



Environmental Claims on Product Packaging:

French Packaging Council Views and Recommendations

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Acknowledgements

1. Summary

In September 2011, the CNE issued a position paper entitled "Environmental claims on product packaging"¹.

As a subsequent part of that position paper, the objective of the present document is to provide a framework for the drafting of environmental claims regarding any type of packaging. It thus contributes to the improvement of environmental claims through examples.

The CNE recalls that, in compliance with the law No. 2009-967 for programming the implementation of the Grenelle for the Environment, environmental information should focus on the global characteristics of the product/packaging couple.

The CNE delivers opinions based on examples and issues recommendations.

Through its recommendations, this document is meant to help drafting environmental claims, as a completion of the "Eco-design & Packaging Methodological Guide"² issued in April 2012.

¹ http://www.conseil-emballage.org/Img/Publications/76_2.pdf

² http://www.conseil-emballage.org/Img/Publications/85_1.pdf

2. Context

The CNE states below its position on environmental claims on all product packaging in order to:

1. Align practices in environmental information with what is required;
2. Avoid misleading consumers.

✓ In 2011, following the Grenelle laws and after economic actors took environmental challenges into account, environmental information statements were made on products, especially on their packaging.

✓ Tests in environmental labelling in 168 companies chosen by the French Ministry of Ecology, Sustainable Development, Transportation and Housing (MEDDTL in the French abbreviation)³ started on July, 1st 2011, which will provide:

- methods (reliability) and data (availability) necessary to ensure the robustness of the information,
- an adapted labelling format to ensure consumer understanding.

✓ The CNE is taking part in the work carried out by the ADEME/AFNOR platform, which aims to establish frames of reference for each market. The need for accuracy and clarity for environmental claims that target consumers led CNE's members to develop recommendations in order to improve informational honesty and relevance in communication.

✓ The CNE points out that law No. 2009-967 from August 3rd 2009, called Grenelle I, requires that "consumers must have accurate, objective and thorough environmental information regarding the overall product-packaging characteristics".

✓ The CNE points out that consumers buy packaged products, not empty packages. Numerous studies⁴ attest to a discrepancy between consumers' expectations in terms of packaging and their incomplete perception of the packaging's role. It is therefore essential to deliver proportionate disclosure in order to help them understand the crucial role of packaging.

✓ The French Ministry of Ecology, Sustainable Development, Transport and Housing (MEDDTL) and the French Consumer Council (CNC in French abbreviation) have written a guide⁵ enumerating about 15 expressions employed on consumer goods.

³ Ministère de l'Écologie, du Développement Durable, des Transports et du Logement (MEDDTL).

⁴ Study carried out by Credoc on <http://www.credoc.fr/pdf/4p/234.pdf>

Study carried out by Ethicity:

<http://www.blog-ethicity.net/share/File/WEB2012-Les%20français%20et%20la%20consommation%20responsable-02042012-02.pdf>

⁵ A practical guide to environmental claims for traders and consumers, MEDDTL/CNC.

The CNE points out that the relative proportion of the package in the various environmental impacts of both the product and its packaging throughout the overall life cycle (including the use of the product) varies according to environmental indicators and families of products, but is generally small. Readers are encouraged to refer to the document "Waste and loss prevention of mass-market products: The key role of packaging" for further information⁶.

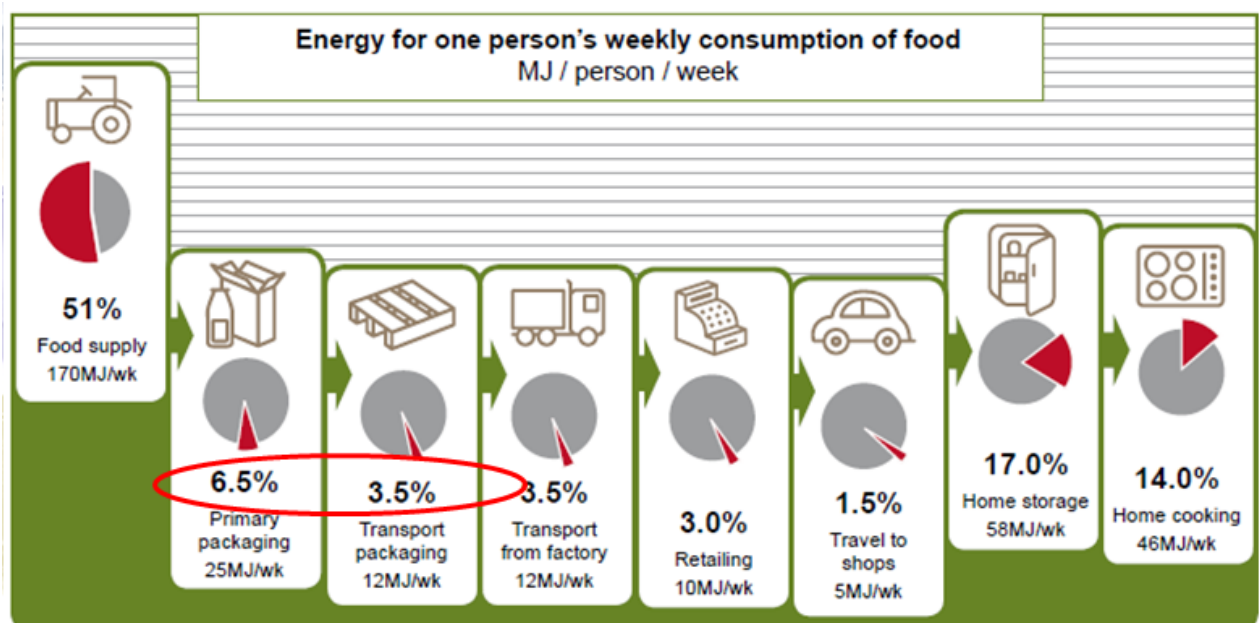
The following are two examples of the most studied and documented impacts:

✓ **Carbon content**⁷

Packaging is estimated to account for an average of 8% of the average shopping basket's carbon content, strongly varying in accordance with the product type (between 2-33%). It reaches 30% with liquid products (mineral water, carbonated and alcoholic beverages). It remains logically below the average for products with high carbon content (meat, housewares with a short lifespan, pet food).

✓ **Primary energy use**⁸

Considering the weekly average food consumption of the average UK inhabitant, the share of packaging-related primary energy consumption is around 10% (See diagram below). Upstream agricultural activities, home food storage (refrigeration and freezing) and home cooking are the most primary energy-consuming activities.



⁶ http://www.conseil-emballage.org/Img/Publications/74_2.pdf

⁷ Source: Le contenu carbone du panier de consommation courante, Observation et statistiques, CGDD N°121, April 2012 (French).

⁸ Source: A table for one, INCPEN, July 2009.

3. Objectives

The CNE wants to provide all economic players operating on French market and taking part in the packaging value chain, a framework for the drafting environmental claims, regarding either industrial or household packaging. The latter should be:

- **in compliance** with best practice regulations, standards, guides and charters;
- **fair** (accurate, objective and thorough);
- **understandable** for the consumer;
- **relevant**, coherent and proportionate.

Definition of household packaging

Is a household packaging, within the meaning of the article R. 543-55 of the French Environmental Code, a packaging:

- of a product sold or a product distributed free of charge to a household;
- that is placed on the market in order to use the product it contains by a household.

Household packaging becomes a waste product if the household disposes or intends to dispose of it, whatever the place of disposal.

Definition of industrial packaging

Packaging whose end user or end holder is not a household.

Definition of environmental claim⁹

Environmental claim is a term, either quantitative or qualitative, used to highlight a product's quality in terms of environmental protection. Numerous formats are suitable for these claims: the packaging of the product itself and/or every other kind of media (internet, press, television, etc.).

Some registered trademarks and elements such as pictograms, logos, etc. can be considered as environmental claims as well.

Understanding for the user and the consumer is essential: should the information be misleading because of its incompleteness or inaccuracy, it must be prohibited.

The CNE recalls that its Eco-design & Packaging Methodological Guide was edited in the context of its Environment plan. This guide is meant, as a preamble for any claim, to encourage the development of eco-friendly product packaging.

Nota bene

This document does not deal with **offsetting** operation: environmental offsetting being defined as a *'set of environmental actions to offset damage caused by a project's implementation that could not be avoided or contained'*¹⁰.

If necessary, the reader can refer to the amendment to the standard NF EN ISO 14021 passed in 2010, giving recommendations on offsets' disclosures.

Furthermore, carbon offsets are excluded from the ecological footprint analysis of any product in the repository of good practices¹¹ BPX30-323, defined by the ADEME/AFNOR.

⁹ A practical guide to environmental claims for traders and consumers, MEDDTL/CNC. The reader can also refer to the definition encompassed in the standard ISO 14021.

¹⁰ A practical guide to environmental claims for traders and consumers, MEDDTL/CNC.

¹¹ General principles on environmental labelling for widely consumer goods for France.

4. Regulations and standards

This chapter provides all the French, European and international regulations and standards in force, containing provisions on packaging and packaging waste, as well as on the drafting of environmental information.

Regulations

Europe

- ✓ European Union directive 2005/29/EC concerning unfair commercial practices.
- ✓ European Union directive 94/62/EC¹², revised, on packaging and packaging waste: Among others, it requires from companies and for each product on the market: **critical points must be identified** so that *"the packaging be so manufactured that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer"*.
- ✓ European Regulation REACH No 1907/2006/EC regarding substances restricted or authorised in articles for environmental reasons.

France

- ✓ Law No. 2009-967 of 3 August 2009 on programming for the implementation of the environmental law known as "Grenelle 1", more particularly the articles 46 and 54.
- ✓ Consumption Code (articles L121-1 to L121-15-4) can punish claims, especially of an environmental nature, should they be unfounded or untruthful. It also forbids and punishes misleading advertisement and commercial practices.
- ✓ Law No. 2010-788 of 12 July 2010 detailing the national commitment to the environment (Grenelle 2) includes (Article 228 – codified in Consumption Code):
 - Experimentation on consumer information, especially on the carbon equivalent value of both the product and its packaging (Art. L.112-10).
 - A regulation on environmental claims by a decree yet to be issued (Art. L.214-1).
- ✓ Law No. 2010-788 of 12 July 2010 detailing the national commitment to the environment (Grenelle 2) includes (Article 199 – codified in Article L.541-10-5 of the Environmental Code):
 - Harmonized sorting instructions for household packaging,
 - A common set of symbols informing customers about recyclable products subject to a system of Extended Producer Responsibility associated with waste sorting instructions.
- ✓ Decree No. 2012-291 of 29 February 2012 on harmonized sorting instructions for household packaging.

Other countries

- ✓ FTC¹³ Part 260 – Guides for the use of environmental marketing claims.

¹² Transposed into the French Environmental Code, articles R. 543-42 to R. 543-74.

¹³ FTC: Federal Trade Commission (USA).

Standards¹⁴ and repositories

- ✓ **NF EN ISO 14020** : “Environmental labels and declarations : General principles”: Principles¹⁵ of honesty, compliance with the free flow of goods, transparency, verifiability and the taking into account of the whole life cycle.
- ✓ **NF EN ISO 14021**: “Environmental labels and declarations - Self-declared environmental claims (Type II labelling)”.
- ✓ **NF EN ISO 14024**: “Environmental labels and declarations - Type I Environmental labelling (Ecolabels) - Principles and procedures”.
- ✓ **NF EN ISO 14025**: “Environmental labels and declarations - Type III Environmental declarations - Principles and procedures”.
- ✓ **Standards NF EN ISO 14040-14044**
The CNE points out that environmental impact assessments must be conducted through a complete life-cycle assessment (LCA). They are based on standardized tools (NF EN ISO 14040 and 14044) available for the companies. These assessments must be:
 - **Multi-step**: from extracting raw materials and generating resources to end-of-life management and final elimination, without leaving out production, transport and utilization phases.
 - **Multi-criteria**: greenhouse effect, water eutrophication, air acidification, biodiversity...
- ✓ **Repository of good practices BPX30-323 and associated sectoral repositories**: General principles on environmental labelling for widely consumer goods for France, and the related repositories organized by product categories.
- ✓ **European standards to satisfy the essential requirements laid down by the revised directive 94/62/CE**:
 - NF EN 13427: Requirements for Use of European Standards in the Field of Packaging and Packaging Waste,
 - NF EN 13428: Packaging - Requirements specific to manufacturing and composition - Prevention by source reduction,
 - NF EN 13429: Packaging - reuse,
 - NF EN 13430: Packaging - Requirements for packaging recoverable by material recycling,
 - NF EN 13431: Packaging - Requirements for packaging recoverable in the form of energy recovery, including specification of minimum inferior calorific value,
 - NF EN 13432: Packaging - Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for the final acceptance of packaging.

¹⁴ All standards are available on : <http://www.afnor.org/>

¹⁵ Source: Auto déclarations : la promotion environnementale des produits, AFNOR 2001, Nadia Boeglin/Philippe Wetterwald (French).

5. Best practices guides

Worldwide

- ✓ Chapter 9 of the Consolidated ICC Code¹⁶ on Advertising and Communication Practice.

Europe

- ✓ Guidelines for Making and Assessing Environmental Claims¹⁷.
- ✓ "Communicating environmental performance along the food chain"¹⁸- European Food Sustainable Consumption and Production (SCP) Round Table.

France

- ✓ "Eco-design & Packaging Methodological Guide" – CNE¹⁹.
- ✓ Application guide for complying with the compulsory packaging regulations – CNE²⁰.
- ✓ Anti-greenwashing guide – ADEME (French Environment and Energy Management Agency)²¹.
- ✓ ARPP's Sustainable Development recommendations (The ARPP -Autorité de Régulation Professionnelle de la Publicité- is the French advertising self-regulatory organization)²²: These ethical provisions, adopted by all the players in the advertising industry (advertisers, agencies, and media), apply to all advertisements aimed at consumers, regardless of the broadcasting medium or of the product/service concerned.
- ✓ Practical guide - Union Des Annonceurs (UDA – French Association of Advertisers)²³: "Communication responsable des entreprises : pour une relation de confiance avec les consommateurs" (Responsible corporate communication: for establishing and maintaining a relation of trust with consumers).
- ✓ Practical guide to environmental claims – French Ministry of Ecology, Sustainable Development and Energy/French Consumer Council²⁴.
- ✓ Household packaging waste sorting guide²⁵ - Eco-Emballages: A harmonized system of symbols giving clear and precise waste sorting instructions to the consumers.

Other countries

- ✓ "Green claims guidance" - United Kingdom Department for Environment, Food and Rural Affairs (DEFRA)²⁶.
- ✓ Environmental claims: A guide for industry and advertisers - Canadian Standards Association & Competition Bureau Canada²⁷.
- ✓ The Seven Sins of Greenwashing, TerraChoice²⁸.

¹⁶ Code of the International Chamber of Commerce.

¹⁷ Published by the European Commission in 2000.

¹⁸ http://www.food-scp.eu/files/ReportEnvComm_8Dec2011.pdf

¹⁹ http://www.conseil-emballage.org/Img/Publications/85_1.pdf

²⁰ http://www.conseil-emballage.org/Img/Publications/1_2.pdf

²¹ <http://antigreenwashing.ademe.fr/> (French)

²² <http://www.arpp-pub.org/IMG/pdf/RecoDDJuin09.pdf> (French)

²³ http://www.uda.fr/fileadmin/documents_pdf/publications_guides_pratiques/Guide_MedefUDA_Com_Resp_08072011.pdf (French)

²⁴ http://www.economie.gouv.fr/files/files/directions_services/dgccrf/documentation/publications/brochures/2012/Guide_allegat_env_iron_en_2012.pdf

²⁵ http://www.ecoemballages.fr/fileadmin/contribution/pdf/entreprises/guide_de_info_tri_point_vert_120726.pdf (French)

²⁶ <http://www.defra.gov.uk/publications/files/pb13453-green-claims-guidance.pdf>

²⁷ [http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/vwapi/guide-for-industry-and-advertisers-en.pdf/\\$FILE/guide-for-industry-and-advertisers-en.pdf](http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/vwapi/guide-for-industry-and-advertisers-en.pdf/$FILE/guide-for-industry-and-advertisers-en.pdf)

²⁸ <http://sinsofgreenwashing.org/>

6. CNE's basic rules

1. **Compliance with the current legislation requirements and best practices.**
2. The CNE recommends to refer to the **product as a whole, with its packaging**, in compliance with the Law n°2009-967 of August 3, 2009 (also called Grenelle I) stating that *"consumers should be able to access accurate, comprehensive and objective environmental information regarding the global characteristics of the product/packaging couple..."*
3. In the case of an environmental claim that only applies to packaging, the communication actions should be **well-proportioned**. In other words, it would be necessary to define precisely their scope (the packaging), and to moderate their to the consumers: a reduction of a certain order of magnitude in the packaging's environmental footprint should not explicitly or implicitly give the consumers the impression that it is the product/packaging couple as a whole that has been improved in the same order of magnitude.
4. **All environmental claims should be accurate, comprehensive and objective. They should be based on insightful information and the environmental benefits should be objectively proven.**

The following chapter discusses various illustrated practical examples of formulation of environmental claims relating to packaging.

The CNE remains at the disposal of all companies and stakeholders which may need help regarding the drafting of environmental claim on packaging.

The CNE points out that the advertiser is responsible for these claims and that under no circumstances may they state they have had their claims validated by the CNE.

The CNE cannot accept any mention of their claims' approval in corporate communication.

7. Practical examples and recommendations

Themes:

A. Packaging conception

1. Eco-design / Prevention by source reduction
2. Material substitution for a given packaging

B. Resources used to produce packaging

3. Origin of the resources
4. Recycled content
5. Absence of substance X

C. Information to the end user, to the consumer

6. Generalising claims
7. Symbols, labels, pictograms, logos

D. Packaging end-of-life

8. Recyclability
9. Degradability

Note:

The below examples written in green correspond to a proper wording of the environmental information.

Disclaimer:

Any similarity with an existing environmental claim is purely coincidental.

A. Packaging conception

1. ECO-DESIGN/PREVENTION BY SOURCE REDUCTION

Definition:

Eco-design is a corporate approach aiming at improving the ecological quality of a product - the reduction of its adverse impacts on the environment throughout its life cycle (extraction of raw materials, production, distribution, use, and end of life) - while maintaining its quality in use (same performance and/or efficiency)²⁹.

All the relevant environmental aspects and impacts related to the product life-cycle should have been taken into account. All eco-design claims should be explained³⁰.

As a preventive approach, designed to optimize the environmental performance of products, while maintaining their functional qualities, it provides genuine new opportunities for manufacturers, consumers and society as a whole.

*In order to maximize the environmental benefits from improved design, it may be necessary **to inform consumers about the environmental characteristics** and performance of products (...) and to advise them on how to use products in a manner which is environmentally friendly³¹.*

Examples:

Less x tons of packaging per year

Comments:

By comparing (before/after weight reduction) packaging made of the same material and for a same use value, the prevention by source reduction of packaging is done here in accordance with standard NF EN 13428.

Concentrated product: less x% of packaging material

Comments:

The percentage is calculated by reference to the former packaging.

The prevention by source reduction of packaging complies with standard NF EN 13428.

New eco-designed packaging (by weight reduction)

Comments:

The claim is misleading since it only applies to one indicator, the weight. As is, the economic player can only claim to have made packaging lighter by reducing its weight, whilst specifying this weight gain quantitatively.

As the eco-design element only comes down to prevention by source reduction, the expression eco-designed should not be used.

The CNE recalls that in April 2012 it issued an "Eco-design & Packaging Methodological Guide"³² to help companies eco-design their packed products (goods and/or services).

²⁹ Source: ADEME (French Environment and Energy Management Agency).

³⁰ A practical guide to environmental claims for traders and consumers, MEDDTL/CNC.

³¹ Excerpts from Directive 2009/125/EC of 21 October 2009, establishing a framework for the setting of ecodesign requirements for energy-related products.

³² http://www.conseil-emballage.org/Img/Publications/85_1.pdf

100% eco-designed products

Comments:

The claim is misleading since it suggests that all environmental impacts (100%) have been measured by life-cycle assessment for the development of these products and associated packaging.

Eco-designed packaging: x trees saved each year

Comments:

The claim is based on a preconceived notion: the common belief that trees are cut down to make cardboard for packaging is questionable, especially in Europe.

Indeed³³, the European paper industry that manufactures packaging use about 75% recycled pulp and 25% new pulp, the latter being made out of wood waste resulting from the forest natural development (70% of used volumes) and of timber waste (30% of its supply).

The packaging reduction (made from identical paper/cardboard) has an undeniable effect on the quantity of waste wood used but doesn't prevent tree cutting (for markets using timber) in any way, as it comes within forest harvesting for the manufacture of wood products.

CNE recommendations

- To proscribe the expressions "eco-design" and "eco-designed" when the creation or optimization action carried out merely complies with the legislation requirements.
- Not to use the expression "100% eco-designed" as the list of environmental impacts is not exhaustive.
- To avoid using images depicting the impacts, such as: trees, trucks, and so on.
- For all prevention by source reduction claims, to ensure that:
 - Comply with the standard NF EN 13428.
 - The consumer can understand the reach of the message.
 - The reduction percentages communicated must be significant (e.g. the value expressed in % should be higher than the uncertainties/margins of errors usually encountered for a given material)
 - Favour percentages (%) for any volume optimization.
- To respect the six key points from the CNE's "Eco-design & Packaging Methodological Guide"
 - 1/ Involve from the onset all stakeholders (internal and external) concerned by the product,
 - 2/ Integrate the use of eco-design products through the consumer,
 - 3/ Reflect on the whole packaging system to avoid any transfer of impact,
 - 4/ Optimize the packaging's weight and/or volume for a specified use of the product,
 - 5/ Optimize the use of natural resources during the manufacturing of packaging,
 - 6/ Take into account the packaging's end of life.

Note: From the moment that the six key points are respected and that robust LCAs are being conducted, the term "eco-designed" can be used.

³³ Source Procelpac.

2. MATERIAL SUBSTITUTION FOR A GIVEN PACKAGING

Economic players sometimes make material substitutions for a same packaging. This type of action usually leads to a lightening of the packaging.

Based on that observation, some market players make generic claims implying that this action on its own is beneficial to the environment.

The CNE recalls that the reasoning should be based on the complete life-cycle and that it is necessary to take the evolution of all major relevant impacts into account while preserving the product's use value.

Examples:

More environmentally friendly packaging (- 50% of material "x")

Comments:

The packaging mentioned here was a thermoformed tray made only of material "x" and was changed into a tray made of a combination of material "x" and material "y".

The association of the claim "more environmentally friendly packaging" with the claim «- 50% of material "x"» is misleading as the comparison of the packaging (before and after the preventive action) is calculated on the basis of different materials. The "more environmentally friendly" claim is only supported with a single indicator: weight.

My material: a particularly environmentally friendly packaging

Comments:

The claim is based on a comparison of packaging made from two materials of very different weight, and it is based on only two indicators (weight and carbon footprint).

The claim is too broad and does not include the complete packaging system, or the identical use value of the product by the end user, or the evolution of the other indicators (positive or negative).

CNE recommendations

- All communication that only relates to a lightening of the packaging should be done on the basis of a same material (NF EN 13428 standard: "prevention by source reduction of packaging"). The weight reduction achieved on a packaging by using different materials does not prejudice in any way the ecological relevance of this action. It is necessary to conduct a complete Life-Cycle Analysis to conclude on the environmental interest.
- To follow the three key points presented in the CNE's position paper of 18/09/2012³⁴ on the comparisons of environmental impacts of packaging made from different materials:
 1. Two packaging made from different materials can only be compared if the packaging deliver the **same value in use** to the consumer/user (same features and usage characteristics) for the packed product.
 2. The comparison can only be made from a **full multi-criteria LCA** that has been critically reviewed: a comparison on just one or two criteria is not representative of environmental impacts as a whole.
 3. A comparison where all examined impacts do not vary significantly in the same way (beyond error margins) **does not make conclusions possible**.
- To focus communication on the product/packaging couple.

³⁴ http://www.conseil-emballage.org/Img/Publications/93_3.pdf

B. Resources used to produce packaging

3. ORIGIN OF THE RESOURCES

The use of renewable resources can be a source of environmental claims.

Raw material of renewable origin can be defined as an animal or vegetable material whose renewal, with or without human intervention, quantitatively and qualitatively offset the natural disappearance and human use^{35 36}.

The renewable resource should be sustainably managed during the agricultural phase to give credible proof of environmental benefits³⁷: it must be ensured that the resource used to manufacture packaging does not compete with food production. The cultivation producing food crops coproducts or waste, or non-food resources intended to be used in the manufacture of packaging should follow the standards for sustainable agriculture in order to minimize the environmental impacts.

Examples:

By using FSC-certified cardboard, the brand X supports sustainable forest management

Comments:

This claim applies to paper- or cardboard-based packaging. It denotes the certification, by an organization, of a sustainably managed forest. (There is also a PEFC label).

The certification number should appear next to this term or the certification logo.

Plant-based bottle (x %)

Comments:

The claim "plant-based" draws on the renewable nature of the resource. The quantification in percentage should be accompanied with the method used, a method recognized by the market players and the competent organizations (e.g. the ASTM D6866 carbon 14 method).

Nota: Work is ongoing to standardize the method used to measure a product's or a material's bio-based content. The amendment of the standard NF EN ISO 14021 incorporates provisions on the use of the term "renewable", to which the reader could refer for more details.

This claim can be used if the % of plant material is significant.

Plant bottle

Comments:

The claim "plant bottle" is vague. The consumer could rightfully wonder how can a bottle belong to the plant kingdom.

³⁵ A practical guide to environmental claims for traders and consumers, MEDDTL/CNC.

³⁶ Plastiques végétaux : fiche technique ADEME - February 2012: <http://www2.ademe.fr/servlet/KBaseShow?sort=-1&cid=96&m=3&catid=23212> (French).

³⁷ CNE's position paper: Emballages compostables & matériaux plastiques dits "biodégradables" issus de ressources renouvelables - October 2009 (French).

Contains up to 30% plant material

Comments:

The words "up to" can be confusing for consumers: it can suggest that the company has a high degree of autonomy on the announced percentage. In reality, the expression "up to" is the only robust one, as the industrial reality (distribution loss and process used) doesn't make it possible to mention a specific rate.

The CNE suggests another wording in the following recommendations: to prefer the expression "contains at least xx% plant material".

CNE recommendations

- To specify (for the renewable materials used to make the plastics):
 - The component of packaging concerned by the use of a renewable resource,
 - The nature of the renewable material,
 - The percentage of renewable material,
 - The percentage should conform to the following rules:
 - It should be justified by mentioning the measure method used,
 - It is calculated and released by the company under its sole responsibility,
 - The method of calculation should be readily available to all consumers,
 - The percentage should be significant, i.e. higher than the uncertainties usually encountered for the given data. For example, if the degree of uncertainty is +/- 10%, a rate of 5% will not be significant, whereas a rate of 15% will.
- To prefer the wording "contains at least xx% plant material".

4. RECYCLED CONTENT

The use of claims promoting the use of recycled material in packaging should be explained in order to identify what positive environmental impact is concerned (lower use of non-renewable resources, closing loop of material flow, etc.). This information will be readily accessible to the consumer/user on any other medium (e.g. website,...).

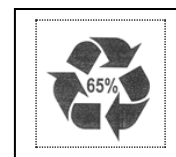
Definition:

The proportion (by weight) of recycled material in a packaging.

Symbol:

The Möbius loop³⁸ (optional use). This symbol, in the shape of three twisted chasing arrows forming a triangle, is subject to certain design requirements. It should be explicitly associated to either the product or its packaging. To avoid any risk of confusion, it must be accompanied by an explanatory statement.

If used to denote recycled content, the percentage of recycled material must appear at the centre of the Möbius loop.



Examples:

The packaging tray contains at least x% of recycled materials

Comments:

The claim is concise, and it is quantified: the consumer knows which component of packaging is concerned. The nature of the material should be specified.

Bottle made of at least 25% recycled plastic material

Comments:

The claim is precise and quantified; the percentage is high enough to make the claim relevant.

Packaging made from recycled plastic material

Comments:

The claim is vague: it does not include any figure stating the percentage of recycled plastic material.

CNE recommendations

- As the themes "recycled content" and "recyclable" (see page 21) can be confusing for consumers, it is recommended to be as explicit as possible. If the company wished to communicate on both matters, the CNE recommends separating clearly both pieces of information.
- If using the Möbius loop symbol, it is recommended that it have to be accompanied by a statement explaining its meaning to consumers/users.
- To specify the nature and the proportion of recycled material, and to indicate clearly if the information concerns the packaging or the product.
- The claim will be more relevant if the rate of recycled material used will be higher than the average rate of the considered material loop.

³⁸ Excerpt from the ISO standard 14021 (Article 7).

5. ABSENCE OF SUBSTANCE X («x free»)

This claim³⁹ is often used to assure consumers of the absence of a substance identified as being likely to present a danger or a risk to their health or to the environment. It should not be the main selling characteristic of the product, but provide consumers additional information.

This claim is to be used with caution because it may tend to denigrate certain substances without:

- Competent authorities haven't forbidden their use.
- The implemented substitution material (of the substance X by a substance Y) systematically presents advantage for either environment or health.

These claims are misleading if:

- The considered packaging has never contained the said substance, or never will.
- Use of the mentioned substance is prohibited by products/packaging regulations.
- The mentioned substance has been replaced by another substance whose impacts on human health and/or the environment have not been documented.
- The considered substance has not been formally characterized as likely to present a danger or risk to health or the environment.

Examples:

0 % Bisphenol A

Comments:

A flexible bag can bear this claim without the consumer really knowing if Bisphenol A was ever contained in it. This claim cannot be used as a differentiation from other economic players that use the same type of packaging; it can only be used as information.

Packaged product X guaranteed without: phenoxyethanol, parabens, dyes, phthalates

Comments:

An advertisement refers to a packaged product which guarantees absence of these substances: it is difficult for consumers to know if the claim relates to the product and/or to the packaging.

CNE recommendations

- CNE recommends great caution in the use of such claims: they must be relevant, robust and unambiguous.
- The eventual benefits for environment and/or for health should be proven true and significant.

³⁹ A practical guide to environmental claims for traders and consumers, MEDDTL/CNC.

C. Information to the end user, to the consumer

6. GENERALISING CLAIM

The CNE brings the NF EN ISO 14021 standard to your attention:

"Environmental declarations that are vague or inaccurate or that generally imply that a product is beneficial or harmless from an environmental point of view should be avoided. Therefore, environmental declarations such as "environmentally-friendly", "respectful of the environment", "respectful of the planet", "non-polluting", "green", etc. must not be used. "

Examples:

Packaging X : made from an eco-material

Comments :

This claim is vague because the prefix "eco" does not guarantee that the use of the material, for this packaging, is better in terms of environment impacts.

The ecological revolution

Comments:

This claim is misleading because the combination of "ecological" and "revolution" is devoid of any strong figures (lack of any argumentation). The prefix "eco" does not provide any guarantee.

100% environmentally friendly

Comments:

This claim is misleading because it cannot be justified: it deceives the consumer into thinking the packaging has no negative impact on the environment. Any product has an impact on the environment at different stages of its life cycle.

Leading packaging in sustainable development

Comments:

The claim is false because sustainable development is a concept that is based on three pillars (economic, social and environmental). Sustainable development is made of the strategies or steps taken by companies, and is not related to products or packaging. Also, suggesting that one type of packaging could be better than others by using the term "leading" is irrelevant.

Packaging Y = Responsible planet

Comments:

The claim is vague because it associates packaging to the concept/idea of corporate responsibility towards the planet.

CNE recommendations

The use of such claims must comply with the NF EN ISO 14021 standard, and must in any event be based on the ARPP document and on the definitions of the MEDDLT/CNC guide. The following information must thus be included:

- A proportionate statement to relativize the claim,
- The element on which the claim bears: a component, the product or the packaging.
- Explanations concerning the main environmental features with any other appropriate means (web site).

7. SYMBOLS, LABELS, PICTOGRAMS, LOGOS

Environmental information is sometimes given to the end user, the consumer, through signs, symbols, labels or logos. These signs are subject to the same rules as any environmental information.

Also, signs⁴⁰, symbols, logos or self-defining pictograms can only be used if their origin is clearly indicated, and if there is no risk of confusion as to their meaning. The logos of associations, foundations or any other organization must not be used to establish an abusive link between the engaged partnership and the presented properties of the product or with the actions presented.

These signs should indicate exactly what the claim refers to (packaging and/or packaged product).

CNE recommendations

- The logos, pictograms and private self-reported signs, even if they are registered trademarks, should avoid any resemblance to certified independent third-party signs.
- The logos, pictograms, and private self-reported signs must not cause confusion among consumers regarding the environmental virtues of the packaging simply because they are displayed near the logos of institutional entities acting for sustainable development.
- To focus communication on the product/packaging couple.

⁴⁰ Excerpts from the ARPP's sustainable development recommendations.

D. Packaging end-of-life

8. RECYCLABILITY

Recyclable :

Definition according to the NF EN ISO 14021 standard:

" A characteristic of goods, packaging or associated component that can be diverted from the waste stream through available processes and programs and can be collected, processed and returned to use in the form of raw materials or goods."

Note: *"Collection, sorting and supply systems that enable to transfer of the materials from the source to the recycling facility are readily available for a reasonable portion of the potential purchasers of the product."*

NF EN 13430⁴¹ standard requirements:

*"Make sure that the materials or combination of materials used in the design of packaging are compatible with **industrially known, available, and relevant recycling techniques [...]**.*

Note - The development and commercialization of new materials and packaging systems, which usually provide functional and environmental benefits, may precede the introduction of appropriate recycling processes."

Paragraph R543-47 of the environmental code:

"The packaging that comply with the harmonized European standards whose references have been published in the Official Journal of the French Republic or, failing that, with the French norms or with the norms of another Member State of the European Community, which are recognized by the Commission of the European Communities, whose references have been published in the Official Journal of the French Republic, are deemed to comply with the provisions of Articles R. 543-44⁴² and R. 543-45⁴³."

Compliance with the European standard NF EN 13430 gives presumption of conformity with the legislation in force.

Representation symbol:

The Mobius loop (see definition p17):

Optional use to specify recyclability: lone symbol, without percentage in the middle.

Illustration :



⁴¹ NF EN 13430 standard on packaging recoverable by material recycling: Appendix A § 3.1.

⁴² Article about essential requirements.

⁴³ Article about the heavy metals concentration.

Examples:

Recyclable bottle

Comments :

This bottle, made of PET material, is actually recyclable as described in the NF EN ISO 14021 standard.

Recyclable tray

Comments:

The claim posted on a plastic tray is erroneous because, to date, this packaging cannot be recyclable under the NF EN ISO 14021 standard due to the lack of a collection system at the national level.

100 % recyclable

Comments:

The claim posted on a flexible plastic bag with a cap is erroneous because, to date, this packaging cannot be recyclable under the NF EN ISO 14021 standard due to the lack of a collection system at the national level.

Bag made of fully recyclable material (PEBD)

Comments:

This claim is misleading because the information concerns the material composing the bag, when it is the bag itself that needs to possess the announced property. To date, plastic bags are not recyclable under the NF EN ISO 14021 standard due to the lack of a collection system at the national level.

CNE recommendations

- To comply with the recycling rules and definitions developed by the NF EN ISO 14021 and NF EN 13430 standards.
- Do not use the concept of percentage (e.g. 100%) affixed to the notion of « recyclable »; a product either is recyclable, or is not.
- When using the Mobius loop icon, the NF EN 14021 standard must be respected and a text explaining its signification to the consumer or to the user (in particular the existence of an end-of-life facilities for the packaging).

Note

This claim may come with information on how packaging is sorted in France. For example, an information, called "Info-tri Point Vert"⁴⁴, was developed for household packaging by Eco-Emballages.

Should there be any questions about the recyclability of a household packaging; economic actors are encouraged to seek advice from all expert institution in the concerned field (CEREC, COTREP, Eco-Emballages...).

⁴⁴ http://www.ecoemballages.fr/fileadmin/contribution/pdf/entreprises/guide_de_info_tri_point_vert_120726.pdf

9. DEGRADABILITY

Degradability

Definition according to the NF EN ISO 14021 standard:

Characteristic of a product or packaging that allows it to decompose under specific conditions and up to a certain point in a given time.

Biodegradability/compostability

Definition according to the NF EN 13432 standard on the requirements for packaging recoverable through composting and biodegradation:

"A material is deemed biodegradable if it can be decomposed by the action of micro-organisms (bacteria, fungi, algae ...): the result is the formation of water, CO2 and/or methane, and possibly sub-products (residues, new biomass) that are not toxic to the environment."

Biodegradability⁴⁵ is assessed by taking into account both the degree of decomposition of a substance, and the time required to obtain this decomposition.

In all cases, the words "Do not dispose of it improperly" should be clearly indicated.

In addition, it is recommended to communicate the conditions under which the products are biodegradable or compostable.

Oxo biodegradability⁴⁶

A new category of packaging has recently been developed: plastics called "oxo-degradable", "oxo-biodegradable" or "oxo-fragmentable". These new types of packaging are made from polymers to which oxidizing mineral additives are added, encouraging their degradation into smaller pieces (that may even be invisible to the naked eye). Generally used for short-lived products (shopping bags, packaging ...), these plastics can be fragmented under certain conditions (light, heat ...), but are not biodegradable according to the NF EN 13432 standard. They may even have a negative impact on the environment through the accumulation of residues.

⁴⁵ A practical guide to environmental claims for traders and consumers, MEDDTL/CNC.

⁴⁶ Plastiques biodégradables : fiche technique - ADEME - février 2012 : <http://www2.ademe.fr/servlet/KBaseShow?sort=-1&cid=96&m=3&catid=20266>

Plastiques végétaux : <http://www2.ademe.fr/servlet/KBaseShow?sort=-1&cid=96&m=3&catid=23212> (French)

Examples:

Biodegradable packaging in accordance with the NF EN 13432 standard

Comments:

You cannot claim that packaging is biodegradable if no reference is made to the NF EN 13432 norm. This claim must be accompanied by the mention "Do not dispose of it improperly".

100% degradable bag

Comments:

This claim is incomplete and may lead to the user/the consumer disposing of it improperly; this information does not make it clear how to manage the bag's end of life.

Packaging in biodegradable material

Comments:

This claim, which focuses on the material that composes the packaging, is misleading because – according to experts- this material is not biodegradable under the NF EN 13432 standard.

CNE recommendations

- To prohibit the use of the claim "degradable" with no other precisions, as it is too vague, counter-productive and unsupported.
- To use the claim "biodegradable" to describe a packaging⁴⁷ only if:
 - The standard NF EN 13432 is respected,
 - A chain and appropriate treatment facilities exist,
 - The mention "do not dispose of it improperly" is clearly indicated on communication spaces.
- To prohibit any reference to the notion of 100%.
- To provide information on the conditions under which the products are biodegradable or compostable, to help the consumer after use.

⁴⁷ CNE's position paper: Emballages compostables & matériaux plastiques dits "biodégradables" issus de ressources renouvelables - October 2009.

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