

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

Working Group on Electronic Commerce

SUPERINTENDENCE OF INDUSTRY AND COMMERCE (SIC) OF COLOMBIA

Deputy Superintendence for Consumer Protection

Sub-Working Group on Misleading and Unfair Business Practices

Initiatives Report on Environmental Claims in E-commerce

I. BACKGROUND OF THE REPORT

Noting that the exponential growth in the use of green claims in e-commerce as part of advertising strategies by traders poses new challenges to both consumers and consumer protection authorities (CPA's), the objective of the **Sub Working Group on Misleading and Unfair Business Practices** has been aimed at facilitating the exchange of views, knowledge, and experiences among CPA's, as well as experts such as academics, consumer representatives, businesses, among others, in order to hear from their perspectives on consumer psychology in light of this new advertising using environmental claims, and how consumers are motivated or not, to be part of this new green movement/transition towards more sustainable production and consumption.

In this regard, during January 2022, with the support of the UNCTAD Secretariat, the Superintendence of Industry and Commerce (SIC) of Colombia, as leads of the Sub-Working Group on Misleading and Unfair Business Practices, whose working approach during 2021-2022 is being based on environmental green claims, and with the help of Mumbai Grahak Panchayat (MGP) of India, circulated among all E-Commerce Working Group members a *"Questionnaire on green claims online"* – the Questionnaire.

Through this Questionnaire participants were asked about their current regulations on consumer protection against misleading environmental claims within digital marketplaces and e-commerce, as well as educational initiatives that seek to raise awareness among both consumers and businesses about their respective rights and obligations under the framework of this new form of advertising that seeks to persuade consumers in light of the green movement towards sustainable production and consumption. Moreover, the Questionnaire sought to find out from participants how their CPA's manage complaints about possible misleading environmental claims from consumers abroad, as well as some examples of recent cases in this regard, and what percentage of the total number of complaints received correspond to this typology, among other issues.

In view of the above, this Initiatives Report is based and constructed upon the answers received from different CPA's to the Questionnaire. Responses were received from:

1. **Belgium** - Federal Public Service (FPS) Economy
2. **Brazil** - National Consumer Secretariat (SENACON) of the Ministry of Justice and Public Safety
3. **Denmark** - The Consumer Ombudsman
4. **Hungary** - Hungarian Competition Authority (HCA)
5. **Kenya** - Competition Authority of Kenya (CAK)
6. **Mexico** - Federal Consumer Attorney
7. **Mongolia** - Mongolian Authority for Fair Competition and Consumer Protection
8. **Norway** - The Norwegian Consumer Agency (NCA)

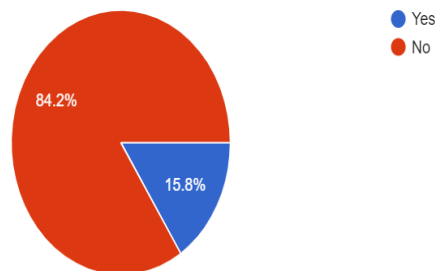
9. **Peru** - National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOP)
10. **Poland** - Office of Competition and Consumer Protection (UOKIK)
11. **Portugal** – Consumer Directorate General (DGC)
12. **Slovakia** - Slovak Trade Inspection
13. **Slovakia** - Public Health Authority of the Slovak Republic
14. **South Africa** - National Consumer Commission (NCC)
15. **Sweden** – Swedish Consumer Agency (SCA)
16. **Turkey** - Ministry of Trade
17. **United Kingdom** – Competition and Markets Authority (CMA)
18. **United States** – Federal Trade Commission (FTC)

For the purposes of this report, the terms *"environmental claims"* or *"green claims"* are based on the definitions given through the Guidance for the Implementation/Application of Directive 2005/29/EC on unfair commercial practices, where it refers to these concepts as *"the practice of suggesting or otherwise creating the impression (in the context of a commercial communication, marketing or advertising) that a product or a service, is environment friendly (i.e. it has a positive impact on the environment) or is less damaging to the environment than competing goods or services. This may be due to, for example, its composition, the way it has been manufactured or produced, the way it can be disposed of, and the reduction in energy or pollution which can be expected from its use. When such claims are not true or cannot be verified, this practice can be described as "Greenwashing".*¹

In the same vein, Greenwashing refers to *"all forms of business-to-consumer commercial practices concerning the environmental attributes of goods or services. According to the circumstances, this can include all types of statements, information, symbols, logos, graphics and brand names, and their interplay with colors, on packaging, labelling, advertising, in all media (including websites) and made by any organization, if it qualifies as a "trader" and engages in commercial practices towards consumers."*²

II. OVERVIEW OF THE REPORT

Q. 10. Do you have any specific Legislation/ Rules/ Regulations to regulate and control Green Claims made on e-commerce platform?



To get into the subject and noting that one of the main purposes of the Questionnaire was to collect information on the existence or non-existence of legislation around the world that regulate issues related to environmental claims, not only in traditional market environments, but also in digital environments, such as e-commerce.

In that sense, it was found curious that from all the authorities and organizations that responded to the questionnaire,

¹ Guidance for the implementation/application of Directive 2005/29/EC on unfair commercial practices. Section 5.1. Environmental Claims. Available on : [EUR-Lex - 52016SC0163 - EN - EUR-Lex \(europa.eu\)](#)

² Guidance for the implementation/application of Directive 2005/29/EC on unfair commercial practices. Section 5.1. Environmental Claims. Available on : [EUR-Lex - 52016SC0163 - EN - EUR-Lex \(europa.eu\)](#)

almost most of them (82.4%) indicated that they have no specific legislation or regulation in place within their jurisdictions in relation to environmental claims made through e-commerce or digital means.

From those participants who answered affirmative to this question (16%), one of them clarified that even though they do not have any specific legislation or regulation in place to address environmental green claims made online, they are currently working on some guidelines on the subject to start addressing these issues from an educational and pedagogical standpoint.

On the other hand, Peru, Sweden, and United States, indicated that they have already in place specific legislation and guidelines, which they use as tools to exercise policy initiatives and enforcement actions to try to fight against false and deceptive environmental claims.

For instance, Peru enforces some general provisions contained in the [Legislative Decree 1044 - Law on the Repression of Unfair Competition](#), which in its Article 8 enriches *“that acts which have the effect, actual or potential, of misleading other market players as to the nature, method of manufacture or distribution, characteristics and attributes, fitness for use, quality, quantity, price, conditions of sale or purchase shall be deemed to constitute acts of deception”*. This includes advertising with environmental claims that could end up being misleading. However, it can be observed that this legislation is not strictly related to ecommerce transactions.

This is also the case of Sweden, who assesses these types of claims according to the general provisions in the [Swedish Marketing Act](#) that implements the EU’s Unfair Commercial Practices Directive (UCPD). Moreover, they count with a “soft law assistance” in terms of a non-binding guidance document on the application/assessment of the UCPD, which includes a specific section on environmental claims. Both the SCA and the Swedish courts frequently use the ICC Consolidated Code of Advertising and Marketing Communications Practice (ICC Code) via the assessment of good marketing practice (established in the UCPD and the Swedish Marketing Act) when assessing misleading environmental claims. The ICC Code, which also has a specific chapter on environmental claims, has therefore become part of the Swedish case law on the topic and consequently in a way part of Swedish law.

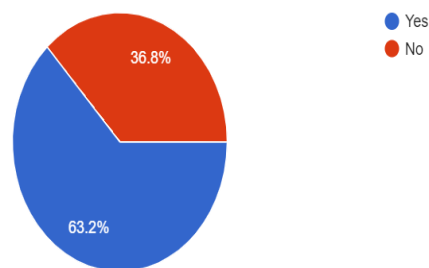
On its part, since 2012 the FTC issued updated [“Guides for the Use of Environmental Marketing Claims”](#), commonly known as the *“Green Guides”*, which are designated to help marketers ensure that the claims they make about the environmental attributes of their products are truthful and substantiated. These guidelines are also designed to provide some consumers’ psychology insights as they give some specific information about how consumers are likely to interpret claims on consumer products being environmentally safe, recycled, recyclable, ozone-friendly, biodegradable, and others.

It is worth noting that, although these guides do not constitute independently enforceable regulations, they provide guidance to companies on how to promote their products’ environmental benefits without deceiving consumers in violation of the FTC Act.

In light of the above, as in principle the fact that most of the respondents reported not having this particular legislation may seem a little bit worrying, it can be explained by the fact that, due the Covid-19 pandemic, e-commerce has been gaining momentum over the last few years, and most authorities were unprepared since they did not foresee the crisis.

However, although most of respondents said that they do not have such specific regulations or standards for environmental claims in e-commerce, 63% of the participants have developed or are developing educational material on the subject in order to educate and raise awareness not only among consumers, who need and want to be better informed, but also among businesses and marketers, who need to be more responsible with respect to their advertisement claims and the information they disclose, with the aim to ensure that, in their desire to attract more and more consumers, refrain from false or misleading actions.

Q. 9. Do you take any measures to create consumer awareness about the green claims?



In this respect, the most common green claims education and consumer awareness initiatives reported were:

- **Academic material** such as news desk articles and scientific research on sustainable consumption to foster an ecologically balanced and healthy lifestyle.
- Sensitization through **road shows** and **media**, such as television, radio, social media, and press releases, where some of them are aimed at encouraging consumers to report problems that they perceive from advertisement and file their claims when needed. Such tools also seek to inform consumers about common commercial practices that can be misleading or deceptive, involving greenwashing. Furthermore, some CPA's have chosen to publish on their respective webpage information, news, and updates on some of the cases handled.
- Sending **informative letters** and providing both consumers and businesses with trainings related to how advertisement regarding environmental green claims should be prepared, among other education and pedagogical options that authorities may choose to implement.
- **National guidelines** for both traders and consumers aimed to provide assistance in determining what criteria should be considered by businesses when designing and publishing their commercial communications in order to avoid any infringement to consumer protection regulations. Moreover, beyond educating businesses to comply with the law, some of these guidelines are designed to provide some insights and information about how consumers interpret environmental claims, while helping them understand what those green claims really mean.

For example, how a product or package is made (e.g. "made with recycled content", "made with renewable materials", "made with renewable energy" and claims about carbon offsets), also it may help understand how to dispose of a product or package (such as "biodegradable" or "compostable"), and the meaning of "Free Of", as well as other common claims such as "non-toxic". This becomes especially useful as it allows consumers to have the opportunity to understand much more clearly and precisely the content and purpose of these claims, thus helping them to make better decisions when purchasing a proclaimed "sustainable product".

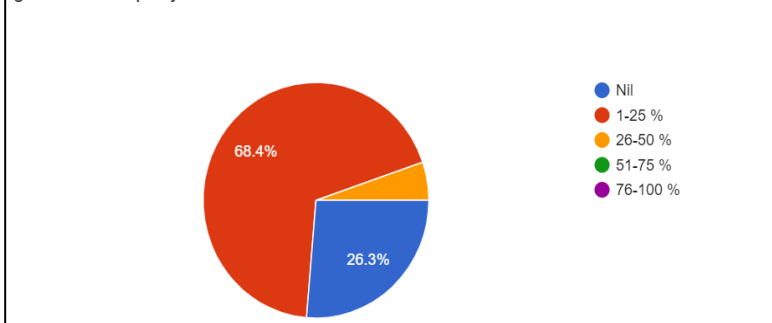
Some other participants reported issuing specific consumer tips, such as the [Green Claims Code for Shoppers](#), from the UK CMA, which consists of a guidance with tips to help consumers identify products and services with genuine environmental credentials.

- **International guidelines**, such as the United Nations (UN) Guidelines for Providing Product Sustainability Information³. Those were the result of an international academic and governmental research, led by UN Environment and the International Trade Centre. The Guidelines aim to provide value chain and public sector professionals with clear guidance on how to make effective, trustworthy claims to consumers, on product-related sustainability information, in order to encourage more sustainable consumption patterns via the selection, usage and disposal of consumer products.
- Comprehensive **educational campaigns** to communicate and disseminate some of the above-mentioned guidelines. Also, on commercial practices that involve greenwashing with the aim to draw consumers’ attention to try to check the validity of the green claims (e. g. examine the issuer of a certification), and not take every marketing phrase for granted. By doing this, companies that only want to take advantage of this trend (an indicative sign of this is if there is no evidence or substantiation of the claims), can easily be filtered out.
- Tips on environmental **certifications or seals** such as how to identify and interpret them. For instance, the U.S FTC have promulgated and enforced rules relating to energy labeling for a wide variety of consumer goods and have worked closely with the Environmental Protection Agency and the Department of Energy in implementing their joint “Energy Star” certification program.

III. ENVIRONMENTAL CLAIMS COMPLAINTS OVERVIEW

1. Number of recent environmental complaints

Q. 1. On an average, out of the total number of complaints you received for last 5 years, how many of them are related to misleading and/ or false environmental and green claims per year?



With respect to the type and number of complaints received related to misleading and/or false environmental and green claims, a little more than a quarter of the participants (26%) reported not having received any complaints related to these issues during the last 5 years. This could be attributed to a lack of education, as well as both consumers and businesses awareness, as people may not know

how to file a complaint or just do not recognize this type of mislead, and therefore cannot identify it if they saw it.

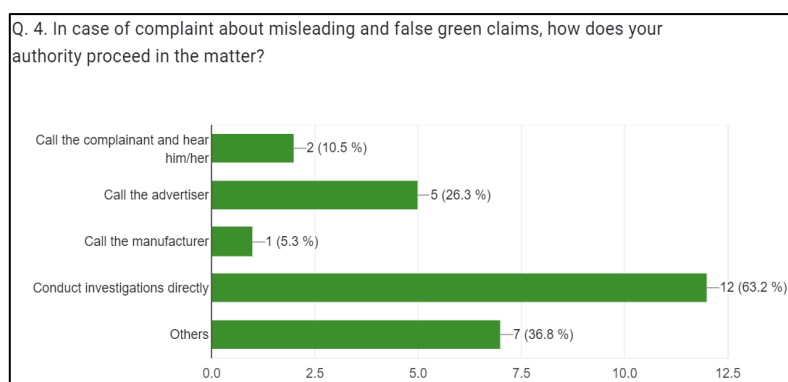
This raises an opportunity for cooperation and sharing of information and experiences between authorities that have received and investigated complaints with those that have not. In addition, the

³ United Nations Environment Programme, Guidelines for Providing Product Sustainability Information Available on: [guidelines for providing product sustainability information ci-scp 2017 revised.pdf \(oneplanetnetwork.org\)](https://oneplanetnetwork.org/guidelines-for-providing-product-sustainability-information-ci-scp-2017-revised.pdf)

majority of participants, around 68%, answered that from the total amount of complaints they have received during the last 5 years, less than 25% is related to misleading environmental advertisement.

However, regarding the total number of complaints received by authorities related to misleading and/or false environmental and green claims per year, 63.2% of the participants indicated that between one and two quarters of their claims received during the last five (5) years were cross-border, while the other 36.8% indicated that this number was less than a quarter. It is worth mentioning that these complaints can be a difficult challenge for CPA's to deal with, since they do not always share the same concepts or legal mechanisms to address these problems. Therefore, it becomes relevant for agencies to pay attention to cross border enforcement cooperation differences and related legal instruments in order to face this problem in a coordinated manner.

2. CPA's local enforcement actions



Further, the survey asked participants about their domestic enforcement process. The question was centered on the method used to evaluate the complaints arising from cases of misleading and false green claims, and the time it takes to respond against a breach. In this regard, most of the participants, approximately 63% of them,

indicated that they conduct investigations directly in case when a complaint was reported, and try to take the shortest time possible. However, agencies should keep in mind the importance and relevance of complaint, and that's why and how CPA's need to prioritize among its investigations and actions to areas where they identify the most consumer detriment, and where they identify that their actions are most needed.

Similarly, authorities pointed out that one important key of the process to address a complaint was to call the advertiser. This can be understood by considering the rule of due process in these investigations, since listening to the company or advertiser perspective as a first step in the process, before taking further actions or inform a company that it is being investigated, could be necessary to guarantee their legal rights. The least common actions taken by participants in these cases were contacting the manufacturer or calling the complainant to obtain more details.

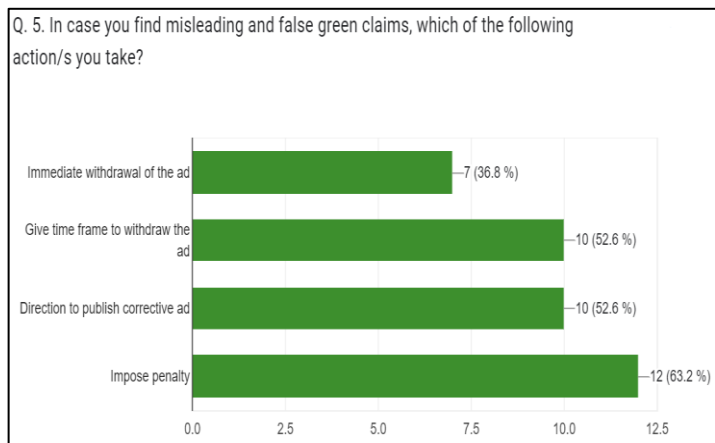
In addition to the above, other participants indicated that their procedures, depending on the specific circumstances of the cases, included a conciliation process between the consumer and the supplier, and the issuance of warning letters to companies to warn them the likelihood of their conduct being unlawful. This also accords an opportunity to the advertiser to contradict, present evidence, or cease the irregular practice.

For instance, the FTC uses this resource in a highly effective way. Companies that receive FTC warning letters take steps quickly to correct problematic advertising or marketing language and come into

compliance with the law. According to the FTC, in many cases, warning letters are the most rapid and effective means to address the problem. These letters typically include an explanation of why the company is receiving them, as well as examples of the problematic advertising or marketing language. Moreover, these letters include instructions to recipients to correct the problem immediately and contact the FTC within several days to confirm that they have made the required changes. With respect to environmental issues, the FTC have issued warning letters relating to five (5) providers of environmental certification seals and twenty-eight (28) businesses using those seals, alerting them to the agency’s concerns that the seals could be considered deceptive and may not comply with the FTC’s environmental marketing guidelines.

Finally, in some cases, some participants indicated that they have a preference to refer the corresponding environmental or green complaint to the competent authority.

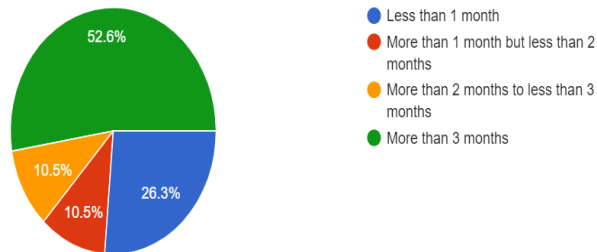
Moving forward, in cases where the authorities allegedly found misleading and false green claims or when a necessary enforcement action is demanded, a significant percentage of the participants indicated that the next action would be to impose a penalty (according to almost 63% of the participants). Other measures commonly taken by CPA’s against businesses and marketers include giving them a certain period to withdraw the ad, or the instruction to re-publish the corrective ad, according to relevant legislation. Despite the above, around 37% of the authorities answered that they prefer an immediate withdrawal of the ad, after noticing a misleading green claim allegation.



Nevertheless, it is important to mention that even though imposing a fine or penalty is the preferred way for authorities to deal with these legal infractions, most of the participants indicated that this measure was used along with other types of administrative/jurisdictional actions.

For instance, the CMA indicated that they are also able to ask the business to amend their compliance procedures to prevent similar issues recurring. In some cases, they may also request payment of consumer redress, where consumers have suffered financial harm as a result of purchases made on the basis of the misleading claims. This would be less likely to happen in the case of a misleading advert for a low value product, but could happen where, for example, a consumer has been mis-sold a more expensive product, like home energy efficiency products.

Q. 6. What is the time span for taking remedial action against misleading green claims ads?



Regarding the time span for taking remedial actions against misleading green claims ads, a bit more than half of the participants (53%) indicated a term of more than three (3) months. This can be understood considering that the administrative procedures behind each investigation, such as, collecting relevant evidence or hearing the perspective of the parties involve a lot of time.

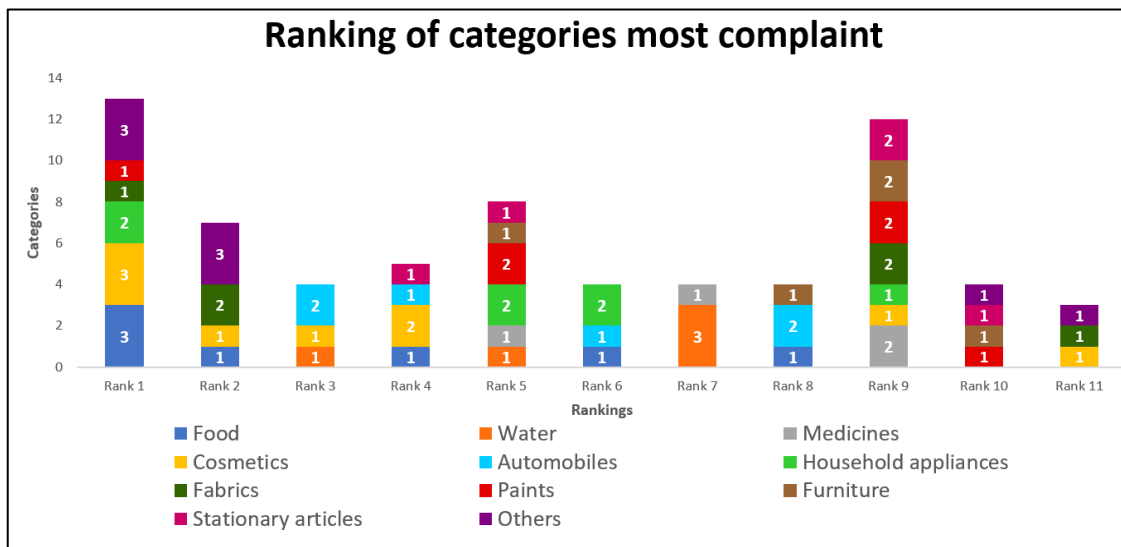
However, this could be a troubling situation for consumers, if there is a prolonged and unjustified delay in this process, which may imply a denial of their rights. Nonetheless, it is also important to highlight that a bit more than a third of the participants established a term of no more than one (1) month for taking remedial actions.

Although not many recent cases have been reported, when respondents were asked if they would take more stringent actions in case some online marketers or suppliers engaged in repeated offence in the same conduct or behaviour against consumers rights, the majority of respondents (79%) answered that they do. Depending on the nature of the breach and the breacher, the most common actions reported by CPA's in these cases are:

- Stiffer penalties and sanctions or increase in the fines previously imposed.
- The institution of proceedings in order to deeply investigate the offender.
- File official reports or contempt actions to sanction the company after having sent an official warning, or to enforce injunctions.
- The marketer or supplier might be suspended.
- Coordinated actions between CPA's and criminal law enforcement agencies in cases involving substantial harm to the public.
- If formal undertakings and infringements in relation to an earlier breach have been received, and broken, the offender might be taken to court and, under some jurisdictions, obliged to pay a special fee for market disruption.

3. Most complaint categories regarding environmental issues

Moving ahead the graph below shows that most complaints were from "cosmetics" and "food," sectors, which were placed by participants as their first category of complaints regarding environment claims. These were followed by "fabrics" and some "other categories" such as "plastic packaging," "electronics," "energy services", as well as "disposable and cleaning products (biodegradable bags and sanitizers)". On its part, the sectors which registered the least complaints were "stationary articles," "furniture", "paints", and "medicines".



Data corresponds to the number of participants who assessed each rank to each category.

Despite the above results, it is worth noting that some respondents were not able to provide a concise answer due to the design of their databases, which do not disaggregate environmental claims entries into different subcategories, because “environmental claims” is already a category which cannot be subdivided.

4. Recent case examples and experiences

With respect to recent specific examples of misleading environmental claims online and enforcement cases taken by the CPA’s, while it is true that through the responses received it was possible to observe that CPA’s have not recently received any major complaints regarding misleading environmental claims in e-commerce, it is also important to note that the majority of them do not have a lot of experience in dealing with misleading environmental claims and greenwashing. Despite of the above, some shared a few cases and examples.

Most of these examples were related to products that are claimed to be “recyclable”, “biodegradable”, “eco-friendly”, “sustainable”, “organic”, “better for the environment” and other similar concepts, without providing clear and verifiable information to consumers on what those concepts mean and what is to be understood when these terms are used. These claims also failed to inform why those products were sustainable and to what extent they were better for the environment, among other examples. In many cases there was no technical or scientific support provided to corroborate the environmental attributes of such products. Some others were found to be made of “non-sustainable materials” even though they were advertised and marketed as made of other materials which are not completely environmentally friendly, thus constituting misleading advertising.

For instance, it was reported a case where in 2020 a trader from Swedish called Midsona claimed that its products were organic by using claims such as “ECO FOR REAL” and “Pure organic hair care” without further clarifications about the meaning of the claims. Among other things, it was considered that the claims were vague and without clear enough qualifications, for that reason the Swedish Consumer Ombudsman (SCO) initiated a court action. In this case the court considered that the marketing of the products which contained claims such as “eco” and “organic”, were vague and without clear qualifications.

In line with the above, cases were also reported in which some businesses made use of eye-catching packaging, with illustrations or prints alluding to the environment (such as flowers, leaves, or images of forests and rivers), simply in an attempt to attract more consumers, without providing them with more information as to what extent the product they were buying was really *"sustainable"* or *"environmentally friendly"*. Furthermore, some others reported cases related to advertising where environmental logos, stickers, certification seals, among others, are used without providing clear and verifiable information on the veracity and scientific or academic support of such claims.

Moving forward, especially with respect to clothes, given the scandals that have occurred in the textile industry due to the strong impact that its production processes have on the environment, many fashion traders have tried to include environmental claims in the advertising of their products in order to attract the attention of consumers, who are increasingly interested in environmental issues and demand industries to be more friendly to the environment so that they reduce their impact.

There was an example of some fashion traders who utilize green claims in a way that might be misleading for consumers, as they do not provide clear and complete information to the consumer about the benefits attributed to the clothes in order to classify them as *"sustainable"*, *"green friendly"* or *"eco-friendly"*. Moreover, some of them categorize some clothes under something called a *"Sustainability Flag"*, without being clear or specific about the sustainability criteria used for that classification; if it is related to sustainable criteria regarding the production process of the said piece of clothing; to the materials used; or to another attribute.

With that in mind, the main issue regarding the fashion sector is that businesses tend to use vague and general claims without explanations of what is meant, and when traders were asked for documentation or any kind of support to their claims, none of them were able to provide it, indicating that it might be potentially misleading advertising.

Nevertheless, it is worth noting that there are some fashion trades that comply with informing consumers as clearly as possible about the specific standards with which some of the clothing pieces comply and in what sense they self-proclaim as sustainable, for example with which percentage of recycled or organic materials are they made, which of the supply chains stages are the ones certified with sustainability standards and to what extent, among other examples.

Such cases do not only apply to products' misleading environmental claims, but also business models' misleading environmental claims. Within the energy services sector, some respondents reported cases where some companies advertised that they were energy efficient or sustainable. Additionally, under the automobile sector, others proclaimed their vehicles complied with greenhouse gas and nitrogen oxide emission requirements, when it was not the case.

Moreover, some businesses argued that they comply with the certificates required by the competent authorities regarding products with a lower impact on the environment, this in the case of packaging for beauty, cosmetics, and personal care products.

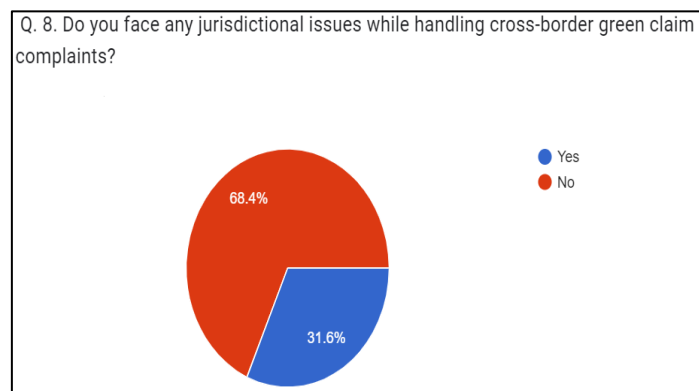
Particularly, since 2015 an enterprise in the United States advertised, labeled, offered for sale, and sold a range of personal care products to consumers, including haircare products, body washes, lotions, baby products, personal lubricants, and cleaning sprays, under the premises that they were *"100 organic"* or *"certified organic"* by the corresponding Department of Agriculture. They also advertised that some of their products were vegan, even though some of them contained non-vegan ingredients like honey and

lactose. None of this turned out to be true, and the company ended up being sanctioned for misleading advertising practices with environmental claims and greenwashing.

Within another sector, the U.S FTC also sent eight (8) letters to jewelry marketers warning them that some of their online advertisements of jewelry made with simulated or laboratory-created diamonds may deceive consumers. Several letters also noted that the companies have advertised their jewelry as “eco-friendly”, “eco-conscious” or “sustainable”, and that such terms can be interpreted to imply certain specific environmental benefits. The FTC explained that sellers must have a reasonable basis for making such claims for any products and the claims should be adequately qualified to avoid deception. In fact, the letters admonished the companies not to use unqualified claims, such as those they were using, as it is highly unlikely that they can substantiate all reasonable interpretations of these claims.

To conclude, some other authorities have some recent on-going greenwashing cases, information about which cannot be shared at this time, as some have yet to assess whether it is a misleading advertisement or not.

5. Cross-border approach



On cross border issues, around 68% of the participants answered that they have not encountered any issues or problems when managing cross-border misleading green claims. Nevertheless, this might be explained due to the fact that the majority of survey participants did not report any misleading environmental claims cases at all, neither local nor cross-border, or because it is not common for them to receive cross-border cases under this regard.

However, the 32% left reported that the most problematic issue when managing cross-border cases is that the authority might not be the one competent to start an investigation or impose remedies or sanctions when the trader is located abroad. Nevertheless, some reported that a possible solution for this could be requesting actions from the country where the offender is located.

With that in mind, having in place specific acts or international agreements, as it is the case of the European Union (EU) and European Economic Area (EEA) members through the Consumer Protection Cooperation [\(CPC\) Network Regulation \(EU\) 2017/2394](#), might be another useful approach to address consumer protection matters within an international dimension, especially in countries where CPA’s have less power to share information, or when countries need to bilaterally send requests for enforcement measures to each other. This might include increased cooperation with foreign law enforcement authorities through confidential information sharing and investigative assistance.

In some other cases, although the national legislation provides jurisdiction over acts or practices involving foreign commerce, there may still be practical challenges involved in litigating against foreign individuals or entities including obstacles involving service of process, personal jurisdiction challenges, judgment enforcement and locating overseas assets, among others.

The most common sectors for which cross-border cases have been reported recently are online pyramid schemes, telemarketing schemes, advertising as well as privacy and data security. For instance, the FTC reported that approximately 13.6% of all complaints in their database are cross-border in nature. The percentage may be higher, as for some of the complaints the location of either the business or the consumer is unknown.

IV. CONCLUSIONS AND RECOMMENDATIONS

- In conclusion and taking into consideration the results and findings of the questionnaire, the first recommendation would be for countries to review their current legislations to include some clauses that would deal with regulation on advertising touching on environmental claims, particularly in e-commerce and digital markets. Nevertheless, taking into consideration the lack of participant's legislation in this regard, as a temporary remedy authorities could try to accommodate their general regulation on misleading advertising in order to also be applied to misleading green claims cases.
- In line with the above, it is suggested that competent authorities take note of the two most frequent complaint categories, which were from the cosmetics and food sectors, and tailor-made the corresponding awareness actions among consumers with respect to these specific sectors.
- In order to continue protecting consumers against deceptive practices, there is need to develop a clear and comprehensive definition of misleading advertisement and encourage competition authorities to adopt such a common definition in order to facilitate international cooperation. UNCTAD could lead such an initiative within its intergovernmental machinery and consensus building.
- Bearing that in mind, according to this report, as authorities deal with a large number of complaints from an international nature, it becomes necessary for CPA's to look for accurate measures that facilitate cooperation through international agreements and legal instruments. This calls for coordinated actions and assurance that the parties involved in getting solutions regarding these matters speak with the same voice.
- On the other hand, considering that about a quarter of the participants in this research reported not having received any complaints related to these issues during the last 5 years, it is recommended that the authorities develop educational programs and disseminate them to relevant stakeholders. Some examples of such tools could range from: issuing national guidelines, informative letters, workshops, didactic and pedagogical documents, academic material, certification seals, among others that may help consumers to understand what these deceptions consist of, as well as how to report them to the competent authorities in order to ensure that their own rights are protected. These educational campaign tools can also be directed to advertisers and companies, with the aim to make sure that these actors are prevented aware of the actions which are considered illegal and would help the authorities to avoid further enforcement actions.
- It is essential to highlight that not all authorities have the same level of legal and institutional enforcement capabilities in terms of expertise and experience to address green washing practices. Therefore, it becomes relevant for these authorities to take measures their aim to fight these deceptive practices. It is also important to encourage the authorities that have more knowledge and experience in this field, to share it with other authorities that needs.