

NOTE: The Dutch Advertising Code Section B: Code for Environmental Advertising.
<http://www.gregsregs.com/downloads/DACEnvironmentCode.pdf>

Explanation of Article 3. Freedom of communication means that businesses and private individuals are under obligation, in the event of complaints, to subsequently account for statements they have made and, if necessary, demonstrate that a communicated message is correct. The burden of proof therefore lies with the advertisers. The more absolute the environmental claim, the more stringent is the requirement of evidential material. Absolute claims therefore require heavily convincing evidential material. Using current technology, it is unlikely that evidence can be produced to show that the products are absolutely harmless to the environment. This is why great restraint is needed in relation to absolute claims. It should be realized in this connection that expressions such as 'environmentally friendly', 'clean', 'green' and 'good for the environment', if used without further substantiating evidence are likely to be interpreted quickly by the public as absolute claims. Absolute claims, however, are not prohibited. An advertiser who can demonstrate that its absolute claim is correct should be permitted to use this claim. It should also be noted that the Code for Environmental Advertising also applies to advertising messages that warn against environmental effects of particular goods or services. Advertising messages of this kind that are couched in absolute terms likewise demand very convincing evidential material.