

Position paper

The precautions for the use of brands, labels, pictograms that can be assimilated to environmental claims

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Context

- ✓ According to the French law no. 2009-967 on the implementation of the Grenelle de l'environnement of August 3, 2009 (article 54), all environmental information intended for consumers must be based on fair (sincere, objective and complete), understandable and relevant information. Information that is misleading because it is incomplete or erroneous must be prohibited.
- ✓ The AGEC law of February 10, 2020 in its article 13 (Art L. 541-9-1 of the environmental code) came to specify the modalities "*in order to improve consumer information, producers and importers of waste generating products inform consumers, by marking, labeling, displaying or any other appropriate process, on their environmental qualities and characteristics [...]*"
- ✓ Article 2 of the Climate & Resilience Law on "Displaying the environmental impact of goods and services" completes these obligations.
- ✓ CNE has drawn up an editorial guide for any environmental communication concerning packaging. It commits the actors to respect them as well as to respect the ARPP's Sustainable Development Recommendation v3.
- ✓ CNE recalls the definition of an environmental claim: it is a quantitative or qualitative expression used to highlight the quality of a product or service with regard to environmental protection. These claims can be made using a variety of media: on the packaging of the product itself and/or through any type of media (internet, press, television, etc.). Certain trademarks and elements such as pictograms, logos, etc. can also be considered as environmental claims.

Numerous environmental communication initiatives relating to packaging are carried out by economic actors, particularly as part of their CSR strategy.

Most of the proposed messages comply with the regulations and follow the ethical rules of the CNE guide, however, we must note the appearance of claims represented by :

- ✓ self-proclaimed labels with no basis,
- ✓ third-party labels that are recognized but misused,
- ✓ brands with "ecological" connotations that clearly mislead the consumer.

CNE's position

- These self-declared signs may only be used if their origin is clearly indicated and if there is no risk of confusion as to their meaning.
- The use of logos of associations, foundations or any other organization must not create an abusive link between the partnership engaged and the properties of the packaging.
- Logos, pictograms, self-declared private signs, even if they are registered trademarks, must avoid any resemblance to signs certified by an independent third party.
- Logos, pictograms, self-declared signs and trademarks must not confuse the consumer about the ecological virtues of the packaging simply because they are placed near institutional logos of entities working in the field of environmental protection.
- Logos, pictograms, brands with an "ecological" connotation must not appear near the word "packaging" or equivalent term, implying to the consumer a virtue, an environmental protection property that cannot be demonstrated.
- Any environmental communication must give priority to information related to the product - packaging pair in accordance with the regulations.

The French Packaging Council (CNE), an association created in 1997, is a collaborative platform for the various players in the packaging value chain: packaging material producers, packaging and equipment manufacturers, consumer product companies, approved companies and operators in the collection and recovery sector, designers, other packaging professionals, local authorities, consumer and environmental protection associations.

The CNE, a recognized moral authority, works for Right Packaging and its main mission is to develop and disseminate good practice in the design, use and marketing of product packaging.

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