

Full title of Regulation or Guidance	SRC Check: Environment and Sustainability <a href="http://www.checksrc.nl/check/milieu_en_duurzaamheid/">http://www.checksrc.nl/check/milieu_en_duurzaamheid/</a>
Title of relevant section	All
Introduction	<ul style="list-style-type: none"> <li>• Why use this Check? When you use an environmental claim in advertising or refer to the sustainability of your product in relation to the environment, there are specific rules which must be taken into account. Based on this checklist you can check what the rules are. This facility is only intended to clearly display the content of the Dutch Advertising Code and the obligations that apply to an advertiser. A factual representation is supported where necessary with decisions of the Advertising Code Committee and the Board of Appeal.</li> <li>• What are environmental claims? All advertisements expressly or explicitly referring to environmental aspects related to the production, distribution, consumption or waste processing of goods or services. Environmental claims can occur in any medium, including packaging and point-of-sale material.</li> <li>• Which environmental claims are covered by the Environmental Advertising Code? The entire life cycle of all goods and services, including from production (including raw material processing) to waste processing. Whether or not there is an environmental claim depends on the circumstances of the case. In case of doubt, the Commission and / or the Board will have to assess this. The intention of the advertiser is not always decisive here. Attention will be paid to all circumstances, such as the meaning of the expression/ statement, the wording used in it and how the expression is communicated to the consumer. For example, the use of the word "eco", the colour green or certain images that the consumer associates with the environment may imply that there is an environmental claim. Also, aspects related to sustainability fall under the definition of environmental claim when they are related to the environment.</li> <li>• Sustainability claim without the environment? Sustainability, however, is a broader concept. It can also refer to favourable aspects of the product and the production process with a view to the welfare of humans and animals.</li> </ul>
Checklist	<p>SRC Check: <a href="http://www.checksrc.nl/check/milieu_en_duurzaamheid/checklist/">http://www.checksrc.nl/check/milieu_en_duurzaamheid/checklist/</a></p> <p style="text-align: center;">DO:</p> <ul style="list-style-type: none"> <li>• Consider the awareness and expectations of the consumer.</li> <li>• Avoid vague claims and pay attention to the context in which the statements are made.</li> <li>• Advertising must always be recognizable as such. Consider, among other things, the layout and content and take into account the target group for which the advertisement is intended.</li> </ul> <p style="text-align: center;">DON'T:</p> <ul style="list-style-type: none"> <li>• Encourage avoidable environmentally unfriendly behaviour if there is an environmental claim.</li> <li>• Focus exclusively on the sustainability of the end product if the entire production process is highly polluting.</li> </ul>
Sustainability and Environmental Claims	<p>Sustainability:</p> <ul style="list-style-type: none"> <li>- Terms such as "responsible" (<i>verantwoord</i>) and "sustainable" (<i>duurzaam</i>) to indicate that the product is beneficial in some respects for humans, animals and future generations should be used with caution. Such claims can quickly be considered misleading. Make clear in the statement what specifically is meant by the claim. Avoid deception/ misleadingness by explaining what is meant by sustainable or responsible and ensure that (scientific) material is present to substantiate the accuracy/ validity of the claim or make it credible. Only use such claims if they can in fact be fully substantiated or a good</li> </ul>

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frame of reference exists on the basis of which it can be established that the product indeed has the claimed favourable properties.

- If there is no direct link with the environment, sustainability claims do not fall under the definition of environmental claim. In that case, the Environmental Advertising Code does not apply and complaints will be checked against the general provisions of the Dutch Advertising Code, including the misleading provisions.

Environmental:

- What is the importance of properly substantiated environmental/ green claims?
  - o The extent to which an environmental claim can be substantiated determines how far one can go with that claim. The better the substantiation, the stronger the claim may be. Make sure that the substantiation is ready/ done at the moment the claim is used.
  - o Only use environmental claims that are demonstrably correct (Art. 3 MRC)
  - o Use absolute claims such as 'clean / *schoon*', 'green / *groen*' or 'good for the environment / *goed voor het milieu*' only if these claims can be verified. The more absolute the claim, the heavier the burden of proof.
  - o Do not encourage avoidable environmentally unfriendly behaviour if it concerns an environmental claim (Art. 11 MRC)
  - o Only use an environmental claim for the absence or reduction of environmentally hazardous substances if the replacement components are less harmful. Watch out for advertisements/ claims about other products that still contain these harmful components (Art. 5 MRC)
  - o Do not use an environmental claim if the consumer has to make more effort to make the claim come true (realise the claim) than can be expected from an average consumer, for example because he has to incur costs for recycling.
- Some examples of environmental claims:
  - o Claims that state in so many words that the product is good for the environment or one or more of the following notices/ statements:
    - Compostable / *composteerbaar*
    - Reusable / *geschikt voor hergebruik*
    - Biodegradable / *afbreekbaar*
    - Recyclable / *geschikt om te recyclen*
    - Less waste or waste reduction / *minder afval*

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Quality Marks

- Be careful with the use of environmental designations, symbols, labels, and the like (Art. 7 MRC). Only use these if they are known to consumers (such as the [FSC quality mark<sup>1</sup>](#)) and / or appear on the list of quality marks on [www.keurmerk.nl](http://www.keurmerk.nl)
- If another quality mark is used, its meaning must be clearly explained.
- Special requirements apply to the use of an EU Ecolabel. Advertising that can lead to confusion with an EU Ecolabel is prohibited.

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Information about the

Quotes/ citations and testimonials:

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<sup>1</sup> Forest Stewardship Council – the FSC mark means that the wood or paper you are buying comes from responsibly managed forests  
[http://www.gregsregs.com/downloads/NL\\_FSC-QualityMark.jpg](http://www.gregsregs.com/downloads/NL_FSC-QualityMark.jpg)

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product

- Quotations from scientific data/ works: these must be representative and verifiably correct (Art. 8 MRC<sup>2</sup>)
- Testimonials: Pay attention to the expertise of the person. The speaker quoted should be an expert in the field he/ she is talking about (Art. 9 MRC)
- Statements/ communications about waste disposal/ processing, salvage/ collection, and re-use: these options must be sufficiently available and feasible (Art. 10 MRC)

Product properties/ characteristics:

- Show the actual properties/ characteristics of a product, and in doing so, set the effects of the product on the environment correctly. If the claim only concerns certain components of the product, this must be made clear (Art. 4 MRC).
- Do not mislead the consumer about the qualities and properties of the product in relation to the environment. A little progress may not be presented too emphatically as a breakthrough. Marginal improvements must be presented as such (Art. 2 MRC).
- Do not suggest that the product has certain environmental benefits if the benefits are not there in reality or significantly offset by other product characteristics (Arts 2 MRC / 7 MRC / 8 MRC)
- Do not use irrelevant information, even if it is true, for example by saying that certain substances are missing in a product if they are already prohibited by law or by saying that a particular product is unique due to its environmental characteristics while other products have the same favourable characteristics.

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Environmental Checklist

<http://www.checkdereclamecode.nl/check/algemeen/milieu-en-duurzaamheid/>

1. Does the expression/ claim talk about sustainability and does it make clear what is meant by this?

Yes: You are good

No: Be cautious about terms such as "responsible" (*verantwoord*) and "sustainable" (*duurzaam*) to indicate that the product is beneficial in some respects for humans, animals and future generations. Such claims can quickly be considered misleading. Avoid deception/ misleadingness by explaining what is meant by sustainable or responsible and ensure that (scientific) material is present to substantiate the accuracy/ validity of the claim or make it credible

2. Is an environmental claim used in the statement/ communication which is demonstrably correct? (think of '*clean/ schoon*', '*green/ groen*', '*environmentally friendly/ milieuvriendelijk*' or '*good for the environment/ goed voor het milieu*'

Yes: all advertisements expressly or explicitly referring to environmental aspects related to the production, distribution, consumption or waste processing of products must comply with the environmental advertising code (MRC).

No: only environmental claims that are demonstrably correct may be used in an advertisement. The burden of proof lies with the advertiser. Read the environmental advertising code (MRC).

3. Do you use an environmental claim that may give the consumer a false impression of the environmental aspects mentioned / displayed?

Yes: You are very good

No: environmental claims must not mislead. It is about the overall impression that the advertising expression creates.

4. Are environmental indications/ designations, eco-labels or environmental symbols used

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<sup>2</sup> Milieu Reclame Code: Environmental Advertising Code

<http://www.gregsregs.com/downloads/DACEnvironmentCode.pdf> (the Environment Code extracted from the full Code)

<https://www.reclamecode.nl/bijlagen/SRCNRCEngelsmei2017.pdf> (the full Dutch Advertising Code)

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whose origin is clear and about which no confusion can arise?

Yes: You continue to be good

No: environmental designations and environmental symbols may only be used if the origin of the designation or symbol is clear and no confusion can arise on the meaning of the designation or symbol. For more information, see the explanation of Article 7 of the environmental advertising code:

<http://www.gregsregs.com/downloads/DACEnvironmentCode.pdf>

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| Specific Products: Cars | <ul style="list-style-type: none"><li>- Please note that in advertising for new passenger cars environmentally unfriendly behaviour must not be encouraged (Art. 3 CVP<sup>3</sup>).</li><li>- Do not use terms that promote the car as an environmentally friendly product.</li><li>- Never say that the car contributes to a clean environment or promotes a clean environment.</li></ul> |
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<sup>3</sup> Code for Passenger Cars (Code voor personenauto's – CVP) Art. 3:

Advertising shall not appeal to, or elicit aggressive, environmentally-unfriendly or unsafe traffic behaviour. Terms which commend the car as an environmentally-friendly product shall be avoided in advertising messages. Qualifications concerning contributions to or the promotion of a clean environment shall under no circumstances be used in an absolute sense