



“Green Advertising” in Canada

Brian W. Gray

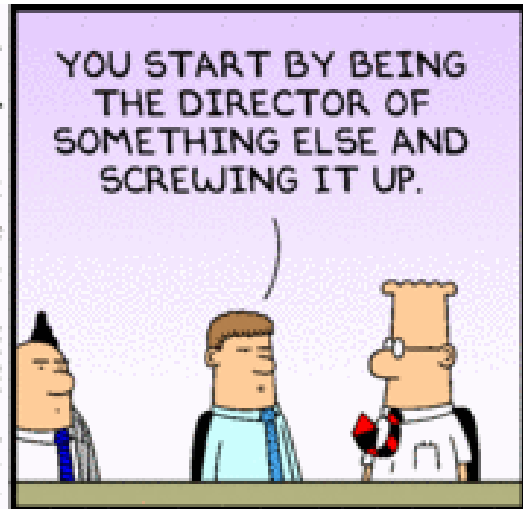
October 15, 2008



ANDY HAS BEEN
APPOINTED OUR
DIRECTOR OF
GREEN.



DIRECTOR OF GREEN?
HOW DO YOU GET A
JOB LIKE THAT?



YOU START BY BEING
THE DIRECTOR OF
SOMETHING ELSE AND
SCREWING IT UP.

www.dilbert.com scottadams@aol.com

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ISO 14000 Series - Products



- **General Principles** - Environmental Labels and Declarations (ISO 14020)
- **Type I Eco-Logo labels** (ISO 14024)
 - Must be certified by a qualified third party Indicate overall environmental preferability of a product
- **Type II Self-Declared Environmental Claims** (ISO 14021)
 - Self-managed, not third-party certified
 - Based on a single attribute of the product
 - Governed by the Competition Bureau
- **Type III Environmental Data** (ISO 14025)
 - Provide quantified environmental data sheet similar to a nutrition label for food
 - Must be verified by a qualified third-party for a direct-to consumer claim

Adoption of ISO Standards



- **ISO 14020:1999 (adopted 1999)**
 - General principles of environmental labeling
- **ISO 14024:1999 (adopted 1999)**
 - Type I (Eco labeling)
- **ISO 14021:1999 (adopted 2000)**
 - Type II (Self-declared environmental claims)
- **ISO 14025:2006 (adopted 2007)**
 - Type III (Environmental profile data sheet)
- **Environmental Claims: A Guide for Industry and Advertisers (June 2008)**
 - Type II, jointly between CSA/Competition Bureau

Competition Bureau

- Responsibility for misleading claims
- *Competition Act*
 - Test: Whether a representation is false or misleading in a “material respect to the public”
 - Material: Whether it affects a reasonable consumer’s choice of product
 - Criminal (s. 52(1)) and civil (s.74.01(1)(a))
 - Civil used most often because criminal track has intent element requiring “knowing or reckless” representation



Key Elements of the Guide

- **18 general requirements**
 - *CAN/CSA-ISO 14021, Claim 5.7*
- **12 common claims further specified**
 - *CAN/CSA-ISO 14021, Claim 7*
 - Compostable
 - Degradable (biodegradable/photodegradable)
 - Recyclable
 - Recycled content
 - Waste reduction
 - 6 – And others



Key Elements of the Guide



- Credibility of the Claim is critical
- Verification
 - Supporting data must be available and accurate
- Legislative Requirements
 - Must be met as they apply to individual products
- Life Cycle Analysis
 - Must be considered, but not necessarily verified
- Explanatory Statements
 - Must accompany claims unless they are valid in all foreseeable circumstances

A Green Claim Should Be

CAN/CSA-ISO 14021, Claims 5.1-5.7



- Truthful, accurate, and able to be substantiated
- Relevant to the product in question and environmental issues connected with it
- Clear about the environmental issue or aspect of the product the claim refers to

Green Claims Should Not

CAN/CSA-ISO 14021, Claims 5.1-5.7



- Be vague or ambiguous
 - *Discouraged*: This product is ozone-friendly
 - *Encouraged*: This product has replaced its aerosol ingredients with an alternative that does less harm to the ozone layer
- Claim sustainability
 - *Discouraged*: This wood is sustainable
 - *Encouraged*: This wood comes from a forest that was certified to a sustainable forest management standard

Environmental Symbols

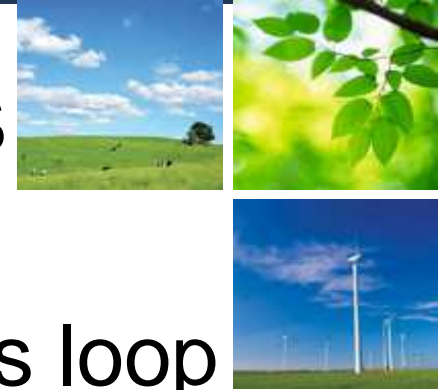
CAN/CSA-ISO 14021, Claim 5.8



- Optional to use symbols with claims
- Self-regulated, not independently certified
 - (Distinct from Type I Eco-Logos)
- Care with use of natural objects in symbols
 - Require a direct and verifiable link between the object and the benefit claimed
 - *Preferred:* A tree symbol is acceptable for a wood product claiming to be made from wood derived from a forest that was certified to a sustainable management forest standard
 - *Discouraged:* A fish symbol on a can of lead-free paint. In this example, there is no direct link between the removal of lead from paint and the marine environment

Environmental Claim Symbols

CAN/CSA-ISO 14021, Claim 5.10



- Special requirements for the Mobius loop
 - May refer to product being recyclable, or containing recycled content
 - Modifying statements required: availability of recycling facilities, % recycled content
 - Use of the symbol is not systematically audited



Recyclable/Recycled Content (%)

Type I Eco-Logo Label

CAN/CSA-ISO 14024

- “Environmental Choice”
 - North American eco-labeling program
 - Launched by the Canadian federal government in 1998
 - Managed by TerraChoice Environmental Marketing, Inc.
 - Certified by impartial, accredited third-party
 - *EcoLogo* compares the product with others in the category, tests relevant criteria, and certifies those that are environmentally preferable throughout their life cycle
 - Over 3,000 certifications
 - ISO 14024 compliant (Type I)



Type II Self-Declared Claim

CAN/CSA-ISO 14021

- *Sony* “Eco info” (December 2000)
 - Used in product catalogues, manuals, advertisements, packaging and labeling to “provide the public with detailed information about environmental considerations the company has made in designing and manufacturing its products”
 - Not third party certified



Printed using VOC(Volatile Organic Compound)-free vegetable oil ink.

Type II Self-Declared Claim



CAN/CSA-ISO 14021

- *White Swan* “Reduce-Reuse-Recycle”
 - “This logo is our way of encouraging everyone to make environmental awareness part of their everyday life, and help make our planet a cleaner and greener place”
 - “Our mills and facilities proudly strive to "reduce, reuse, and recycle" though our entire manufacturing process all the way through to the final packaged product. “



Defined Specific Claims

CAN/CSA-ISO 14021, Claims 7.1-7.13



- Recyclable

- *Discouraged*: Recyclable where facilities exist
- *Preferred*: Container is recyclable through the blue box program in Southern Ontario and at recycling depots in Winnipeg and Edmonton

- Compostable

- *Discouraged*: Package is compostable where municipal facilities exist
- *Preferred*: Compostable in municipal recycling programs in Southern Ontario only

P.V.I. Fuel Additive



- “Platinum Vapor Injection” solution added to gas tank
- Website claims
 - “... By improving combustion, PVI drastically reduces toxic pollution and airborne contaminants...”
- Competition Board orders prohibition on unsubstantiated claims and a fine (May 2002)
 - “Tests performed on the PVI in accordance with the applicable standards demonstrate that the installation of that device would have no effect, in terms of improved fuel economy or reduced emissions levels”
 - Upheld 2004 FCA 197

Para “Radiance Low-e” Paint



- Website claims
 - “The bottom line of using Radiance is energy conservation and savings”
 - “...supplies users with comfort, energy efficiency and scrubability...”
- Competition Board consent agreement (May 2003)
 - Cannot claim energy savings in excess of 5%
 - Must state energy savings relative to climate and other factors



“VitaSea” Yoga Clothing



- *Lululemon* garments containing seaweed
- Therapeutic and performance benefits claimed from the seaweed
- Competition Board ordered claims removed, unsubstantiated (Nov. 2007)
 - “The Bureau is watchful of increasing trends making claims about sustainable fibers and any related environmental, health and therapeutic claims about their benefits...”

