

RAINBOW
COLLECTION



DE ROOS

Greenwashing or Greenhushing

Challenges
and solutions
for **ACM-proof**
sustainability
communication

Read all about it



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Anti greenwashing

Have you heard about clothing store H&M's and sporting goods retail chain **Decathlon's misleading sustainability claims?** The ACM (the Netherlands Authority for Consumers and Markets) sure did, and ordered both companies to compensate for their inaccurate statements by donating respectively 400,000 and 500,000 euros to sustainability projects.



Besides the donations, both companies now pledged to revamp or cease using sustainability claims on their clothes and website. Moreover, they are now committed to boost transparency, preventing any future misleading claims and ensuring that consumers receive accurate information. With that, they got away without further sanctions by ACM.

Additionally, the Dutch Advertising Code Committee (ACC), a self-regulating body of the advertising industry, has recently given fast-fashion brand Primark and fossil fuel giant Shell a rap on the knuckles for misleading consumers with false sustainability claims. The ACC implements the guidelines of the ACM. The Committee does not issue fines, but in case their rulings are not complied with – they can ‘escalate’ by informing ACM about this. Besides that, ACC decisions have a strong ‘naming-and-shaming’ effect. **Especially in the Primark case, this led to extensive bad press for the fashion chain.**

So, why are we telling you about these cases? We don't mean to spread fear. Sure, ACM and the ACC is keeping an eye on things, but don't let that slow down your sustainability communication efforts. In fact, we encourage you to communicate even more. Keep on reading to understand what you can and cannot say when it comes to sustainability claims and why you should keep the communication going.

GREENWASHING

In short, greenwashing is when companies mislead consumers by claiming their products are (in some way) sustainable, without being able to provide sufficient evidence.

Greenwashing doesn't often happen on purpose...

...it's usually caused by a lack of knowledge of sustainability. Also, it often happens due to sensitivities and misunderstandings between the sustainability and communication teams, especially regarding claims about ingredients, emission reductions, production methods, certifications, or performance.

Greenwashing versus Greenhushing

The opposite of greenwashing is greenhushing. But, just like greenwashing, it's a trend that raises concerns. While companies are still making progress on sustainability, they suddenly communicate way less about it lately.

Research shows that almost 25% of companies chose not to highlight achievements beyond the minimum requirements

source: Swiss carbon finance firm South Pole.

25%

It's because they are concerned about:

- The increased actions taken by the EU against misleading sustainability claims.
- The recent legal actions taken against companies like discussed [on page 4](#).
- Being accused of using misleading claims themselves.

GREENHUSHING

There are different interpretations of greenhushing. For the purposes of this paper, we use the following definition: greenhushing is when companies downplay their genuine sustainability efforts (unlike greenwashing which exaggerates them), usually due to image or legal concerns.

Why is greenhushing a problem?

01.

Making sustainability profitable is crucial. Although some CFOs view it as an expense, connecting sustainability with customer value can be transformative. However, when companies engage in greenhushing, it limits marketing efforts and leads to lower returns.

02.

People change when they see others changing, research says. That's why companies have the power to catalyze widespread changes across the industry, just by communicating. By not saying anything, sustainability progressions will slow down.

03.

Companies tend to stay silent in climate debates, unintentionally giving weight to climate skeptics, which harms the planet in the end.

Please don't mislead, but do lead

We consider it crucial that consumers receive accurate information on the environmental impact of products and services. But with stricter communication laws, we fear brands might go silent on sustainability altogether. And that's what we absolutely don't want to happen. Brands play a crucial role in leading the way towards a more sustainable planet. When brands open up, invite everyone in, develop a solid sustainability strategy, set daring goals, learn from their mistakes and stay transparent, they inspire others and pave the way for a more sustainable future through their communication.

Want to read more about:

GREENHUSHING



GREENWASHING



Get started with ACM compliant communication yourself

When it comes to sustainability communication, we've got your back with a variety of tools (like the Scan, Training and Checklist & Roadmap) designed for specific needs as each case requires a different approach. But there are four general things you can get started with yourself right away.

01.

SET UP A SYSTEM

Set up a system for sharing accurate info about your products, ambitions, and claims both in data but also in person. Data alone might miss important details, so regular check-ins will help share info and ensure better sustainability communication.

02.

CREATE A SOLID SUSTAINABILITY STRATEGY

Only communicate about your sustainability ambitions when you have an accessible plan that's backing it up. Your strategy should include continuous, specific and practical steps for improvement that are already happening or about to start. Also, set achievable goals that you can measure. ACM advises to have the feasibility of your sustainability goals checked by an independent third party.

Would you like to verify the feasibility of your sustainability ambitions? Rainbow Collection developed a Sustainability Strategy Check. Contact us for more information.

[Drop us a line for more info](#)

03.

TRAIN THE RIGHT PEOPLE

The ACM guidelines are relevant for different teams in your organization, not just one person. Designers should know about the right imagery and colors, copywriters about the right wordings, the buyers about proof and the sustainability manager should oversee it all.



04.

DELVE INTO THE ACM GUIDELINES

Someone in your team needs to become the ACM guideline guru. For that lucky person, we created [this overview](#) with examples of what you can and cannot say. The official guidelines from ACM itself can be found [here](#).

And don't forget the most important thing: Do communicate about sustainability. It speeds up the progress of industry-wide transformation, and that's exactly what we need right now.

Need some help?

We as Rainbow Collection and our law firm partner De Roos, who handled the earlier discussed cases against Primark and Shell at the ACC, are on a mission to support brands with their sustainability communication.

WE CHECK WHETHER COMMUNICATION:

- Is legally compliant
- Is relevant
- Is positive
- Includes a concrete call-to-action whenever possible.

The 5 ACM guidelines explained


Say goodbye to greenwashing. The ACM (the Netherlands Authority for Consumers and Markets) recently sharpened the regulations around sustainability communication. Want to make sure your company communicates in the right way? Check out our explanation and examples of the guidelines below.

01. BE CLEAR, CORRECT, SPECIFIC, AND COMPLETE →
02. MAKE CLAIMS BASED ON UP TO DATE FACTS →
03. USE COMPARISONS TO HELP CONSUMERS →
04. MAKE SURE YOUR AMBITIONS ARE REALISTIC →
05. MAKE YOUR VISUAL CLAIMS USEFUL →


BE CLEAR, CORRECT, SPECIFIC, AND COMPLETE WHEN COMMUNICATING ABOUT SUSTAINABILITY

01

Shower head
Shower for good



Shower head
50% water reduction*
*per minute, compared to our 2020 model




Certain combinations of words, imagery and colors might make it seem like you're saying your product is sustainable when it's not. That is not allowed. Always ensure that your claim is supported by objective evidence to prove its validity.

In case you do have a valid sustainability claim, it should be correct, specific and in plain language. You must be able to prove its correctness with proper evidence. You are e.g. not allowed to use objective, standard characteristics of a specific product for promotional purposes of your whole company. And be aware that additional guidelines also apply for claims related to CO2 and organic nature.


MAKE SPECIFIC SUSTAINABILITY CLAIMS BASED ON UP TO DATE FACTS

02

Sustainable chair



100% recycled wood



Absolute claims like 'sustainable product' suggests the product does not have any negative influence on, for example, animals, humans and/or the environment. That is not possible, ever. So avoid such absolute claims. Be specific about the sustainable impact instead. What is sustainable about your product? Use percentages or numbers and link to additional information to clarify the sustainability benefit. For example, if only certain parts of your product are recyclable, specify this in your claim. You may only communicate when the benefit is substantial and has a significant positive impact that you can support with proof.

Also, it is important to be aware of the fact that, as an advertiser, you carry the burden of proof. This means that you are legally responsible for supplying the evidence for your claim if anyone, including consumers and competitors, requests it.



Cotton B is better cotton



The cotton used for B contains 50% less chemicals compared to A*

*Find the chemical report through this link: [\[www.example.com\]](http://www.example.com)

USE COMPARISONS
TO HELP CONSUMERS

03

Comparisons are useful for consumers to understand sustainability benefits. But of course, these comparisons should be fair and should also be substantiated with proper evidence. They should be easy to understand, substantial, factual, actual and involve a similar product in a similar fashion. When comparing, make sure you specifically mention what product you are comparing to and don't forget to provide proof for your findings.

Your luggage travels environmentally friendly, as we have the ambition to be the most sustainable airport in 2030



On this airport, we carry your luggage with a 100% electric cart



MAKE SURE YOUR
AMBITIONS ARE
REALISTIC, VERIFIABLE
AND SPECIFIC

04

Only communicate about your sustainability ambitions when you have an accessible plan that's backing it up. Your strategy should include continuous, specific and practical steps for improvement that are already happening or about to start. Also, set achievable goals that you can measure. ACM advises to have the feasibility of your sustainability goals checked by an independent third party.

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[Drop us a line for more info](#)



Our salmon is sustainable



**100% of the salmon we use
is MSC certified.**

MAKE YOUR VISUAL
CLAIMS AND LABELS
USEFUL

05

You can use visual claims like symbols, colors or pictures when it supports a correctly written claim (see above). Don't create your own sustainability label but use independent labels that are created by accredited certification bodies. These are reliable and independent. Make sure you gather the proof and work according to the certification standards. For instance, you can only use the FSC logo when you're a member, or the GOTS logo when your organization is GOTS certified.

We're here to help.

Need support with your sustainability communication? Drop us a message. Or, if you are looking for inspiration, check out this Primark case.



MARGREET IS HERE
TO HELP WITH ALL YOUR ANTI
GREENWASHING QUESTIONS

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PLAN A VIDEO CALL



**RAINBOW
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DE ROOS

Disclaimer

The information provided in this guide does not constitute legal advice. It serves solely as an explanation of the current ACM guidelines on greenwashing-claims as of November 2023. For any specific legal advice regarding green claims, please contact **De Roos**.

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