

Webinar

Greenwashing on Packaging: What You Can No Longer Claim

The new rules for environmental claims and how to
protect your clients

Welcome to the Webinar!



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Jonas Werner

Senior Lawyer

Areas of Expertise:

(Commercial) Contract Reviews,
Master Service Agreements,
Green Claims, Unfair Trade Policies, etc.
Process Automation in Legal Space

We have the right approach, tech and specific skills to cover the legal needs of agile and future oriented agencies

How we work

Proactive legal expertise

- 130+ Legal & Tech Professionals
- Deep understanding of agencies
- Pragmatic and proactive



Efficiency first

- Set-up a highly efficient process
- Consequent use of technology
- Continuous optimization of processes



What we do for agencies



JUNGvMATT

FARNER | TEAM FARNER

DENK WERK

addfame

Contract Review & Legal Service Center

- 24h review of customer contracts
- Cover all legal requests cost effective

Compliance

- EU AI Act Compliance
- Data Privacy

Relevant topics e.g. green claims

Today

Output

Cost Savings

+ 70% Significant cost savings compared to an external counsel



Operational Simplifications

+ 50% Reduced effort with up to **3x** faster processing times



Agenda

Impact of Green Claims

Regulatory background

The solution

Q&A and contact

Green claims regulation will change how brands and agencies work

Working in the status quo – risk of great ideas that never hit the market

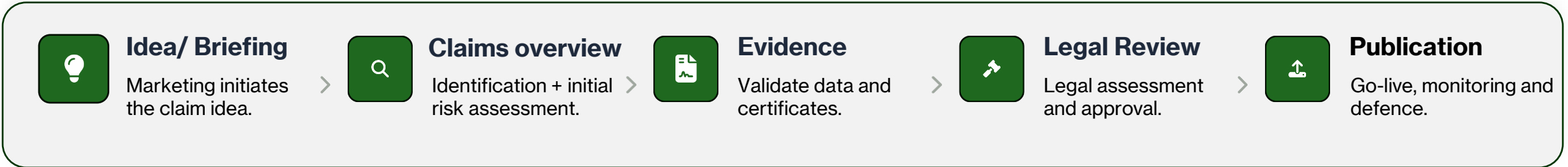


Rethink the process in light of Green claims regulations

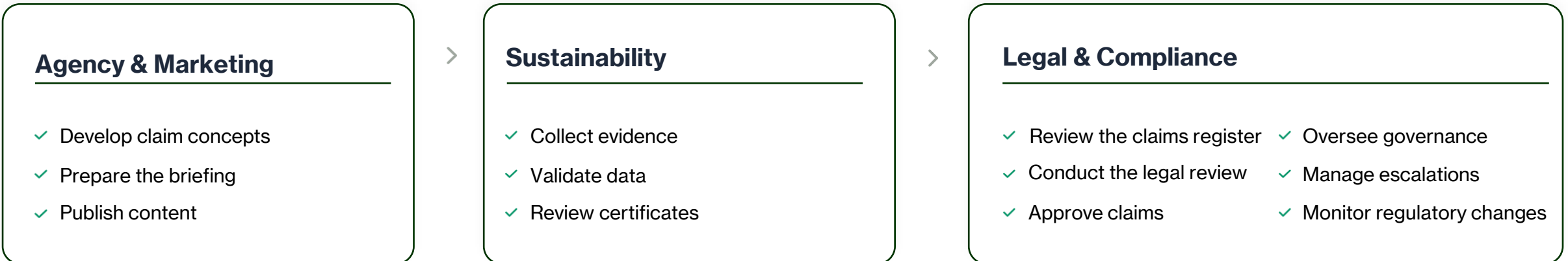


Dived responsibilities across the green claims' creation workflow can lead to inefficient review loops

Workflow

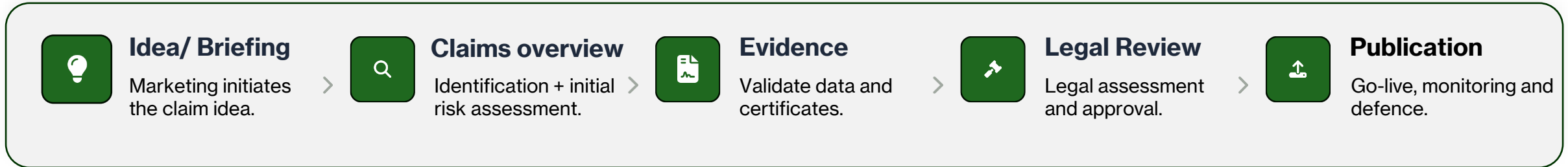


Divided Responsibilities

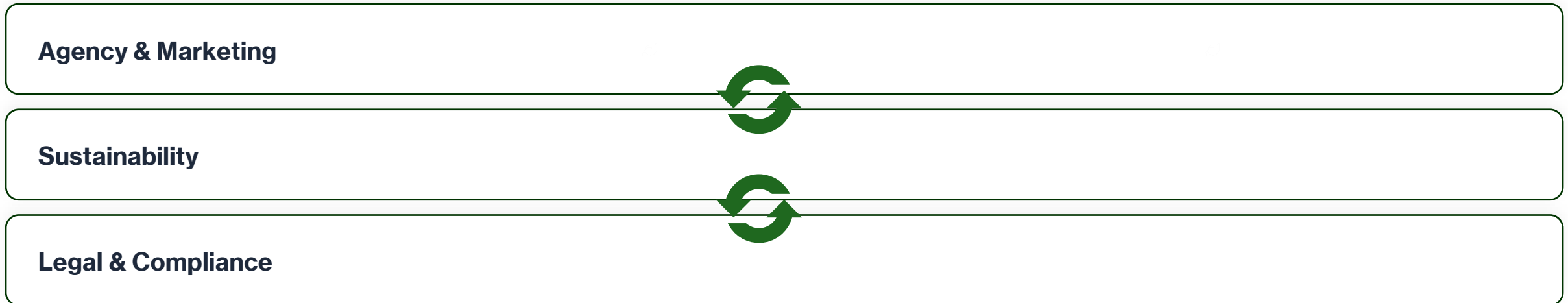


Integrated approach with multiple stakeholders is essential for a swift and efficient creative workflow

Workflow



Shared Responsibilities



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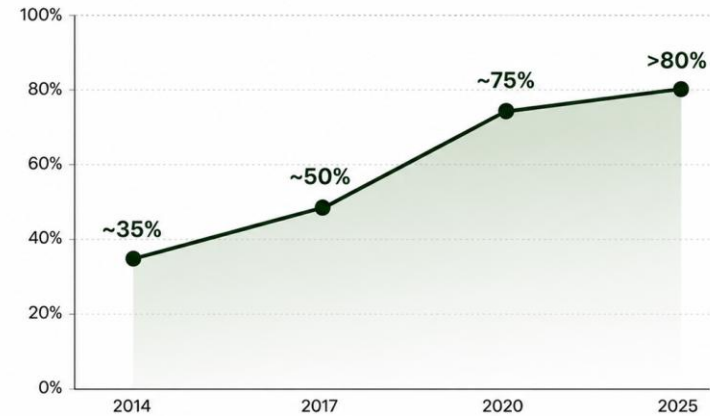
Regulators Respond to the Rapid Rise of Environmental Claims eagle^{isp} in Corporate Communications

Green Claims Across Customer Touchpoints



Environmental Claims Doubled in 10 Years

Share of products featuring environmental claims



Year	2014	2017	2020	2025
Share of products with green claims	~35 %	~50 %	~75 %	>80 % (Trend estimate)

53% of environmental claims are vague, misleading or unsubstantiated

40% of environmental claims are not supported by adequate evidence

230+ sustainability labels are currently used across the EU

Source: European Commission

Landmark Judgement

German Federal Court of Justice (BGH), Case I ZR 98/23, 27 June 2024 (Katjes)

- The BGH held that the claim "**climate neutral**" is inherently ambiguous.
- Katjes should have clearly and prominently explained in the advertisement that its climate neutrality claim was achieved solely through carbon compensation.

Rejected Green Claims and their consequences

Keurig

CLAIM
K-Cups labelled "recyclable"

REALITY
Not accepted by most kerbside recycling streams

CONSEQUENCE
\$10M class-action settlement

SKIMS

CLAIM
Packaging reads
"I AM NOT PLASTIC"

REALITY
Actually LDPE (plastic #4)

CONSEQUENCE
Publicly called out for greenwashing

Coca-Cola

CLAIM
Bottles "made with 25% recycled marine plastic"

REALITY
Still the world's largest plastic polluter

CONSEQUENCE
Regulatory & public backlash

Apple

CLAIM
"First CO2-neutral product"
(Watch)

REALITY
Carbon offsets not secured long-term

CONSEQUENCE
German court banned the claim

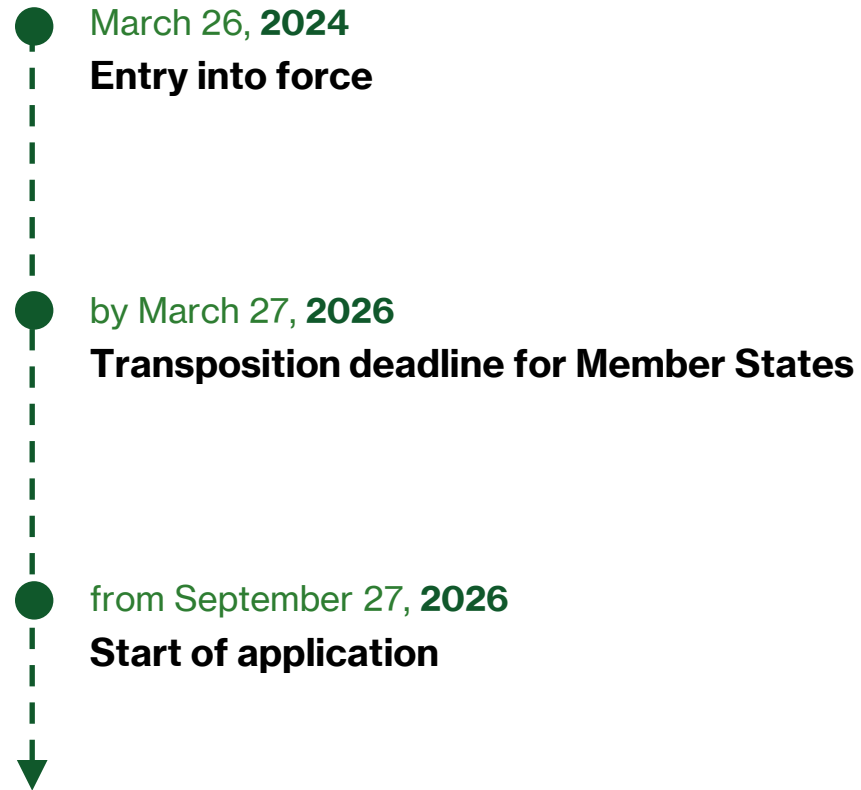


The fallout when a claim is caught late:

Ads pulled · fines up to 4% of turnover · competitor injunctions · class actions · packaging reprints & scrapped creative · reputational damage to brand

There are two legal frameworks that must be considered when dealing with Green Claims in the EU

Empowering Consumers Directive (EU) 2024/825



Green Claims Directive (GCD)



Key Elements of the Empowering Consumers Directive

– Examples



Sustainability Labels

- **Prohibited:** Company-owned certification schemes or labels that are not subject to independent third-party verification.
- **Permitted:** The Blue Angel label, established by the German Federal Ministry for the Environment as an official environmental label. It is based on a „Type I“ environmental labelling scheme.



Generic Environmental Claims

- **Prohibited:** Claims such as "eco-friendly," "climate-friendly," or "green", unless they are based on recognised outstanding environmental performance (e.g. Type I environmental labelling schemes).
- **Permitted:** Claims based on the EU Ecolabel: Under Regulation (EC) No. 66/2010, it serves as the official EU label for products meeting high environmental standards throughout their entire life cycle.



Carbon Compensation Claims

- **Prohibited:** Claims such as "CO₂-neutral" for a T-shirt or bottle where the claim is based solely on carbon compensation projects outside the product's value chain.
- **Permitted:** Claims such as "10% lower CO₂ emissions through the use of recycled materials," provided the reduction is substantiated across the product's entire life cycle (production, use and disposal).

Key Elements of the Empowering Consumers Directive

– Examples



Scope of an Environmental Claim

- **Prohibited:** Claims such as "**Made from 100% recycled material**" where this creates the impression that the entire product is made from recycled material, while in reality only the packaging or certain components are.
- **Permitted:** Claims such as "**Packaging made from 80% recycled material**", provided they clearly specify both the proportion of recycled content and the scope of the claim (i.e. the packaging only, not the entire product).



Misleading Commercial Practices

- **Prohibited:** Environmental claims relating to a future transition towards **carbon neutrality** or **climate neutrality** within a specified timeframe without a clear, detailed and realistic implementation plan.
- **Permitted:** Environmental claims supported by independent third-party verification, with transparent and publicly accessible information on progress and targets (e.g. via a QR code).

Practical Use Case 1: „PureLeaf“ Shower Gel

THE CASE

A shower gel is launched as "PureLeaf Shower Gel". The front of pack reads "eco-friendly" and "with a natural formula", in shades of green with a leaf. The description states the packaging is "particularly eco-friendly compared to standard packaging" and lists the exact recipe.

Legal risks

- "Eco-friendly" and "natural formula" are general claims – listing the recipe does not substantiate their scope.
- The "compared to standard packaging" comparison lacks a clear frame of reference.
- Green design and leaf imagery can themselves qualify as environmental claims.

Suggestions for improvement

- Specify the packaging's material composition and the reference standard.
- Give transparent, comparable criteria for any comparison.
- Don't let the design imply eco-benefits beyond the actual performance.

Practical Use Case 2: „ZeroImpact“ Jacket

THE CASE

A jacket is sold as the "ZeroImpact Jacket". The hangtag shows "carbon neutral" plus a self-made green "eco certified" seal. The description says it is "made with sustainable materials", backed by an internally prepared footprint report using standard emission factors.

Legal risks

- Absolute "climate neutral" claims are vulnerable when based on compensation, not real life-cycle reductions.
- A self-created seal implies an independent, standardized certification that does not exist.
- "Made with sustainable materials" is too vague to be verifiable.

Suggestions for improvement

- Name the specific material, its share and a certified origin.
- Show a clearly described, verifiable emissions reduction in manufacturing.
- Only use a seal backed by a real, independent certification system.

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Impact of Green Claims

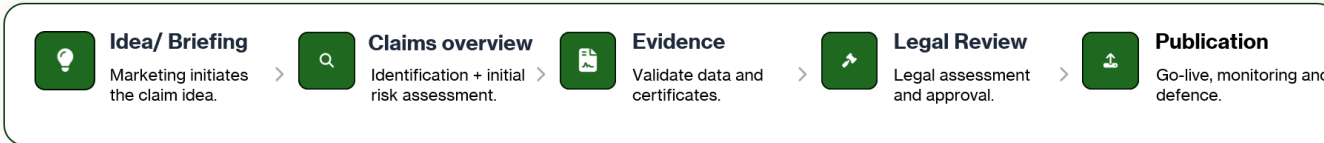
Regulatory background

The solution

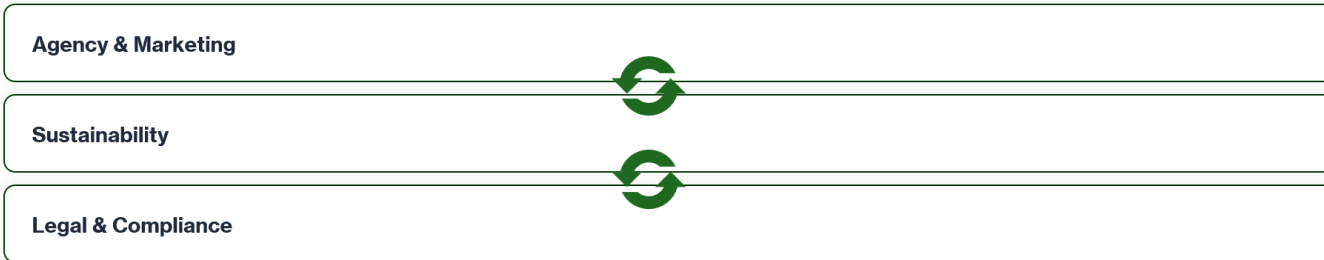
Q&A and contact

Complete and structured legal review process that is deeply integrated into the creative workflow

Workflow



Shared Responsibilities



Core elements of an integrated review process



Complete and structured legal review process that is deeply integrated into the creative workflow

Deliverables

Benefits Brand

Benefits Agency

Legally Sound
Review of Green
Claims



Integration into
the core process



Monitoring and
continuous
optimisation

Efficient

- Legal review is embedded early in claim creation process, enabling fast guidance before concepts move too far.
- Practical recommendations help brands turn creative ideas into compliant claims

Cost effective

- A standardized and partially automated review process reduce legal review costs by up to 70%.
- Transparent fixed-cost structures replace unpredictable hourly billing.

Secure

- Continuous risk assessment helps identify critical claims early and prepares the organization for potential legal defence or optimizations of existing marketing assets where needed.
- Ongoing monitoring of regulatory developments provides long-term legal certainty.

Integrated service – great for your teams

- Legal review is embedded into the creative process — early, practical and enabling.
- Creative teams can focus on strong ideas without the fear that promising concepts are killed too late in the process.

Value add – great for your customer

- Impress clients with a service that combines creativity, legal confidence and cost efficiency.
- Differentiate from competitors by delivering claims that are not only creative, but also ready for regulatory scrutiny.

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Q&A and contact

Your Fast Track to Green Claims Compliance.

eagle^{lsp}



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