

Full title of law or regulation

The Stichting Reclame Code (SRC) Code for Sustainability Advertising (CDR); in the applicable Dutch version: Code voor Duurzaamheidsreclame (CDR)

<https://www.reclamecode.nl/nrc/code-voor-duurzaamheidsreclame-cdr/>

This is an unofficial non-binding translation of the Sustainability Advertising Code applicable from February 1, 2023 and serves as a pro-tem translation until the SRC version is available.

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Title of section

All sections

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### Introduction

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Introduction

This Code aims to encourage responsible sustainability advertising. Sustainability advertising is advertising in which one or more sustainability claims are made. Regarding sustainability claims, a distinction can be drawn between environmental claims and ethical claims. This Code replaces the Environmental Advertising Code, which was valid until February 1, 2023. This Code does not affect laws and regulations or specific sustainability provisions in other advertising codes and is also not intended to depart from government policy principles, as expressed for example in the ACM's 'Sustainability Claims Guide'.

<https://www.acm.nl/system/files/documents/guidelines-sustainability-claims.pdf>

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### Article 1. Definitions

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Sustainability advertising: advertising, within the meaning of Article 1 of the Dutch Advertising Code, that contains a sustainability claim.

Sustainability claim: environmental or ethical claim.

Environmental claim: claim that suggests or otherwise gives the impression that a product or activity has a positive, minor or nil impact on the environment. It can be the environment in general or certain aspects of the environment, such as air, water, soil, ecosystems, biodiversity or the climate.

Ethical claim: a claim that gives the impression that the production or activity of a company has occurred according to certain ethical standards, for example with regard to general working conditions, animal welfare and/ or corporate social responsibility.

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### Article 2. Scope

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This Code applies to all sustainability advertising.

#### Explanation of Article 2

The Code applies to all advertising messages that implicitly or explicitly refer to sustainability factors. Sustainability has no clear-cut meaning and is used in current social discussion and parlance as an umbrella term and can include environmental aspects, aspects of climate, animal welfare, biodiversity, working and living conditions, fair trade and the combating of waste.

Sustainability aspects can be linked to the entire life cycle of products or activities, such as production (including the processing of raw material), distribution, delivery, storage, consumption or disposal. It can also be advertising that refers to an advertiser's mission or future plans, or its contribution to maintaining and promoting sustainability in general.

In this Code, references to "products" include both goods and services.

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### Article 3. No misrepresentation

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Article 3.1

Sustainability claims must be presented in a clear, specific, correct and unambiguous manner. Sustainability advertising may not contain any statements, images, logos or other

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design or quality marks that could mislead the average consumer, in terms of the overall impression the advertising conveys, about sustainability aspects of the advertised products, or about the advertiser's contribution to maintaining and promoting sustainability in general, thus leading consumers to make a transactional decision they would not otherwise have taken.

#### Article 3.2

When an advertiser communicates its sustainability ambition, it should be made sufficiently clear that it concerns an aim and not the current situation. Such a sustainability claim should not give an overly positive picture of the current and future results in the field of sustainability. It is misleading to advertise an aspiration that cannot reasonably be expected to be achieved.

#### Explanation of Article 3

It must be immediately clear to the average consumer what the sustainability claim relates to and what the sustainability claim means.

In an expression in which the term 'sustainable', or another term is specified such as 'green', 'fair', 'responsible', 'clean', 'eco', or 'better for the environment' is used, it must be made clear in the communication what specific interpretation the advertiser gives to the term. Without this information, the average consumer will generally not be sufficiently able to make an informed decision about a transaction with regard to the advertised product, because the term does not have a clear-cut meaning.

A claimed improvement compared to the previous product or production process and/ or existing comparable products must be of sufficient importance to the average consumer.

Improvements must always be presented truthfully, making it clear which aspects of the product they relate to.

Deception can arise not only from factual statements, but also from other aspects, such as images, use of colour, logos or quality marks, or precisely from the lack of information or caveats. In the final analysis, it is about the total impression that the advertisement creates.

If sustainability ambition is the issue (as referenced in Article 3.2), then there must be clear, objective and verifiable goals, including concrete plans to achieve the established goals.

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### Article 4. Demonstrability

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All sustainability claims must be demonstrably correct. The burden of proof rests on the advertiser. The more absolute the formulation of sustainability claims, the more stringent are the requirements for evidence.

#### Explanation of Article 4

Advertisers must be able to support their sustainability claims with up-to-date evidence and provide this evidence if the sustainability claim is disputed.

Absolute claims will require very convincing evidence. The evidence must show that the claimed result is guaranteed. With the current state of the art, it is difficult to imagine that many products can be proven to be absolutely sustainable, i.e. that all aspects associated with the production, distribution, supply, storage, consumption or disposal of products are environmentally and ethically sustainable. That is why great restraint is required with regard to absolute claims. It should be realised that expressions such as: "environmentally friendly", "animal-friendly", "slavery-free", "clean", "green", "good for the environment", which are used without further nuance, are likely to be quickly interpreted by the public as absolute claims.

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### Article 5. Components and aspects

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If sustainability claims relate exclusively or almost exclusively to certain components or aspects of the advertised products, this must be clearly stated.

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#### Explanation of Article 5

A sustainability claim can relate to the entire production chain of a product or to a specific aspect. If the claim only applies to part of the product chain, this must be made clear.

Example: if an advertiser makes an environmental claim for the entire journey in an advertisement for an amalgamated trip, that claim must be able to be rationalised for all parts of the journey. If it only concerns certain aspects, this should be clearly stated. Of course, Article 4 also remains applicable, which stipulates that all sustainability claims must be demonstrably correct with regard to all aspects to which the claim pertains.

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#### Article 6. Absence or reduction of components

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A claim related to the absence or reduction of certain components harmful to the environment is only permitted if it can be shown that:

- Any replacement components are less harmful to the environment, and
  - It is not incorrectly stated or suggested that comparable products contain the absent or reduced (harmful) components.
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#### Article 7. Comparisons

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Article 7. Comparisons

If a sustainability claim consists of a comparison, it must be clearly stated between which (aspect of the) advertised product or company on the one hand and which (aspect of the) product or company on the other hand the comparison is made. The products being compared must meet the same needs or serve the same purpose.

#### Explanation of Article 7

The comparison must relate to objectively comparable products. The comparison must be specific and up-to-date and must objectively compare one or more material, relevant, verifiable and representative features of these products.

A sustainability claim such as "this product is more environmentally friendly" is in itself insufficiently clear, because it is not clear what is being compared. For example, is it compared to a comparable product from a competitor or is it a new version of your own product that has less impact on the environment than before? And how much less is that impact on the environment and how can that be verified?

An example of an acceptable comparison is: "Since this month we have been selling more animal-friendly chicken, because we no longer sell 1-star Beter Leven chicken, but 3-star Beter Leven chicken." This is a concrete, up-to-date comparison that objectively compares relevant, verifiable and representative features of the products.

The sustainability claim is also inadmissible if the improvement is only because of changes in legislation that makes the improvement mandatory for all comparable products.

In a comparison with a competitor or products of a competitor, the rules of article 13 NRC (the Dutch Advertising Code) apply in full.

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#### Article 8. Statements and symbols

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Sustainability statements and symbols may be used, provided that the origin of the statement or symbol is clear and confusion about the meaning of the statement or symbol is excluded.

#### Explanation of Article 8

Quality marks issued by reputable independent bodies (for example, those that meet the requirements of the Council for Certification) can provide justification for a sustainability claim if the claim is specifically based on it. This article leaves open the possibility that entrepreneurs (organisations) themselves introduce and use sustainability symbols and the like. The symbols must then meet two criteria: the origin must be clear and there can be no

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confusion about its meaning. Clarity about the origin can be created by stating this in the advertising or in generally accessible information. In the case of a private label or symbol, it must be made absolutely clear that it is a private label/ symbol and the advantages it offers. There must be no risk of confusion with existing labels/ symbols. In any event, it should not suggest that higher requirements are met than are actually the case.

The Quality Mark Guide of Milieu Centraal can help advertisers find a quality mark they wish to join. The Quality Mark Guide of Milieu Centraal provides information about the requirements set by quality marks and about control and transparency.

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#### Article 9. Waste processing, collection and re-use

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Environmental claims relating to (separate) waste collection and/ or waste processing are only permitted if the recommended method of collection or processing is available and can be applied in practice. Environmental claims relating to the re-use (recycling) of products, or parts thereof, are only permitted if this re-use is sufficiently achieved in the advertised products or parts. If not, this limitation must be apparent directly from the ad and the detailed description of the extent to which waste collection, waste processing and/ or recycling is available can be included in the ad itself or via a reference (e.g. a clear link to a website) in the output.

##### Explanation of Article 9

In today's society, the problem may arise that (separate) waste collection and/ or waste processing and/ or re-use is theoretically possible, but practically not (yet) available to a reasonable number of consumers.

An important role is always played by how absolute the options of waste processing, separate collection and re-use are presented.

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#### Entry into force and evaluation

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Entry into force and evaluation

This Code entered into force on February 1, 2023. The predecessor of this Code, the Environmental Advertising Code, entered into force on January 1, 1991 and was amended on October 1, 2000. As of February 1, 2023, the Sustainability Advertising Code replaces the Environmental Advertising Code.

This Code is evaluated after a period of one year. If the evaluation gives cause to do so, this code may be adjusted. This Code may also be amended in the interim if there is good reason to do so.

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