



Guide to greenwashing

Environmental Rights Centre for Scotland

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1. Introduction

The Environmental Rights Centre for Scotland (ERCS) aims to increase people's awareness of their environmental rights and to ensure that people can effectively exercise them.

This guide discusses greenwashing and how it can be challenged in Scotland.

This is not a comprehensive guide to greenwashing laws in Scotland.

ERCS provides free advice to individuals, community groups and organisations on environmental and related planning matters. If you need legal advice, please contact us via our [Get Advice](#) webpage.

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2. What is greenwashing?

There is no official, widely accepted definition of greenwashing.

Greenwashing generally refers to a deceptive practice where organisations mislead the public about their environmental efforts, credentials, products and other aspects of their business. Greenwashing occurs when a company makes false or misleading claims about its environmental practices or products to appear more eco-friendly than they actually are.¹

Greenwashing tends to include three elements:



- Untrue or unfounded claims – the statements made lack evidence or are deliberately false.
- Environmental focus - the claims relate to an organisation's environmental impact.
- Public image boosting - the goal of the misleading information is to improve reputation or drive sales.

3. How to spot greenwashing

- **Look for proof.**ⁱⁱ If a company claims to be green, they should provide evidence to this effect. Check for certifications, reports, or details about their supply chain. A claim such as "sustainable" or "eco-friendly" means nothing if there is no evidence. One of the few reputable UK certification schemes is the Soil Association Certification. There are a number of other schemes which do not have particularly onerous requirements.
- **Watch out for hidden trade-offs.** Some companies highlight one good attribute while ignoring bigger environmental impacts. A product might be made from recycled materials but require a lot of energy to produce.
- **Beware of buzzwords.** Words like "eco," "natural," or "green" may sound positive, but they are often meaningless when provided without specific details. For example, "all-natural" does not mean environmentally friendly. A helpful guide to greenwashing buzzwords can be found on the [WWF UK website](#).



- **Check for consistency.**ⁱⁱⁱ Companies committed to sustainability will not have only one green product - they will apply these values across their operations.
- **Be sceptical of packaging.**^{iv} Companies know we are drawn to nature-based imagery like trees, flowers, or the colour green. Those images do not necessarily reflect reality. Companies often create fake 'eco' logos and false labels that are not tied to any credible standard.
- **Research the bigger picture.**^v Check to see if a company has a comprehensive environmental policy, sets measurable goals and regularly reports its progress. Some big companies buy smaller, eco-friendly brands to appeal to green-minded shoppers. Knowing who owns a brand can give you a fuller picture.

4. Regulation of greenwashing

a. Digital Markets, Competition and Consumers Act 2024 ('the 2024 Act')

The 2024 Act prohibits businesses from engaging in misleading action, providing misleading information or misleadingly omitting certain information. This may include deceptive environmental marketing, providing information which overstates an organisation's environmental credentials, or failing to provide enough information about an organisation's activities which are or may be construed as harmful to the environment.^{vi}



b. The Consumer Rights Act 2015 ('the 2015 Act')

Under the 2015 Act, consumers who purchase products based on false claims may be able to sue traders.^{vii}

c. Misrepresentation under common law

If a company makes false claims that induce a consumer to enter into a contract with them, this could constitute misrepresentation which can provide grounds for taking legal action.

5. Consumer remedies against greenwashing

There are several ways to challenge greenwashing.^{viii} A challenge can take the form of regulatory complaints, legal action, or public advocacy.

a. Contact the relevant regulatory body

Several regulatory bodies oversee environmental claims and can take enforcement action against misleading advertisements.

i. Consumer Scotland

Consumer Scotland^{ix} is a statutory body that represents the interests of consumers. Established under the Consumer Scotland Act 2020 ('the 2020 Act'), they advocate on behalf of consumers and represent consumer interests. They also have powers related to information provision and recall of goods.

If you have encountered misleading environmental claims or suspect greenwashing, [you can contact Consumer Scotland to let them know about the issue](#). You cannot complain directly to



Consumer Scotland, but you may be able to assist in ongoing investigations by providing them with further information.

ii. Trading standards

Trading standards services operate through local authorities and are responsible for enforcing consumer protection laws against unfair trading practices, including greenwashing.

Their functions include investigating businesses that make false or misleading environmental claims about products or services, such as exaggerated “eco-friendly” labels or unverified sustainability claims.

If you come across suspicious or misleading environmental claims, whether on packaging, websites, or in advertisements, you can report them to your local trading standards office at your local council or through [Advice Direct Scotland](#).

iii. Advertising Standards Authority ('ASA')

The ASA regulates advertisements under the [UK Code of Non-broadcast Advertising and Direct & Promotional Marketing](#). It plays a central role in addressing greenwashing in advertising, particularly where environmental claims are vague, exaggerated, or misleading.

You can submit a complaint via the [ASA website](#), where you should include any evidence which potentially supports your complaint, such as screenshots and/or photographs.

iv. Financial Conduct Authority ('FCA')

The FCA oversees the financial sector and regulates how firms present sustainability credentials in investment products, pensions, and other financial services.

To address greenwashing in finance, the FCA introduced the Sustainability Disclosure Requirements^x and the Anti-Greenwashing Rule.^{xi} These measures ensure that sustainability-related claims are clear, fair, and not misleading, especially where environmental, social and governance funds and products are marketed to the public.



The FCA can be contacted via their website. There are two different routes to contacting the FCA, depending on whether you are a [consumer](#) or a [firm](#).

Separately, the FCA have a whistleblowing option which provides consumers, firms, employers or employees to report information in confidence. The different ways of contacting their whistleblowing team are listed on their [website](#).

v. Competition and Markets Authority ('CMA') & the Green Claims Code

The Competition and Markets Authority enforces the Consumer Protection from Unfair Trading Regulations 2008 ('the 2008 Regulations') and investigates companies engaging in greenwashing.

The CMA's Green Claims Code^{xii} is a UK-wide standard that guides businesses on making truthful and evidence-based environmental claims. While not legally binding, the Green Claims Code helps enforce legal obligations under the 2008 Regulations and the Business Protection from Misleading Marketing Regulations 2008.

You can send a complaint to the CMA by using [this link](#). Please note that the CMA cannot intervene or advise on individual complaints. However, any information you provide by way of a complaint to them may be used by the CMA and other organisations, to monitor and possibly take action to stop unfair business behaviour.

b. Other ways to challenge greenwashing

i. Alternative dispute resolution

Mediation and arbitration can resolve disputes between consumers and companies without going to court. Some businesses are members of schemes such as [the Dispute Resolution Ombudsman](#).



ii. Legal action

In some cases, it may be possible to take a company to court over greenwashing. Legal action tends to be very costly and time consuming.

Group litigation may be possible if greenwashing affects a large group of people. This could be a better option than an individual taking a company to court, as group litigation can be less financially burdensome on individuals.

One way to keep informed about group litigation is by way of announcements in consumer protection groups or media reports. Using such tools you can identify if there is a group litigation which you can join.

iii. Reputational and market pressure

Public awareness and consumer activism can often bring faster results than legal action.

One way in which consumers can put pressure on companies and businesses is by using the media and/or social media to highlight misleading claims.

iv. Criminal sanctions

In rare but serious cases, where greenwashing involves deliberate deception or fraud, criminal sanctions may apply.

The CMA and Trading Standards Scotland do not prosecute criminal cases, but they can investigate serious breaches and refer them to the Crown Office and Procurator Fiscal Service (Scotland's prosecution service).

6. Tips for taking action against greenwashing

Here are some tips to help you take action against greenwashing:



- **Document everything.** Save advertisements, product packaging, and receipts as evidence.
- **Know your rights.** Learn about key pieces of legislation, such as the Consumer Protection from Unfair Trading Regulations 2008.
- **Search for reputable certifications.** Examples include Bluesign, Leaping Bunny or EU Ecolabel. However, it is not advisable to rely solely on the certification applied to a product or service. The seller of a specific product may have received a certification, but they could be a subsidiary to a bigger commercial enterprise which is not part of the specific certification scheme.
- **Speak up.** Share concerns with others to raise awareness and encourage corporate accountability.

References

ⁱ Delmas, Magali and Burbano, Vanessa. (2011), [The Drivers of Greenwashing](#), California Management Review. 54, p. 66.

ⁱⁱ [What Is Greenwashing?](#), Plan A.

ⁱⁱⁱ [5 Ways to Spot Greenwashing](#), Treecard Team.

^{iv} [Sins of Greenwashing](#), UL Solutions.

^v T. Davison, [Extended Producer Responsibility \(EPR\) in the US Explained](#) (2024).

^{vi} [Digital Markets, Competition and Consumers Act 2024](#), Sections 226 & 227.

^{vii} [Consumer Rights Act 2015](#), Section 19.

^{viii} D. McIlroy and I. Shipley, [Combatting Greenwashing – Existing Legal Remedies](#) (Forum Chambers, 2022).

^{ix} [Consumer Scotland](#).

^x [PS23/16: Sustainability Disclosure Requirements \(SDR\) and investment labels](#).

^{xi} [Anti-Greenwashing Rule and Guidance](#).

^{xii} [Green claims code](#).