

TO ENVIRONMENTAL CLAIMS

for traders and consumers

**SUSTAINABLE, RESPONSIBLE, ORGANIC, NATURAL,
ECOLOGICAL, ETC.**

NEGOTIATING THE MAZE



Liberté • Égalité • Fraternité
RÉPUBLIQUE FRANÇAISE

MINISTÈRE DE L'ÉCOLOGIE
DU DÉVELOPPEMENT DURABLE
DES TRANSPORTS
ET DU LOGEMENT

MINISTÈRE DE L'ÉCONOMIE
DES FINANCES
ET DE L'INDUSTRIE

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PREFACE



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Producing and consuming in an environmentally friendly manner is a strategic challenge for France. As consumers, businesses, voluntary organisations and public authorities, we are all affected by this necessary metamorphosis of our economy. Whether through day-to-day consumer choices or through our business strategies, we all have a role to play in this change.

However, the process has led to a proliferation of product claims (sustainable, responsible, organic, natural, biodegradable, etc.) which are sometimes hard to grasp. What do they really mean? And what do they cover?

These are the questions addressed in this guide, which arose out of

common determination to rebuild trust between consumers and businesses in the 'green' market. After close consultation with consumer organisations and trade associations, France's National Consumer Council has produced this explanation of environmental claims with the aim of providing consumers with clearer, more truthful information on which to base their choices.

The environmental argument is not just another selling point: it brings businesses and consumers together in a commitment to sustainable development and cannot afford to play with ambiguity. Fair and unambiguous advertising, vital to firm confidence, is therefore essential.

The first version of this guide, published in November 2010, defined the conditions of use for seven environmental claims. Fifteen of the commonest claims are now explained in this second edition of the practical guide to environmental claims, an essential handbook for responsible consumption.

Happy reading!

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BIODEGRADABLE



Fotolia-Orlando Florin Rosu

A product or its packaging can claim to be biodegradable if it meets existing **standards** (such as NF EN 13 432: 2000).

These standards lay down the **conditions** for a product's actual **decomposition**.

They guarantee that a product will be **broken down** by living organisms into various elements with no adverse impact on the natural environment.

The product must always be marked '**Do not leave litter**'.

WHAT DOES BIODEGRADABLE MEAN?

A substance is said to be biodegradable if it can be broken down by living organisms (bacteria) into various elements that are not environmentally harmful. Biodegradability is determined by both the extent to which a substance decomposes and the time needed for it to complete this process.

If unqualified, the 'biodegradable' claim must cover the **whole** of the product. Otherwise, it must be stated whether it applies to the product, the packaging or a particular substance.

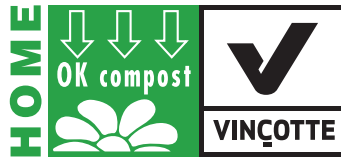
This claim is found on various products: plastic bags, packaging, nappies, pens, disposable crockery, paints, detergents, etc.

WHAT TO DO

Do not leave litter! Even if it is biodegradable, packaging can have an adverse environmental impact while it is decomposing (e.g. visual pollution and possible risk to wildlife).

Existing standards provide for optimal biodegradation in commercial composting facilities. At present, there are few channels for collecting and treating organic waste in France, but the government has pledged to develop them in connection with the Grenelle Environment Forum.

The *Ok compost home* label guarantees that a product will biodegrade in your home garden composter.



COMPOSTABLE



Fotolia-Éric Pothier

Composting is a **waste treatment process** used to obtain **compost** by the action of microorganisms.

A product or its packaging can be described as 'compostable' if it **meets existing standards**.

Consumers **must be properly informed of the conditions** in which a product can actually **be converted into high-quality compost** suitable for agricultural use or gardening.

The product must always be marked '**Do not leave litter**'.

WHAT IS COMPOST USED FOR?

Compost is used in farming and gardening for its benefits to plants and soil. It improves soil fertility and aids the growth of plants by helping them to develop a good root system.

Composting also reduces the quantity of waste treated by incinerators or buried in landfills.

WHAT IS A COMPOSTABLE PRODUCT?

All plant and animal waste is by nature compostable.

Other products claiming to be compostable (packaging, bin bags, cups, utensils, plant pots, etc.) must **meet standards** (such as NF EN 13432: 2000) ensuring that the product will degrade into high-quality compost **in a commercial composting facility**.

The **'Ok compost home'** label guarantees that a product can best be composted in a **home garden composter**.

WHERE CAN I GET RID OF COMPOSTABLE WASTE?

Never leave litter! Even if it is compostable, packaging can have an adverse environmental impact while it is decomposing (e.g. visual pollution and possible risk to wildlife).

Waste can be composted at home in a home garden composter, a compost bin or a compost heap (see guide to home composting published by ADEME, the French Environment and Energy Management Agency (in French): <http://www.ademe.fr/particuliers/fiches/pdf/compost.pdf>).

Waste can be treated in commercial composting facilities at specific sites under regulated conditions: in this case, green waste may be collected by the local council or else left at a recycling centre.

WHAT INFORMATION MUST THE PRODUCT DISPLAY?

- The marking **'Do not leave litter'**;
- The optimal **conditions for converting the product** into high-quality compost: commercial or home composting;
- The manufacturer must **specify what can be composted**: the packaging, the product or one of its components. Otherwise, the term 'compostable' must cover both the product and the packaging.

ECO



The 'eco' prefix may mean 'ecological', 'economical' or 'ecological and economical' and can thus refer to energy/water savings, product savings, etc.

The meaning attached to this prefix must be clear enough not to create doubt in the consumer's mind.

If it is used to mean both economical and ecological, the **nature of the savings made** and the **way** in which they can be made must be specified.

The saving must be substantial in comparison with a product with the same function (e.g. home heating).

ECONOMICAL OR ECOLOGICAL?

If used for 'ecological' and 'economical' alike, on its own, combined with another word, in connection with a brand or for signposting in a shop, the 'eco' prefix may lead to confusion among consumers.

There must therefore be no ambiguity in its use. If this is not the case, the meaning of 'eco' must be specified.

In the environmental sense, 'eco' is the same as 'ecological' as far as environmental claims are concerned (see p. 13).

Some terms with 'eco' have been sanctioned by use ('eco-contribution' in the sense of 'recycling fee'); however, they must not be presented as environmental claims.

ECONOMICAL AND ECOLOGICAL

The 'eco' prefix can be used for a product or service which not only allows savings (water, electricity, the product itself) but also helps to protect the environment (e.g. valves, insulating materials, heating appliances, products in resource-efficient packaging, etc.).

The consumer must know:

- **the specific meaning of the prefix:** markings such as 'energy-saving' must appear on the product;
- **the nature and, where possible, the extent of the savings** available, in order to be able to compare product performance;
- **how to use the product in order to make actual savings.** Instructions on product installation, maintenance and dosage are essential to ensure that savings are indeed made.

The claim made must not suggest that the product has other ecological qualities if this is not the case. For example, a product which allows a consumer to make savings and thus helps to reduce pressure on natural resources does not necessarily have any inherent ecological qualities (a tap which reduces the rate of water flow may not, as regards its composition, method of manufacture, etc., have any other environmental qualities by comparison with conventional taps).

Use of the term 'eco' must never result in confusion with regulated schemes such as the energy label, vehicle CO₂ emissions or home energy performance surveys. Consumers must not be led to believe that purchase of the product will entitle them to tax relief or government subsidies if this is not the case.

The trader must be able to offer evidence that its product does actually make it possible to achieve substantial energy savings by comparison with another product with the same function (e.g. energy savings for home heating).

Independent third-party organisations offer certification for the energy performance of some products. These voluntary procedures give consumers an additional guarantee and can be used to substantiate claims concerning the ecological and economical nature of a product.



WHAT IS THE RECYCLING FEE?

In some industries, manufacturers, importers and retailers have to pay some or all of the costs of managing their products once they have become waste. In France this obligation covers some twenty product categories, including consumer packaging, batteries and accumulators, waste electrical and electronic equipment (WEEE), chart paper, vehicles, clothing fabrics and pharmaceuticals.

The costs of collection, sorting, transport, recycling, remediation, recovery and, where appropriate, disposal of products are thus no longer borne by local authorities alone: this is the principle of extended producer responsibility (EPR).

Although manufacturers may decide to collect and treat waste themselves, in most cases they choose to transfer this responsibility by paying a recycling fee to an approved organisation. This fee is usually included in the price of the product. It may be displayed as a separate value in euros, as in the case of electrical and electronic equipment, or be indicated by a symbol such as the green dot on consumer packaging (see 'Recyclable').

The financial contribution paid by manufacturers to eco-organisations also provides money for local authorities (in the case of consumer packaging, for example).

ECODESIGNED

Ecodesign refers to the **integration of environmental criteria at a product's design phase** in order to improve its environmental performance throughout its life cycle (from extraction of raw materials right up to its disposal as waste).

All the relevant environmental aspects and **impacts** connected with the product's entire **life cycle** must be taken into account.

All ecodesign claims must be explained.



Fotolia-Kotayamagami

WHAT IS AN ECODESIGNED PRODUCT?

Definition

Ecodesign is defined in an [EU directive \(2009/125\)](#) as *'integration of environmental aspects into product design with the aim of improving the environmental performance of the product throughout its whole life cycle'*.

A business must be able to offer actual relevant, significant and verifiable facts proving that it has introduced an ecodesign approach.

Ecodesign requirements for certain products

Certain energy-using products are subject to **requirements** aimed at improving their environmental performance.

EU Directive 2009/125 and its implementing measures for individual product categories thus set ecodesign requirements for television sets, refrigerators, electric motors, digital converters, washing machines, dishwashers, etc.

For these products, the 'ecodesign' claim might suggest to consumers that the product's environmental performance stands out from that of other products in the same category. However, all these products are subject to the same ecodesign requirements. For this reason, the 'ecodesign' claim should be used only if the business goes significantly beyond these regulatory requirements.

WHAT INFORMATION MUST THE PRODUCT DISPLAY?

- **A definition of ecodesign** (taken from EU Directive 2009/125 or ISO Standard 14062 on ecodesign);
- **Details of what is ecodesigned:** the product, the packaging or a component. Otherwise, the term covers the product as marketed, i.e. packaging included;
- **The main environmental attributes** of the product and/or its packaging;
- The **nature** and, if possible, **the scale of reductions** in environmental impact arising out of the ecodesign approach (this information may appear on another appropriate medium such as a website).

ECOLOGICAL

AND SIMILAR CLAIMS: 'green', 'environmentally friendly', etc.



These claims indicate that the product – considered in its entirety and as the set of its parts – is a high-quality product in terms of environmental protection.

Only a **substantial reduction** in the product's main **environmental impacts throughout its life cycle** can justify the use of terms such as 'ecological' and its synonyms.

Such terms must always be put into perspective in order **not to imply that the product is safe for the environment**.

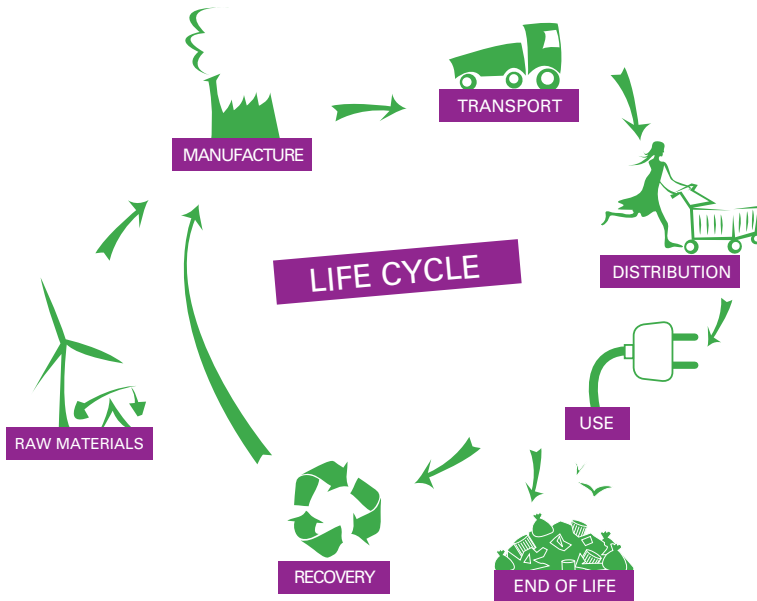
Information on the product's main environmental attributes must be shown on the product packaging.

WHAT IS A GENERAL ENVIRONMENTAL CLAIM?

Markings such as 'green', 'ecological', 'environmentally friendly' and 'environmentally safe', 'green' packaging, a logo or a brand are what may be called 'general' environmental claims: they do not refer to a specific environmental aspect (biodegradability, carbon footprint, recyclability, etc.) but suggest a general environmental benefit.

UNDERSTANDING THE LIFE CYCLE CONCEPT

A product can have environmental impacts at every stage of its life cycle. Those impacts will depend on how it has been manufactured, the raw materials employed, the transport needed to take it to the sales outlet and the way in which it is consumed and then discarded.



Source: French Environment and Energy Management Agency (ADEME)

All these stages in the life cycle of a product or service must be taken into account when reducing its overall impact on the environment, to ensure that there is no **transfer of pollution**, in other words, that the lessening of one impact does not lead to the worsening of another in the product's life cycle. This would be the case, for example, if use of one raw material (less polluting during manufacture) in turn entailed an increase in greenhouse gas emissions during transport or substantial waste at the end of the product's life. The overall outcome for the product might then prove to be no better, or even worse, than before this new component was introduced.

Not all products have the same environmental impact. The life-cycle approach makes it possible to identify **the most significant impacts** by product type.

WHEN CAN A PRODUCT CLAIM TO BE 'ECOLOGICAL'?

The product's main environmental impacts must have been significantly reduced over the whole of its life cycle.

This requirement offers the consumer a guarantee that a product calling itself 'ecological', 'green' or 'environmentally friendly' actually provides a general environmental benefit and that all its impacts have been taken into account and optimised.

Thus the product must meet all a consumer's expectations of a product claiming to be 'ecological'. For the worst environmental impacts (such as air pollution in the case of paints, water pollution for detergents, water consumption for cotton and greenhouse gas emissions for meat), it must be possible to prove a substantial reduction.

Please note: 'Ecological' does not mean environmentally safe

A product always has an impact on the environment, even if this is shown to be very significantly reduced.

Consequently, you should not use more paper or washing powder because it is 'ecological'; follow the instructions on the product packaging.

Under existing regulations, the 'ecological' claim must not be used for products classified as hazardous.

There are private, voluntary steps that can be taken by businesses wanting to guarantee that a product's main environmental impacts have been reduced at every stage of its life cycle. These procedures may be subject to verification by **independent bodies**, as in the case of the NF Environnement certification mark.



WHAT INFORMATION MUST THE PRODUCT DISPLAY?

Claims such as 'ecological', 'green' and 'better for the planet' are by nature rather vague and non-specific.

To clarify the scope and meaning of a claim, additional information must be shown on the product packaging:

- A marking enabling the claim to be **put in perspective** to show that it relates to a reduction in the product's environmental impact rather than the product being either neutral or beneficial for the environment;
- **An explanation of the main environmental attributes** of the product (e.g. reduced water pollution, low-solvent content, low energy consumption, lower CO₂ emissions), supplemented, if necessary, by any other appropriate method (website);
- **Specification of what the claim covers:** a component, the packaging or the product. If unqualified, the claim must apply to the product as a whole, i.e. packaging included.



DID YOU KNOW?

The European Ecolabel



This label, governed by EU Regulation No. 66/2010, is used for products that minimise their impacts on the environment across their whole life cycle.

The standards for each product category are developed and revised by the European Commission in consultation with EU member states, trade associations, consumer groups and environmental organisations.

The label covers 26 product categories, such as cleaning, electrical appliances, clothing, DIY, gardening, paper and tourism. The latter sector has the highest number of ecolabels, with almost 400 tourist accommodation establishments and over 70 campsites in Europe having been awarded the label.

ENVIRONMENTAL CLAIMS CONCERNING A BUSINESS

'Our growers are committed to protecting the environment', 'from an environmentally friendly site', 'one tree planted for every product bought' etc.



Fotolia-Marie-Thérèse Guihal

The claim must **specify** whether it applies to all a business's activities, the production process or a stage in product manufacture.

The business must be able to prove that it has **reduced the main environmental impacts of its activities**.

An **explanation** of the business's approach must appear on the **product packaging**.

DIFFERENCE BETWEEN CLAIMS CONCERNING A BUSINESS AND CLAIMS CONCERNING A PRODUCT

When an environmental claim concerns a product (e.g. an 'ecological' cleaner), it describes that product as having certain qualities or characteristics (composition, biodegradable ingredients, recyclable packaging, etc.).

When an environmental claim concerns a business, it relates to the business's activities: lower energy consumption by production sites, reduced greenhouse gas emissions for transport of raw materials, limited use of plant protection products, funding of environment projects, etc.). These measures do not necessarily mean that a product has particular characteristics.

TO AVOID CONFUSION

A claim concerning a business must be particularly **clear and accurate** in order not to mislead consumers into believing that the product has certain inherent qualities.

Clear: The business must indicate its most important environmental activities on the product packaging, supplementing this explanation, if necessary, by any other appropriate method (website).

Accurate: The activity concerned must be clearly identified (extraction of raw materials, processing, transport, etc.), otherwise the claim is taken to cover all the business's activities.

On reading the label, the consumer must have a **rough idea** of the nature of the business's commitments.

- It must be possible to establish a **link between the product and the environmental benefit** claimed.

Thus a claim concerning a business **must not be used if the latter's environmental approach has no impact on the product manufacturing process** (for example, if it only applies to management work at the business's head office).

- **Such claims must always be qualified:** 'Our business **is helping** to protect the environment'.

A BUSINESS MUST SUBSTANTIATE ITS CLAIMS

- It must use actual measurable, relevant, significant and verifiable facts (regarding – for example – ecodesign, limited use of pollutants, reduced greenhouse gas emissions, lower consumption of natural resources and energy, reduced waste, etc.) to prove that the main environmental impacts of the relevant activities have been significantly reduced.
- It can then call on an independent body to verify certain aspects of this approach.



DID YOU KNOW?

- Environmental certification of farms is a new regulatory scheme introduced by the Grenelle environment laws (Rural Code, [Article L.611-6](#)).
- It will be used to identify farms pursuing particularly environment-friendly approaches.
- This incremental scheme has three levels, the third and highest (High Environmental Value) being based on environmental performance indicators.



FURTHER INFORMATION

Environmental management

Environmental management refers to the set of methods (internal management, resources, processes, practices, etc.) used by a business for continuous improvement of its environmental performance. A distinction may be drawn between the organisation-based approach, focusing on business sites (usually production sites) and constituting an in-house management tool, and the product-based approach, extending beyond the confines of the business, since it means designing and improving products to minimise their environmental impact over the whole of their life cycle.

OFFSETS

(e.g. ‘one tree planted for every product bought’)

Definition

Environmental offsetting is defined as a ‘*set of environmental actions to offset damage caused by a project’s implementation that could not be avoided or contained. Environmental offsetting may consist in protecting natural areas or restoring, recovering or sustainably managing natural habitats*’ (France’s Terminology and Neology Commission).

Claims concerning environmental offsets relate not to the business’s activities or products but to an outside commitment to environmental protection.

These claims must not lead consumers to believe that the product has certain environmental qualities or that its entire environmental impact has been offset, as this is not usually the case, since offsetting often covers only one aspect, such as the greenhouse effect, which is either wholly or partly offset.

The approach must thus be presented clearly and accurately in order not to:

- confuse the environmental benefit of the approach with the environmental impact of the product itself;
- leave consumers in doubt as to the nature of the offset.

Moreover, the offsetting must actually **have begun, be quantifiable and verifiable** (e.g. number of trees planted, amounts paid to NGOs, etc.), **significant in terms of** the product’s actual or projected **turnover and relevant** with regard to the expected environmental benefit.

EXPLOITING A REGULATORY REQUIREMENT



Fotolia-Melinda Nagy

WHAT ARE WE TALKING ABOUT?

Some traders may highlight attributes which are actually a regulatory requirement and therefore common to all products in the same category.

Example

Since 1 January 2010, paints and varnishes have been subject to new limits for emissions of volatile organic compounds (VOCs). Compliance with these limits, laid down by an **EU directive**, is a regulatory requirement. Claims such as 'VOC 2010 compliant', 'meets 2010 VOC limitation standard' and 'low-solvent content (VOC 2010)' therefore amount to citing compliance with the regulations.

They may mislead consumers into thinking that a product has attributes that are different from those of similar products.

WHEN CAN A REGULATORY REQUIREMENT
BE EXPLOITED?

If the feature highlighted by the trader is actually a regulatory requirement it must not constitute the product’s main selling point but must take the form of additional information.

Any claim of this type must therefore be accompanied by the words: ‘in compliance with existing regulations’.

Examples

‘Lower VOC emissions, in compliance with existing regulations.’

‘Lower VOC content, in compliance with existing regulations.’

Any other wording not strictly equivalent could well be misleading. For example, ‘Meets Directive 2004/42 on limitation of emissions of volatile organic compounds’ might mislead the consumer into believing that the manufacturer’s product was subject to stricter regulations than those usually applicable.

NB: EU regulations on limitation of VOC emissions require the manufacturer to display the following information on the product label: product category, regulatory VOC limit values and maximum VOC content in marketed product.

-FREE, FOR NON-FOOD PRODUCTS

This claim is **used to distinguish a product from others in the same category.**

It must not be employed if the substance has never been used or is no longer used in the product family concerned.



Fotolia-StudioAraminta

This type of claim is often used to assure consumers that a substance which they have identified as possibly hazardous to their health or the environment is not present.

It must not constitute the product's main selling point but must be used to provide additional information for the consumer.

Warning: These claims have a tendency to depreciate certain substances, but the substitutes used are not necessarily beneficial to health or the environment.

‘-FREE’ MUST NOT BE USED IN CERTAIN CASES

- If the substance concerned is no longer used or has never been used in the relevant product family by any business.

Example: ‘mercury-free’ for a detergent.

- If regulations prohibit the substance concerned for the relevant product family.

Example: ‘phosphate-free’ for washing power.

LOWER ECOTOXICITY

AND SIMILAR CLAIMS:

‘minimal ecotoxicity’, ‘less ecotoxic’, etc.

‘Ecotoxic’ describes a product, substance or waste presenting a pollution hazard for the environment.

The claim can relate only to a **significant reduction** in a product’s ecotoxicity, provided that it is **scientifically substantiated by recognised tests**.



WHAT ARE WE TALKING ABOUT?

Reducing a product’s ecotoxicity means reducing the environmental pollution (air, water and soil pollution) caused by certain harmful substances in that product. Cleaning, gardening and DIY products, among others, may contain active substances presenting an ecotoxic hazard.

Reducing the ecotoxicity of these products may thus be very beneficial to the environment.

REGULATED ADVERTISING

The regulations on labelling of hazardous products (EC Regulation [No. 1272/2008](#) and the [French order of 9 November 2004](#)) rule out the use of terms such as ‘non-toxic’, ‘non-harmful’, ‘non-polluting’ and ‘ecological’ or any other similar markings on the packaging of these products, since these claims tend to present a product as being safe and therefore tend to minimise the risks associated with its use. A consumer might thus be induced to take fewer precautions than for a similar product without such claims.

The EU regulation on plant protection products specifies that advertising for these products must not include claims *'in text or graphic form which **could be misleading** as regards possible risks to human or animal health or **to the environment**'* (Regulation (EC) No. 1107/2009, Article 66).

Under these regulations, a claim relating to reduced ecotoxicity should not be made for products such as herbicides, insecticides and products classified as environmentally hazardous.

WHEN CAN A CLAIM OF REDUCED ECOTOXICITY BE MADE ON A PRODUCT?

- The claim must refer to a **reduction** in ecotoxicity (e.g. reduced ecotoxicity, minimal ecotoxicity, less ecotoxic, etc.) **rather than no** ecotoxicity, since a 'non-ecotoxic' claim might imply that the product had no impact on the environment;
- The trader must be able to show **significant results** regarding the reduction in a product's ecotoxicity. The reduction must be significant in terms of regulatory thresholds and must be substantiated by **scientifically recognised tests and methods**.



DID YOU KNOW?

Certain products posing a hazard to health and/or the environment are subject to mandatory labelling informing the consumer of the nature of the risk and the precautions to be taken when using the product. These are the hazard symbols, risk warnings and safety advice that you find on certain labels.

NB: The old orange pictograms are gradually being replaced by new pictograms with a white background, a black symbol and a red border..

Example :

Old symbol



Meaning

Products carrying this pictogram can have adverse effects on the environment, and particularly on aquatic organisms: fish, crustaceans, algae and other aquatic plants.

New symbol



NATURAL

(FOR NON-FOOD PRODUCTS)

'Natural' should be used only for a **minimally processed product close to its natural state**.

A product should be described as natural only if it **contains at least 95% natural ingredients**. Otherwise, the percentage and nature of natural ingredients should be indicated.



Fotolia-Djigibodgi

WHAT DOES 'NATURAL' MEAN?

All products and ingredients originally come from nature. This is why the term 'natural' must be defined if it is not to be misleading.

The 'natural' claim must make it possible to differentiate a product close to its natural state from a product having undergone more extensive processing.

The REACH Regulation (Regulation (EC) [No. 1907/2006](#) of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals) contains the following definition:

'Substances which occur in nature: means a naturally occurring substance as such, unprocessed or processed only by manual, mechanical or gravitational means, by dissolution in water, by flotation, by extraction with water, by steam distillation or by heating solely to remove water, or which is extracted from air by any means.'

'Natural' is not the same as 'plant' or 'safe'

An individual examination of the nature of a product and the processing it has undergone must be undertaken to determine whether it can claim to be natural.

A business must not imply that a product is better for the environment unless it is able to substantiate this claim.

It must not minimise the hazard to health and the environment of a product that is classified as a dangerous substance or preparation despite its natural origin.

WHAT INFORMATION MUST THE PRODUCT DISPLAY?

- A list of the product's **natural ingredients**;
- The **percentage of these ingredients** in the finished product.

If a product is described as natural (e.g. natural paint), it must contain at least 95% natural ingredients.

Beneath this 95% threshold, only the ingredients can be described as natural (e.g. natural vegetable-oil based paint).

A business must be able to prove the nature and percentage of natural substances making up the product.

There are private, voluntary steps for using natural ingredients in a product. These steps may be subject to **verification by an independent body**.

ORGANIC

(NON-FOOD PRODUCTS)



Fotolia-PGM

'Organic' refers to an environmentally friendly mode of production supervised and regulated by the public authorities, as in the term 'organic farming'. Organic regulations do not apply to non-food or non-agricultural products. Use of the term 'organic' to describe these products is therefore possible only if the product contains organically produced ingredients.

The term must never be used to highlight the environmental quality of a product if that product does not satisfy these requirements.

AGRICULTURAL PRODUCTS: AN EU REGULATION

Only agricultural products certified organic under **EU rules** (cf. [Regulation No. 834/2007](#)) can carry these logos. They show that the products were inspected at each stage of production and that at least 95% of their agricultural ingredients by weight have been certified organic.



European logo



French logo

NON-AGRICULTURAL AND NON-FOOD PRODUCTS: NO SPECIFIC RULES

For non-agricultural and non-food products such as cosmetics, personal-care, cleaning and DIY products, textiles, etc., there are no public regulations. The basic principle is that use of the term ‘organic’ to describe these products should not mislead the consumer.

For some product categories (textiles, cosmetics, etc.), there are private, voluntary steps for using organically certified agricultural ingredients in the product. These procedures may be subject to **inspection by independent bodies**.

WHEN CAN A NON-AGRICULTURAL OR NON-FOOD PRODUCT BE PRESENTED AS ‘ORGANIC’?

- Only the agricultural element of the product can be described as organic: for example, it is not the tee-shirt that is organic but the cotton.
- A significant proportion of the product must consist of organically certified agricultural ingredients.
- The product must contain no or very few synthetic chemicals.

Furthermore, a business must not play down the risk to health or the environment of a product classified as a dangerous substance or preparations.

WHAT INFORMATION MUST THE PRODUCT DISPLAY?

- A list of the organically produced ingredients in the product;
- The percentage of these ingredients in the overall product.

NB: Water is not an agricultural product and therefore cannot be organic! Thus for some products that are over 90% water (water-based make-up removers, window cleaners, cosmetics) the percentage of organically produced ingredients may be a low percentage of the whole but still be significant.

.....
: **Example:** Organic orange blossom and sweet almond oil moisturising cream*: :
: *Organically produced ingredients account for 10% of the overall finished :
: product. :
:.....

EXCEPTIONS

Some terms with the prefix ‘bio’ have been sanctioned by use: biofuels, biochemistry, biomass, biotechnology, etc. Some existing brands may also contain the term ‘bio’. However, these terms and brands must not be used to ‘greenwash’ a product or imply that it is organic.

RECYCLABLE



Fotolia-Pixel et créations

Consumers must know for certain whether they can dispose of a product and its packaging in their recycling bins or at a recycling centre.

If a symbol is used, it must be the **Möbius loop**. It should **not be confused with the green dot**, which indicates that the business has made a compulsory financial contribution towards recovery of consumer packaging.

DO NOT CONFUSE

Möbius Loop

Recyclable



means 'This product or packaging is recyclable'*

Recycled



means 'This product or packaging contains 20% recycled material'

* In fact the product will be recycled only if the sorting instructions are strictly followed.

Green Dot



means 'Financial contribution to French packaging recovery scheme'

Contributing to or providing for disposal of their packaging waste is a **statutory requirement** for businesses under [Articles R543-56 et seq.](#) of the Environment Code. They may call on the services of an approved organisation for this purpose (Eco-Emballage, Adelphe).

Thus the green dot does not mean 'recyclable packaging'. It appears on 95% of packaging, whether recyclable or not.

THE PRODUCT MUST CARRY CERTAIN INFORMATION TO AID SORTING

- **What is recyclable:** the packaging, the product or, for complex products (e.g. computers), the proportion of recyclable material. If this is not specified, the term will cover the product as distributed, packaging included;
- **How to recycle the product and/or its packaging** (a recyclable light bulb, for example, must be taken back to the shop or to a recycling centre). If this is not specified, the product and/or its packaging can be disposed of in a recycling bin or at a recycling centre.

WHEN CAN A PRODUCT CLAIM TO BE RECYCLABLE?

- **The materials used must actually be recyclable** through collection schemes in France.
- Industrial technology must allow the product or component to be extracted for actual recycling.

RECYCLABLE PACKAGING

A large proportion of packaging (cardboard boxes, paper, cartons, tins, plastic bottles, glass) is recyclable.

Some exceptions: Light plastics such as packaging film, as well as plastic bags, trays, yoghurt cartons, plastic egg boxes, products that are too small, etc.

Warning: If you dispose of packaging for recycling in a plastic bag it will not be recycled!

Thus, for a lot of packaging, 'recyclability' is not a special feature but something shared by all types of packaging in the same family (e.g. all plastic water bottles are recyclable). **In such cases, 'recyclable' must not be used to promote the product but must be employed simply as a recycling instruction for the consumer.**



FURTHER INFORMATION

In 2008 almost 43% of commercial production of metals (aluminium, copper, lead and zinc), paper, cardboard, glass and plastics relied on use of recycled raw materials. In the same year, some 283,500 tonnes of household electrical and electronic waste was produced, of which 273,000 tonnes was treated (80% being recycled).

Law 2009-967 of 3 August 2009 on implementation of the Grenelle Environment Forum process set the target of increasing the proportion of recycled waste, which was 24% in 2004, to 45% by 2015, and to 75% for consumer packaging by 2012.

Source: Ademe

RENEWABLE



Fotolia-ThautImages

The 'renewable' claim refers to a resource which, unlike a depletable resource, can be continually replenished.

The term can denote the energy used to manufacture a product, renewable energy supplied to consumers, or a renewable raw material used as a product input.

USE OF RENEWABLE ENERGY IN PRODUCT MANUFACTURE

(e.g. 'manufactured using renewable energy', '50% of the energy used in our factories comes from solar panels')

The claim must be **clear enough** for **the consumer to understand that it refers to the energy used to manufacture the product**. This clarification is necessary to prevent a consumer from believing that the claim relates to the energy required to use the product.

The consumer must know:

- the **nature** of the energy used (photovoltaic, solar thermal, wind, water, biomass, geothermal, etc.), if known;
- the overall **proportion** of renewable energy used in the product's manufacturing process.

The trader must be able to provide evidence of actual use of renewable energy in the product's manufacturing process (for example, a contract for supply of 'green' electricity).

If a business wants to highlight on its product the fact that it makes use of renewable energy, the **proportion** of this energy in the product's manufacturing process must be **significant**.



RENEWABLE ENERGY

Renewable energy is energy that cannot be depleted in the very long term since it comes directly from natural, regular and constant phenomena connected with energy from the sun, earth or gravity. Renewable energy is also 'cleaner' (lower CO₂ emissions, less pollution) than energy from fossil fuels (oil, gas, etc.).

Main sources of renewable energy

- Hydroelectric power (from rivers and falling water)
- Wind power (from wind pressure)
- Biomass energy (combustion or conversion of organic matter)
- Solar energy (sunlight)
- Geothermal energy (using heat contained within the Earth)
- Marine energy (offshore wind power, current power, tidal power, wave power, etc.)

This energy can be used to produce electricity, heat and fuel.

In 2008 the European Union set the target of meeting 20% of its energy consumption from renewable energy by 2020.

A few figures

Heat (domestic heating, domestic hot-water supply, process heat and cooking heat) accounts for about half the energy consumed in France every year. At present, only 13% of this heat comes from renewable energy.

Hydroelectricity made up 90% of French electricity generated from renewables and approximately 12% of electricity generated in 2009.

SUPPLYING RENEWABLE DOMESTIC ENERGY

(e.g. '100% green electricity', 'electricity from renewable sources', etc.)

What is an offer to supply 'green' electricity?

Supply of electricity from renewable sources may be presented as an offer of 'green electricity'.

The supplier must prove that the amount of electricity from renewable sources fed into the national grid is equivalent to that consumed by customers having opted for a 'green' offer.

Offers of green electricity supply can come in two forms:

- The supplier **buys or generates** the electricity from renewable sources and **sells this electricity to its customers.**
- The supplier buys **'green certificates'** proving that energy from renewable sources has been fed into the grid.

A **green certificate** is an electricity generation certificate issued by a private institution to the operator of a power station producing renewable energy. An energy supplier then buys certificates (denominated in megawatt-hours of electricity generated) from renewable energy producers. With these certificates, an operator is able to prove that an amount of electricity from renewable sources equivalent to what the customer has consumed has actually been fed into the grid.

Signing a green electricity contract does not mean that you will be using renewable energy directly.

Indeed, it is physically impossible to determine the source of electricity supplied to a customer. The same electricity is supplied to all customers connected to the French national grid, whatever the supplier or type of offer. The electricity used at any point on the grid in metropolitan France therefore contains the same percentage of 'green' electricity as that generated in France, which was approximately 14% in 2008.

Suppliers must therefore explain clearly to consumers what renewable energy offers mean and how they work.

A consumer must know the nature and overall proportion of renewable energy in an energy offer. If this is not specified, 100% of the energy must be from renewable sources.

Do not confuse offers of 'green' electricity **supply** with offers of 'green' electricity **generation**. For the consumer, the latter means becoming an electricity producer with, for example, a small wind turbine or solar panels installed at home and reselling this electricity to a supplier.

RENEWABLE RAW MATERIALS

What are we talking about?

A renewable raw material can be defined as a plant or animal material which, with or without human intervention, quantitatively and qualitatively replenishes itself enough to offset its natural disappearance and removal by human beings.

Renewable raw materials can be used as substitutes for petroleum products in the chemical industry (engine oil, printing ink, cosmetics and cleaning products), materials industry (packaging and insulation) and the energy sector (biofuels), amongst others.

What information must the product display?

- **What is made from** renewable materials: the product or the packaging. If this is not specified, the term covers both.
- **The nature** of the renewable materials used and **their proportion** in the finished product or packaging (e.g. plastic bag made of 80% corn starch).

Use of a renewable raw material in a product must have an environmental benefit in comparison with other products in the same family. If this feature does not distinguish the product (or packaging) from other similar products, the term must not be used as an environmental claim. Thus it would be pointless to advertise a shoe as being made of 'renewable leather', since leather is by its nature renewable.

The claim must not mislead the consumer by wrongly implying that because the raw material is renewable it is therefore environmentally neutral.

RESPONSIBLE



Fotolia-Andres Rodriguez

‘Responsible’ reflects a genuine commitment on the part of an organisation or business **to conduct which is transparent and ethical** and which will promote sustainable development, health and social well-being.

The claim must be substantiated by **practical and measurable action**.

Given the scope of this term, an **explanation** of the business’s approach **must appear on the packaging** of the product.

A business claiming to take a responsible approach must integrate social and environmental concerns in all its decisions. It must contribute to sustainable development through its interaction with society as a whole (government, public, consumers, economic partners, employees, etc.).

WHAT YOU NEED TO KNOW

- The 'responsible' claim can relate to a business, an organisation, a method of production or an approach but not a product.
- In the case of an improvement drive, the term 'responsible' must be put in perspective ('pursuing a approach').
- The business must indicate the main features of its approach on the product packaging, supplementing this explanation, if necessary, by any other appropriate method (website).

On reading the label, the consumer must have **a rough idea of the scope of the business's approach.**

A BUSINESS OR ORGANISATION MUST PROVIDE EVIDENCE OF ITS ACTION:

- through actual, measurable, significant and verifiable facts in the social and environmental fields (e.g. regarding ecodesign, fewer pollutants, lower greenhouse gas emissions, reductions in natural resources, energy and waste, etc.).
- It may then call upon an independent body to verify certain aspects of its approach.



FURTHER INFORMATION

The concept of corporate social responsibility (CRS) has been defined by the European Commission as *'a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis. Being socially responsible means not only fulfilling legal expectations, but also going beyond compliance and investing "more" into human capital, the environment and the relations with stakeholders.'*

SUSTAINABLE



Fotolia-Photofranc

The term **sustainable** must be used solely with reference to **sustainable development** (although the French term '**durable**' can be used for a product that is longer lasting).

It implies a genuine **commitment** on the part of an organisation or business to taking practical action to protect the **environment** (managing natural resources, energy and waste; limiting pollution, greenhouse gases, etc.) and to promote **social progress** and **economic development**.

An **explanation** of the business's approach **must appear on the product packaging**.



DID YOU KNOW?

The concept of 'sustainable development' dates from 1987. It was the then Prime Minister of Norway, Dr Brundtland, Chairman of the United Nations World Commission on Environment and Development, who defined it as development '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'.

SUSTAINABLE DEVELOPMENT...

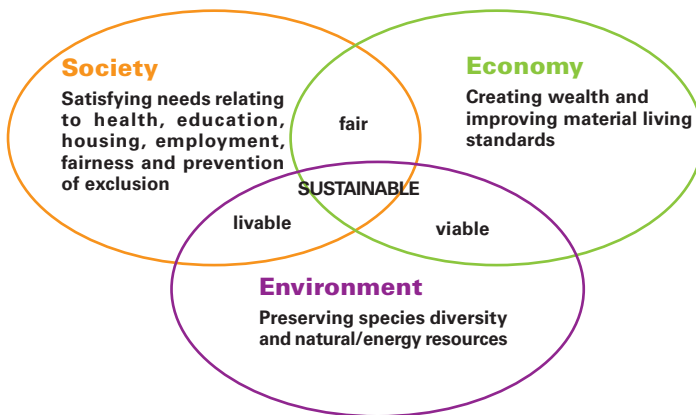
- is a concept, policy and model of development. It is therefore hard to relate it to a product!
- must be put in perspective. 'Sustainable development' is not something we possess; we just play a part in it.

THE THREE CORE ELEMENTS OF SUSTAINABLE DEVELOPMENT

Sustainable development aims to establish a coherent and viable long-term balance between its three core elements: **economic development**, preservation of the **environment**, and **social progress**.

A business must be able to **substantiate** its commitment **through actual measurable, significant and verifiable facts**.

It can then call on an independent body to verify certain aspects of its approach.



TO AVOID CONFUSION

- Only the term 'sustainable development' must be used. However, the French term 'durable' can be used, on its own, to describe a product which is longer lasting, such as a battery or a light bulb.

The business must indicate its most important sustainable-development initiatives on the packaging, supplementing this explanation, if necessary, by any other appropriate method (website).

On reading the label, the consumer must have a **rough idea** of the scope of the business's approach.

FREQUENTLY ASKED QUESTIONS



Fotolia-Grinfen

What is a claim?

A claim is a **message** used to set apart and promote a product on its packaging, on a label, in an advertisement, etc. Claims which are not clear and accurate may provide the consumer with misleading or even false information.

What is an environmental claim?

An **environmental claim** is a term (or phrase) used to highlight a product's **quality** in terms of **environmental protection**.

Brand names and some visual elements used to 'green' products may also be regarded as environmental claims.

These claims usually describe a product, but they may also promote a business's approach.

A claim must always be fair and sufficiently clear not to create doubt in the consumer's mind.

What does greenwashing mean?

'Greenwashing' refers to advertising that **makes unjustified use of an environmental message**.

This is the case when an environmental claim about a product is of little or no relevance to the environment or merely complies with existing regulations without making this clear. A product may also be greenwashed by concealing its most significant impacts (e.g. an advertisement for a more 'ecological' car highlighting the fact that the seats are made of recycled materials but failing to mention that the vehicle's CO₂ emissions have not been reduced).

What is the CNC?

The CNC (Conseil National de la Consommation – National Consumer Council) is a joint advisory body coming under the Minister for Consumer Affairs. It consists of representatives of industry, consumers and the public authorities.

It was established by **decree on 12 July 1983** and has the twofold task of:

- consulting consumers, users and traders;
- offering advice on public guidelines for consumer policy.

The CNC is able to take up any consumer issue. It may also have matters referred to it by the Minister for Consumer Affairs. The CNC's Working Party on Clarification of Environmental Claims was set up on instructions from the Minister for Consumer Affairs and the Minister for Ecology at the Consumer Affairs Conference in October 2009.

The CNC also issues opinions. These opinions are **recommendations** reflecting **agreement** between consumers and traders on subjects as varied as protection of personal data, private housing, nanotechnology, GMO-free procedures, electronic communications, and services provided by property management agencies.

The CNC's two opinions on clarification of environmental claims were adopted on 6 July and 15 December 2010.

<http://www.economie.gouv.fr/cnc/>

What does the DGCCRF do?

The General Directorate for Competition Policy, Consumer Affairs and Fraud Control (Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes) is a department of the Ministry for the Economy, Finance and Industry.

The DGCCRF has three core functions: **consumer protection** (rules on labelling, composition and description of goods; supervision of regulated business practices such as clearance sales, credit, distance selling, etc.), **consumer safety** (food hygiene, toy safety, electrical equipment safety, etc.) and **regulation of market competition** (restrictive practices, relations between suppliers and retailers, counterfeiting, etc.).

It is also responsible for enforcing the provisions of the Consumer Code relating to misleading commercial practices and for taking action against false advertising.

For further information on the DGCCRF's work (in French):

<http://www.economie.gouv.fr/dgccrf>

What legislation can be used to take action against a misleading environmental claim?

The Consumer Code defines misleading business practices and provides for penalties in the event of failure to comply with the Code (**Articles L.121-1 et seq.**).

These provisions are common to all European Union member states, since they arise out of an EU directive (**Directive 2005/29** on unfair commercial practices).

They form the basis for action against environmental claims when the latter are unfounded or misleading. A business practice is misleading if it creates confusion with other products or services, trademarks, trade names or other distinguishing marks of a competitor or if it is based on claims, information or presentations that are false or likely to mislead and covers one or more of the items listed in Article L.121-1, including the essential characteristics of the product or service and the

scope of obligations undertaken by the advertiser.

In addition, Article L.121-1-1 specifies 22 commercial practices considered misleading, a list appended to the EU directive. These practices are deemed to be misleading in all circumstances and therefore, if they can be proved, make it easier to bring successful legal proceedings against the trader.

Are there methods of regulating environmental claims other than by the law?

The **Autorité de Régulation Professionnelle de la Publicité** (ARPP, a self-regulatory body for the advertising industry) draws up advertising standards and is responsible for enforcing them. Its recommendations on sustainable development (June 2009) and cosmetics (March 2010) address the issue of environmental claims.

<http://www.arpp-pub.org/>

A complaint about an advertisement can thus be sent to the Jury de Déontologie Publicitaire.

<http://www.jdp-pub.org>

A voluntary **international standard, ISO 14021**, lays down principles for truthful and accurate environmental advertising. It sets out the conditions of use for claims such as 'free', 'recyclable', 'degradable', 'compostable', etc.

<http://www.afnor.org>

A guide to ISO 14021 entitled **Autodéclarations : la promotion environnementale des produits** (in French) is available online from the [website of the Agence de l'Environnement et de la Maîtrise de l'Energie \(ADEME](#) - the French Environment and Energy Management Agency).

The National Consumer Council opinions on clarification of environmental claims – which led to the publication of this guide – are also intended to regulate use of these claims.

If the principles in this guide are followed, the environmental claim should be fair, accurate and clear.

What are the rules for environmental claims?

An environmental claim must be **clear and accurate** in order not to mislead consumers or sow doubt in their minds. It must aim to provide fair information on the environmental attributes of the product or service.

An environment claim must be based on scientific evidence or recognised methods.

Whatever the claim, it must relate to an aspect that is significant in terms of the product's environmental impact.

Nor must the benefit claimed result in a transfer of pollution, i.e. create or increase other environmental impacts at other stages of the product's life cycle.

What should I do if I see a claim out of line with this guide?

If you have serious doubts as to the truth of a claim, the first step is to contact the trader and ask for further information. If the business concerned has a customer department, it is advisable to send your complaint there. Similarly, a complaint may be lodged with your local office of the Direction Départementale de la Protection des Populations (DDPP - French consumer protection agency). A consumer can also report an advertisement to the Autorité de Régulation Professionnelle de la Publicité (ARPP - the French advertising standards agency), which may impose certain penalties on the advertiser.

Above all, as consumers we all have the power to take action by refusing to choose a product if we think that the information given does not make it sufficiently clear how a product or service is better for the environment.

What are the penalties if a trader fails to follow the recommendations in this guide?

There are no specific penalties for failing to follow the principles in this guide. They are recommendations from the National Consumer Council and, as such, although they have some impact they remain volun-

tary. The DGCCRF can prosecute misleading commercial practices under Articles L.121-1 et seq. of the Consumer Code. Such acts constitute an offence punishable by a two-year prison sentence and/or a fine of 37,500 euros. Moreover, [Article L.141-1](#) of the Consumer Code authorises DGCCRF officials to order cessation of reported breaches of Article L.121-1 or to refer a case to a civil court in order to end unlawful practices. This power to give orders is particularly suited to ensuring prompt cessation of unlawful commercial practices.

This guide lays down principles allowing traders to advertise accurately and reliably and provide consumers with information that is not misleading.

Environmental claims not meeting the terms of use set out in this guide are more likely to be deemed non-compliant. This does not mean that they will automatically be considered misleading. For this to be the case, DGCCRF investigators must examine evidence gathered on the spot and determine how, if at all, the claims at issue are misleading, without prejudice to the final decision of the courts.

However, traders will be reminded of the CNC rules, which can be used to support legal proceedings.

Do the guide's recommendations apply to services?

The term 'product' is used in this guide in the broad sense of 'goods and services'. Thus the terms of use set out here do apply to services, with due regard to specific circumstances, since some of the recommendations (on information displayed on product **packaging**, for example) and even some of the claims (e.g. 'biodegradable') can apply only to products in the sense of 'physical goods'.

For instance, in the case of a general environmental claim made for a service (e.g. an '*ecological*' hotel), the proof required would be similar (reduction in the main environmental impacts over the whole of the service's life cycle). However, as regards the conditions for using the claim,

the explanation would have to be provided through appropriate channels (brochures, information where the booking is being made, information in the room and the hotel, etc.) in order to provide the consumer with all the information necessary for a proper understanding of the claim being made.

What is environmental labelling?

Environmental labelling is referred to in [Article L.112-10](#) of the Consumer Code.

It is a statutory provision arising out of the Grenelle Environment Forum, whose purpose is to provide consumers with information on environmental attributes of both a product and its packaging.

It is planned to introduce environmental labelling gradually, with an initial nationwide trial of at least one year and a report to Parliament, before making it mandatory, if appropriate, for individual product categories. Over 230 businesses volunteered, of which 168 have been testing environmental labelling on several hundred products since 1 July 2011.

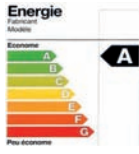



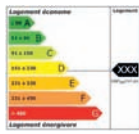


Environmental labelling is not confined to a product's carbon footprint, i.e. the greenhouse gas emissions generated by the product over the whole of its life cycle. To provide the consumer with full information, the labelling must also cover the product's main environmental impacts (carbon footprint but also pressure on natural resources, water pollution, soil pollution, etc.).

At the same time, since July 2008 methodological work has been taking place in a forum run by ADEME (the French Environment and Energy Management Agency) and AFNOR (the French standardisation body), bringing together over 500 experts, including traders, public authorities, environmental organisations and consumer associations, and aiming to pool costs and practices, in particular by producing standards for individual product categories.

For further information:

<http://www.developpement-durable.gouv.fr/experimentation-affichage>
<http://affichage-environnemental.afnor.org>

What are the official environmental labels?

Symbol	Nature	Products covered	Criteria
European			
	Energy label. Mandatory for some household appliances under an EU directive now being revised (2010/30) and directives for individual product categories. Provided by the manufacturer to be affixed by the dealer. http://europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/en0022_fr.htm	Household appliances	Environmental (energy efficiency and other indicators if relevant: water consumption, noise, etc.)
	CO₂ emissions for cars Mandatory for new cars under an EU directive (1999/94) Provided by the manufacturer to be affixed by the dealer. http://europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/l32034_fr.htm	Cars	Environmental (energy efficiency)
	European Ecolabel. Certified by an independent third party on the basis of an EU regulation (66/2010) and Commission decisions on individual product categories http://ec.europa.eu/environment/ecolabel/	Non-food products	Environmental and serviceability
	Organic farming. Certification by an independent third party on the basis of an EU regulation (834/2007) http://ec.europa.eu/agriculture/organic/home_fr	Agricultural products	Environmental
French			
	Home energy performance Mandatory , home energy performance survey certified by this label on the basis of Decree 2006-1147 and the order of 21 September 2007 and carried out by a Cofrac-accredited independent body http://www.developpement-durable.gouv.fr/Performance-energetique.html	Housing for sale or to let	Environmental (energy efficiency)
	Labelling of volatile pollutant emissions Mandatory , from 1 January 2012, this labelling is provided for by Decree No. 2011-321 of 23 March 2011. It provides consumer information on the level of volatile substance emissions in indoor air. It is affixed by the retailer. http://www.developpement-durable.gouv.fr/IMG/pdf/etiquette_cov.pdf	Building and decorating products	Environmental and health (volatile pollutant emissions)
	Organic farming. Certified by an independent third party on the basis of an EU regulation (834/2007) and CCREPABF specifications http://agriculture.gouv.fr/agriculture-biologique	Agricultural products	Environmental

All CNC opinions and reports available on:
<http://www.economie.gouv.fr/cnc/>

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