst that rescaling process is ongoing.

For more information on delegated regulations, go to <http://ec.europa.eu/energy>.

Advertisements for specific energy-related products, subject to a delegated regulation, that include energy-related information or disclose price information must include a reference to the product's energy efficiency class i.e. in the range A+++ to G.

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Advertisers must make product fiche information available about products that fall under delegated regulations to consumers before commitment.