

Charts from GALA webinar 7 December 2023

Following are the charts on India 'Environment'
from Kanu Priya of Kan & Krishme India.

The full webinar deck and commentary can be found in our International section

India environmental rules Chart 1 of 5

India

- Legal framework for environmental marketing still evolving.
- Laws, regulations and guidelines regulating environmental marketing include:
 - Consumer Protection Act, 2019: Prohibits unfair trade practices, including false or misleading environmental claims.
 - Code for Self-Regulation of Advertising Standards Council of India (ASCI) - Mandates honest and truthful representation and requires advertising claims to be accurate and not misleading. **Claims relating to matters of objectively ascertainable fact, should be capable of substantiation with evidence and adequate scientific basis.**

India environmental rules Chart 2 of 5

India

- Issue and Listing of Non-Convertible Securities Regulations, 2021 by Security and Exchange Board of India (SEBI)-defined “green debt security” and Chapter IX of the Operational Circular for issue and listing of Non-Convertible Securities (NCS) provides the initial and continuous disclosure requirements for entities issuing/ proposing to issue green debt securities.
- SEBI’s Circular No. SEBI/HO/DDHS/DDHS-RACPOD1/P/CIR/2023/020 dated February 03, 2023: Specified dos and don’ts relating to green debt securities to avoid occurrences of greenwashing
- Standard issued by Bureau of Indian Standards for the labelling of products and services.



ESG/Sustainability

India environmental rules Chart 3 of 5

India

- ASCI has released draft guidelines on environmental claims in advertising.
 - Guidelines define 'Environmental/Green Claims' and "Greenwashing".
 - Absolute claims such as "environment friendly", "ecofriendly", "sustainable", "planet friendly" requires a high level of substantiation.
 - Comparative claims such as "greener" or "friendlier" justified, if the advertised product /service offers a total environmental benefit over the advertiser's previous version or competitor products/services, and the basis for the comparison is clear.



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India environmental rules Chart 4 of 5

India

- Must be based on the full life cycle, unless the ad states otherwise, and must make clear the limits of the life cycle.
- Specify if the claim applies to the entire product, its packaging, a service, or just a portion of them
- Must not mislead consumers by emphasizing the absence of an environmentally harmful ingredient not common in competing products or by highlighting a benefit arising from a legal obligation.
- Certifications must specify the assessed attributes of the product or service, and the basis of certification should be transparent. Only certifications and seals from nationally/internationally recognized certifying authorities permissible.



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India environmental rules Chart 5 of 5

India

- Visual elements not to be misleading.
- Avoid making aspirational claims about future environmental goals unless there are clear and actionable plans.
- Regarding carbon offset claims, disclose prominently if the offset represents emissions reductions occurring two years or later.
- Claims about a product being compostable, biodegradable, recyclable, non-toxic, etc., must specify the aspects and extent of the claims. Requirement of reliable scientific evidence demonstrating that:
 - Product or relevant component breaks down within a reasonably short period of time after customary disposal.
 - Product is devoid of elements causing environmental hazards



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