



Greenwash Buster

Your Greenwash Free Guarantee

Greenwash Buster

Your Greenwash-Free Guarantee

Greenwash Buster is a new tool supporting marketers who want to communicate sustainability and green credentials in a way that is 100% guaranteed of avoiding 'Greenwash' and its legal implications.

How it works

- 1** You send us your proposed communications materials before taking them to market.
- 2** We provide you with an confidential, expert legal risk assessment on whether your claims are likely to breach ACCC or Trade Practices Act guidelines.
- 3** We also provide an expert communications opinion on alternative ways to employ 'green language' that maintains marketing impact while avoiding Greenwash.
- 4** We provide further suggestions for substantiating your 'green' message by helping you to seek out existing supports either from within your organisation or from external sources. for example, GECA certification, Industry awards or International Standards.
- 5** You can confidently go to market with materials which present a powerful green marketing message and can be legally backed up as genuine and verifiable.

Turnaround

Most jobs can be assessed and turned around in a 48 hour period. Larger, more complex jobs can take up to 5 working days to ensure a thorough response. Some jobs take as little as an hour.

What is Greenwash?

The term '*Greenwash*' was coined by Jay Westerveld in the early '90s when he noticed hotels had started leaving messages in guests' rooms saying using fewer towels would 'save the planet'. Westerveld believed lowering hotel laundry expenses was the real motivation behind this practice. Hence '*Greenwash*'.

These days, *Greenwash* is a term used to describe the practice of companies over claiming the environmental credentials of their products and policies or making claims that cannot be substantiated.

With the spotlight on Greenwash more than ever before, and large potential fines for poorly considered communications, is essential that even the most honestly intentioned claims be verified and challenged before being taken to market.

Why Green Marketing?

Companies are continuously searching for new ways to differentiate their brands and products in highly competitive market places. Green credentials, sustainability and Corporate Social Responsibility have become areas of focus to achieve this differentiation.

Companies have recognised and sought to take advantage of changing customer demand in favour of more environmentally and socially responsible products and services. Accordingly, they have been developing and introducing new products and services which meet this demand.

As a result 'Green' Marketing is becoming a more common feature of the communications landscape, with words such as 'Eco', 'Environmentally Friendly', 'Green' and 'Earth Friendly' peppering advertising messages.

ACCC, TPA & the law.

The Australian Competition and Consumer Commission (ACCC) has become concerned about the increasing use of 'Greenwash' by organisations looking to gain an edge over their competitors. As a result, the ACCC has released a guide called 'Green marketing and the Trade Practices Act'.

The Trade Practices Act ('TPA') is a federal statutory law that affects all conduct engaged in

trade or commerce, including all forms of advertising and marketing. Corresponding state laws, such as the NSW Fair Trading Act, also apply.

Broadly speaking, the TPA provides that businesses must not engage in conduct that is misleading or deceptive, or even likely to be so. Some businesses do not realise the heavy responsibility this imposes on them to get their message absolutely right. For example, you can still be liable under the TPA even though you did not intend to mislead consumers and even if you consciously tried to avoid misleading consumers! You can be liable even if your stated message is, strictly speaking, accurate, but nevertheless misleading to some reasonable consumers.

If you get it wrong, then you can expose yourself to a competitor bringing a private law suit against you. The competitor will often seek an interim injunction to stop your advertising campaign dead in its tracks – you may have to pull TVCs, over-sticker packaging or publish corrective advertisements. The competitor may also seek a payment of damages. In more serious cases, the ACCC may investigate and prosecute you. If successful, the ACCC may ask the court to fine you.



Green marketing and the Trade Practices Act.
Download it from
www.accc.gov.au/content/index.phtml/itemId/815763



Republic of Everyone

www.republicofeveryone.com

Republic of Everyone is a consultancy dedicated to helping business and organisations communicate their green and sustainability credentials.

We work with NGOs, Government, big business and SME alike to ensure their genuine, verifiable green and sustainable messages are communicated as powerfully and believably as possible.

We help companies and organisations understand the role sustainability plays in driving business and we help them navigate the complexities of sustainability.

We assist in developing sustainability strategies, including the implementation of water, energy and waste minimisation and carbon management strategies.

We offer internal engagement strategies for the board, management team and employees to ensure that the sustainability strategy is clearly articulated, understood and acted upon, including sales training.

We translate the complexities of a company's sustainability and CSR strategy into easily understood and engaging messages that support brand positioning and help to sell products and services.

Optim Legal

www.optimlegal.com.au

Republic of Everyone has created Greenwash Buster in conjunction with specialist legal firm Optim Legal.

Described by the Australian Financial Review as a law firm 'based on the most innovative management thinking in the non-legal world', Optim Legal provides specialist legal services to innovative and sustainable business.

Further Reading

How to Greenwash: A guide or the cynical marketer by Republic
republicofeveryone.com/republications2

The Greenwash Guide by Futerra
futerra.co.uk/services/greenwash-guide

The Six Sins of Greenwashing by Terrachoice
sinsofgreenwashing.org

Turn Up The Heat: A Greenwashing critique by George Monbiot
turnuptheheat.org

Interested?

Call Matt Perry, Greenwash Buster on 8221 9506 or email him, matt@republicofeveryone.com