GREEN CLAIMS, RED FLAGS: UK PRODUCT DESCRIPTIONS MAY FALL FOUL OF THE CMA'S GREEN CLAIMS CODE

Date: 17 November 2025

UK Policy and Regulatory Alert

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INTRODUCTION

In summer 2025, UK consumer protection and review organisation Which? and research provider London Economics published a policy research report analysing the use of environmental claims on almost 10,000 products in the United Kingdom (Report). The research—carried out using artificial intelligence—compared the sample against the principles in the Competition and Markets Authority's (CMA) Green Claims Code (Code), which aims to ensure environmental claims are clear, accurate, and not misleading for consumers.

This alert considers the Report findings, which showed the prevalence of problematic green claims being used by brands in the United Kingdom. Using real-life case studies, we also highlight the common mistakes that businesses should avoid when crafting their marketing materials and labels, to avoid the increasing legal risks associated with greenwashing allegations in the United Kingdom and European Union.

THE RESEARCH REPORT AND KEY FINDINGS

The Report found that 22% of the 8,800 products sampled contain green claims in their descriptions. To assess compliance with the Code, a framework was developed based on five of the six core principles of the Code, as follows:

1. Claim must be truthful and accurate;
2. Claim must be clear and unambiguous;
3. Any comparison must be fair and meaningful;
4. Claim must be substantiated; and
5. Claim must consider the full lifecycle of the product or service (particularly in relation to clothing).

Each of these principles involved several tests.

The Report found that Code noncompliance may be widespread. 62% of products containing green claims failed tests relating to at least two of the principles above. Green claims relating to cleaning products, electronics and accessories, and personal care and hygiene products showed the highest risk of noncompliance.

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CASE STUDIES AND POTENTIAL ISSUES RAISED

We highlight below a handful of helpful case studies analysed in the Report.

Example 1: Delphis Floor Cleaner

The product's description claimed that it was “made from highly biodegradable, renewable and sustainable ingredients,” but did not explain how or why. The Report suggested that this was likely to breach two principles of the Code:

- Claims must be clear and unambiguous: here, the statement of environmental benefit was vague and general; and
- Claims must be substantiated: here, the claim did not contain supporting evidence, and did not signpost to consumers where they could find specific information.

As a result, this claim was regarded as likely to mislead consumers and therefore noncompliant with the Code.

Example 2: KIT & KIN Hypoallergenic Eco Nappy Pants

This product was found to include multiple problematic green claims. The ingredients list included technical terms like “oxo-biodegradable material,” “bio-based SAP,” and “mass balance,” without explaining what these terms mean. The description also claimed that the product was “the most accredited eco nappy on the market,” that it used “sustainable, all plant-derived materials in contrast to most standard nappy pants,” and that it was “produced in a carbon neutral factory.”

The Report concluded that KIT & KIN's description was unlikely to comply with three core principles of the Code:

- Claims must be clear and unambiguous: this used scientific or technical terms not easily understood by the average consumer with no explanation;
- Comparisons must be fair and meaningful: here, the brand did not allow consumers to verify the comparison by directing them to the information upon which it was based; and
- Claims must be substantiated: there was no signposting or links to evidence to support the carbon neutral claim.

Example 3: Seasalt Cornwall Men's Blazer

This brand described a men's blazer as “organic” but included no recognised certifications or information about the percentage of cotton that is organic. The Report indicated that while this fact does not necessarily amount to noncompliance with the principle that *claims must be truthful and accurate*, it was likely to be problematic compared to claims that provide more information.

The Report observed that food and beverage products are less likely than other products to use unsubstantiated “organic” claims, as these products are already required by law to obtain a specific organic certification for any “organic” claims and are therefore more restricted in what they can say in their advertising. However, other products—including textiles—are not subject to such legal restraints and are therefore more likely to use “organic” claims inappropriately.

Example 4: Charlie Bingham Lasagne

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The description of this food product did not comply with the principle that *comparisons must be fair and meaningful*, as it claimed to use "30% less cardboard" but did not make clear what this was being compared against (e.g., a specific product or other microwave lasagnes). Therefore, consumers could not verify the claim's accuracy.

Example 5: Kellogg's Special K Cereal Bar

In contrast, Kellogg's claim that its cereal bars use "less packaging" was found to be compliant because:

- It clearly identified that this was a 6.86% reduction compared to a previous pack by Kellogg's of the same weight;
- It included the specific measurements as supporting evidence; and
- It included a link to information on the Kellogg's website forming the basis of the comparison.

Example 6: Adidas 7/8 Leggings

Adidas stated that its 7/8 leggings were made using "85% recycled polyester," implying that this material is better for the environment. However, the description did not acknowledge the negative environmental impacts of its use, such as the release of microplastics and non-biodegradability if clothing ends up in landfill.

This claim was unlikely to comply with the principle that *claims must consider the full lifecycle of the product or service*, as the Code states that brands must not suggest a product is greener than it is by ignoring another aspect of its lifecycle.

This principle illustrates the high bar set by the CMA for the use of green claims, and its policy to curtail marketing statements that could lead consumers to purchase an item because of a belief it has low environmental impacts, without having the full picture.

Practical Tips to Comply With the Code

The Report, the Code, and sector-specific guidance (notably the CMA's Green Claims in Fashion guide) provide practical guideposts for brands developing advertising campaigns including green claims. The CMA expects that marketing teams will consult its Code to ensure compliance, otherwise risking fines under the new Digital Markets, Competition and Consumers Act 2024 which prohibits misleading advertising (including misleading environmental claims), investigation by the Advertising Standards Authority, or litigation brought by customers or competitors.

Below we summarise key questions you should always ask to ensure that your green claims are compliant and that you stay on the right side of the regulations.

6. Is our claim truthful and accurate?
    a. Have we included any conditions or caveats to the claim?
    b. Have we backed up organic claims with a specific organic certification? Have we included the percentage of organic material?
7. Is our claim sufficiently substantiated?
    c. Do we have solid, objective evidence to back up what we are claiming?

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d. Have we included links or references to the supporting evidence?

8. Is our claim clear and unambiguous?

e. Are we using any generic, broad claims (e.g., “environmentally friendly,” “eco,” “sustainably sourced”)? Replace with more specific, precise language. (Note that—besides the risk of being regarded as too vague—in the European Union, such claims are now largely prohibited. See our previous alert here.)

f. Are we using any scientific or technical language? If so, can this be easily understood by the average consumer? Can we use nontechnical language instead? If not, have we provided a clear explanation?

9. Are any comparisons fair and meaningful?

g. Have we indicated how the information forming the basis of the comparison can be accessed?

h. Can consumers independently verify the comparison themselves?

10. Do our green claims consider the full lifecycle of the product or service (particularly in relation to clothing)? If we are claiming that an item of clothing is made from recycled materials, is there a risk that we are omitting key details about the negative trade-offs of the material used?

Our team would be pleased to support you in training marketing and legal departments on practical dos and don'ts for environmental claims, crafting risk matrices, and reviewing proposed claims for compliance.

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