



Legal Aspects of Greenwashing in International Law

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Abstract

Background and Objective: Greenwashing refers to the misuse of environmental concepts and terms to deceive consumers and investors, which can include misleading advertising, providing false or ambiguous information about products and services, failure to disclose important information, and media greenwashing. Greenwashing not only negatively affects the reputation of companies, but can also have serious consequences for the environment. In fact, by deceiving consumers, companies may refrain from investing in truly sustainable projects, thereby undermining global efforts to combat climate change and protect natural resources. In relation to the phenomenon of greenwashing, some countries and organizations have prepared and published guiding or binding legal documents; by knowing and studying those documents while understanding the legal dimensions of the phenomenon of greenwashing, it is hoped that the importance of the country's survival in the need to prepare national legal documents on greenwashing can be realized.

Method: The research method was descriptive and analytical and library data collection.

Findings and results: Some countries such as the United States, England, Australia, Singapore, India and some organizations such as UNEP and the European Union have understood the importance of combating greenwashing through legal documents and have tried to prepare and publish them to help businesses advertise their products correctly and also protect consumer rights. In domestic law, the indirect effects of the requirements arising from some domestic legal documents can be effective in combating greenwashing. In some cases, such as Article 2 of the Executive Regulations of Article 7 of the Consumer Protection Law, certain requirements can be observed that are directly mentioned in the specific greenwashing documents of other countries as instances or examples of greenwashing.

Keywords: Greenwashing, Legal Dimensions, International Law, Domestic Law, Organizations, Industrial Countries

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Introduction

1- Research topic

In the phenomenon of greenwashing, businesses try to show that their products, production methods, supply, and recycling processes are more environmentally friendly than they actually are. This type of deception causes consumer skepticism and leads to investors avoiding investing in environmental projects.

In recent years, along with organizations such as UNEP and the European Union, various countries such as the United States, the United Kingdom, Singapore, India, and Australia have tried to prepare and publish legal guidance documents on various issues related to greenwashing. For example, the US Federal Trade Commission's Green Guidance Document, the UK Competition and Markets Authority's Green Claims Code

Guidance Document, the Australian Competition and Consumer Commission's Environmental Claims Guidelines, the Indian Guidelines for the Prevention and Regulation of Greenwashing or Misleading Environmental Claims, the Singapore Competition and Consumer Commission's Guidelines, and... The Competition and Consumer Commission of Singapore has awarded a grant to researchers from the Centre for Governance and Sustainability at the School of Business, National University of Singapore, to develop and publish a document to help businesses avoid greenwashing when marketing online.

The documents are designed to protect consumers and promote transparency in markets for environmental products and services. The documents include tips and advice for businesses on how to advertise and market green and sustainable products. In particular, the documents emphasize transparency, honesty and accountability in the provision of information. In fact, the documents address principles and advice such as supporting claims, avoiding ambiguous terms, verifiability, not exaggerating environmental benefits, life cycle analysis, etc. that businesses should adhere to when advertising and marketing environmental products and services. These documents serve as an important resource for businesses to gain consumer trust while adhering to ethical and legal principles and at the same time helping to protect the environment.

In some of the aforementioned documents, numerous examples of the types of false advertising that companies may make and that advertising is considered an example of greenwashing are given in order to prevent claims of ignorance about the type of advertising that is an example of greenwashing, to raise awareness of companies and citizens on this issue and thus be effective in reducing the phenomenon of greenwashing. For example, in the US document, if a company claims that its products are carbon neutral without providing accurate evidence and calculations; a false advertisement is considered to be subject to greenwashing and the correct example for advertising it is considered that a company confirms its claim of being carbon neutral by providing accurate information about its carbon calculations and the measures taken to compensate for it. As another example, the Australian Environmental Claims Guide to the prohibition of broad and unconditional claims gives the example of a shampoo manufacturer who, while starting to use 25% recycled plastic in its bottles and caps, admitted in its advertising that it used recycled plastic in its new sustainable range of products. It did not provide sufficient explanation for its broad claim in the relevant advertisement and may mislead the consumer that all the plastic in the product is recycled and that the products do not cause any harm to the environment. Proper advertising that does not lead to greenwashing and misleading the consumer could include stating that 25% of the plastic in the bottle and cap of the product is made of recycled plastic. This would make it clear to which part the environmental claim relates and how much of it is recycled.

Greenwashing can take many forms, for example, sometimes by forging standard certificates, sometimes by claiming that one's product is better for the environment than other competitors, sometimes by advertising and providing false information about one's products or educational advertising about the importance of environmental issues in order to have an unwanted impact on people and create a green image of the company in their minds, and sometimes by selectively disclosing information about different aspects of one's business and hiding aspects that are harmful to the environment, etc. The main research question is: What are the legal dimensions of greenwashing from the perspective of international law? The secondary research question is: What is the status of legal documents in the national dimension in relation to greenwashing and combating it? In order to examine the questions, the structure of the research is as follows: first, definitions of green laundering and its types are discussed, and then documents prepared by UNEP, the European Union, and some countries regarding green laundering, which are directly or indirectly related to the issue of green laundering, are mentioned, and some of those documents will be examined. Finally, the status of green laundering in terms of domestic law will be briefly explained.

2- The need for research

The importance of environmental risks and the need to deal with them has been realized at the global level. Businesses and people, as consumers of their products, are making efforts to be effective in reducing environmental risks. In the meantime, however, some may be opportunistic and, by presenting an image of

themselves as environmentally friendly and in fact committing greenwashing, damage the trust of people and investors in environmental projects and unfairly overtake businesses that make honest efforts and expenses. In recent years, various countries and some organizations have understood the importance of dealing with greenwashing through legal documents and have tried to prepare and publish them. By knowing and studying those documents, while understanding the legal dimensions of the greenwashing phenomenon, it is hoped that the importance of the country's survival in the need to prepare national legal documents on greenwashing can be realized.

3- Research Background

Regarding greenwashing, it has been addressed in some foreign theses. For example, (Fuentes Brinquis, 2023, Investigating Greenwashing in H&M's Green Environmental Advertising on Instagram) studied the clothing company H&M and the accusations of greenwashing that were made against this company. In this thesis, the company's advertising on the company's official Instagram account between the beginning of 2021 and the end of 2022 was evaluated and analyzed qualitatively. In the aforementioned thesis, the methods used by the company were generally examined and analyzed in two general categories. The two general categories include executive greenwashing, including color (green, blue, etc.), image (endangered species, climate change, etc.), sound (birds, sea, wind, etc.), and natural landscapes (forest, mountains, etc.), and alleged greenwashing, including providing correct but unimportant information in advertising, using ambiguous sentences (low carbon footprint, natural, etc.), and mentioning that the product is greener while hiding the negative but important features of the product. This thesis did not seek to assess the legal aspects of greenwashing and provide a complete legal picture of it in an international context. It also examined only one company, specifically in the fashion industry, as a case study. The research sought to identify the tactics used by H&M, determine whether H&M's advertising efforts were subject to greenwashing, and reveal apparent contradictions and ambiguities in H&M's sustainability claims and advertising activities.

Another thesis (Ropstrov, 2022, Can children detect greenwashing?) studied how children recognize companies' environmental claims. The research focused specifically on children from the generation z group in Denmark. In relation to greenwashing, five food companies, such as the dairy company Arla, were mentioned and whether their advertising was an example of greenwashing was examined and analyzed. Six three-person group interviews were conducted from two schools. The study showed that children were able to recognize advertisements with large exaggerated claims (for example, in a particular advertisement, a person became a bird by drinking a drink) and therefore false claims that are very large exaggerations are not examples of greenwashing, nor are they intended to do so, because they are easy to recognize. When children were faced with advertisements that were partially false and misleading, they failed to notice this. For example, in the study, despite explaining the reasons for Arla's greenwashing, children did not recognize that the advertisements were misleading. The study concluded that children have quite accurate knowledge about sustainability issues (e.g., CO₂ and biodiversity). Although children know that companies change the truth to some extent in their advertisements and that companies express their green initiatives and goals to encourage people to buy their products, they cannot accurately and specifically recognize greenwashing.

In the field of greenwashing, there are various domestic articles related to various industries such as hospitality and ecotourism. In domestic articles, the legal aspects of greenwashing and its provisions have not been examined and explained in order to better understand the legal provisions to combat greenwashing.

For example, (Farhad Nejadi et al., 1402, Identification and Explanation of Examples of Greenwashing in the Iranian Hotel Industry) examined examples of greenwashing in the hotel industry and presented solutions to combat it. In examining the dimensions that constitute the concept of greenwashing in the hotel industry, they have enumerated environmental, social, lexical, legal and food greenwashing. In the aforementioned research, several definitions of greenwashing have been presented in detail, and in the present research, we have briefly mentioned the definitions and types of greenwashing and have focused in detail on legal documents. Although the aforementioned research mentioned the US Green Guide and the

UK Green Claims Code, the contents of the two documents were not specifically mentioned and were not legally examined (due to the lack of mission and purpose of the research in this regard). Also, the European Union presented the Green Claims Guidelines in 2023 and a document related to greenwashing titled the Consumer Empowerment Guidelines in 2024. In the aforementioned research, due to the older nature of the research, these two documents were not mentioned, and another document from the Union from 2005 was merely mentioned, which we did not address in our research due to lack of need.

In the article (Dosti-Irani et al., 2013, Designing a Conceptual Model of Greenwashing Drivers in Ecotourism Resorts: A Data-Based Study in Isfahan Province), the aim was to identify the drivers of greenwashing in ecotourism resorts, identifying three causal, contextual, and moderating factors as drivers only in Isfahan Province. The study sought to create a better understanding of greenwashing in the minds of ecotourism industry decision-makers and, as a result, to control it.

In the article (Dosti-Irani et al., 2013, Green Marketing and Perceived Greenwashing: Strategies for Marketers of Green Tourism Resorts in Iran), the aim was to identify strategies aimed at reducing perceived greenwashing and protecting marketers of green tourism resorts from related accusations. The fact that marketers can be exempt from accusations is one of the issues and reasons that legislators of different countries have addressed in legal documents by mentioning examples of green laundering for businesses in any field they are working in, and we will also mention its legal literature in detail.

Therefore, in the present study, the legal documents on green laundering in different countries will be examined specifically and in detail in order to gain a better understanding of the dimensions of international green laundering law.

Greenwashing Definition

Greenwashing is the misuse of environmental terms and concepts to deceive consumers and investors. This can include misleading advertising, providing false or ambiguous information about products and services, or failing to disclose important information.

Some academics view greenwashing as false advertising or misleading claims; while others define greenwashing as a set of green claims that have no way of verifying their accuracy. Other scholars note that greenwashing is not usually misrepresentation, but rather the selective disclosure of positive information about a company's environmental or social issues without fully disclosing negative information about these aspects. In this view, greenwashing is seen as an organization's concealment of potentially harmful information. (Farhad Nejadi et al., 1402, p. 42)

The UK defines green claims as: ((claims that demonstrate how a product, service, brand or business is beneficial or less harmful to the environment)). (Foley, 2024 ¶ 5)

Australia's definition of greenwashing is: ((any claim that makes a product or service appear to be more or less harmful to the environment than it is)). (Foley, 2024 ¶ 5)

Greenwashing not only negatively affects the reputation of companies, but can also have serious consequences for the environment. By deceiving consumers, companies may refrain from investing in truly sustainable projects, thereby undermining global efforts to combat climate change and conserve natural resources.

Greenwashing can occur in various industries (oil, automotive, food, tourism, etc.). ((Greenwashing in tourism is: the misuse of terms such as ecotourism, green tourism, responsible travel, green hotel, eco-camp, ecotourism, bubble houses, eco-museum, etc., in a way that in practice the requirements of this new tourism are ignored)). (Dosti Iranian and others, 1402, p. 95)

A 2023 Harris poll of nearly 1,500 executives in 17 countries found that nearly 60 percent said their company exaggerates its sustainability efforts and nearly 75 percent said that if most organizations in their industries were surveyed, they would engage in greenwashing. (Schwarz, 2024 ¶ 6)

Types of Greenwashing

Greenwashing can occur in several different forms. Here are some common types:

- 1- Misleading advertising: Using language or images that falsely represent the environmental friendliness of a product or service (executive greenwashing).
- 2- Non-disclosure: Hiding important facts about the environmental impact of products, such as the use of harmful substances or harmful production processes.
- 3- False claims: Making claims that a product is greener than competitors' products without providing credible evidence (alleged greenwashing).
- 4- Fake certifications: Using environmental labels or certificates that are not genuine or are issued by non-credible entities.
- 5- Feature-based advertising: Focusing on a positive feature (e.g., recyclable packaging) while ignoring other negative aspects (e.g., polluting production). In essence, the company is selectively disclosing and disclosing only the positive aspects.
- 6 Occasional greenwashing: When a company only promotes environmental activities at certain times (such as Earth Day), while not paying attention to this issue at other times.
7. Media greenwashing: It involves using the media to spread false or misleading information about the environmental activities of a company or industry. In fact, in this type of greenwashing, the media, despite knowing about the environmentally destructive activities of companies, takes advertising orders from them and becomes effective in portraying the environmentally friendly image of companies. This is while those media themselves usually try to promote a culture of respecting the environment and avoiding environmentally destructive activities.

Greenwashing Legal System

In relation to the phenomenon of greenwashing, international legal frameworks can be studied and examined in two general categories. The first category is documents at the level of international and regional organizations such as the United Nations and its subsidiary UNEP, as well as the European Union. The second category is documents at the level of countries (such as the United States, the United Kingdom, Australia, Singapore, South Korea, and India). All of the documents that will be mentioned below seek to guide businesses as well as consumers to prevent the emergence of the phenomenon of greenwashing or at least reduce its occurrence as much as possible. Most of these documents directly address the issue of greenwashing, and in a number of others, specific tasks are indirectly effective in combating greenwashing. The following documents have established more or less identical principles and tasks. Some documents have mentioned correct and incorrect examples of how to present advertising claims in order to provide more and more precise guidance to businesses, which can be effective in preventing the occurrence of greenwashing. Before mentioning and explaining the documents, it is important to note that one of the most common cases in relation to the punishment of various companies for greenwashing is fines. For example, in the European Union, greenwashing fines can potentially carry a fine of at least 4% of the total annual revenue of the company. (Green Claims Directive, 2023, Article 17) Also in Australia, this amount increases to 30% of total revenue or a maximum of 50 million Australian dollars. (Foley, 2024 ¶ 4) In France, greenwashing is a criminal offense punishable by two years in prison and a fine of 300,000 euros, which can be increased (based on the benefits derived from the crime) to 80% of the costs related to the production of advertising or the act of the greenwashing offender. (Gendre, 2024 ¶ 15)

1) Organizations

In the discussion of organizations, the United Nations and the European Union can be mentioned. In relation to the United Nations, the document called Regulatory Frameworks to Combat Greenwashing prepared by UNEP can be mentioned.

(REGULATORY FRAMEWORKS TO COMBAT GREENWASHING, 2023) Also, in relation to the European Union, the Green Claims Directive (Green Claims Directive, 2023) and the Directive as regards empowering

consumers for the green transition, 2024 can be mentioned. The following will provide explanations regarding the UNEP document and the Green Claims Directive.

The UNEP document seeks to outline the general frameworks needed in the fight against greenwashing by members of the international community. For example, the document mentions some legal provisions of France, South Africa, Mexico, Peru, the Republic of Korea, Moldova, Colombia, etc. on various frameworks related to greenwashing. It has categorized the regulatory frameworks into four levels depending on the countries mentioned. The first level includes those countries that do not have specific laws on greenwashing; but have laws that protect consumers against false and misleading advertising. The second level, in addition to the latter, includes non-binding environmental guidelines for formulating green claims, which are nevertheless effective in guiding traders to present their green claims correctly. The third level, in addition to the latter two, includes the adoption of binding laws. The fourth level includes countries that, in addition to the latter three, have made the availability and sharing of product sustainability information mandatory. The document also considers four principles (criteria) including reliability and relevance, clarity (unambiguity), transparency, and consumer access to information as key, and recommends materials on each of the aforementioned items. In summary, the document proposes frameworks for countries to adopt, including:

- Legislation and determination of administrative, civil and criminal penalties (in specific cases) such as financial fines, prohibition and temporary exclusion of businesses from advertising products deemed to be infringing, etc.

- Preparation of documents to: a) educate traders on the correct way to present their advertising claims b) educate consumers c) use as an appropriate interpretative tool for judges and NGOs.

- Allowing and encouraging the establishment and activity of public organizations to: a) combat greenwashing b) file complaints c) take the initiative in trying to reconcile and mediate between complainants and businesses and convince businesses to accept mistakes and try to compensate by paying financial damages and not repeating violations.

- Establishing a special commission on greenwashing and delegating legal authority to monitor in advance advertisements containing environmental claims by businesses, in order to issue licenses for environmental claims.

In relation to the EU Green Claims Directive, the aim is to increase the level of environmental protection and help accelerate the green transition towards a circular, clean and climate-neutral economy in the EU. It also aims to protect consumers and companies against greenwashing and to enable consumers to make informed purchasing decisions based on valid environmental claims and labels, thereby helping to accelerate the green transition. It also complements the existing EU consumer protection acquis as a specific law. It also addresses the challenge faced by companies operating across borders. In fact, the challenge is that different domestic laws in countries regarding how to make environmental claims, environmental labeling, which requires relevant companies to consider different criteria for their products, and for a single product in a country, they will still face the problem of providing misleading information about environmental aspects (in fact, sometimes unintentionally).

Article 3 of the Directive requires traders to carry out an assessment to substantiate explicit environmental claims and the conditions for assessment. The assessment should specify whether the claim relates to the whole product, part of a product or specific aspects of a product, or to all of a trader's activities or part or specific aspect of these activities. The assessment should rely on widely recognised scientific evidence, use accurate information and take into account relevant international standards. Environmental claims should take into account all aspects and environmental impacts (from production, supply, recycling, after-sales service, etc.). Compliance with a legal environmental obligation cannot be claimed and advertised as an advantage for a business. In relation to greenhouse gas emissions, any information on emission compensation shall be separated as additional environmental information, and it shall be specified whether these compensations relate to emission reductions or eliminations, and it shall be explained how the

compensations relied on are sufficiently integrated and correctly calculated to reflect the claimed climate impact.

The Directive deals with penalties in Article 17. It leaves the determination of the type and amount of penalties to the Member States and only sets out the general framework for national lawmakers to take into account. For example, in paragraph 3 of the Article, it addresses the factors that Member States must take into account when determining penalties, providing that:

- Fines that effectively deprive the responsible party of the economic benefits resulting from the infringement, and that such fines shall be increased for repeated infringements.
- Confiscation of the profits derived by the trader from trading in the products concerned;
- Temporary exclusion for a maximum period of 12 months from public procurement procedures and access to public funds, including tendering procedures, grants and concessions.
- Member States shall ensure that, where penalties are imposed, the maximum amount of such fines is at least four percent of the trader's annual turnover in the Member State or Member States concerned.

2) Countries

In relation to countries, various names can be mentioned such as the United States, the United Kingdom, Australia, Singapore, India, etc., which have prepared and published documents related to greenwashing (whether directly or indirectly). In relation to the UK, four documents can be mentioned: The UK Green Claims Code Document, 2021, The UK Green Claims Code Checklist, 2021, Part 11 of the UK Non-Broadcast Advertising and Direct Marketing Code (The CAP Code, 2010), and Part 9 of the UK Broadcast Advertising Code (The BCAP Code, 2010).

Singapore: The Competition and Consumer Commission of Singapore's Study on Greenwashing in Online Marketing Funded by CCCS, 2023, under which, under paragraph 1, the Competition and Consumer Commission of Singapore awarded a grant to researchers at the Centre for Governance and Sustainability at the School of Business, National University of Singapore, to develop a document to help businesses avoid greenwashing when marketing online; the Consumer Protection Fair Trading Act (CPFTA), 2003, which in paragraph 4 of the said Act, lists certain practices of businesses in their dealings with consumers as unfair and may include instances of greenwashing. India: The Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024

1(2)United States

The Federal Trade Commission (FTC) Green Guides

This document (Guides for the Use of Environmental Marketing Claims "Green Guides", 2012) was prepared to protect consumers and promote transparency in the markets related to environmental products and services. This document contains tips and recommendations for businesses in the field of advertising and marketing green and sustainable products. In fact, this document deals with the principles and recommendations that businesses should follow in advertising and marketing environmental products and services. This document serves as an important resource for businesses to gain consumer trust by adhering to ethical and legal principles and at the same time helping to protect the environment. This document specifically emphasizes transparency, honesty and accountability in the provision of information. The Commission is the supervisory body of the document responsible for monitoring laws related to environmental advertising and claims. The Commission is responsible for ensuring that companies provide consumers with accurate and non-misleading information. The document consists of seventeen paragraphs, starting with the third paragraph, which provides several examples of environmental claims and how they should be presented. For example, paragraph three sets out the general principles required when making claims, or paragraph four deals with general claims, paragraph five with claims related to carbon offsets, paragraph six with certifications and approvals, and paragraph eight with

biodegradable claims. The following are some of the main points of the document, as well as some examples.

Points:

1-Honesty in advertising: Businesses should avoid misleading claims about the environmental characteristics of their products and provide accurate and factual information.

2- Supporting claims: Any claim regarding environmental benefits must be supported by scientific evidence and reliable documentation. This evidence should clearly demonstrate that the product or service in question actually has a positive impact on the environment.

3-Transparency in information: Businesses should clearly identify which aspects of their product or service are green or sustainable and what impact these features have on the environment.

4- Avoid vague (non-measurable) terms: Using vague or general terms such as environmentally friendly without a detailed explanation can be misleading and should be avoided. Businesses should use measurable and specific terms.

5- Focus on overall impacts: Businesses should focus on the overall impacts of their products on the environment, not just specific aspects of it.

6- Compliance with laws and regulations: Companies must comply with laws and regulations related to consumer and environmental protection.

7- Advertising and Marketing

Advertising should be done ethically and should not be designed to deceive consumers or provide false information.

8- Consumer Education:

Businesses can use educational opportunities to increase consumer awareness about green products.

Examples:

1- Recycled claim

- Incorrect example: A product that is only partially recyclable, but is advertised as recycled overall.
- Correct example: A product that clearly states what percentage of it is recyclable and provides information on how to recycle.

A trash bag labeled as recyclable without qualification. Since trash bags are not typically separated from other waste in a landfill or incinerator for recycling, it is unlikely that they will be reused for any purpose. Even if the bag is technically recyclable, this claim is deceptive because it makes a claim that has no meaningful benefit.

2- Recycled claim

- Incorrect example: A product that uses recycled materials only in its packaging, but is advertised as recycled overall.
- Correct example: A product that shows what percentage of the product itself and its packaging are made from recycled materials.

A soda bottle is labeled as recycled. The bottle is made entirely from recycled materials, but the bottle cap is not. Since the bottle cap is a minor and incidental component of the packaging, this claim is not deceptive.

3- Claiming to be free of contaminants (harmful chemicals)

- Incorrect example: A company claims that its product is free of contaminants (harmful chemicals), when the claim is vague and unprovable.

- Correct example: A product that clearly lists its ingredients and has the necessary certifications for the absence of harmful chemicals.

4- Carbon reduction claim

- Incorrect example: A company that claims that its products are carbon neutral, without providing detailed evidence and calculations.

- Correct example: A company that backs up its carbon neutrality claim by providing detailed information about its carbon calculations and the steps it has taken to offset them.

5- Natural claim

- Incorrect example: A product that is advertised as natural, but contains synthetic chemicals.

- Correct example: A product that is truly made from natural and organic ingredients and has valid certifications to back up this claim.

6- Non-toxic claim

- Incorrect example: A company advertises a cleaning product as essentially non-toxic and virtually non-toxic. The ad likely suggests that the product poses no risk to humans or the environment, including pets. If the cleaning product poses no risk to humans but is toxic to the environment, these claims would be deceptive.

- Correct example: A company making non-toxic claims must have competent and reliable scientific evidence to show that the product, package or service is non-toxic to humans and the environment or must clearly and prominently qualify its claims to prevent deception and specify that, for example, it is non-toxic to humans.

2(Australia

In relation to Australia, two documents can be mentioned: the Making environmental claims A guide for business (2023) and the Environmental Claims Code (2025)

The Environmental Claims Code document is published by the National Association of Australian Advertisers. The document consists of five parts, the purpose of which is to improve consumer confidence by ensuring that advertisers adhere to strict standards when making environmental claims.

The Environmental Claims Guidance Document has been published by the Australian Competition and Consumer Commission and helps businesses to meet their obligations in relation to environmental claims. It also helps consumers who want to make purchasing decisions based on environmental claims to make more informed choices. The guidance document covers eight principles.

The first principle deals with the accuracy and truthfulness of claims, and requires businesses to only make claims that demonstrate a real environmental impact and not to exaggerate the benefits or level of scientific acceptance of a claim.

The second principle deals with the verifiability of claims, and states: It is good practice to ensure that you have clear evidence to support all your claims. Evidence that is independent and scientific is the most credible. Easy access to the research, evidence or data you rely on helps consumers understand and trust your claims.

If you are advertising about a future issue (i.e., something you promise, predict will happen in the future), you must have reasonable grounds for making that representation and be able to demonstrate that you do, otherwise the representation will be considered misleading.

The third principle addresses avoiding omission or concealment of information and states: Consumers cannot make informed decisions if they are not provided with relevant information that provides the full picture, or if important information is placed in a place where they are unlikely to notice or find it. Consider all information about your environmental impacts and be transparent about it.

Principle 4 requires businesses to clearly and prominently explain to consumers if their environmental claims are only true under certain circumstances.

Principle 6 notes that most consumers do not have specialized scientific or industry knowledge. It is good practice to use clear, understandable language and avoid technical jargon.

Principle 7 addresses the creation of misleading perceptions by visual elements, stating: Visual advertising elements (such as green packaging or recycling logos) on packaging or materials can significantly influence a consumer's perception of the environmental impact of a product or service. Avoid visual elements that create a misleading impression about the environmental benefits of your product or service. You should consider the overall impression created, not just the words used (information that has been omitted), but also the visual elements, colors, and logos.

The guidance document provides examples of correct and incorrect claims, some of which are set out below.

1- Explain any conditions or qualifications for your claims.

Claims that are likely to be incorrect or misleading:

Waste and recycling infrastructure varies significantly across geographical areas. For example, some products that are fully recyclable in Sweden do not have a suitable recycling stream in Australia and are sent to landfill when sold here. A product manufactured in Sweden claims its packaging is 100% recyclable. The product is also sold in Australia, where there are no recycling facilities for this type of plastic. This claim is likely to mislead consumers in Australia and breach the ACL.

2- Use clear and understandable language.

Claims that are likely to be false or misleading:

A manufacturer advertises on its washing machine detergent packaging that consumers can save water and help the planet by reusing greywater in their garden.

Greywater is water used for a family's laundry and bathing. Reusing greywater to water gardens is a common way to conserve water resources. However, not all greywater is suitable for reusing for garden irrigation.

The packaging has a prominent disclaimer: See the ingredients list to see if our greywater can help your garden grow. All ingredients are clearly listed, including a specific bleaching agent that is good for soil and grass, but not for plants.

Consumers' perception of such an advertisement would likely be that they can use greywater containing detergent in their gardens for both the lawn and plants. It is unlikely that they would know from the table of contents that it is not suitable for use on plants. This claim is likely to be misleading and contrary to the ACL.

The status of greenwashing in domestic law:

In domestic law, no legal document directly related to greenwashing has been prepared; however, other documents can be mentioned whose effects of the requirements mentioned in those documents can be indirectly effective in combating greenwashing. Article 50 of the Constitution, Articles 7 and 19 of the Consumer Protection Law approved in 1388 and Article 2 of the Executive Regulations of Article 7 of the Consumer Protection Law approved in 1391, Articles 6, 9 and 11 of the Environmental Protection and Improvement Law approved in 1353, Articles 18 and 19 of the Waste Management Law, Article 3 and paragraph 6 of Article 7 and Article 14 and Article 40 and its paragraphs of the Law on Strengthening and Developing the Standard System approved in 1396, Articles 15 and 18 of the Soil Protection Law and finally the draft Corporate Social Responsibility Law published in 1402. In Article 2 of the aforementioned draft, companies are required to make their social responsibility report available to the public (right to information, transparency and accountability). It is also mentioned in Note 1 of the aforementioned article

that: ((The social responsibility report of companies must include the following: 1. The company's positive or negative impacts on the environment, ... 3. Consumer protection with a focus on activities related to health and consumer privacy, ... 7. Organizational governance, with a focus on transparency and accountability of the company.((

In relation to the Consumer Protection Law, according to Article 7, false advertising and the provision of incorrect information that deceives or misleads consumers, including through mass media, mass media and advertising leaflets, are prohibited. Also, according to Article 2 of the Executive Regulations of Article 7 of the Consumer Protection Law: ((The following are considered false advertising and incorrect information: A - Using misleading materials and unprovable and false claims B - Committing an act or omission that causes confusion or deception of the audience in terms of quantity or quality C - Advertising beyond the reality of the goods or services in question D - Using absolute and exaggerated attributes such as completely hygienic and 100% guaranteed E - Failure to provide accurate, correct and clear information about goods and services S - Using descriptive and excellent attributes explicitly or using any other method in writing or reading the text in order to instill the concept of superiority or the best of goods and services without the approval of the competent authorities)).

For example, as can be seen, the various clauses of the latter article have stipulated cases that can be seen as part of greenwashing documents prepared in other countries such as India, Singapore, Australia, England, America, etc. Now that the attention of countries and organizations such as the European Union and UNEP has been drawn to the preparation and publication of documents entitled greenwashing, it would be good for domestic legislators to also prepare and publish a comprehensive and specific document on greenwashing to combat it and raise awareness.

Conclusion

Greenwashing refers to the misuse of environmental concepts and terms to deceive consumers and investors, which can include misleading advertising, providing false or ambiguous information about products and services, failing to disclose important information, and media greenwashing. Greenwashing not only negatively affects the reputation of companies, but can also have serious consequences for the environment. In fact, by deceiving consumers, companies may refrain from investing in truly sustainable projects, thereby undermining global efforts to combat climate change and protect natural resources.

In relation to the main research question, which was raised following the concern of gaining legal understanding of the international dimensions of greenwashing, legal documents from the United States, the United Kingdom, Australia, Singapore, India, and South Korea were cited, reviewed, and studied. The countries have developed guidance documents to help companies properly advertise their products and prevent greenwashing, as well as to protect consumers' rights. These documents specifically emphasize transparency, honesty, and accountability in providing information. In fact, the documents address principles and recommendations such as supporting claims, avoiding vague terms, verifiability, not exaggerating environmental benefits, life cycle analysis, etc. that businesses should follow when advertising and marketing environmental products and services. These documents serve as an important resource for businesses to gain consumer trust while adhering to ethical and legal principles and helping to protect the environment.

In some of the aforementioned documents, numerous examples of the types of false advertising that companies may do and that advertising is considered an example of greenwashing were given in order to prevent claims of ignorance about the type of advertising that is an example of greenwashing, to raise awareness of companies and citizens on this issue and thus be effective in reducing the phenomenon of greenwashing. For example, in the American document, a company claiming that its products are carbon neutral without providing accurate evidence and calculations is considered a false advertisement subject to greenwashing, and a correct example for advertising it is considered that a company confirms its claim of being carbon neutral by providing accurate information about its carbon calculations and the measures taken to compensate for it.

In domestic documents, the effects resulting from the requirements of various laws can also be indirectly effective in combating greenwashing. In some cases, such as Article 2 of the Executive Regulations of Article 7 of the Consumer Protection Law, which was mentioned, certain requirements can be observed that are directly mentioned in the greenwashing documents of other countries as instances or examples of greenwashing. It is hoped that the domestic legislator, like the organizations and countries mentioned in the text, will prepare and publish a single document specifically for greenwashing.

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