



# GREEN CLAIMS GUIDE

GLOBAL GREENWASHING REGULATIONS & GUIDANCE FOR LUXURY BRANDS

OCTOBER 2025

 Positive  
Luxury

**Baker  
McKenzie.**



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## INTRODUCTION

In today's world, where sustainability is now a growing priority for both luxury brands and consumers, greenwashing has emerged as a critical issue. Greenwashing refers to the practice of making misleading claims, or omissions, about the environmental benefits of a product, service, or company to appear more eco-friendly than it truly is. The risk for companies of greenwashing is increasing due to a number of factors:

- An increase in ESG reporting requirements, which makes scrutiny of claims, efforts and targets easier
- Authorities wielding greater enforcement powers
- Consumers and consumer organisations keen to challenge ambiguous claims and make brands accountable

This Green Claims Guide provides:

- An update on greenwashing regulations and guidance issued by key regulators and authorities, with links to essential resources
- Actionable guidance for brands when making green claims about products and services
- Practical steps to respond to potential complaints from a regulator about a sustainability claim

Although the term greenwashing is now commonplace, regulations and guidance around the appropriate use of green claims continue to develop. This changing regulatory landscape underscores the importance of ensuring transparency and accountability in environmental claims, making greenwashing a critical issue for brands in the luxury sector who are aiming to maintain consumer trust and comply with legal standards.

Recent developments that are covered in this Guide include:

- The latest on the Empowering Consumers for the Green Transition Directive (ECGT) and the uncertain future of the Green Claims Directive (GCD)
- Substantial new investigatory powers for the UK Competition and Markets Authority (CMA), which allow the CMA to impose fines of up to 10% of a company's annual global turnover for breaches of UK consumer law, including greenwashing
- Spotlight on greenwashing in Switzerland
- Commentary from Asia Pacific and Latin America about the greenwashing regulatory landscape in these regions

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IN AN ERA WHERE CONSUMERS  
ARE MORE INFORMED AND VIGILANT  
THAN EVER, AUTHENTICITY AND  
ACCOUNTABILITY ARE NOT JUST  
DESIRABLE BUT ESSENTIAL  
FOR MAINTAINING BRAND  
INTEGRITY AND LOYALTY.”



*Katia Boneva-Desmicht  
Global Chair, Consumer  
Goods & Retail Group,  
Baker McKenzie, Paris*

**STATISTIC:** CONSUMERS WANT TO  
PURCHASE FROM SUSTAINABLE BRANDS

**73%** OF GEN Z REPORT TRYING TO  
PURCHASE FROM COMPANIES  
THEY CONSIDER ETHICAL

*McKinsey, 2024*



# THE GREEN GLOSSARY

## WHAT IS GREENWASHING?

It is the practice of making unclear or poorly substantiated environmental claims, or omissions, that potentially mislead consumers into believing that companies, products or services are more environmentally friendly than they actually are.

## WHAT IS GREENHUSHING?

Also known as greenshushing, greenhushing is the practice where companies deliberately choose not to publicise their environmental goals, initiatives and commitments. This is often done to avoid scrutiny, criticism or backlash from stakeholders or consumers who may accuse companies of not doing enough, or of greenwashing. Greenhushing can lead to a lack of transparency and hinder progress in sustainability efforts.

However, with the increase of ESG reporting requirements, companies will not be able to avoid making public some ESG-related information.

## TERM BUSTING

Developments in sustainability and greenwashing have led to the creation of a new lexicon, including the terms below:

- **Carbonwashing:** Claims that may exaggerate the carbon neutrality or reductions achieved by a company
- **Greenbotching:** Implementing sustainability efforts that, despite good intentions, lead to unintended negative consequences
- **Greencrowding:** Following the slowest sustainability efforts of others in the sector, which may result in less progress and reduced innovation
- **Greenlabelling:** Inaccurately using eco-labels to assert that a product or service is more sustainable than it truly is, thereby misleading consumers
- **Greenlighting:** Highlighting a specific environmentally friendly aspect of a company's operations to divert attention from less sustainable practices in other areas of the company
- **Greenrinsing:** Changing ESG targets without real progress, eroding trust and making it difficult for stakeholders to track a company's achievements
- **Greenwishing:** Promising sustainability without a realistic plan or resources

## STATISTIC: WHAT CONSUMERS THINK GREENWASHING IS



KPMG, 2023



# GLOBAL REGULATIONS

# EUROPEAN UNION (EU)

## LEGAL FRAMEWORK

The EU framework addressing greenwashing is based on the EU Unfair Commercial Practices Directive (**UCPD**), which establishes general consumer protection principles. Recent developments such as the Empowering Consumers for the Green Transition Directive (**ECGT**) further bolster the regulation of green claims in the region.

There was also a proposal for an EU Green Claims Directive (**GCD**), but support for this legislation seems to have waned following the announcement by the EU Commission in June 2025. [See here](#).

These developments follow the EU Green Deal of 2019 and are part of a wider “[circular economy plan](#)” to achieve a cleaner Europe.

The status and key takeaways for these pieces of legislation are set out in the table below:

Legislation	Status	Key Takeaways
<b>ECGT</b>	<p>Came into force on 26 March 2024</p> <p>EU Member States must adopt it into national law by 27 September 2026</p>	<p>The ECGT amends the UCPD to increase consumer protection against practices that prevent sustainable purchases. It is most relevant in the business-to-consumer context, but its rules on advertising could also be relevant in business-to-business contexts.</p> <p>Key features of the ECGT:</p> <ul style="list-style-type: none"> <li>• Prohibits voluntary generic environmental claims unless those claims are sufficiently substantiated, demonstrating excellent environmental performance</li> <li>• Expands the product characteristics about which a trader cannot mislead consumers and has new rules around claims regarding a product's durability</li> <li>• Introduces new rules around green claims, which may be misleading in some cases, as well as blacklisting certain green claims which will be misleading in all circumstances</li> <li>• Introduces new rules around sustainability labels and certification schemes</li> </ul> <p>For guidance on what businesses need to do to prepare for the enforcement of the ECGT, <a href="#">click here</a>.</p>
<b>GCD</b>	<p>Although previously approved by the European Parliament and European Council, the European Commission announced in June 2025 that it intends to withdraw the proposed GCD, leading to uncertainty around the GCD's future</p>	<p>The GCD was designed to complement the ECGT with more specific conditions on using environmental claims and labels. It provides detailed requirements about how these must be substantiated, communicated to customers, and verified.</p> <p>To monitor developments on the GCD, follow <a href="#">this link</a>.</p>





## IMPACT ON THE LUXURY SECTOR

The ECGT bans several unfair practices, the following of which are likely to be relevant to businesses in the luxury sector:



Displaying a sustainability label not based on a certification scheme or established by public authorities



Making a generic environmental claim without demonstrating excellent environmental performance



Making an environmental claim about the entire product or business when it only concerns a specific aspect



Claiming a product has a neutral, reduced, or positive impact on the environment based on offsetting greenhouse gas emissions



Presenting legal compliance as a distinctive feature of the trader's offer



Promoting a product knowing it contains a durability-limiting feature



Falsely claiming that a product has a certain durability under normal conditions of use



Presenting a product as allowing repair when it does not



Inducing unnecessary repair or replacement of consumables



Withholding information or falsely claiming that the functionality of a product will be impaired when using non-original parts

## ENFORCEMENT

The Omnibus Directive (also known as the Enforcement and Modernisation Directive) came into force in May 2022. It introduces tougher penalties for widespread breaches of consumer law, with fines starting at 4% of the company's annual turnover in an EU Member State or at EUR 2 million where turnover information is not available. The directive also introduces a new form of consumer litigation, potentially increasing the number of "class action" type claims brought in the EU.

Enforcement can be conducted at a national level, however, for breaches that are "widespread with a Union dimension", the European Commission may coordinate enforcement action. "Widespread with a Union dimension" means an infringement that has done, does, or is likely to do harm to the collective interests of consumers in at least two-thirds of the Member States, accounting, together, for at least two-thirds of the population of the Union.

### ENFORCEMENT EXAMPLES: LESSONS FROM ITALY AND THE NETHERLANDS

Over the past five years, complaints against sustainability advertisements have risen sharply. Regulators have applied a strict framework when evaluating these complaints. The following two actions offer insight into what the enforcement landscape may look like once the ECGT is fully implemented by Member States:

#### 1 Vague and misleading terms: "Circularity"

The Italian Competition Authority opened an investigation into a fashion retailer's Italian website regarding its environmental claims, assessing whether statements on the website may create an impression of sustainable production by using generic, vague, or potentially misleading environmental terms. One such term is "circularity," which suggests a degree of responsibility around

sustainability, consumption and recycling. The investigation also scrutinised the actual "recyclability" of the garments and questioned statements around decarbonisation due to discrepancies with the company's own sustainability reports.

#### 2 Unclear and unsubstantiated claims

Following an investigation into 10 clothing companies in 2022, the Netherlands Authority for Consumers and Markets found that two organisations had violated their guidelines by making vague and/or misleading sustainability claims, such as using terms like "ecodesign" and "conscious" without clear substantiation. During the investigation, the two companies agreed to adjust their green claims practices and made commitments to change or stop making certain types of claims.



## LOOKING AHEAD

With the ECGT being transposed into national law, luxury companies should anticipate a continued emphasis on green claims in the EU. The particular focus remains on ensuring companies can substantiate their claims. We expect regulators will clamp down on the use of sustainability labels that do not meet the ECGT's strict requirements for labels to be independent, transparent and objective, or established by a public authority.

More broadly in February 2025, the EU Commission introduced the Omnibus Simplification Package to simplify and streamline sustainability regulations. [See here](#). While it does not directly impact the ECGT, it introduces measures to delay and reduce companies' sustainability reporting and other environmental obligations. This, together with the withdrawal of support for the more onerous GCD, shows some appetite from the Commission to limit the scope of sustainability-related obligations on companies.

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**WITH THE ECGT BEING TRANSPOSED  
INTO NATIONAL LAW, WE EXPECT TO  
SEE A CONTINUED EMPHASIS ON GREEN  
CLAIMS IN THE EU.”**



*Eva-Maria Ségur-Cabanac*  
Partner, Baker McKenzie,  
Vienna

**STATISTIC:** CONSUMERS BELIEVE  
COMPANIES HAVE A RESPONSIBILITY

**90%** BELIEVE COMPANIES HAVE A  
RESPONSIBILITY TO ADDRESS  
ENVIRONMENTAL AND SOCIAL ISSUES

[McKinsey](#), 2024



# UNITED KINGDOM (UK)

## LEGAL FRAMEWORK

The governing framework on green claims is the new Digital Markets, Competition and Consumers Act 2024 (**DMCC**).

The DMCC replaced the Consumer Protection from Unfair Trading Regulations, which were based on the EU's Unfair Commercial Practices Directive. The DMCC's provisions largely mirror the existing regulations.

The majority of the DMCC came into effect on 6 April 2025. Under this Act, the Competition and Markets Authority (**CMA**) now has broad enforcement powers, allowing it to fine businesses up to 10% of their annual global turnover for breaching UK consumer law. The CMA can directly determine if consumer protection laws have been violated and address breaches with appropriate fines, without needing to go through the courts. Although the Act does not specifically address greenwashing, practices like providing false information to consumers could still breach consumer protection laws.

Businesses in the luxury and retail sector are likely to be caught out under the DMCC if

they engage in these three broad practices:

- Specific banned practices, for instance, displaying a trust mark, quality mark or equivalent without obtaining the necessary authorisation
- Misleading acts and omissions, such as misleading advertising and marketing material
- General prohibitions on unfair practices, for example, false claims, true but deceptive claims, etc.

Read more on the CMA guidance [here](#).

Further information on the DMCC generally can be found [here](#), and more specific information on its impact on online reviews can be found [here](#).

“  
**THE CMA NOW HAS BROAD  
ENFORCEMENT POWERS  
ALLOWING IT TO FINE BUSINESSES  
UP TO 10% OF THEIR GLOBAL  
ANNUAL TURNOVER.**”



*Lucy Hart  
Counsel, Baker McKenzie,  
London*





## GOVERNING BODIES

The CMA and the Advertising Standards Authority (**ASA**) are the two main bodies that rule on breaches of UK consumer protection laws. Both have taken an increasing interest in reviewing business' green claims and enforcing regulatory action.

The CMA has released both [Guidance](#) (with greenwashing examples) and its [Green Claims Code](#) for businesses to follow. The key principle is informed consumer choice – businesses should not make claims that falsely suggest that a product or service has a positive or neutral environmental impact or is less harmful than competitors' products or services. This law extends across supply chains, covering any claim aimed at consumers, even if it is from manufacturers, wholesalers or distributors without direct consumer contact.

Explore the six principles of the Green Claims Code and the recommended checklist actions for businesses (right).

Although issued by the UK's CMA, it provides helpful principles to follow for all marketing claims.

The CMA's Green Claims Code – Principles and Checklist	
Principle	Checklist
<b>Truthful and accurate</b>	<ul style="list-style-type: none"> <li>• The claim is accurate and clear for all to understand</li> <li>• The claim does not contain partially correct or incorrect aspects or conditions that apply</li> <li>• The claim won't mislead customers or other suppliers</li> <li>• The claim does not exaggerate its positive environmental impact or contain anything untrue – whether clearly stated or implied</li> <li>• Features or benefits that are necessary standard features or legal requirements of that product or service type aren't being claimed as environmental benefits</li> </ul>
<b>Clear and unambiguous</b>	<ul style="list-style-type: none"> <li>• If conditions (or caveats) apply to the claim, they are clearly set out and can be understood by all</li> <li>• The claim clearly tells the whole story of a product or service or relates to one part of the product or service, without misleading consumers about the other parts or the overall impact on the environment</li> <li>• Durability or disposability information is clearly explained and labelled</li> </ul>
<b>Must not omit or hide important information</b>	<ul style="list-style-type: none"> <li>• The claim does not miss out or hide information about the environmental impact that consumers need to make informed choices</li> <li>• Information that really cannot fit into the claim can be easily accessed by customers in another way (QR code, website, etc.)</li> </ul>
<b>Comparisons must be fair and meaningful</b>	<ul style="list-style-type: none"> <li>• If a comparison is being used, the basis of the comparison is fair and accurate, and is clear for all to understand</li> </ul>
<b>Must consider the full life cycle of the product or service</b>	<ul style="list-style-type: none"> <li>• Where general claims (e.g., eco-friendly, green or sustainable) are being made, the claim reflects the whole life cycle of the brand, product, business or service and is justified by the evidence</li> </ul>
<b>Must be substantiated</b>	<ul style="list-style-type: none"> <li>• There is up-to-date, credible evidence to show that the green claim is true</li> </ul>

The CMA shares its enforcement powers with the ASA, which is focused on how businesses advertise and report on green credentials. For the ASA, consumer perception is key – what a company omits is just as important as what it reveals, particularly in terms of the average consumer’s understanding of those claims.

Businesses should be aware that anyone can file a complaint with the ASA, including the public, competitors, employees, and increasingly, members of campaigns and climate activist groups.

It is recommended that companies balance making appropriate green claims with providing substantiating information. Companies may wish to consider:

- Providing sufficient, industry-specific context for all green claims
- Ensuring all green claims made are accurate, specific, and can be substantiated using objective evidence
- Developing a green claims toolkit to ensure company-wide consistency
- Implementing sign-off processes and effective verification and controls in respect of green claims

The Advertising Codes, on which the ASA bases its enforcement, were recently [updated](#) to align advertising rules with the DMCC. This [mapping document](#) identifies the amendments.

**Received a complaint?** Review our [Tips for Engaging with Regulators](#) section for important considerations

“WHILE GREENWASHING HAS LONG BEEN A REGULATORY AND REPUTATIONAL RISK, THE EXPANSION OF THE CMA’S POWERS, COUPLED WITH HEIGHTENED REGULATORY SCRUTINY ACROSS THE SECTOR, UNDERSCORES THE STRATEGIC IMPORTANCE FOR BUSINESSES TO PROACTIVELY IDENTIFY AND MITIGATE GREENWASHING RISKS.

BUSINESSES CAN NO LONGER RELY ON THE HISTORICALLY LIMITED ENFORCEMENT LANDSCAPE AS A BUFFER. REGULATORS NOW HAVE THE TOOLS AND APPETITE TO ACT DECISIVELY, MAKING THE PROACTIVE IDENTIFICATION AND MITIGATION OF GREENWASHING RISKS A STRATEGIC AND LEGAL NECESSITY.”



*Julia L. Hemmings  
Partner, Baker McKenzie,  
London*

## ENFORCEMENT EXAMPLES: LESSONS FROM THE UK

In 2022, the CMA launched investigations into the green claims made by three brands as part of its broader scrutiny of the fashion sector:

### 1 Vague and unqualified claims: “Responsible” and “Sustainable” ranges

The CMA raised concerns about the use of broad, unqualified terms such as “responsible edit” and “ready for the future” to describe product ranges. These labels were often applied without clear criteria or explanation, potentially misleading consumers into believing that the products met higher environmental standards than they actually did.

### 2 Lack of transparency and substantiation

The investigation also focused on whether claims about materials (e.g., “made with recycled fibres”) were substantiated and whether consumers were given sufficient information to understand the basis of the claims. The CMA questioned whether the criteria for inclusion in these “eco” ranges were meaningful, consistently applied, and clearly communicated.

Following its investigation, the **CMA secured undertakings** from all three retailers to improve the clarity and substantiation of their environmental claims. These included:

- Avoiding vague or absolute terms like “eco-friendly” or “sustainable” without clear, evidence-based justification
- Ensuring that criteria for inclusion in “eco” ranges are meaningful, consistently applied, and clearly communicated
- Providing consumers with accessible and accurate information about the environmental attributes of products, including through product listings and labelling

In September 2024, the CMA issued tailored guidance for the fashion sector, drawing directly from the findings of this investigation. It also sent letters of concern to 17 additional fashion brands, urging them to review their sustainability claims. See more [here](#).



## LOOKING AHEAD

The new enforcement powers granted to the CMA under the DMCC may result in increased enforcement activity for consumer law breaches, as the CMA is able to address breaches and fine businesses directly without needing to go to court.

The CMA's recent actions show a clear shift from guidance and undertakings to enforcement and penalties. Businesses should not rely on the absence of past fines as a buffer. Regulatory expectations have risen, and the tools to act are now in place.

The CMA has consistently maintained a strong focus on the fashion retail sector in its investigations regarding environmental claims but has indicated that its guidance and enforcement approach will apply across all sectors making environmental claims.

**STATISTIC:** CONSUMERS WANT GREATER TRANSPARENCY

**89%** SAY THEY CARED ABOUT THE ENVIRONMENTAL STANCE OF BUSINESSES AND BRANDS

**86%** SAY THEY WANT AN INCREASE IN THE LEVEL OF TRANSPARENCY ON ENVIRONMENTAL MATTERS

*Sensu, 2023*



“BUSINESSES SHOULD BE AWARE THAT ANYONE CAN FILE A COMPLAINT WITH THE ASA, INCLUDING THE PUBLIC, COMPETITORS, EMPLOYEES, AND INCREASINGLY, INDIVIDUALS AFFILIATED WITH CAMPAIGN GROUPS AND CLIMATE-FOCUSED ACTIVIST ORGANISATIONS. THIS BROAD ACCESSIBILITY REINFORCES THE NEED FOR CAREFUL SCRUTINY OF ENVIRONMENTAL CLAIMS AND MARKETING CONTENT.”



*Samuel Ashford  
Associate, Baker McKenzie,  
London*

# SWITZERLAND

## LEGAL FRAMEWORK AND GUIDELINES

Switzerland's approach to green claims is based on the [Federal Act on Unfair Competition \(UCA\)](#) and requires environmental claims about goods and services to be objectively verified. The green claims provisions were introduced as part of the revision by the UCA on the Reduction of CO<sub>2</sub> Emissions. In addition, financial institutions and listed companies are required to comply with expectations set by the [Swiss Financial Market Supervisory Authority \(FINMA\)](#) and Swiss Stock Exchange (**SIX**). There are also several self-regulatory guidelines.

The Swiss Commission for Fairness, Schweizerische Lauterkeitskommission (**SLK**), an independent self-regulatory body for the communications industry, applies the ICC Framework for Responsible Environmental Marketing Communications and issued [2023 guidelines](#) on environmental claims in commercial communications (**SLK Guidelines**). The guidelines clarify UCA standards and offer practical advice. The SLK also provides a simple internal complaint process.

### Key takeaways from the new regulation and the SLK Guidelines:

- Under the UCA, the focus is on climate-related claims – like “climate neutral,” “net zero,” or “climate friendly” – not broader environmental topics such as biodiversity or water, though terms like “sustainable” or “green” may be included if they imply climate relevance. Moreover, unsubstantiated environmental claims are considered unfair competition.
- The SLK Guidelines set detailed standards for clarity and truthfulness in environmental advertising, offer practical guidance for complaints, and reflect international developments.

## ENFORCEMENT

- Allegations of unfair practices, i.e., unsubstantiated green claims, may be brought by any individual, association, or consumer protection organisation through authorities such as the State Secretariat for Economic Affairs (**SECO**). The Swiss Confederation, represented by the SECO, may also initiate proceedings in the public interest.
- Violations of the UCA can lead to civil or criminal consequences. Greenwashing can be reported to SECO or the [Swiss Foundation for Consumer Protection](#), which offers a public [reporting platform](#). The Swiss Confederation, represented by the SECO, may also take legal action to protect the public interest.
- Under criminal law, persons making knowingly false or misleading environmental claims may face up to three years' imprisonment or a fine. To date, Swiss courts have issued few rulings on climate-related advertising. Existing case law has been based on more general provisions of the UCA addressing unfair competition.
- Out-of-court warnings, settlements and complaints to the SLK are common and offer quick, cost-effective resolutions. Although the SLK's decisions are not enforceable, failure to comply can harm a company's reputation.

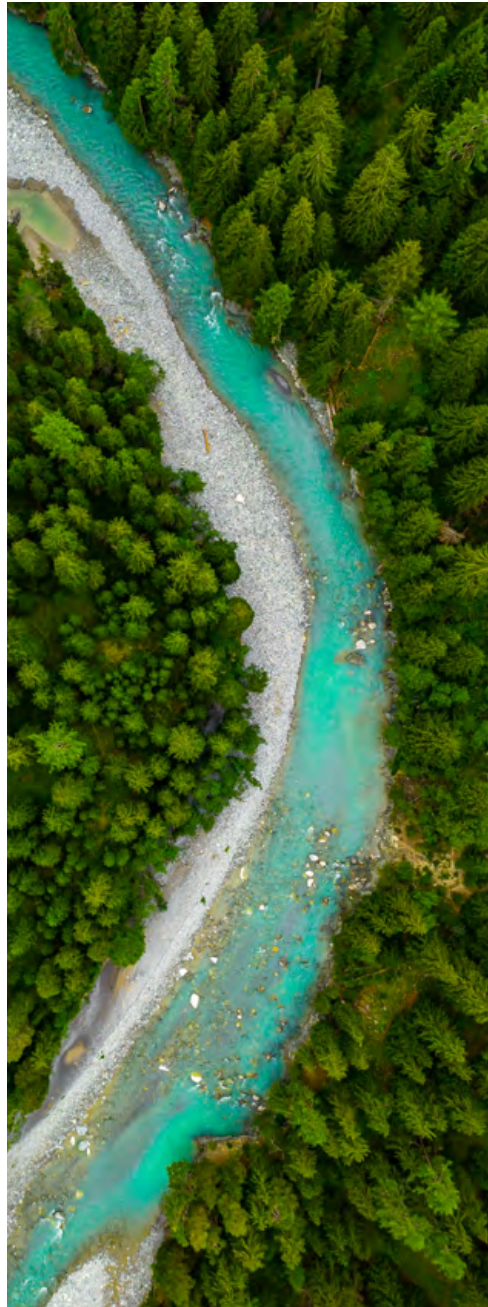




## EXAMPLES OF COMPLAINTS BEFORE THE SLK

The Foundation for Consumer Protection has filed eight greenwashing complaints with SECO and three with the SLK. The Foundation calls on citizens to join the complaints in order to persuade SECO to take concrete legal action, which has not yet happened. The SLK upheld all three complaints. Here are two examples:

- **Carbon neutrality of the 2022 World Cup:** Complainants argued that organisers misled the public by claiming the 2022 World Cup was climate- or carbon-neutral. The SLK found such claims require clear proof, which the organisers failed to provide, noting that sustainability goals can't be asserted without accepted measurement methods.
- **Climate-positive products:** The company's website claimed its products were "climate positive." It denied responsibility for the statement but defended it as accurate and verified. The SLK found the term implied going beyond neutrality and required proof of full emissions accounting and overcompensation, which the company failed to provide.



## KEY TAKEAWAYS FOR LUXURY BRANDS

To avoid misleading climate-related statements:

- Check green claims made in advertising material for clarity and truthfulness
- Avoid all ambiguous, vague, or unsubstantiated claims about your products, services or company
- Provide strong evidence that ensures compliance with applicable laws and guidelines from authorities or self-regulatory bodies
- Set up internal review and approval processes for all communication and marketing materials
- Train your employees who work in communication, marketing, and reporting and familiarise them with legal requirements and best practices

## LOOKING AHEAD

In the absence of any case law, it is unclear how effective the UCA will be in practice. Since the SLK Guidelines were introduced, no company has met its high standard of proof for environmental claims. However, it remains to be seen whether courts will adopt this stricter standard, which is based on the [ICC Code](#).

In the coming months, the Federal Office for the Environment is also expected to issue an authoritative guidance on this new greenwashing provision.

“WE DO EXPECT THAT THE COURTS WILL SET OUT CERTAIN REQUIREMENTS FOR THE STANDARD OF PROOF IN THE FUTURE AND WILL HAVE TO FIND AN ADEQUATE BALANCE, AS AN EXCESSIVELY STRICT APPLICATION OF THE NEW GREENWASHING RESTRICTIONS COULD DETER COMPANIES FROM INVESTING IN ENVIRONMENTAL MEASURES AT ALL.”



*Roger Thomi  
Partner, Baker McKenzie,  
Switzerland*

# UNITED STATES (US)

The US legal landscape regulating greenwashing is multifaceted, involving federal, state and regulatory bodies. The Federal Trade Commission (**FTC**), the Securities and Exchange Commission (**SEC**) and state governments all play crucial roles in ensuring that environmental and sustainability claims made by businesses are truthful, substantiated and not misleading.

## LEGAL FRAMEWORK

### FTC – Green Guides:

The FTC is the primary federal agency responsible for regulating deceptive marketing, including greenwashing. The [FTC Guides for the Use of Environmental Marketing Claims \(Green Guides\)](#) are a series of guidelines to help retailers avoid FTC actions by ensuring that environmental advertising is not deceptive. These guides provide detailed instructions on making truthful and substantiated environmental claims.

While the Green Guides are not binding law, they are commonly used to evaluate whether an environmental marketing claim constitutes an unfair or deceptive practice under the Federal Trade Commission Act (**FTCA**).

In 2023, to address evolving market conditions and consumer expectations, the FTC announced plans to update the Green Guides (anticipated to be released in late 2025), which will likely offer more explicit guidance on “recyclable” claims, the term “organic” and the use of claims surrounding carbon neutrality or negativity.

Key provisions of the Green Guides include:

- **General Environmental Claims:** Broad terms such as “green” or “eco-friendly” are deemed deceptive unless substantiated by specific evidence
- **Certifications:** Companies must transparently disclose any third-party certifications and their significance
- **Qualifications:** Any qualifications or disclosures necessary to avoid misleading consumers must be clear, prominent and comprehensible
- **Recyclable/Biodegradable:** Products labelled as recyclable or biodegradable must adhere to stringent guidelines, ensuring they break down or are accepted by most recycling facilities
- **Carbon Offsets:** Claims regarding carbon offsets must be clearly substantiated, and companies should not imply immediate environmental benefits if these benefits occur over an extended period

### SEC:

The SEC has traditionally played an important role in regulating greenwashing within the financial sector, with key regulations designed to enhance transparency and accountability in sustainable investing and ensuring that investors receive reliable information about the ESG practices.

In 2010, the SEC first introduced the “Commission Guidance Regarding Disclosures Related to Climate Change.” This voluntary guidance provided public companies with instructions on how to disclose climate change-related information.

In 2021, the SEC established the Climate and ESG Task Force within its Division of Enforcement (**ESG Task Force**) to investigate ESG-related violations and proactively identify misconduct. Although the ESG Task Force brought a number of high-profile enforcement actions against SEC registrants, the SEC disbanded it in September 2024.

In 2022, the SEC proposed a mandatory climate-related disclosures rule – Enhanced Disclosures by Certain Investment Advisers and Investment Companies about Environmental, Social, and Governance Investment Practices, which was aimed at providing investors with essential information for their investment and voting decisions and enhancing transparency and accountability in how companies report their climate-related risks and impacts. Although the rule was adopted in March 2024, it remains under consideration and is unlikely to be implemented given recent shifts in federal climate and energy policy.





### State governments' actions/State-level ESG regulations:

All US states have some form of consumer protection laws designed to prevent unfair and deceptive trade practices and fraudulent advertising, i.e., Unfair and Deceptive Acts and Practices (**UDAP**) laws. Under these laws, states and local governments can take action against companies for making misleading environment and sustainability claims.

Notably, a few states have also incorporated the Green Guides into their state UDAP laws, either by direct reference or by using them as a framework for regulating environmental marketing claims. One example is the California Environmental Marketing Claims Act. In states where the Green Guides have not been incorporated into state law, these guides are still used as persuasive authority in enforcement actions or court decisions.

In response to ongoing uncertainty around federal regulations, several states have recently proposed mandatory climate-related disclosure laws. So far, only California has enacted such legislation, which is expected to have wide-reaching implications – impacting large public and private companies and likely to set a national standard for climate disclosures.

### Overview of the US legal landscape

In recent months, there has been a clear shift in federal ESG policy. Many of the initiatives introduced under the previous administration – such as the SEC's climate disclosure rule – are being rolled back or paused, reflecting a broader emphasis on reducing regulatory burdens and promoting economic growth, effectively providing some immediate relief for businesses.

However, federal pullback should not be interpreted as a green light for complacency. On the contrary, greenwashing litigation is continuing to rise, and state-level regulations – particularly in California – are stepping in to fill the regulatory gap and shape expectations for corporate transparency and accountability.

Even in the absence of strong federal enforcement, companies remain at risk of legal action and reputational harm if their environmental claims are misleading or unsupported. Businesses should continue to take a thoughtful, well-documented approach to ESG disclosures and green marketing. Doing so not only helps mitigate legal exposure but also builds trust with stakeholders and consumers and supports long-term business resilience.

“

**EVEN IN THE ABSENCE OF STRONG FEDERAL ENFORCEMENT, COMPANIES REMAIN AT RISK OF LEGAL ACTION AND REPUTATIONAL HARM IF THEIR ENVIRONMENTAL CLAIMS ARE MISLEADING OR UNSUPPORTED. TO STAY AHEAD, BUSINESSES SHOULD CONTINUE TO TAKE A THOUGHTFUL, WELL-DOCUMENTED APPROACH TO ESG DISCLOSURES AND GREEN MARKETING.**”



*David Baay*  
Partner, Baker McKenzie,  
Houston

**STATISTIC:** THE PUBLIC DON'T BELIEVE COMPANIES

**66%** OF YOUNGER CONSUMERS – 18-24 YEAR OLDS – DEEM THE FASHION INDUSTRY MOST LIKELY TO GREENWASH

KPMG, 2023

# LATIN AMERICA

The regulatory landscape surrounding greenwashing in Latin America is evolving rapidly, driven by growing consumer awareness, increased scrutiny from authorities and NGOs, and a rising demand for genuine sustainability. Governments across the region are introducing or reinforcing legislation aimed at avoiding greenwashing and building consumer trust. At the same time, companies operating in Latin America are aligning their environmental disclosure and advertising practices with emerging international standards – particularly those of the EU – to maintain access to global markets. This shift is prompting internal changes in how environmental performance is measured and communicated.

In **Brazil**, the Consumer Defense Code (**CDC**) explicitly prohibits misleading and abusive advertising, including environmental claims that could mislead consumers about the ecological benefits of products or services. Complementing this is the National Council for Advertising Self-Regulation (**CONAR**) Code, which includes specific guidelines for green claims, requiring that such statements be truthful, verifiable and not misleading. CONAR has taken action against companies making unsubstantiated claims, such as using “100% green energy” or preserving large areas of forest without credible evidence.

Other Latin American countries are also taking steps to address greenwashing:

- In **Argentina**, the **CONARP** (Consejo de Autorregulación Publicitaria) promotes responsible environmental marketing through self-regulation.
- In **Colombia**, the Superintendence of Industry and Commerce (**SIC**) has been actively monitoring and penalising misleading environmental claims. These efforts reflect a broader regional trend toward greater transparency and accountability in environmental advertising, aiming to protect consumers and foster authentic sustainability practices.

“**THE REGULATORY LANDSCAPE SURROUNDING GREENWASHING IN LATIN AMERICA IS EVOLVING RAPIDLY, DRIVEN BY GROWING CONSUMER AWARENESS, INCREASED SCRUTINY FROM AUTHORITIES AND NGOS, AND A RISING DEMAND FOR GENUINE SUSTAINABILITY.**”



*Alexandre Jabra  
Senior Associate,  
Trench Rossi Watanabe\*,  
Sao Paulo*



\*Trench Rossi Watanabe and Baker McKenzie have executed a strategic cooperation agreement for consulting with foreign law.



# ASIA PACIFIC

The regulatory landscape surrounding greenwashing in the Asia Pacific region is still relatively nascent. However, as greenwashing claims become increasingly prevalent, governments and regulatory bodies are expected to implement more stringent measures to combat misleading environmental claims.

In **Singapore**, the Singapore Code of Advertising Practice (**SCAP**), a voluntary, non-binding code administered by the Advertising Standards Authority of Singapore (**ASAS**), provides guidelines for advertisements, including those related to environmental claims. For instance, terms like “environmentally friendly” or “wholly biodegradable” should not be used without qualification unless there is convincing evidence that the product will cause no environmental damage. In response to the rise in greenwashing claims, the Competition and Consumer Commission of Singapore (**CCCS**) is developing guidelines to clarify which environmental claims could amount to unfair practices under the existing Consumer Protection (Fair Trading) Act (**CPFTA**).

In **Australia**, while there is no specific legislation targeting greenwashing, the Australian Consumer Law broadly prohibits misleading or deceptive conduct and false or misleading representations, which encompass greenwashing claims. Breaches of these provisions can result in high penalties, such as AUD 50 million per contravention. The Australian Competition and Consumer Commission (**ACCC**) has identified greenwashing as a compliance and enforcement priority for 2025–2026.

Similarly, in several other Asia Pacific jurisdictions, despite the absence of specific legislation or guidance on greenwashing, existing laws against false or misleading statements apply. For example, in **Hong Kong**, the Trade Descriptions Ordinance (Cap. 362) prohibits false or misleading trade descriptions as well as “misleading omissions” that could influence consumer decisions.

As public awareness of greenwashing grows, it is anticipated that more regulatory authorities in the region will develop further guidance in this area.

“**AS PUBLIC AWARENESS OF GREENWASHING GROWS, IT IS ANTICIPATED THAT MORE REGULATORY AUTHORITIES IN THE REGION WILL DEVELOP FURTHER GUIDANCE IN THIS AREA.**”



*Marcia Lee  
Special Counsel,  
Baker McKenzie,  
Hong Kong*



A large, dark-colored washing machine sculpture stands on a paved waterfront promenade. The machine is a front-loading model with a large circular door. The control panel at the top features a digital display showing 'PROGRAM STARTED...', a temperature dial with settings from 0.5 to 3.0, a water level dial, and buttons for 'FOOTPRINT PREWASH', 'BALL DETERGENT', and 'FEEL-GOOD SOFTENER'. The background shows a body of water, a modern glass-fronted building, and a traditional European-style building with a church spire under a cloudy sky.

# TIPS FOR ENGAGING WITH REGULATORS



# TOP TIPS FOR ENGAGING WITH REGULATORS

What should a company do if it receives a green claim or complaint? Below is a list of tips and tactics for engaging with regulators:

## COMPLAINTS

In relation to green claims, companies may receive complaints directly from consumer bodies or other organisations, or from a regulator. If a complaint is received from a regulator, these are some tips to keep in mind:

- **Engage in the process.** Regulators welcome engagement so it is prudent to try to resolve complaints informally and collaboratively. Engaging with the regulator early in the process and providing constructive input can avoid escalation.
- **Be aware of deadlines and request extensions where needed.** Communications from regulatory authorities often come with strict response deadlines. Failure to respond within the specified timeframe may result in an automatic breach.
- **Substantiation of claims.** Ensure that appropriate procedures are in place to store and preserve substantiating evidence and relevant documents for claims that are made. This evidence will be key if a complaint is received and may need to be provided promptly. Note that some regulators do not accept references to or extracts from studies, and will expect to see copies of full studies with relevant sections highlighted.
- **Rulings may be made available to the public.** In some instances, rulings, undertakings and commitments may be made public. A company may also have the opportunity to comment on draft recommendations. This is a key opportunity which should be carefully considered, particularly as the publication of findings/outcomes may result in negative media attention.
- If a decision is made against a company, **it may be possible to appeal.** This decision should be carefully considered with legal guidance before proceeding.

**Further penalties may be imposed on repeat offenders or those who fail to comply with a decision. Ensure that key business stakeholders understand the importance of compliance.**



# INVESTIGATIONS

Regulators have increasingly broad investigative powers. In addition to the tips regarding complaints, a regulator may issue a formal request for information (**RFI**) or use other investigative powers regarding a range of conduct.

Here are some practical tips on what a company can do if a regulator issues an RFI or launches an investigation:

- **Don't underestimate the resources involved.** Responding to RFIs and investigations can place considerable demands on internal resources. It's important to have the right people involved at the outset to minimise the impact on the business.
- **Ensure the internal teams understand the importance of prioritising an accurate, fulsome and timely response.** Failure to comply with requests or to submit to investigation where necessary can carry **severe penalties**.
- **Providing false/misleading information or concealing documents could result in fines and may constitute a criminal offence.** This underlines the importance of ensuring policies and procedures are in place across the business so that all teams, not just legal/compliance, understand the importance of these issues.
- Information requests from regulators may be voluntary or mandatory. Assessing whether and how to respond in these circumstances is a key tactical decision that requires careful consideration. In some jurisdictions, **companies can be issued with significant fines** (e.g., up to 1% of global annual turnover in the UK, plus ongoing daily fines until compliant) for failing to comply with mandatory investigatory measures.
- When making submissions to regulators, **be mindful of the risk of discovery** in civil claims. Discoverable materials can include, for example, all underlying (non-privileged documents) that have been submitted to the authority.
- **Engage with legal experts.** In some jurisdictions, regulators can directly investigate and determine breaches of consumer law without needing to go through the courts. This includes the power to impose remedies, such as requiring companies to provide compensation or other forms of redress to affected consumers. Given the potential consequences and high stakes of regulatory scrutiny, consider engaging with outside legal counsel early in the process to guide you through the process and advise on strategy and best practices.

Consider signing up to Baker McKenzie's Investigations Academy to keep up to date and learn more about this area. [Click here.](#)

“  
**WHILE NO BUSINESS EXPECTS TO RECEIVE A COMPLAINT, IT IS ESSENTIAL FOR CONSUMER-FACING ORGANISATIONS TO ENSURE THEIR TEAMS ARE EQUIPPED TO RESPOND EFFECTIVELY. A CLEAR UNDERSTANDING OF THE PROCESS, RISK, AND REGULATORY EXPECTATIONS CAN MAKE ALL THE DIFFERENCE IN MANAGING EXPOSURE AND MAINTAINING CONSUMER TRUST.**”



*Julia L. Hemmings  
 Partner, Baker McKenzie,  
 London*





# GLOBAL GREENWASHING AUTHORITIES GUIDE

REGULATORY AUTHORITIES RESPONSIBLE FOR GREENWASHING AND ANY GUIDANCE ISSUED IN SOME KEY JURISDICTIONS

Country	Authority	Link to guidance or code issued by the authority	Additional or specific guidance for the luxury, fashion & cosmetics sector	Baker McKenzie contacts
UK	<a href="#">Competition and Markets Authority</a>	<a href="#">Guidance - Making environmental claims on goods and services</a>	<a href="#">Guidance - Complying with consumer law when making environmental claims in the fashion retail sector</a>	<b>Julia Hemmings</b> Partner, Baker McKenzie, London
	<a href="#">Advertising Standards Authority</a>	<a href="#">Guidance - The environment: Misleading claims and social responsibility in advertising</a>		<b>Samuel Ashford</b> Associate, Baker McKenzie, London
				<b>Lucy Hart</b> Counsel, Baker McKenzie, London
EU	<a href="#">European Council</a>	<b>Empowering Consumers for the Green Transition Directive</b> <a href="#">(Directive of Parliament and of the Council amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and better information)</a>		<b>Eva-Maria Ségur-Cabanac</b> Partner, Baker McKenzie, Vienna
				<b>Clotilde Guyot-Rechard</b> Partner, Baker McKenzie, Paris
Austria	<p>Generally speaking, there currently is no specific regulator governing greenwashing claims.</p> <p>Rather, greenwashing may be considered as “misleading” within the meaning of the Austrian Act Against Unfair Competition (Bundesgesetz gegen den unlauteren Wettbewerb (<b>UWG</b>)) and actions can be brought before a civil court.</p> <p>However, the Austrian Federal Office of Metrology and Surveying (Bundesamt für Eich- und Vermessungswesen (<b>BEV</b>)) may, under certain circumstances, impose a fine in case of a knowing infringement of consumer interests by means of manifestly misleading commercial practices where such infringement is “widespread”.</p> <p>In case such an infringement is “widespread with a Union dimension”, enforcement is coordinated by the European Commission.</p>	<p>The <b>Austrian Association for Consumer Information</b> has launched a <a href="#">campaign targeting green claims</a>, featuring a “greenwashing check” tool that enables consumers to report environmental claims they believe are misleading.</p>		<b>Eva-Maria Ségur-Cabanac</b> Partner, Baker McKenzie, Vienna
				<b>Julia Digruher</b> Associate, Baker McKenzie, Vienna
				<b>Mark Nemeth</b> Associate, Baker McKenzie, Vienna
Belgium	<a href="#">Federal Public Service (FPS) Economy</a>	Guidelines on Green Claims issued by the Belgian Government (latest update April 22, 2024): <a href="#">Dutch</a> / <a href="#">French</a>		<b>Geert Bovy</b> Partner, Baker McKenzie, Brussels
				<b>Kurt Haegeman</b> Partner, Baker McKenzie, Brussels
				<b>Lionel Van Reet</b> Partner, Baker McKenzie, Brussels



Country	Authority	Link to guidance or code issued by the authority	Additional or specific guidance for the luxury, fashion & cosmetics sector	Baker McKenzie contacts
France	<a href="#">French Government and the General Directorate for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF)</a>	<b>Practical Guide to Environmental Claims</b> of the General Department for Competition, Consumer Affairs, and Fraud Control	<b>Law No. 2020-105 of 10 February 2020 relating to the fight against waste and the circular economy (AGEC Law) regulates green claims commonly seen in the clothing and footwear industry</b>	<b>Katia Boneva-Desmicht</b> Partner, Baker McKenzie, Paris
	<a href="#">French Government and the General Directorate for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF)</a>	<b>Article L. 121-2 of the French Consumer Code</b> prohibits commercial practices that mislead consumers regarding the ecological characteristics of a product, a service or more generally a company.		<b>Clotilde Guyot-Rechard</b> Partner, Baker McKenzie, Paris
	<a href="#">French Government and the General Directorate for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF)</a>	<b>The Climate and Resilience Law</b> states that advertisers are prohibited from claiming in an advertisement that a product or service is carbon neutral (French)		
	French Advertising Regulator <a href="#">Autorité de Régulation Professionnelle de la Publicité (ARRP)</a>	<b>The ARRP's Sustainable Development Code</b> provides guidelines for action on environmental advertising		
Germany	No specific regulator currently governs greenwashing claims	<a href="#">The Federal Office of Justice's Act Against Unfair Competition (Gesetz gegen den unlauteren Wettbewerb (UWG))</a> currently governs German competition law	<a href="#">German Baker McKenzie Article worth noting on green claims in Germany</a>	<b>Katharina Spenner</b> Partner, Baker McKenzie, Munich  <b>Markus Hecht</b> Counsel, Baker McKenzie, Frankfurt
Hungary	<a href="#">Hungarian Competition Authority</a>	<a href="#">Green marketing – Guidance</a>	<p>The Hungarian Competition Authority launched a market analysis to investigate the use of green claims in the cosmetics, clothing, food, and chemical sectors in Hungary.</p> <p>Further reading:  <a href="#">Full market analysis – includes findings, recommendations and proposals for the Legislature</a>   <a href="#">Press release on the results of the market analysis (2024)</a> </p>	<b>Márton Horányi</b> Partner, Baker McKenzie, Budapest  <b>Péter Mezei</b> Associate, Baker McKenzie, Budapest  <b>Tamas Simon</b> Associate, Baker McKenzie, Budapest

Country	Authority	Link to guidance or code issued by the authority	Additional or specific guidance for the luxury, fashion & cosmetics sector	Baker McKenzie contacts
Italy	Italian Government and the Italian Competition Authority <a href="#">Autorita' Garante della Concorrenza e del Mercato (AGCM)</a>	Green claims are regulated by the <a href="#">Italian Consumer Code</a> (Legislative Decree No. 206 of 2005)	No specific additional guidance for other industries, however the fashion industry has been a target of the authority's investigations.	<b>Lorenzo de Martinis</b> Partner, Baker McKenzie, Milan
	Italian Advertising Standards Body <a href="#">Istituto dell'autodisciplina pubblicitaria (IAP)</a>	The AGCM has powers to investigate but refers to the laws set by government.		<b>Andrea Cicala</b> Partner, Baker McKenzie, Milan
		The <a href="#">IAP's Code of Self-Regulation</a> includes specific provisions on green claims and binds companies that have either directly accepted it, or indirectly accepted via their trade associations or advertising contracts.		<b>Giacinto Zampetti</b> Counsel, Baker Mckenzie, Milan
Luxembourg	CSSF for financial consumers			<b>Annie Elfassi</b> Partner, Baker McKenzie, Luxembourg
Netherlands	Dutch Authority for Consumers and Markets <a href="#">Autoriteit Consument &amp; Markt (ACM)</a>	<a href="#">ACM's Guidelines Regarding Sustainability Claims</a>	<a href="#">In 2021, the ACM conducted an investigation in the clothing sector. A statement by the ACM regarding this investigation can be found here (Dutch)</a>	<b>Itse Oosterhoff</b> Partner, Baker McKenzie, Amsterdam
	<a href="#">Dutch Advertising Code Authority</a>	Sustainability Advertising Code <a href="#">Dutch</a> / <a href="#">Summary in English</a>		<b>Sjef Janssen</b> Legal Director, Baker McKenzie, Amsterdam  <b>Michiel Mulder</b> Associate, Baker McKenzie, Amsterdam
Poland	<a href="#">Office of Competition and Consumer Protection (UOKIK)</a>	<a href="#">Act on Combatting Unfair Market Practices of 23 August 2007 (English)</a>  <a href="#">Act on Competition and Consumers Protection of 16 February 2007 (English)</a>	No industry-specific guidance yet, however the cosmetics and fashion industries have been a focus of UOKIK	<b>Marcin Fialka</b> Senior Associate, Baker McKenzie, Warsaw
	<a href="#">Polish Advertising Council</a>	<a href="#">The Code of Ethics in Advertising specifically highlights environmental advertising (English)</a>		



Country	Authority	Link to guidance or code issued by the authority	Additional or specific guidance for the luxury, fashion & cosmetics sector	Baker McKenzie contacts
Spain	<a href="#">Government of Spain (Consumer authority)</a>	<p>The Government of Spain published a Sustainable Communication Guide for sustainable consumption and to avoid “greenwashing”. The Government also plans to approve a Law on Sustainable Consumption (there is no estimate date and no public draft yet).</p> <p><a href="#">Spanish</a> / <a href="#">English</a></p>		<p><b>Elisabet Cots</b> Partner, Baker McKenzie, Barcelona</p> <p><b>Irene Esteve</b> Senior Associate, Baker McKenzie, Barcelona</p> <p><b>Silvia Saenz de Ormijana</b> Associate, Baker McKenzie, Barcelona</p>
	Autocontrol <a href="#">Independent self-regulatory organisation of the advertising industry in Spain</a>	<b>Autocontrol's Advertising Code of Conduct</b> (general code of conduct) makes a general reference to Green Claims.		
	Spanish Authority for Markets and Competition <a href="#">Comisión Nacional de los Mercados y la Competencia (CNMC)</a>	<p>No specific legislation regulating the use of green claims by companies in their advertising. Greenwashing is addressed in general regulations, mainly the General Advertising Law and the Unfair Competition Law but also the General Consumer and User Protection Law.</p> <p>Generally, the Autonomous Communities have the enforcement powers for consumer protection matters, and are competent to take action against misleading practices, including greenwashing. Most of the Autonomous Communities also have their own consumer protection legislation.</p> <p><a href="#">General Advertising Law (Spanish)</a></p> <p><a href="#">Unfair competition law (Spanish)</a></p> <p><a href="#">General Consumer and User Protection Law (Spanish)</a></p>		

Country	Authority	Link to guidance or code issued by the authority	Additional or specific guidance for the luxury, fashion & cosmetics sector	Baker McKenzie contacts
Sweden	<a href="#">Swedish Consumer Agency (Konsumentverket)</a>	<p>The <b>Swedish Marketing Act</b> (2008:486), especially: Section 5 on generally accepted marketing practices; Section 8 &amp; 10 on misleading marketing; and Section 18 on comparative advertising.</p> <p>The Swedish Consumer Agency's Thematic Memo: Environmental claims concerning climate compensated products.</p> <p><a href="#">Summary in English</a> (note that some information might be outdated following the case "Mål 17372-21").</p> <p><b>The Nordic Consumer Ombudsmen's guidance on Use of ethical and environmental statements in marketing.</b></p> <p><a href="#">The Nordic consumer Ombudsmen's guidance (Swedish)</a></p>		<p><b>Mattias Hedwall</b> Partner, Baker McKenzie, Stockholm</p>
	<a href="#">Swedish Advertising Ombudsman (Reklamombudsmannen)</a>	<p>Sweden follows the International Chamber of Commerce (ICC)'s Advertising and Marketing Communications Code for its responsible environmental marketing claims rules and recommendations.</p> <p><a href="#">Advertising and Marketing Communications Code (English)</a></p> <p><a href="#">Swedish Advertising Ombudsman (English)</a></p>		
	<a href="#">Swiss Commission for Fair Trading (SLK)</a> (Please note that this is not an official government authority but an important self-regulatory body overseeing commercial advertising)	<p><b>Guideline</b> <a href="#">Commercial communication with environmental reference / with environmental arguments (German)</a></p>		
	<a href="#">Swiss Financial Market Supervisory Authority (FINMA)</a>	<a href="#">FINMA Guidance 05/2021 - Preventing and combating greenwashing</a>		
Switzerland	<a href="#">State Secretariat for Economic Affairs (SECO)</a>	<p><b>Unfair Competition Act (UCA)</b></p> <p><b>Art. 3 para. 1 let. x UCA</b> <a href="#">targets misleading climate-related claims across all sectors, including consumer goods. It creates a clear legal basis to prosecute false or deceptive environmental claims, enabling civil claims, sanctions, and complaints to authorities such as the State Secretariat for Economic Affairs (SECO).</a></p>		<p><b>Eva-Maria Strobel</b> Partner, Baker McKenzie, Zurich</p> <p><b>Roger Thomi</b> Partner, Baker McKenzie, Zurich</p> <p><b>Fabienne Bretscher</b> Associate, Baker McKenzie, Zurich</p> <p><b>Anna Zellweger</b> Associate, Baker McKenzie, Zurich</p>



Country	Authority	Link to guidance or code issued by the authority	Additional or specific guidance for the luxury, fashion & cosmetics sector	Baker McKenzie contacts
US	<a href="#">Federal Trade Commission</a>	<a href="#">FTC's Guides for the Use of Environmental Marketing Claims (Green Guides)</a>		<b>David Baay</b> Partner, Baker McKenzie, Houston
		<p>Some States have legislated for greenwashing through amendments to State laws (information on California and New York below).</p> <p>An article on "<a href="#">Environmental Representations</a>" has been added under the Business and Professions Code of the State of California, legislating false green advertising.</p>		<b>Jay Patel</b> Associate, Baker McKenzie, Houston
Turkiye	<a href="#">Advertising Board (Reklam Kurulu)</a>	<p>The Ministry of Trade <a href="#">The Guidance entered into force on 13 December 2022 with the decision</a> of the Advertising Board within the framework of the Law on Consumer Protection and the Regulation on Commercial Advertising and Unfair Commercial Practices issued on the basis of this law.</p> <p>The Advertising Board renders its decisions on greenwashing allegations based on the rules and principles outlined in the Guidance, as well as the general provisions of the Regulation on Commercial Advertising and Unfair Commercial Practices, and the Law on Consumer Protection.</p>		<b>Can Sozer</b> Partner, IP and Technology, Healthcare, International Trade & Commerce  <b>Gökçe Serez</b> Senior Associate, Co-head of Investigations, Compliance & Ethics

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## ABOUT POSITIVE LUXURY

Positive Luxury are sustainability experts for the luxury industry, empowering businesses with impactful solutions to optimise financial and human resource for long-term profitability and sustainable growth. Across beauty, fashion and jewellery to premium drinks, interiors and travel, we help companies meet higher and higher standards for people, nature and business. From ESG+ assessment and carbon accounting to consultancy, communications and training, our team of experts give unrivalled support to over 175 global brands, retailers and suppliers. We help:

- ☑ Fast track sustainability
- ☑ Prepare for legislation and reporting
- ☑ Build trust by communicating with credibility
- ☑ Future-proof your business

We created the coveted Butterfly Mark as the mark of real change, guiding luxury consumers to select verified brands meeting higher standards. Our Digital Butterfly Passport is the leading brand sustainability passport for luxury.

Contact our team to discuss how we can unlock sustainability value for your business.

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