

# European Politics and Society

Master thesis

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## Mitigating Greenwashing Practices in the Fashion Industry: Assessing the Effectiveness of the New EU Green Claims Directive A Case Study of Primark

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## Abstract

Greenwashing, a prevalent phenomenon within the fashion industry, continues to pose significant challenges. Recognising the severity of this problem, the European Union (EU) has emphasised the need to safeguard consumers against misleading practices. This thesis critically analyses the impact of the EU's initiative to regulate greenwashing practices and evaluate the effectiveness of the New Green Claims Directive in the context of the fashion industry. By adopting a consumer perspective, this research explores the Directive's coverage of greenwashing practices and assesses its real-world efficacy. Employing a comprehensive approach, this study examines the implementation of the Directive through a case study of Primark's sustainability claims. Scrutinising the company's practices, it sheds light on the greenwashing tactics that the Directive may have overlooked. Through this examination, the research seeks to contribute to the existing literature by assessing the effectiveness of green claims and the potential impact of the EU Green Claims Directives. The findings of this study underscore the significance of the fashion industry's lack of stable regulations in combatting greenwashing. The analysis reveals the complexities associated with regulating misleading practices and highlights the need for more robust measures. By uncovering the limitations of the current Directive, this research aims to inform consumers, policymakers, and researchers about the challenges and opportunities in developing effective strategies and policies to combat greenwashing and foster sustainability within the European fashion industry.

Key Words: Greenwashing, fashion industry, European Union, consumer perspective, New Green Claims Directive, sustainability claims, regulation, Primark, effectiveness, strategies, policies.

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## 1. Introduction

The fashion sector represents the production of 1.2 billion tons of greenhouse gases, 0.5 million tons of microplastics in the sea, 132 million tons of coal, 9 billion cubic metres of water, and the use of a quarter of the world's toxic chemicals.<sup>1</sup> Worldwide, policies and regulatory programs are being developed to address sustainability concerns. To address this issue, in 2022, the European Union (EU) introduced “a Ban on Greenwashing and Planned Obsolescence”.<sup>2</sup> The EU’s Justice Commissioner, Didier Reynders, emphasised the importance of changing consumer behaviours to meet the objectives set out in the European Green Deal. He also acknowledged that “it can be difficult for consumers to know how to contribute to tackling climate change”. Therefore, it is agreed that “consumers need to be better equipped to make sustainable choices and protected from misleading practices”.<sup>3</sup> To address this issue, the European Commission first proposed an initiative called “Empowering the Consumer for the Green Transition”, which amends two existing Directives: the Unfair Commercial Practices Directive (Directive 2005/29/EC) and the Consumer Rights Directive (Directive 2011/83/EU). The proposal also includes a ban on “greenwashing” and “planned obsolescence” by prohibiting sellers from making generic environmental claims without proper demonstration of ecological performance and banning the display of voluntary sustainability labels that are not based on third-party verification or recognised by a public body.<sup>4</sup>

In March 2023, the European Commission introduced a proposal for a Directive on the substantiation and communication of explicit environmental claims, commonly known as the Green Claims Directive.<sup>5</sup> This Directive aims to establish minimum requirements for environmental claims to combat greenwashing and prevent the dissemination of misleading information. The introduction of this regulatory framework for environmental claims aligns with the objectives of the European Green Deal, which recognises the importance of reliable, comparable, and verifiable information in enabling consumers to make informed sustainable choices while reducing the chance of deceptive practices.<sup>6</sup> In addition to the proposal for a

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<sup>1</sup> Peleg Mizrahi & Tal, 2022

<sup>2</sup> *Circular Economy: Commission proposes new consumer rights*, 2022

<sup>3</sup> *Brussels targets greenwashing, planned obsolescence in new EU consumer rules*, 2022

<sup>4</sup> *Brussels targets greenwashing, planned obsolescence in new EU consumer rules*, 2022

<sup>5</sup> *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Substantiation and Communication of Explicit Environmental Claims (Green Claims Directive)*, 2023

<sup>6</sup> Carreño, 2023

Directive amending the Directives 2005/29/EC and 2011/83/EU mentioned above, the Green Claims Directive seeks to establish a comprehensive regulatory framework for all environmental claims.

Therefore, this thesis aims to analyse the impact of the EU initiative to regulate greenwashing practices and evaluate its effectiveness in the fashion industry. The fashion industry extensively employs greenwashing, which involves the deceptive act of promoting false or misleading assertions about the environmental benefits of a product or service. In response to the widely-used practice of greenwashing in the fashion industry, this study will aim to evaluate the impact of the EU initiative to regulate these practices. It will assess the effectiveness of the New Green Claims Directive's regulation, as outlined in the central research question: "How effective would be the EU Proposal for a New Green Claims Directive for Substantiating Green Claims in the Fashion Industry?".

Despite existing literature having done extensive research on the concept of greenwashing and its regulation, as well as the phenomenon of greenwashing in the fashion industry and sustainable fashion, there is a gap in the literature when it comes to an understanding of the regulation of greenwashing specifically in the European fashion industry. Furthermore, the proposal for the Green Claims Directive is relatively new and consequently lacks the existing literature to determine whether or not the regulation is effective or would be effective in mitigating greenwashing practices, and more specifically in the fashion industry.

This research seeks to address these gaps by analysing the impact of the EU's recent initiative to regulate greenwashing practices and evaluating its potential regulating ability in the fashion industry through a single-case study. This study employs a mixed-methods approach, containing a comprehensive analysis of the EU New Green Claims Directive and a qualitative case study focusing on Primark's sustainability claims. Through a consumer perspective, the research investigates the consumer's engagement when purchasing products which hold or state sustainable claims. By doing so, it provides an examination of the Directive's ability in addressing greenwashing practices and estimates its effectiveness within a real-world situation.

This paper tries to make a contribution to the existing literature by conducting a comprehensive analysis of the effectiveness of green claims and the potential impact of the EU Green Claims Directives in regulating greenwashing in the fashion industry in the EU. By addressing existing gaps in the literature, this research attempts to enhance the understanding

of the implementation of sustainable practices in the fashion industry. The findings of this study hold significance for consumers, policymakers, and researchers, as they try to provide insights in the development of effective strategies and policies that combat greenwashing and foster sustainability within the European Union and its fashion industry.

This study will be structured as follows. The following section will provide an overview of the existing literature on greenwashing practices, which will be followed by a brief history of the concept of “greenwashing” and its genesis. Then, the research design will be presented, where the methodology will be explained and the case selection will be established. The latter will clarify the materials used and the parameters overseeing the research process. The following section will set the results and provide an overview of the most central articles of the Directive, accompanied by a more in-depth analysis of the green claims through the case study.

The last section will consist of a discussion of the results and any conclusions that will follow from these results.

## 2. Literature review

The following section will provide an overview of the literature on greenwashing practices. Firstly, an outline on the existing literature on greenwashing practices will be detailed. Then, an overview of the history of greenwashing regulations will be delivered.

### 2.1 Existing Literature on Greenwashing Practices

In the Cambridge Dictionary, Greenwashing is defined as a “behaviour or activit[y] that make[s] people believe that a company is doing more to protect the environment than it really is”. In the academic literature, the most commonly accepted definition of greenwashing is the practice of “making false or misleading claims about a product or service's environmental benefits”. This definition is often attributed to the environmental activist Jay Westerveld, who first used the term in a 1986 essay.<sup>7</sup> The definition has been further developed and refined by various scholars. However, the basic concept of making false or misleading claims about a product or service's environmental benefits remains at the core of the definition. Additionally,

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<sup>7</sup> Becker-Olsen & Potucek, 2013

some studies have proposed the concept of "executional greenwashing", which is the use of nature-evoking elements in advertisements to enhance a brand's ecological image excessively.<sup>8</sup>

The concept of greenwashing appeared in the literature in the 1990s. In 1996, Greer and Bruno studied and published the marketing attitudes of twenty major companies regarding their environmental intentions and behaviours. This represents the "first attempt at introducing the complex concept of unaccountable behaviour in the corporate greening era."<sup>9</sup> The increasing desire for a more environmentally friendly society and economy has prompted companies to adopt "green marketing tactics" in order to enhance their reputation and demonstrate their commitment to social responsibility to consumers. However, this rise in "green" products and practices has also led to the emergence of "greenwashing," which is characterised by a company's inadequate environmental performance and misleading or exaggerated communication about their environmental performance.<sup>10</sup>

The literature about greenwashing has evolved over time, with three distinct stages which can be identified: the initial stage of "establishment" (2003-2010), a period of "innovation and experimentation" (2011-2015), and a more recent period of "significant expansion" (2016-2023). Throughout this progression, research on Corporate Social Responsibility (CSR) has significantly grown, encompassing various areas such as managing stakeholders, marketing and communication, and auditing.<sup>11</sup> The concept of corporate social responsibility (CSR) is commonly defined as "a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis".<sup>12</sup>

According to de Freitas Netto, companies must be "sustainable and socially responsible, not just economically" in order to truly integrate social and environmental concerns.<sup>13</sup> This highlights the importance of a comprehensive and holistic approach for companies to measure their practices. Economic operations must be balanced with social and

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<sup>8</sup> Parguel et al., 2015

<sup>9</sup> Rizzello, 2022

<sup>10</sup> de Freitas Netto et al., 2020

<sup>11</sup> Montero-Navarro et al., 2021

<sup>12</sup> COM(2001) 366 final, 2001

<sup>13</sup> de Freitas Netto et al., 2020



environmental considerations to achieve the actual integration of sustainable and socially responsible practices.

In addition, the concept of Environmental, Social and Governance (ESG) has emerged in connection with the problem of “greenhouse gases”.<sup>14</sup> It refers to a set of criteria used to assess the sustainability and social responsibility of companies, organisations and investment funds. While both ESG and CSR refer to a company's responsibilities beyond its financial performance, they are not exactly the same thing. CSR bears a more business approach, which additionally involves taking impactful actions towards society and the environment. It is generally focused on the internal operations of a company and its impacts on the immediate environment, society and stakeholders.<sup>15</sup> ESG is a broader concept which, as stated in the name, includes environmental, social and governance factors which can impact a company's financial performance. The focus is on the long-term sustainability of a company and its effects on society and the environment.<sup>16</sup>

In a sense, ESG can be seen as an evolution of CSR, incorporating a broader and more comprehensive approach in consideration of the responsibilities of businesses beyond their operations. However, both are relevant, and companies use them as a framework for considering their social and environmental impact.<sup>17</sup>

There are different typologies of greenwashing, such as “claim greenwashing” and “executional greenwashing”. The former refers to when a product or service uses textual arguments to falsely advertise the ecological benefits of a product. The latter refers to when a company uses nature-evoking elements to create a perception of the brand falsely being “green”.<sup>18</sup> The latter has been developed by Parguel, Benoit-Moreau and Russel in 2015, who noticed a gap in the previous research on greenwashing.<sup>19</sup> The authors noted that in 1991, Kangun, Carlson, and Grove distinguished three categories of greenwashing: “false claims”, “omission of important information”, and use of “vague or ambiguous terms”. Additionally, they highlighted that Carlson, Grove and Kangun (1993) defined greenwashing as the “use of trivial, misleading or deceptive environmental claims”.

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<sup>14</sup> Jinga, 2021

<sup>15</sup> Tokoro, 2007

<sup>16</sup> Jinga, 2021

<sup>17</sup> MacNeil & Esser, 2022

<sup>18</sup> de Freitas Netto et al., 2020

<sup>19</sup> Parguel et al., 2015

Later in 2007, a study by the non-governmental organisation TerraChoice developed further the typology of greenwashing practices. This study highlighted several ways in which companies can make false or misleading environmental claims. In order to provide a comprehensive examination of the phenomenon of greenwashing, TerraChoice Environmental Marketing Inc. conducted a study of six leading “big box stores”. The study aimed to identify and measure the frequency of greenwashing practices by surveying a sample of consumer products that bear 1,753 environmental claims. Upon examination of the 1,018 products analysed, it was determined that almost all of them, but one, made claims that were either false or had the potential to mislead their intended audiences. The study results led to the identification of six distinct patterns of greenwashing, which have been subsequently referred to as the "Six Sins of Greenwashing".<sup>20</sup>

According to TerraChoice, one way to distinguish greenwashing is first to check for the sin of hidden trade-offs, where a company promotes one environmentally friendly aspect of a product while ignoring another or other less environmentally-friendly aspect. An example given is office equipment that displays its energy efficiency but does not address the hazardous materials used in its production or its compatibility with recycled paper or cartridges. Another way companies can mislead is by making claims that cannot be easily fact-checked with accessible information (No Proof) or by providing vague or poorly defined claims that are likely to be misunderstood (Vagueness). Claims that are true but unimportant or unhelpful for consumers seeking environmentally friendly products are also discussed as misleading (Irrelevance). The study also mentions examples of claims that are true within a product category but are made to distract from more significant environmental impacts of the category as a whole (Lesser of Two Evils). The text also calls out companies that make false environmental claims (Fibbing).<sup>21</sup> Two years later, TerraChoice added a seventh sin and mentioned companies which use misleading certifications and misleading labels to give the appearance of eco-friendliness when no such certification exists.<sup>22</sup> The seven sins of TerraChoice will be used further in this paper to recognise greenwashing patterns in sustainable claims.

Another marketing agency named Futerra released a guideline in 2008 to recognise greenwashing, which they called "The Ten Signs of Greenwashing". These signs include the

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<sup>20</sup> TerraChoice, 2007

<sup>21</sup> TerraChoice, 2007

<sup>22</sup> Zanasi et al., 2017

use of vague and ambiguous language such as "eco-friendly", promoting environmentally friendly products while the company practices are not, utilising imagery that gives a false impression of environmental responsibility, making claims that are not relevant to the product's overall impact, falsely claiming to be the best in the industry, using complex language and information that is difficult for the average person to understand or verify, creating a false sense of third-party endorsement, failing to provide evidence for environmental claims, and outright lying about a product's environmental benefits.<sup>23</sup>

Enterprises engage in greenwashing for various reasons. For examples, improving financial performance, cultivating a positive brand's image, or gaining a competitive edge. However, these actions can yield adverse effects on consumers. These consequences involve increased consumer scepticism and perceived risk, which, in turn, detrimentally influence green brand equity and purchase intentions. Additionally, greenwashing can undermine the credibility and market value of enterprises, particularly those committed to environmentalism. Furthermore, it can hinder public involvement in addressing environmental concerns at a societal level.<sup>24</sup>

Furthermore, greenwashing undermines the potential environmental advantages that arise from the market for environmentally-friendly products by allowing companies to evade accountability for their environmental claims and neglect the development of genuinely sustainable products and practices. Instead, their focus shifts solely towards competing for a share in the green market through advertising and promotional activities.<sup>25</sup> Consequently, the role of government regulations becomes indispensable in preventing greenwashing.

Sun and Zhang conducted a study in 2019 which examined the role of government regulations in the context of companies engaging in greenwashing, thereby contributing to the existing body of research on strategies to mitigate greenwashing practices and highlighting the significance of government regulations in addressing this issue. According to the authors, the term "greenwashing" encompasses various deceptive tactics employed by companies in their propaganda, communication practices, and environmental claims related to products and services. Governmental regulations, through the enactment of laws, rules, and policies by relevant agencies, use public power to regulate and monitor the practices of businesses to counteract greenwashing.<sup>26</sup>

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<sup>23</sup> Futerra, 2008

<sup>24</sup> Sun & Zhang, 2019

<sup>25</sup> Feinstein, 2012

<sup>26</sup> Sun & Zhang, 2019

The authors build on previous literature on greenwashing, which suggests that government regulations play a central role in reducing greenwashing practices, particularly in relation to “green supply chain management and [...] corporate social responsibility.”<sup>27</sup>

This study explores the necessity of government regulation in controlling and mitigating the prevalence of greenwashing practices employed by companies. The authors argue that without effective government regulation, it is challenging to adequately address and control the deceptive behaviours of greenwashing. The government is identified as playing a key role in tackling this issue through implementing penalties and tax subsidies. Sun and Zhang reveal that the penalties imposed should be “substantial enough” to outweigh the potential benefits derived from greenwashing for it to be actually effective.

An illustrative example of government action is seen in the enactment of the "Climate and Resilience Law" in France in July 2021. This legislation recognises greenwashing as a deceptive business practice and imposes very strict penalties, including imprisonment for up to two years and fines amounting to 80% of the cost of the greenwashing advertising campaign. Such measures represent one of the most rigorous regulatory approaches worldwide in combating greenwashing. Parguel and Johnson argue that this legislation may indicate a tendency to rely more on state regulation rather than self-regulation to address the issue.<sup>28</sup>

Sun and Zhang argue that it is through the application of government sanction mechanisms that the behaviours associated with greenwashing can be effectively controlled, thereby ensuring the sustainable development of green innovation.<sup>29</sup>

Existing regulations of greenwashing generally vary per country.<sup>30</sup> Most importantly, there is a strong distinction between developed countries and developing countries. In the former, when the governments have important environmental awareness, the level of regulations is higher than in developing countries. “There are none or poor regulations in developing countries even though the mass population does have any or poor concerns about environmental care”.<sup>31</sup>

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<sup>27</sup> Sun & Zhang 2019

<sup>28</sup> Parguel & Johnson, 2021

<sup>29</sup> Sun & Zhang, 2019

<sup>30</sup> Delmas & Burbano, 2011

<sup>31</sup> de Freitas Netto et al., 2020

The existing research examining greenwashing regulations suggests a lack of government oversight in this area. Benito reports that political leaders in many developed countries have yet to take adequate action to effectively tackle this issue.<sup>32</sup> As a result, policymakers must rely heavily on voluntary measures undertaken by companies to moderate their environmental impact. However, previous studies have demonstrated that solely relying on voluntary actions may not generate significant improvements<sup>33</sup> and could even be regarded as a manifestation of "greenwashing" itself.<sup>34</sup>

Ironically, some of the proposed solutions to combat greenwashing can be interpreted as forms of greenwashing in their own right. Parguel and Johnson assert that the aforementioned 2021 French anti-greenwashing law can be seen as another manifestation of greenwashing, as it may create the appearance of addressing the issue without fundamentally challenging the underlying neoliberal agenda.<sup>35</sup>

The current research suggests that greenwashing is a significant problem with negative consequences that must be addressed. The EU has some effective regulations in certain areas, such as using chemicals in cosmetics and green investments.

In regards to cosmetics, Riccolo compares the regulations in place in the US and the EU and the regulation of products being sold as 'green' when they, in fact, contain hazardous chemicals for consumers and for the environment.<sup>36</sup> The author suggests that the US system should get inspired by the European model. Rizzello also notes that the EU has a more comprehensive framework for detecting and preventing greenwashing in green investments, with solutions primarily focusing on alignment tools but varying depending on the specific sector.<sup>37</sup>

An alternative to government regulation could be the self-regulation of companies. Self-regulation is, as its name entails, the independent regulation of a legal entity without the enforcement of clear obligations or rules. However, this practice often finds to be a subject of debate. Supporters believe that it constitutes a suitable alternative to government regulation, as it is believed to be more effective, flexible, and able to address government failures.<sup>38</sup>

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<sup>32</sup> Benito et al., 2023; *The Political Impact of the Sustainable Development Goals*, 2022

<sup>33</sup> LeBaron & Lister, 2022

<sup>34</sup> Kolcava, 2022

<sup>35</sup> Parguel & Johnson, 2021

<sup>36</sup> Riccolo, n.d.

<sup>37</sup> Rizzello, 2022

<sup>38</sup> van de Staaij, 2008

Additionally, it is argued that self-regulation can allow private parties to address issues that may be beyond the reach of governments due to national borders or international agreements for example. However, opponents of this practice say that self-regulation is weak, ineffective, and serves private interests rather than the public interest. The roles of different societal actors have shifted, with companies and NGOs taking on more responsibility for new issues, while Western governments' involvement have diminished.<sup>39</sup> They explore other options for ensuring sustainable behaviour by companies, including leaving matters to market players or civil society, regulation by governments, or collaboration between societal actors. Therefore, more and more companies have turned to self-regulation. One way to do so is by adopting international standards and voluntary measures such as corporate codes of conduct or certification schemes. The use of certification is said to be an effective tool for regulation.<sup>40</sup> There are several categories of self-regulating instruments. A way to self-regulate greenwashing is with a certification system, which falls into the “informing instrument” category. “Certification is the (voluntary) assessment and approval by an (accredited) party on an (accredited) standard”.<sup>41</sup> This accredited party “is usually an independent, reliable, expert third party”, called a certifier or certification body.<sup>42</sup>

Now that the existing literature on greenwashing practices have been introduced, the following section will focus on showcasing a brief history of greenwashing regulations which have been implemented in the past in the EU.

## 2.2 History of Greenwashing regulations

The European Commission (EC), in an attempt to protect consumers and to promote the green transition, has proposed updates to the Union's Consumer legislation in March 2022, Then, the EU adopted another proposal which complements the changes to the Unfair Commercial Practices Directive.<sup>43</sup> In March 2023, the EC proposed the second part of the package against Greenwashing, the new Green Claims Directive. The proposed Green Claims Directive aims to address the challenges associated with the “proliferation of different labels

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<sup>39</sup> van de Staaij, 2008

<sup>40</sup> van de Staaij, 2008

<sup>41</sup> Meuwissen et al., 2003

<sup>42</sup> van de Staaij, 2008

<sup>43</sup> *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Substantiation and Communication of Explicit Environmental Claims (Green Claims Directive)*, 2023

and calculation methods in the market”, which hinders the chance of “consumers, businesses, investors, and stakeholders” to determine the trustworthiness of environmental claims.<sup>44</sup>

Recital 1 of the Directive acknowledges this issue, highlighting the need for a standardised approach. This study focuses on these recent developments, although previous attempts have also been made to regulate green claims and greenwashing by the EU and the EEC.

One notable initiative was the introduction of the "Eco-Management and Audit Scheme" (EMAS) in 1992. EMAS is a “voluntary environmental management” tool that enables companies and organisations to assess, communicate, and improve environmental performance.<sup>45</sup> Its primary aim is to “encourage sustainable consumption by providing environmental information”.<sup>46</sup> It covers various aspects such as waste, energy, water, and emissions, enabling organisations to identify areas for improvement and implement measures to reduce their environmental impact.<sup>47</sup> It is important to note that EMAS does not explicitly target greenwashing in the fashion industry, but it can help fashion measure more accurately, as well as report and verify their environmental performance data. While this increases companies’ transparency and accountability, the EMAS’ primarily focuses being improving the environmental performance of organisations rather than regulating their marketing and advertising practices, it does not directly address the accuracy of environmental claims.

Regulatory efforts to address misleading environmental claims were introduced in 2000 with the development of the 'Green Claims Guidelines' by the European Commission.<sup>48</sup> These guidelines, revised in 2010 and 2018, provide principles for businesses to follow when making environmental claims, emphasising the importance of clear and specific language, discouraging vague or unsubstantiated claims, and encouraging the provision of evidence to support claims while cautioning against potential misinterpretation or misleading statements. Although these guidelines are not legally binding, they offer valuable guidance on various environmental issues, such as energy use, water consumption, and carbon emissions.<sup>49</sup>

In recent years, additional regulatory initiatives have been introduced to enhance transparency and consistency in disclosing environmental, social, and governance (ESG)

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<sup>44</sup> *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Substantiation and Communication of Explicit Environmental Claims (Green Claims Directive) 2023*

<sup>45</sup> *Eco-Management and Audit Scheme (EMAS), 2023*

<sup>46</sup> *Eco-Management and Audit Scheme (EMAS), 2023*

<sup>47</sup> *How does EMAS work?* n.d.

<sup>48</sup> Bergkamp, 2002

<sup>49</sup> Bergkamp, 2002

factors, focusing on sustainable finance. The Sustainable Finance Disclosure Regulation (SFDR), enacted by the European Union in 2021, aims to redirect capital towards sustainable investments and foster a more sustainable economy.<sup>50</sup> The SFDR plays a crucial role in combatting greenwashing by preventing financial market participants from making misleading claims about their products or investments' environmental or social impact.<sup>51</sup> Financial market participants are required to disclose how they integrate ESG factors into their investment decisions, align their investments with sustainability objectives, and manage sustainability risks, providing investors with valuable information for informed decision-making.<sup>52</sup> Non-compliance or providing false or misleading information may result in reputational damage and legal penalties.<sup>53</sup> However, it is essential to note that while the SFDR effectively regulates greenwashing in the financial industry, its applicability to the fashion industry is limited, given its primary focus on the investment sector.

In March 2022, the European Commission proposed the Sustainable Products Initiative (SPI) as part of the Circular Economy Action Plan (CEAP) and the European Green Deal.<sup>54</sup> The SPI is a framework regulation aimed at promoting circularity within the EU's single market and updating the framework for regulating product-related environmental claims.<sup>55</sup> It seeks to reduce the environmental impact of products across their entire life cycle by promoting eco-friendly materials, reducing hazardous substances, and improving durability and repairability.<sup>56</sup>

As part of the European Green Deal, a package of proposals was presented in March 2022 to promote sustainable products, circular business models and empower consumers for the green transition.<sup>57</sup> These proposals aim to move towards a circular economy, reduce energy and resource dependencies, increase resilience, and protect nature and public health.<sup>58</sup>

One of the proposals is the 'Proposal for a Regulation on Ecodesign for Sustainable Products'.<sup>59</sup> It sets new requirements for product design to enhance durability, reusability, repairability, and energy efficiency. The introduction of Digital Product Passports is also

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<sup>50</sup> *Overview of sustainable finance*, 2021

<sup>51</sup> Cremasco & Boni, 2022

<sup>52</sup> Cremasco & Boni, 2022

<sup>53</sup> Shaw, 2023

<sup>54</sup> Popescu & Tedesco, 2022

<sup>55</sup> Popescu & Tedesco, 2022

<sup>56</sup> Popescu & Tedesco, 2022

<sup>57</sup> *New proposals to make sustainable products the norm*, 2022.

<sup>58</sup> *New proposals to make sustainable products the norm*, 2022.

<sup>59</sup> *Sustainable product policy & ecodesign*, 2022.



proposed for better product tracking and to reduce the destruction of unsold consumer goods. The EU has also introduced the "Ecodesign and Energy Labelling Working Plan 2022-2024" to cover new energy-related products and increase ambition for existing regulated products. This plan includes measures to reduce energy consumption, improve energy efficiency, and promote using renewable energy sources.

The EU has also proposed the EU Strategy for Sustainable and Circular Textiles. This strategy aims to make the textile industry a more durable sector, to promote more recyclable textiles, and produced in a manner that respects social rights and the environment. It includes ecodesign requirements, more transparent information, and a mandatory extended producer responsibility scheme. Furthermore, the EU is revising the Construction Products Regulation to boost the internal market for construction products and align the regulatory framework with sustainability and climate objectives.<sup>60</sup> The proposed changes promote the use of sustainable construction products and require manufacturers to provide clear information on the environmental impact of their products. To empower consumers in the green transition, the EU has introduced various measures, including labelling schemes, consumer education programs, and enforcement mechanisms to ensure accurate and transparent environmental claims by companies.

The EU's broader efforts to transitioning to a more sustainable economy can be observed through these proposals and initiatives. By promoting sustainable practices and consumer protection, the EU aims to address environmental and social trends in textiles or products construction industries.<sup>61</sup>

However, despite these proactive measures, recent findings from the European Union indicate that more than 40% of environmental claims made by companies are misleading or false.<sup>62</sup> This alarming statistic highlights the pressing need for further action and stricter regulations in combating greenwashing practices.

### 3. Research design

The research design for this study involves a mixed-methods approach, combining a comprehensive analysis of the EU New Green Claims Directive with a qualitative case study

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<sup>60</sup> *Revision of the Construction Products Regulation* n.d.

<sup>61</sup> Popescu & Tedesco, 2022

<sup>62</sup> *SWD(2022) 85 final*, 2022

of Primark's sustainability claims. This design allows for a multifaceted examination of the Directive's coverage of greenwashing practices and its effectiveness in a real-world context.

The first component of the research design involves a comprehensive analysis of the EU New Green Claims Directive, which will be conducted through a systematic review of articles and provisions within the Directive. Specific inclusion and exclusion criteria have been established to ensure a rigorous and focused analysis. Through a qualitative examination, this study aims to gain a comprehensive understanding of the Directive's content, its alignment with the best-known greenwashing practices, highlighted by TerraChoice and explained in the previous chapter, and its potential to mitigate deceptive sustainability claims.

The inclusion criteria are based on carefully examining the Seven Greenwashing Sins established by the study by TerraChoice done in 2007, and updated in 2009 (Table 1).

<b>Sins of Greenwashing</b>	Description
<b>Hidden Trade-Offs</b>	Marketing one environmentally friendly aspect of a product while disregarding other negative aspects.
<b>No Proof</b>	Making claims that are difficult to verify or providing insufficient evidence to support claims.
<b>Vagueness</b>	Using unclear or poorly defined claims that may lead to misunderstandings among consumers.
<b>Irrelevance</b>	Making true claims but insignificant or unhelpful for consumers seeking eco-friendly products.
<b>Lesser of Two Evils</b>	Highlighting the environmentally friendly aspects within a product category while diverting attention from more substantial environmental impacts of the category.
<b>Fibbing</b>	Making false environmental claims with the intention to deceive consumers.
<b>Misleading Certifications and Labels</b>	Utilising deceptive certifications and labels to create the impression of environmental friendliness, even when no legitimate certification exists.

Table 1. The Seven Sins of Greenwashing as identified by TerraChoice in 2009.

These criteria are used to identify articles that have the potential to address greenwashing practices within the fashion industry. Through a process of evaluation guided by the established greenwashing sins, articles that demonstrate the potential to provide valuable insights into deceptive sustainability claims and the mitigation of greenwashing are included in the analysis.

By employing the comprehensive framework provided by TerraChoice, the selection process ensures a focused approach in identifying articles most relevant to the research objective of assessing the effectiveness of the EU New Green Claims Directive. This approach allows for the analysis of articles that are likely to contribute to the understanding of greenwashing practices in the fashion industry and the Directive's potential to address them. The inclusion criteria provide a systematic and targeted approach to select articles that align with the identified greenwashing sins, ensuring a comprehensive evaluation of the Directive's capacity to mitigate deceptive sustainability claims and regulate greenwashing practices in the fashion industry.

The exclusion criteria aim to identify articles not specifically focused on greenwashing practices but relevant to the EU New Green Claims Directive's process and context. These articles may cover aspects such as the legal framework, administrative procedures, or other related factors without directly addressing greenwashing in the fashion industry. This approach ensures that the analysis focuses on articles that directly tackle greenwashing while acknowledging the significance of other articles in providing a holistic view of the Directive's scope and application.

### 3.1 Case Selection

The second component of the research design entails a qualitative case study focusing on Primark's sustainability claims. Prominent fashion retailer Primark is the case study company for this research.

Primark was selected as the case study due to its significant presence and influence in the fashion industry. As one of the largest fashion brands in Europe, Primark's sustainability practices and claims substantially has an impact on the sector and thus, justify closer examination. By analysing Primark's sustainability efforts, this study aims to provide insights into the challenges and opportunities a large fashion brand faces in achieving sustainability

goals and avoiding greenwashing practices.

Another crucial factor in choosing Primark is the availability and reliability of data. Primark is a well-established and prominent brand with comprehensive documentation and information on its sustainability practices. This abundance of data ensures a more robust analysis and provides a thorough understanding of Primark's sustainability initiatives.

Furthermore, by focusing on a single case study, this research allows for an in-depth exploration of Primark's specific sustainability practices, challenges, and potential areas for improvement. This concentrated approach enhances the accuracy and specificity of the findings, providing a detailed examination of sustainability practices within a well-documented context.

Considering these factors, Primark emerges as a suitable and compelling subject for this study. The analysis of Primark's sustainability practices will contribute to the academic understanding of the fashion sector's attempt at sustainability, and provide valuable insights that can inform future sustainability strategies within the fashion industry. This qualitative approach allows for an in-depth exploration of Primark's sustainability claims, examining the alignment of their claims with the EU New Green Claims Directive and the potential presence of greenwashing practices. Data will be collected from various sources, including Primark's official website, retail labels found on clothing items sold in stores, and sustainability reports conducted by other organisations.

The sampling strategy employed in this study utilises a non-probability sampling method, specifically purposive sampling. This selection approach was deemed most suitable due to the research objective of "gaining an in-depth, idiographic understanding rather than seeking a more general, nomothetic understanding".<sup>63</sup> The selection of a non-probability sampling method, specifically purposive sampling, was deemed appropriate to align with the research objective.

The selection criteria for this case study consisted of a purposive-selection approach, used to include various sustainability claims found in stores. This was to ensure a diverse range of claims and their respective sustainability assessment, as well as a real-life simulation exercise. Additionally, it includes some of Primark's significant sustainable initiatives prominently presented on the company's official website, which are also branded in stores.

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<sup>63</sup> DeCarlo, 2018; Xydia & Cole-Wright, 2019.

The data collection process involved the examination of retail labels and signs obtained from a single Primark store located in The Hague, Netherlands in January 2023.

The specific brand chosen for analysis being Primark, there will be a particular emphasis on the Primark Cares collection, which is positioned as their designated sustainable program or collection. This decision was made to concentrate on a specific case study and gather comprehensive information regarding Primark's sustainability claims.

### 3.2 Data Collection

Through a purposive sampling approach, clothing items from the Primark Cares collection were carefully selected for examination. This deliberate sampling strategy aimed to capture a variety of sustainability-related claims and information embedded in the retail labels.

During the visit to the Primark store, a thorough examination of the retail labels was conducted. Each label was carefully inspected to identify and document relevant sustainability claims, such as eco-friendly materials, ethical sourcing practices, or environmental certifications associated with the Primark Cares collection. This study selected four articles of clothing—comprising two tops and two bottoms—intending to represent a typical purchasing scenario where a customer seeks to acquire two complete outfits. Two of these articles held similar claims, and thus, they were merged into a single category (claim 2). The choice of these specific garments was made to facilitate the evaluation of Primark's greenwashing practices. Additionally, an in-store sign was selected to widen the scope of the study to a real-life scenario.

It is essential to acknowledge the limitations inherent in the data collection approach, including focusing on a single store in only one Member State of the EU. This selection was guided by the principle of Mutual Recognition of Goods within the Single Market, i.e. the principle that products sold within the European Union's single market can be considered equivalent throughout the region.<sup>64</sup> Additionally, Primark being a fast-fashion brand, it is reasonable to assume that collections and clothes, and more importantly, sustainability claims, do not differ from a store to another, or a European Member State to another.

By providing a comprehensive overview of the data collection process, including the rationale for focusing on a single store and the justification for brand selection, the research design demonstrates a rigorous approach to data gathering. This approach ensures

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<sup>64</sup> *Mutual recognition of goods* n.d.

transparency, enabling understanding of the context and scope of the data collected from the retail labels obtained from the Primark store in The Hague, Netherlands.

The selection criteria of the sustainability claims were established to gain meaningful insights into Primark's sustainability. Using a consumer perspective, the study analyses the effectiveness of green claims and the potential impact of the EU Green Claims Directive. It aids identifying the gap between consumer sustainability's expectations and the reality of these claims in the fashion industry. By using a consumer perspective, this study attempts to incorporate the consumers' experience and perspective into the research, following the perception of a hypothetical consumer who would be purchasing products based on their sustainable characteristic. This perspective allows to determine potential greenwashing and help conducting the research. It also highlights the importance of transparency and accurate information for consumer decision-making.

The simultaneous analysis of the EU Green Claims Directive and of the Primark Claims allows for the assessment of whether the provisions and guidelines outlined in the Directive would have helped prevent or mitigate the consumers' experience of greenwashing. This comparison provides insights into the potential impact of the Directive on protecting consumers and fostering more truthful and transparent sustainability claims in the fashion industry. This research design combines a consumer perspective, an assessment of green claims, and an evaluation of the Directive's effectiveness. Therefore, it contributes to the existing knowledge and understanding of greenwashing practices and regulatory measures in the fashion industry.

The deliberate inclusion of these pre-selected cases allows for assessing the effectiveness of the EU New Green Claims Directive within real-world contexts, which constitutes the central aim of this thesis. By focusing on sustainability claims that require further scrutiny and evaluation, the chosen cases provide a representative sample that is conducive to examining the Directive's implementation and its ability to address instances of greenwashing effectively. This approach ensures that the sampling criteria align with scholarly standards and contribute to the understanding of greenwashing practices in the fashion industry. More specifically, the combination of a comprehensive analysis of the EU New Green Claims Directive with a qualitative case study of Primark's sustainability claims, helps this research to provide a holistic understanding of the Directive's impact on greenwashing practices in the fashion industry. It enables an in-depth examination of both the regulatory framework and

real-world application, contributing to evaluating the Directive's effectiveness in promoting transparency and combating greenwashing.

The qualitative data collected from the analysis of the EU New Green Claims Directive and the case study of Primark's sustainability claims will be analysed using a descriptive approach. This method involves carefully reviewing and summarising the information gathered from both sources to gain a comprehensive understanding of the research questions. The descriptive analysis will provide a straightforward and accessible means of interpreting the findings, with a clear and concise presentation of the data. This approach allows for a straightforward interpretation of the collected information and facilitates the exploration of the Directive's impact on greenwashing practices.

The qualitative data collected from both the Directive and the case study analysis will be analysed using thematic analysis techniques. Themes and patterns related to greenwashing practices, Directive coverage, and the effectiveness of the Directive in addressing greenwashing will be identified.

By adopting a descriptive analysis method, this research design aims to provide a simple yet effective means of understanding the EU New Green Claims Directive's role in promoting transparency and combating greenwashing in the fashion industry. The findings obtained through this approach will contribute to evaluating the Directive's effectiveness in achieving its objectives.

#### 4. Analysis and findings

The following section will provide an detailed analysis of the study. It first will present the case study's findings, then will go over the New Green Claims Directive's relevant articles, showcase the link to the Sins of Greenwashing (as seen in Table 3) and attempt to present a real-life example of a sustainability claim in the fashion industry. This section will assess if the Directive could or could have not have an impact on the claim, and thus potentially, on the consumer's choice.

## 4.1 Case study

### 4.1.1. Case subject

This case study will focus on the multinational clothing company, Primark.

Primark is a clothing retailer headquartered in Dublin, Ireland. They primarily sell affordable fashion clothing, footwear, accessories, and home goods. Primark follows a fast-fashion business model, offering trendy and inexpensive products to consumers. In terms of sales and earnings, Primark is a significant player in the fashion industry. In the financial year 2020, they reported net sales of €9 billion (£7.8 billion) and €421 million (£362 million) in operating profit.<sup>65</sup>

The initial Primark store was established in Dublin in 1969, originally known as Penney's. Thanks to its early achievements, the company expanded its presence in other countries. Presently, Primark operates around 400 stores, spanning 14 countries across Europe and beyond. Locations include but are not limited to, the United Kingdom, the Republic of Ireland (where it still operates as 'Penneys'), Portugal, France, Poland, Slovenia, the Czech Republic, and even the United States.<sup>66</sup> Furthermore, Primark maintains an extensive network of supplier factories worldwide, primarily concentrated in Asian regions.<sup>67</sup>

Since its establishment in 1969, the company has experienced consistent growth in its market presence and financial performance. Despite facing criticism regarding working conditions in countries with a high risk of labour rights infringements, where its garments are usually produced, Primark has maintained its market position. The company remains committed to providing customers with especially low-priced trendy clothing, solidifying its position as a leader in the value market and setting it apart from its competitors.<sup>68</sup>

Primark operates its business by employing certain strategies that contribute to its unique approach in the retail industry. One of the key elements is its pricing strategy. Primark is well-known for offering affordable fashion items at significantly lower prices than its competitors. This is achieved through a combination of factors. According to Primark, this is thanks to cost-effective sourcing, efficient supply chain management, and economies of scale.<sup>69</sup> By streamlining its operations and minimising expenses, Primark says it is able to

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<sup>65</sup> Smith, 2022

<sup>66</sup> *About Us | Primark*, 2023

<sup>67</sup> Smith, 2022

<sup>68</sup> Rohim, 2016; Ross & Harradine, 2010

<sup>69</sup> Xydia & Cole-Wright, 2019.



offer products at lower prices “without compromising on style and trends”.<sup>70</sup> Primark says its size and scale allow them to “make the changes that are needed to become more sustainable by working with [their] suppliers, without changing [their] affordable prices”.<sup>71</sup>

A significant aspect of Primark's business model is its focus on cost reduction. Primark's business model, characterised by the absence of advertising and online shopping, is a strategic approach to maintain low overhead costs. By avoiding extensive advertising campaigns and investing in physical store locations, Primark is able to allocate its resources towards delivering cost-effective products to customers.<sup>72</sup>

According to the same author, Primark's cost-effective marketing strategy contributes to its operational efficiency and competitive advantage. Unlike its counterparts, such as H&M, Primark allocates minimal resources, approximately 4% of total sales, towards marketing initiatives, relying instead on alternative means to reach its target audience (ibid). By prioritising low advertising expenses, Primark reduces its overhead costs, enabling the company to offer competitive prices to customers.

Additionally, Primark's choice of store locations plays a significant role in its cost savings. The brand strategically establishes its outlets in out-of-town malls where rental costs are comparatively lower.<sup>73</sup> This approach allows Primark to maintain favourable profit margins while providing ample space for its extensive product range. Notably, Primark's stores are significantly larger than its competitors, averaging nearly six times the size of Inditex-operated stores.<sup>74</sup> These spacious retail environments attract customers and encourage them to explore and consume more clothing. As a result, Primark achieves remarkable sales productivity, surpassing competitors like H&M in terms of items sold per square meter of shop space.<sup>75</sup> According to Schumpeter, the appeal of Primark's affordable prices and diverse product selection is evident as customers frequently accumulate significant quantities of items during their shopping trips. These factors collectively contribute to Primark's success as a cost-efficient retailer with a strong customer base.

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<sup>70</sup> Xydia & Cole-Wright n.d.

<sup>71</sup> *FAQs | Primark Cares (UK)*, 2023.

<sup>72</sup> Schumpeter, 2021

<sup>73</sup> Schumpeter, 2021

<sup>74</sup> Schumpeter, 2021

<sup>75</sup> Schumpeter, 2021

While the aforementioned factors provide an official account of Primark's cost-effective business model, it is essential to acknowledge the existence of suspicions and factual evidence that suggest underlying and realistic reasons for the company's low pricing strategy. Criticisms regarding Primark's reliance on cheap labour remain,<sup>76</sup> as well as fast-fashion's utilisation of low-quality materials<sup>77</sup> may hold suspicions about the potential negative impact on both labour conditions and environmental sustainability.

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<sup>76</sup> Islam, 2023; Strähle, 2015.

<sup>77</sup> Aishwariya, 2019

Name	Type	Claim
Claim 1	Retail Label	Made using sustainable cotton
Claim 2	Retail Label	Made using sustainable fibres
Claim 3	Glossary	More sustainable materials
Claim 4	Retail Label	Made using at least 50% of Cotton from our Sustainable Cotton Program

Table 2. Green claims collected in Primark Store and Online (QR Code on Store signs).

#### 4.1.2. Overview of the case study

This section will provide an overview of each of the claims, with the apparent greenwashing sin they represent. It will try to critically examine the claim, highlighting its potential for misleading consumers.

##### **Claim 1. “Made using sustainable cotton”**

The claim made by Primark on the retail label of jeans (Figure 4), stating that these are "made using sustainable cotton," requires some analysis to determine its validity. The retail label indicates that the jeans are “made using sustainable cotton”. The care label shows that it contains 67% cotton, 27% polyester, 3% viscose, and 3% elastane. The retail label contains the first claim that a consumer sees. Based on Primark’s business model discussed above, it is reasonable to believe that this will be the only label the consumer will look for when purchasing a product. Therefore, when buying this pair of jeans, the consumer might believe they are made of a 100% sustainable cotton. This addresses the need for transparency regarding the proportion of sustainable cotton used and the omission of other non-cotton fibres, which may affect the overall sustainability of the jeans.

Additionally, the term "sustainable cotton" used in Primark's claim lacks clear criteria or standards by which the sustainability of the cotton is evaluated. Without a specific reference point, such as regular cotton or conventional practices, it can be challenging to assess the true sustainability of the cotton used in the jeans. This vagueness contributes to consumer confusion and hinders their ability to make informed choices. Additionally, the care labels on the jeans do not provide any additional information regarding the percentage of sustainable cotton and the non-sustainable cotton which were used. This lack of transparency raises concerns about the significance of the claim. Consumers are left unaware of the actual

quantity of sustainable cotton employed in the manufacturing process. The absence of this crucial information makes it difficult to evaluate the extent to which Primark's jeans align with sustainable practices. Consequently, doubts arise regarding the claim's credibility and the company's commitment to sustainability.

The absence of specific data regarding the proportion of sustainable cotton used in the jeans gives rise to suspicions of the sin of Lack of Proof. Without verifiable evidence or certification, the claim may be seen as baseless or insufficiently supported. Consumers are left questioning the legitimacy of Primark's sustainability claims, as they are unable to substantiate the actual environmental impact of the jeans.

As mentioned above, Primark's claim also fails to address the presence of other non-cotton fibres in the jeans, particularly synthetic fibres. Synthetic fibres, often blended with cotton, have known environmental impacts that should be considered when evaluating the overall sustainability of the product. The absence of any mention or acknowledgment of these synthetic fibres on the retail label contributes to the sin of Hidden Trade-Offs, as Primark highlights the sustainable aspect of cotton while disregarding the potential environmental implications of other materials used in the jeans.

### **Claim 2. “Made using sustainable fibres”**

The claim made by Primark, stating the use of “sustainable fibres” on the retail label of a women's clothing, raises concerns about its clarity, accuracy, and holds potential for greenwashing. This argument critically examines the claim, highlighting the lack of specific information and ambiguity surrounding the term "sustainable fibres." Additionally, the presence of non-sustainable fibres in the garment, such as nylon, is assessed, along with its environmental impacts. Furthermore, the report by Remarke.world<sup>78</sup> regarding Primark's climate change efforts is discussed to evaluate the company's commitment to improving the sustainability of its clothing, notably in their production.

Similar to the previously discussed claim, the claim that it is “made using sustainable fibres” lacks specific information, such as the specific percentage of sustainable fibres used in the cardigan. Again, the lack of transparency raises concerns about potential greenwashing practices and Primark’s credibility. Moreover, the term "sustainable fibres" remains ambiguous, lacking clear definitions or measurable criteria to assess the sustainability of

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<sup>78</sup> *Primark Sustainability Report (2023) - Brand Directory by Remake, 2023*

these fibres. The lack of specific information and clarity hinders consumers' ability to make informed decisions and evaluate the true sustainability of the garment.

Upon examination of the composition label of the cardigan, it is revealed that it contains 87% viscose and 18% nylon. While the claim emphasises the use of sustainable fibres, it fails to address the presence and sustainability considerations of less sustainable fibres, such as nylon. This raises questions about Primark's commitment to sustainable practices and the validity of the claim. In fact, Nylon is a synthetic fibre classified as polyamide, which has significant environmental implications.<sup>79</sup> It is not biodegradable and persists in landfills for extended periods of time.<sup>80</sup> The production of nylon relies on fossil fuels, including coal and petroleum,<sup>81</sup> which contribute to greenhouse gas emissions and climate change.<sup>82</sup> The manufacturing process of nylon also requires substantial water usage and is energy-intensive, leading to environmental contamination, pollution, and exacerbating global warming.<sup>83</sup> It is therefore possible to say that nylon is not only not a sustainable fibre, but a quite harming one too. It highlights the need for transparency and scrutiny when claiming the use of sustainable fibres, because labelling this garment as sustainable could be considered as suspicion of greenwashing.

Therefore, Primark's claim of producing clothing “made using sustainable fibres” raises concerns related to the sins of Hidden Trade-Off, No Proof, and Vagueness. The lack of transparency, specific information, definitions, and supporting evidence contribute to the potential misleading nature of the claim. Consumers are left uncertain about the true sustainability credentials of the fibres used in the garment, compromising their ability to make informed choices.

### **Claim 3. “More sustainable fibres”**

In-store, a sign was placed showcasing a QR code with a direct link to the Primark Cares’ ‘glossary’.<sup>84</sup> It is reasonable to assume that a consumer would be able to do a quick search on their smartphone for more information on Primark's environmental claim, and that this information could be easily accessed by the consumer on the Internet. Thus, this could be

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<sup>79</sup> Textile Exchange, 2022

<sup>80</sup> Uren, 2020

<sup>81</sup> Uren, 2020

<sup>82</sup> *Nylon*, n.d.

<sup>83</sup> Uren, 2020

<sup>84</sup> *What fibres are Primark cares products made of?*, n.d.

seen as a transparent and efficient attempt to prove the claims made on retail label of the clothes. It could possibly hinder the chances of these claims being labelled as greenwashing, specifically for the sin of Lack of Proof. However, the lack of clarity and transparency surrounding the claim of using sustainable fibres is further accentuated by the glossary provided on Primark's website. The glossary fails to define "sustainable fibres" as a specific claim, further exacerbating the ambiguity. Although it mentions "more sustainable fibres," it merely defines them as fibres for which "efforts have been made to reduce environmental impact". As no further information is provided, this definition lacks concrete evidence, measurable criteria, or further clarification.

By defining sustainable fibres as those for which efforts have been made to reduce environmental impact, Primark's glossary falls short of providing consumers with substantial proof or certification of the sustainability credentials of the fibres used in the clothing. This claim could be identified as the greenwashing sins of Vagueness and Lack of Proof. The vagueness and lack of specific information contribute to consumer uncertainty and may mislead them into believing they are making an environmentally conscious choice when purchasing the garment.

#### **Claim 4. "Clothing made of at least 50% of cotton sourced from Primark Sustainable Cotton Program".**

The Primark Sustainable Cotton Program is the company's initiative to promote sustainable cotton production. Launched in 2013, the program is designed to educate and train cotton farmers in adopting more sustainable farming methods, with the aim of mitigating environmental impact and improving the livelihoods of these farmers.<sup>85</sup> Primark provides a brief overview on its website of the key factors contributing to the sustainability of cotton sourced through the program. These factors include reduced water consumption, decreased use of pesticides and fertilisers, and provision of training and support to farmers.<sup>86</sup>

The claim for this garment requires further inspection. On the one hand, it represents an improvement compared to Claim 1, "made using sustainable cotton", as it addresses two key issues. Firstly, it addresses the criticism raised earlier regarding the lack of specificity in the previous claim, which failed to provide information on the proportion of sustainable cotton used. In contrast, the current claim specifies that a minimum of 50% of the total cotton used

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<sup>85</sup> *Sustainable Cotton Programme | Primark Cares (UK)*, n.d.

<sup>86</sup> *Sustainable Cotton Programme | Primark Cares (UK)*, n.d.

in the product is sourced from the Primark Sustainable Cotton Program. This level of specificity is beneficial as it provides consumers with a clearer understanding of the sustainability aspect associated with the cotton used in the garment. Secondly, the previous claim was deemed vague and potentially misleading due to its lack of explanation or justification regarding the meaning of "sustainable cotton." In contrast, the updated claim offers more specific information by referencing the Primark Sustainable Cotton Program directly. This additional detail allows consumers to gain a better understanding of the initiative and its objectives. This enables them to make more informed in-store purchasing decisions.

This demonstrates a positive first step in Primark's anti-greenwashing efforts. Nonetheless, it is important to critically assess the credibility and effectiveness of the Primark Sustainable Cotton Program to determine the true extent of its sustainability impact.

According to Pinnock, although the Sustainable Cotton Program incorporates techniques inspired by organic cotton farming, it is important to note that the cotton sourced through this program is not certified as organic or more sustainable by any independent or third-party organisation.<sup>87</sup> Pinnock further highlights that while the initial trial of the program in India demonstrated a notable reduction in chemical fertiliser usage by approximately 24.7% and a decline in chemical pesticide usage by 50.3%, organic cotton farming goes a step further by completely replacing chemicals with natural or synthetic alternatives.

However, one significant concern raised is the lack of transparency in Primark's disclosure of specific details regarding the proportion of cotton sourced from the Sustainable Cotton Program, the extent of financial investment in the program, and the tangible benefits experienced by the participating farmers. One may say that this lack of transparency and comprehensive data regarding sustainable cotton arrangements, particularly in addressing issues such as biodiversity preservation, chemical usage, and water consumption, undermines the credibility and effectiveness of sustainable cotton sourcing strategies implemented by other companies.

Primark's Sustainable Cotton Program is highly branded within the company. Most of the clothing bear the Sustainable Cotton Program sign, it is written everywhere in stores as well as online. It can be considered as one of the most important initiative of Primark's strategy. However, the label "sustainable cotton" should raise suspicions. Authorising and normalising

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<sup>87</sup> Pinnock, 2019

false labels, or labels which are not supported by a certified third-parties, hinders communication of truthful green claims.

As assessed above, although the Program is a positive step towards more sustainably-sourced materials, Primark does not provide enough evidence to assess if it is a true green claim or if it holds suspicion of greenwashing. Primark’s Sustainability Report, conducted by *Remake.world* in 2022, has found no proof of positive impacts on either human rights or environmental sustainability. Primark scored two points out of twenty on “Raw Materials”, including none on Raw Materials Producers’ Human Rights. Primark's approach to protecting labour and human rights, as well as the well-being of raw material producers, is evaluated based on its public commitments and initiatives. The assessment focuses on whether the company actively safeguards rights through its programs, participation in multi-stakeholder initiatives, or certifications. Moreover, it examines whether Primark ensures that more than 50% of its raw materials are produced under such conditions, with a defined timeframe to achieve 100% compliance. In this report, the answer provided is negative in response to whether Primark publicly commits to actively protecting labour and/or human rights and the well-being of raw material producers.<sup>88</sup> Furthermore, the analysis made by *Remake.world* highlights the insufficient disclosure of information by Primark. The clothing retailer does not offer details on the efforts made regarding chemical usage, their needs and water usage, nor biodiversity conservation, which once again, discredits its transparency. In addition, environmental concerns related to cotton cultivation, such as water scarcity, are not adequately addressed by the Sustainable Cotton Program. While Primark claims a 4% reduction in water consumption, critics question the significance of this improvement given the substantial water footprint associated with cotton production.<sup>89</sup> Some argue that exploring alternative fibres with lower water requirements could offer a more sustainable solution than using cotton.

Therefore, this claim, while representing a step forward in the ending of deceiving practices, could still be considered as greenwashing. It could be considered as a greenwashing sin such as a Hidden Trade-Off, No Proof, the Lesser of Two Evils, or even as a Misleading Certification and Label. Consumers might be led to believe that Primark’s Cotton Sustainable Program is a sustainable and conscious choice, but this has yet to be proven by the company.

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<sup>88</sup> *Brand Directory (2023) - Brand Directory by Remake, 2023*

<sup>89</sup> Gardetti & Muthu 2019; Pinnock, 2019



Table 3. *Overview of Primark’s environmental claims classified with TerraChoice’ Seven Sins of Greenwashing.*

	Claim 1	Claim 2	Claim 3	Claim 4
<b>Hidden Trade-Off</b>				
<b>No proof/Lack of evidence</b>				
<b>Vagueness/Fluffy Language</b>				
<b>Irrelevance</b>				
<b>Lesser of Two Evils</b>				
<b>Fibbing</b>				
<b>False Labels/False endorsement</b>				

## 4.2. Green Claims Directive

Table 4. Overview of EU Green Claims Directive's coverage of TerraChoice's Seven Greenwashing Sins

	Art 3	Art 4	Art 5	Art 6	Art 7	Art 8	Art 9	Art 10
<b>Hidden Trade-Off</b>								
<b>No proof/Lack of evidence</b>								
<b>Vagueness/Fluffy Language</b>								
<b>Irrelevance</b>								
<b>Lesser of Two Evils</b>								
<b>Fibbing</b>								
<b>False Labels/False endorsement</b>								

The Proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims, thereafter New Green Claims Directive or Green Claims Directive contains 27 articles. Its internal logic stands as follows. The first part extends the scope of the proposal (Art 1-2). Then, a large part of the text is dedicated to the requirements on the substantiation of environmental claims (Art 3-4), before setting the requirements on the communication of environmental claims (Art 5). Then, provisions on environmental labels and labelling schemes are looked at. The following part details the rules regarding the verification of these environmental claims and labelling schemes (Art 10-11). The last part before the enforcement of provisions is dedicated to small and medium sized enterprises. The former (13 to 27) establishes a wide range of procedural and enforcement rules and, thus, will not be reviewed in this study. The reasoning which was conducted was that these articles do not directly influence the substantiation or communication of environmental claims, but rather indirectly. This choice was made for clarity purposes.

This research focuses on Article 3 to 10 of the Green Claims Directive, as these articles rule the substantiation of environmental claims. Article 1 and 2, by setting the scope of the Directive do not require further assessment in the context of this study.

## 4.2.1 Substantiation of explicit and comparative claims

### 4.2.1.1 Explicit claims

Article 3 of the Directive establishes the requirement for substantiating explicit environmental claims made by traders. Under Article 3, Member States would be responsible for ensuring that traders conduct an assessment to support these claims. Traders must fulfil several criteria in their assessment to ensure the validity and credibility of the claim. The criteria in Article 3 address several of the Seven Sins of Greenwashing as outlined by TerraChoice in 2009.<sup>90</sup>

First, Article 3.a states that the assessment conducted by traders should clearly specify the scope of the claim, indicating whether it pertains to the entire product, part of the product, certain aspects of the product, or the trader's entire activities. This specification is essential to provide clarity and avoid misleading interpretations.

This first part of the assessment addresses the greenwashing sin of Vagueness. Additionally, this requirement addresses three other greenwashing sins. These include the Sins of No Proof, Fibbing and Misleading Certifications and Labels. It does so by specifically requiring substantiation "by widely recognised scientific evidence and accurate information" (Article 3.b). This ensures that the claims can be fact-checked and verified, and that the labels and certifications are genuine and not misleading, as traders must provide transparent and reliable information. Setting these high standards for proof allows Article 3 to hinder false environmental claims and deceptive practices that mislead consumers.

Moreover, adopting a life-cycle perspective enables traders to demonstrate the significance of environmental impacts, aspects, or performance that are associated with their claims (Article 3.c). This approach involves a comprehensive assessment of the product's entire life-cycle or the trader's activities to accurately evaluate the environmental implications. It encompasses all stages of the product's life cycle, starting from the sourcing of the raw material to their disposal at the end of their life. By embracing this approach, the issue of Hidden Trade-Offs is addressed, as companies are required to consider the complete life-cycle of a product or their activities when making explicit environmental claims. This prevents the selective promotion of only one sustainable aspect while disregarding the lesser aspects. As a result, it

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<sup>90</sup> TerraChoice, 2007

promotes transparency and discourages misleading marketing practices. As Hidden Trade-Offs is the most common greenwashing practice<sup>91</sup> and the most used by Primark's, as shown on Table 3., it is expected that Article 3.1.c could address a number of claims.

Similarly, Art 3.1.d states that when making claims about the environmental performance of a product, the assessment should consider all the relevant contributing environmental aspects or impacts. It should comprehensively evaluate the overall environmental performance rather than focus on one aspect. Claim 2, affirming that a piece of clothing is “made using sustainable fibres”, could be targeted by this paragraph. Claiming “sustainable fibres” with no further proof can be considered as vague as claiming that a product is “eco-friendly” or “green”, which are both listed by TerraChoice as examples of the sin of Vagueness. Primark does not go so far as to claiming their clothes are environmentally friendly as a whole; however, it can be argued that does not evaluate the overall environmental performance.

Moreover, the claim being made should exceed the legal requirements already in place for products within the relevant product group or traders within the sector (Article 3.e). Doing so indicates that there is an additional commitment to environmental sustainability beyond what is legally required. Even more so, the assessment should provide information on whether the product or trader subject to the claim performs significantly better in terms of the environmental impacts, aspects or performance that are highlighted in comparison to what is considered common practice within the relevant product group or sector. This comparison aims to emphasise exceptional environmental performance and promote continuous improvement. The sin of Irrelevance is addressed by implementing these measures. By mandating the disclosure of whether products or traders exhibit significantly superior performance compared to common practices within the relevant product group or sector, the requirement ensures that the claims hold relevance and significance for consumers seeking environmentally friendly products. Additionally, it addresses the overall environmental impact of the product, preventing the promotion of unimportant or unhelpful aspects, such as those already required by the law.

Furthermore, the assessment should encompass an evaluation of whether any enhancements in the environmental impacts, aspects, and performance associated with the claim would result in substantial detrimental effects in relation to climate change, resource consumption and circularity, sustainable use and protection of water and marine resources, pollution,

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<sup>91</sup> TerraChoice, 2007

biodiversity, animal welfare, and ecosystems (Article 3.f). This consideration ensures that the claim made does not inadvertently give rise to adverse environmental consequences in other domains. By including this requirement, Article 3 effectively addresses the greenwashing sin of Lesser of Two Evils. By stipulating that explicit environmental claims must take into account the potential for improvements in environmental impacts, aspects, or performance to result in significant harm in other environmental areas, it prohibits companies from solely emphasising certain environmentally friendly aspects but ignoring environmental impacts which are more substantial within the entire product category or industry.

In the case of claims related to greenhouse gas emissions, any offsets used should be separated from the emissions themselves and provided as additional environmental information (Article 3.h). The assessment should specify whether the offsets are related to “emission reductions or removals”, and it should describe how the relied-upon offsets are of “high integrity and accounted for correctly to reflect the on claimed impact on climate”. The assessment should include primary information available to the trader for the environmental impacts, environmental aspects, or environmental performance subject to the claim.

Additionally, if no primary information is available, relevant secondary information should be provided, representative of the specific value chain of the product or the trader on which the claim is made (Article 3.i). In situations where there are significant environmental impacts not covered by the claim, but there is no widely recognised scientific evidence available to perform the assessment, the trader making a claim on another aspect should consider available information and update the assessment accordingly once widely recognised scientific evidence becomes available (Article 3.j).

It is worth noting that microenterprises, as defined by Commission Recommendation 2003/361/EC, are exempt from the requirements set out by Article 3 above unless they voluntarily request verification to obtain a certificate of conformity in accordance with Article 10.

Finally, if differences in the application of the requirements for specific claims create obstacles to the functioning of the internal market or if the absence of requirements leads to widespread misleading of consumers, the Commission has the authority to adopt delegated acts to supplement the requirements for substantiating explicit environmental claims. These acts may determine rules for assessing environmental aspects, impacts, and performance, establish criteria for providing primary and secondary information, or establish specific life-

cycle-based rules for substantiating claims for certain product groups and sectors. When specifying these additional requirements, the Commission should consider scientific or other available technical information, including relevant international standards. It should also consider the specificities of sectors and products, their potential contribution to EU climate and environmental objectives, relevant information from EU legislation, and the ease of access to information and data for small and medium-sized enterprises (SMEs) to ensure practical applicability and inclusiveness.

Therefore, one could say Article 3 addresses several greenwashing practices, including a fair share of claims found in the fashion industry.

Regarding the environmental claims found in Primark's store, this provision of the proposed Green Claims Directive could be effective. For example, Article 3.1 a., obligating traders to conduct a comprehensive assessment of the entire scope of the product to support claims such as "Made using sustainable cotton" (Claim 1). It is important to note that EU Labelling laws do not currently require care labels to specify the different composition of the same fabric, as regulated by the EU Regulation on Textile and Composition.<sup>92</sup> Consequently, consumers are left unaware of the precise percentage of sustainable cotton used in the product. This requirement emphasises the importance of avoiding the use of vague or poorly defined terms that could lead to consumer misunderstanding in environmental claims. By mandating traders to provide clear and specific information on the entire scope of the product, Article 3 aims to prevent the use of ambiguous language that may mislead consumers.

#### 4.2.1.2 Comparative claims

Where Article 3 targets explicit environmental claims, Article 4 of the Directive outlines the requirements for substantiating comparative explicit environmental claims. Comparative environmental claims state or imply that a product or trader has fewer environmental impacts or better environmental performance than other products or traders. Similarly, Article 4 targets the greenwashing sins developed by TerraChoice through its requirements.

Article 4 requires all information and data used to be equivalent to one another to ensure a fair and accurate comparison between the products and traders subjected to the claim. This

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<sup>92</sup> Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (Text with EEA relevance), 2018

includes the information and data being used in the process of evaluating the environmental impacts, aspects and performance of the products or traders that are being compared to one another. Requiring all information and data to correspond with one another tackles the greenwashing sin of Hidden Trade-Offs. Mandating that comparative environmental claims must consider the entirety of a product or traders' environmental impacts, aspects, or performances ensures that companies cannot selectively market one environmentally friendly aspect while disregarding other aspects that are less environmentally friendly.

To ensure fairness and uniformity in comparisons that comparable assumptions may utilise, Article 4 also establishes that it is imperative that they are applied consistently for the products and traders being compared.

The third requirement that Article 4 outlines is that data employed to evaluate the comparison of the products or traders and their environmental impacts, aspects or performances should be generated or sourced in a comparable manner to the data used for assessing the environmental impacts, aspects or performances of the product or trader, under scrutiny. This criterion aims to maintain consistency and dependability in the data sources and methodologies used for conducting the comparison. In turn, Article 4 addresses the sins of No Proof, Vagueness, and Fibbing by emphasising the need to substantiate comparative environmental claims using equivalent information and data.

Furthermore, it stipulates that the coverage and assessment of environmental impacts, aspects or performances should be equivalent for the products and traders being compared. These requirements ensure that claims made are based on specific and clearly defined criteria, reducing the potential for vague or poorly defined terms. Even more so, by requiring transparency and the use of reliable sources, Article 4 enables claims to be fact-checked and verified. Setting these requirements prevents false or misleading environmental claims, discouraging companies from engaging in deceptive practices. Traders are obligated to provide evidence and transparent information to support their environmental claims. This promotion of transparency and evidence-based marketing practices, therefore, addresses the issue of having a lack of evidence to support the claim.

This article aims to prevent companies from highlighting a few sustainable aspects while disregarding or downplaying more significant environmental impacts within the category as a whole.

In addition, when considering the most significant stages within the value chain for all products and traders, it is essential that the coverage of stages throughout the value chain is consistent for the products and traders being compared. Adhering to this requirement allows for the comparison to encompass all pertinent stages and prevents the selective inclusion or exclusion of stages that may introduce bias into the results. Doing so ensures that comparative claims consider the significant environmental impacts of the entire product category and address the greenwashing sin established by TerraChoice, Lesser of Two Evils.

In cases where a comparative environmental claim is made regarding an improvement in the environmental impacts, aspects, or performance of a product compared to another product from the same trader, a competing trader that is no longer active on the market, or a trader that no longer sells to consumers, the substantiation of the claim must provide an explanation of how that improvement affects other relevant environmental impacts, aspects, or performance of the product subject to the claim. Furthermore, it is necessary to clearly state the baseline year for the comparison. It is worth noting that these requirements do not apply to microenterprises unless they explicitly request verification to obtain a certification of conformity.

Article 4 of the Directive establishes the criteria for substantiating comparative explicit environmental claims, ensuring that fair and accurate comparisons are made, that data and information used are equivalent, and that the most significant environmental aspects are considered. These requirements aim to prevent dissemination of misleading or unsupported comparative environmental claims.

## 4.2.2 Communication of explicit and comparative claims

### 4.2.2.1 Explicit claims

Article 5 of the Directive establishes the requirements for the communication of explicit environmental claims made by traders. It emphasises the need for substantiation of these claims in accordance with the provisions outlined in Articles 3 and 4, as well as its own.

Furthermore, the provisions in Article 5 effectively address various types of greenwashing sins outlined. Article 5 states that explicit environmental claims should only cover environmental impacts, aspects or performances that are substantiated and identified as significant for the specific product or trader. This suggests a focus on relevant claims rather than making irrelevant ones, thus tackling the greenwashing sin of Irrelevant claims.



When an explicit claim relates to a final product and its usage phase is highly relevant in its life cycle, the claim must include information on how consumers should use the product to achieve its expected environmental performance. This information should be available and coincide with any claim made that ensures transparency and enables a consumer to make informed choices. This requirement tackles the greenwashing sin of Vagueness. Promoting clarity in the communication of explicitly environmental claims allows for the specification of the scope of said claim and coverage of the claims substantiated and significant environmental impacts, aspects or performances. Furthermore, by intending to prevent the use of vague or poorly defined claims, it avoids misleading interpretations and provides information on relevant environmental impacts, aspects, or performances. In cases where the explicit environmental claim pertains to the future environmental performance of a product or trader, it must include a time-bound commitment to improvements within their operations and value chains. This requirement emphasises the importance of continuous improvement and environmental responsibility.

Article 5 of the Directive stipulates that explicit environmental claims pertaining to the cumulative environmental impacts of a product or trader, as determined by an aggregated indicator of environmental impacts, can only be made if there are established rules in EU law for calculating such indicators. This provision ensures that any claims related to cumulative impacts are grounded in reliable and standardised methodologies. By doing so, it effectively addresses the greenwashing sins of No Proof and Fibbing. Article 5 highlights the imperative to substantiate environmental claims and provides guidelines for conducting assessments based on widely recognised scientific evidence and accurate information. This mandate ensures that rigorous scientific methodologies, precise information, and relevant international standards underpin claims. Moreover, it aims to safeguard the reliability and credibility of the substantiation process by addressing concerns related to insufficient evidence.

The provision forces traders to provide specific information alongside their explicit environmental claims. This information can be presented physically or electronically, such as a weblink, QR code or similar mechanism. There are various details that traders must include when providing the information, such as environmental aspects, impacts or performances covered by the claim, and any relevant EU or international standards. Furthermore, the traders must provide the underlying studies or calculations that were used for assessment, a brief explanation of how improvements are being achieved, the certificate of conformity

substantiating the claim, and the contact information of the verifier who issued the certificate. Article 5 tackles the greenwashing sins of No Proof and Fibbing by requiring these details. It promotes clear claims communication by specifying the information that should be provided. In doing so, it continues emphasising the importance of substantiation and transparency in the communication of environmental claims. The encouragement of providing information on relevant environmental aspects, impacts and performance, as well as certificates of conformity and contact information for verification, allows for using clear and understandable language in evidence-based claims.

For climate-related explicit environmental claims that rely on greenhouse gas emission offsets, the information should specify the extent to which offsets are relied upon and whether they relate to emissions, reductions or removals. Additionally, a summary of the assessment should be provided in a clear, understandable manner and include the necessary elements, using at least one of the official languages of the Member State where the claim is made. In the consumer's perspective, greenhouse gas and emissions claims made by Primark are not as noticeable. To find such claim, one would need to independently look into Primark's Commitments, which are mostly stated in their website. This is not considered part of the shopping experience, as it is assumed that actively looking for such information comes from an informed or keen-to-be informed consumer, which is less likely to be victim of greenwashing. Thus, climate-related environmental claims are not reviewed in this paper.

#### 4.2.2.2 Comparative claims

Article 6 of the Directive pertains to the communication of comparative environmental claims. It establishes limitations on using such claims and sets forth specific criteria that must be met for a comparative environmental claim to be considered valid. It specifies that comparative environmental claims should not pertain to an improvement in a product's environmental impacts, aspects, or performance compared to another product from the same trader or a competing trader who is no longer active on the market. However, an exception can be made if the evidence demonstrates that the improvement is significant and has been achieved within the last five years. In the process, Article 6 takes on various greenwashing sins.

According to Article 6, comparative environmental claims should not be made in relation to an improvement in the environmental impacts, aspects, or performance of a product

compared to another product from the same trader or a competing trader that is no longer active on the market. However, there is an exception to this restriction if the claim is supported by evidence demonstrating that the improvement is significant and has been achieved within the past five years. Requiring comparative claims to be supported by evidence demonstrating significant improvements in environmental impacts, aspects, or performance achieved within the past five years allows for Article 6 to address the sin of No Proof. This provision ensures that comparative claims are backed by verifiable data and substantiated with reliable evidence, of mitigating the risk unsupported or misleading claims.

Furthermore, the provision aims to prevent misleading or false comparative environmental claims that may be used to create an inaccurate perception of superiority or environmental benefits. It aims to ensure that comparative claims are based on substantial evidence and reflect recent improvements in environmental performance. By restricting comparative claims to current products and active traders, Article 6 safeguards consumers from being misled by outdated information. Article 6 engages with the greenwashing sin of Irrelevance. Through the limitation of comparative claims to only current products and active traders, Article 6 encourages relevant and meaningful comparisons. It aims to prevent the use of irrelevant comparisons that may mislead or confuse consumers, ensuring that comparative claims focus on significant environmental improvements.

In addition, Article 6 contributes to the overall objective of combating greenwashing by establishing clear guidelines for communicating comparative environmental claims. It discourages deceptive practices that may mislead consumers and ensures that comparative claims are grounded in verifiable evidence and reflect meaningful improvements. The provisions of Article 6 can be seen as an important step in promoting responsible environmental marketing practices. By emphasising the need for substantiated and recent improvements in comparative claims, Article 6 supports the integrity of environmental communication and contributes to consumer trust. It aligns with the broader goal of the Directive to foster accurate and reliable information regarding the environmental performance of products, thus empowering consumers to make informed choices. By requiring comparative claims to be based on improvements in environmental performance, Article 6 discourages misleading comparisons that might divert attention from more significant environmental impacts and therefore takes on the greenwashing sin of Lesser of

Two Evils. It promotes a focus on genuine improvements rather than distracting from the overall environmental picture.

Furthermore, through setting clear guidelines on specific criteria for comparative claims, such as precision, substantiation, and clarity in communication, Article 6 tackles the sin of Vagueness. It aims to prevent the use of vague or ambiguous language in comparative environmental claims, promoting accurate and transparent communication with consumers. Moreover, by imposing limitations on comparative claims and requiring them to be based on current products and active traders, Article 6 prevents misleading comparisons that may have high underlying trade-offs between different environmental aspects and therefore tackle the sin of Hidden Trade-Offs. It aims to ensure that comparative claims consider the full environmental performance of products, avoiding selective emphasis on specific aspects while disregarding others.

This article seeks to tackle various types of greenwashing practices by imposing restrictions on comparative environmental claims. It is relevant to greenwashing practices such as Hidden Trade-Offs. Similarly, it addresses the issue of No Proof, wherein claims lack easily verifiable evidence or provide insufficient evidence to support environmental claims. Furthermore, the article addresses Vagueness in environmental claims by emphasising the need for clear and well-defined claims that are unlikely to be misunderstood by consumers. It also discourages using irrelevant claims that may be technically true but unimportant or unhelpful for consumers seeking products which are truly sustainable. Additionally, Article 6 aims to combat the greenwashing tactic known as the Lesser of Two Evils, where companies highlight the environmentally friendly aspects within a product category while diverting attention from more significant environmental impacts of the category as a whole. Fibbing, which involves making false environmental claims to deceive consumers, and misleading certifications and labels that create an appearance of eco-friendliness when no such certification exists, are also addressed by this article.

Article 6 of the Directive serves as a critical component in regulating the communication of comparative environmental claims. It establishes specific conditions and limitations to ensure that such claims are based on reliable evidence and reflect genuine improvements in environmental performance. By doing so, it enhances transparency, combats misleading marketing practices, and promotes a more trustworthy and informed marketplace for environmentally conscious consumers.

#### 4.2.3. Environmental labels and schemes

Article 7 of the proposed Directive focuses on environmental labels and outlines the requirements that these labels would need to meet. Member States would be responsible for ensuring that environmental labels adhere to the provisions set forth in Articles 3 through 6 of the Directive. Additionally, as outlined in Article 10 (below), it is proposed that environmental labels undergo verification. These requirements would address the two greenwashing sins of Hidden Trade-Offs and No Proof, which, once again, occur when companies emphasise certain environmentally friendly aspects while disregarding other less eco-friendly aspects or fail to provide evidence to support their claims.

By requiring environmental labels to fulfil the proposed requirements outlined in Articles 3 through 6, including the comprehensive assessment of environmental impacts, the Directive aims to ensure that environmental labels provide a holistic view of a product's sustainability performance and, therefore, discourage the selective marketing of environmental benefits.

Moreover, the proposed Article 7 targets the sin of No Proof by stipulating that environmental claims should be verified in accordance with the proposed Article 10. This provision would promote transparency and evidence-based marketing practices, thereby preventing companies from making unsupported or misleading environmental claims.

Through this requirement, Article 7 ensures that claims made on these labels are backed by evidence, making it difficult for companies to engage in baseless or insufficiently supported environmental marketing. An example for this could be, again, the Primark Sustainable Cotton Program labels. As assessed above, although the Program is a positive step towards more sustainably-sourced materials, Primark does not provide enough evidence to assess if it is a true green claim or holds suspicion of greenwashing. Primark's Sustainability Report, conducted by Remake.world in 2022, has found no proof of positive impacts on either human rights or environmental sustainability, and does not find sufficient information given by the company.

Article 7 emphasises that the presentation of a rating or score of a product or a trader based on an aggregated indicator of environmental impacts is allowed in the context of environmental labelling schemes established in accordance with EU law. This provision ensures that environmental labels providing such ratings or scores are reliable and consistent with established standards and criteria. Establishing this as well as fulfilling the requirements set out in Articles 3 to 6, tackles the issue of Vagueness. Vague or poorly defined claims that

may confuse consumers are not aligned with the detailed criteria and standards established in the Directive. Environmental labels, subject to verification, are expected to provide specific and clear information about a product's environmental aspects, thereby mitigating the potential for misunderstandings.

Furthermore, the inclusion of Article 7 in the Directive serves to promote the effectiveness and credibility of environmental labels. Requiring compliance with the requirements set forth in Articles 3 to 6, environmental labels are expected to provide accurate and meaningful information to consumers regarding the environmental performance of products and traders. In the process, this can combat the problem of Irrelevance by promoting comprehensive environmental information on labels. Making claims that are true but unimportant or unhelpful for environmentally conscious consumers seeking eco-friendly products is a form of greenwashing. Requiring environmental labels to adhere to the provisions of Articles 3 to 6 ensures that labels focus on relevant and significant environmental aspects, aiding consumers in making informed choices. Article 7 also recognises the importance of verification processes in assessing the validity and reliability of environmental labels. This verification ensures that labels meet the necessary criteria and standards defined in the Directive. It helps prevent false or misleading claims reinforcing consumer confidence and trust in environmental labels.

Moreover, by restricting the presentation of ratings or scores based on aggregated indicators to labels awarded under authorised environmental labelling schemes, Article 7 seeks to prevent the misuse or misrepresentation of environmental performance data. Preventing such ensures that the presentations of ratings or scores are based on robust methodologies and comprehensive assessments, thereby contributing to transparency and comparability among labelled products and traders. By stipulating that aggregated information on environmental impacts can only be provided by environmental labels awarded under authorised labelling schemes, the greenwashing sin Misleading Certifications and Labels is addressed. Companies may attempt to create an appearance of eco-friendliness by using deceptive certifications or labels. In turn, Article 7 supports the Directive's aim to prevent the misuse of certifications and labels that lack credibility or do not adhere to recognised standards.

In conclusion, Article 7 establishes the requirements for environmental labels by emphasising compliance with the provisions in Articles 3 through 6 and the need for verification. It also restricts the presentation of ratings or scores to labels awarded under authorised

environmental labelling schemes. Requiring adherence to the Directive's provisions and verification of labels allows Article 7 to enhance the reliability and credibility of environmental claims. In addition, Article 7 promotes transparency, accuracy, and comparability, thereby empowering consumers. By doing so, this article aims to enhance the reliability and credibility of environmental labels, promoting informed consumer choices and encouraging sustainable practices in the market.

Article 8 of the Directive focuses on the requirement for environmental labelling schemes. An environmental labelling scheme is defined as a certification scheme that verifies compliance with the criteria for an environmental label, which certifies the environmental performance of a product, process, or trader. Article 8 outlines the necessary provisions for these schemes to ensure transparency, accessibility, scientific accuracy, compliance monitoring and effective resolution mechanisms.

Article 8 emphasises transparency in several aspects. The ownership and decision-making bodies of the environmental labelling scheme should provide information that is easily accessible, transparent, detailed, and free of charge. This ensures stakeholders, including consumers, understand the scheme's structure and governance clearly. Information about the scheme's objectives and the requirements and procedures to monitor compliance must also be transparent and easily understood. Requiring this directly combats the greenwashing practices of Hidden Trade-Offs and Vagueness. The transparency requirement ensures that environmental labelling schemes provide detailed and accessible information, making it difficult for companies to market certain aspects while neglecting others. In the process of demanding transparent and easily understood information, Article 8 is countering the use of vague or poorly defined claims that may mislead consumers. Furthermore, Article 8 emphasises proportionality in the conditions for joining environmental labelling schemes. This means that the requirements for participating in the scheme should be reasonable and adjusted according to the company size and turnover. Through this consideration, Article 8 prevents the exclusion of small and medium enterprises from participating in environmental labelling initiatives.

In addition, scientific robustness and societal relevance are crucial, and the requirements for these environmental labelling schemes should be developed by experts who can ensure their scientific robustness. Moreover, the proposed requirements should be subjected to consultation with a diverse group of stakeholders to ensure their relevance from a societal

perspective. This inclusive consultation process enhances the credibility and legitimacy of the environmental labelling scheme. Mandating these provisions allows Article 8 to address the sins of No Proof, Irrelevance and Misleading Certifications and Labels. Making claims that cannot be easily fact-checked or providing insufficient evidence to support environmental claims is misleading tactic companies employ. Furthermore, greenwashing often involves making claims that are true but unimportant or unhelpful for consumers seeking genuinely environmentally friendly products. By requiring that environmental labelling schemes be based on scientific robustness and involve consultation with stakeholders, Article 8 ensures that claims made under these schemes are supported by reliable evidence and are relevant to the overall environmental impact of the product. This requirement enhances the credibility of environmental claims, prevents companies from making baseless assertions and reduces the likelihood of misleading certifications and labels that create a false perception of eco-friendliness.

The provisions of Article 8 also contribute to countering the Lesser of Two Evils and Fibbing. Requiring for comprehensive criteria and methodologies used in environmental labelling schemes ensures that the environmental impacts of products or categories are adequately assessed. This prevents companies from highlighting minor environmentally friendly aspects while diverting attention from more significant environmental impacts. Moreover, the robustness and verification mechanisms of environmental labelling schemes help minimise false statements about a product's environmental benefits, promoting accurate and trustworthy information.

To address concerns and conflicts, environmental labelling schemes must have a complaint and dispute resolution mechanism in place. The scheme should outline procedures for dealing with non-compliance, including the possibility of withdrawing or suspending the environmental label in cases of persistent and flagrant non-compliance. This mechanism ensures that individuals and organisations have the means to raise concerns about non-compliance and seek resolution.

In regard to the establishment of new environmental labelling schemes, the Directive sets specific timelines and requirements. After the specified date of transposition of the Directive, no new national or regional environmental labelling schemes can be established by public authorities of the Member States. Only environmental labelling schemes established under EU law are permitted. This provision aims to streamline and harmonise environmental



labelling efforts within the Union. Moreover, any new environmental labelling schemes established by public authorities in third countries intending to award environmental labels for use in the EU market must receive prior approval from the Commission. The Commission's approval process ensures that these labels provide added value regarding their environmental ambition and align with the Directive's requirements. Existing schemes established by public authorities in third countries can continue to award environmental labels on the Union market if they meet the Directive's requirements.

Furthermore, the Directive imposes similar requirements for environmental labelling schemes established by private operators. Private schemes established after the date of transposition of the Directive must provide added value compared to existing Union, national, or regional schemes and support the green transition of small and medium enterprises. Operators of new schemes must submit supporting documents outlining the rationale, scope, evidence of added value, proposed criteria and methodology, and detailed ownership and decision-making structures.

To ensure uniformity across the EU, the Commission is responsible for publishing and regularly updating a list of officially recognised environmental labels that can be used on the Union market. The Commission also has the authority to adopt implementing acts specifying detailed requirements for the approval of environmental labelling schemes, the format and content of supporting documents, and the procedure for approval.

It should be noted that while Article 8 of the Directive addresses several types of greenwashing practices, the Directive primarily focuses on establishing and requiring environmental labelling schemes. Article 8 of the Directive establishes requirements for environmental labelling schemes, emphasising transparency, scientific robustness, stakeholder consultation, proportionality, complaint resolution mechanisms, and conformity with Union law. However, it may not directly address all the specific practices outlined by provisions aim to enhance the credibility, reliability, and effectiveness of environmental labels and promote harmonisation of environmental labelling efforts within the Union market.

#### 4.2.4 Reviews and verification of claims

Articles 9 and 10 of the Directive address the review, verification, and certification processes for explicit environmental claims and environmental labelling schemes. These articles outline the responsibilities of Member States, traders, and verifiers in ensuring the accuracy and compliance of environmental claims and labels.

Article 9 focuses on the review of the substantiation of explicit environmental claims. It mandates that Member States ensure traders review and update the information used to substantiate such claims when circumstances that may affect their accuracy arise. This review must take place no later than five years from the date when the information was initially provided. During the review, traders must revise the underlying information to ensure full compliance with the requirements set out in Articles 3 and 4 of the Directive. The updated environmental claim is then subject to verification, as outlined in Article 10.

Article 10 addresses the verification and certification of the substantiation and communication of environmental claims and environmental labelling schemes. Member States are required to establish procedures for verifying explicit environmental claims against the requirements specified in Articles 3 to 7 of the Directive. Similarly, procedures must be established to verify the compliance of environmental labelling schemes with the requirements outlined in Article 8.

Microenterprises, as defined in Commission Recommendation 2003/361/EC, are subject to the verification and certification requirements only if they request it. This provision, in its Article 12, recognises the potential resource constraints faced by microenterprises and allows them the choice to undergo verification and certification.

The verification process is undertaken by a verifier who meets the requirements stated in Article 11. Verifiers follow the procedures outlined in paragraphs 1 and 2 of Article 10. The verification is conducted prior to the public release of the environmental claim or the display of the environmental label by a trader. Verifiers consider the nature and content of the explicit environmental claim or the environmental label during verification. Upon completion of the verification, the verifier prepares a certificate of conformity, certifying that the explicit environmental claim or the environmental label complies with the requirements set out in the Directive. This certificate of conformity is recognised by the competent authorities responsible for applying and enforcing the Directive. Member States are required to notify the list of certificates of conformity through the Internal Market Information System established by Regulation (EU) No 1024/2012. It is important to note that the certificate of conformity does not prejudice the assessment of the environmental claim by national authorities or courts in accordance with Directive 2005/29/EC. This Directive pertains to unfair commercial practices and ensures that misleading or deceptive environmental claims are addressed and regulated. To provide further clarity and guidance, the Commission is

empowered to adopt implementing acts that specify details regarding the form of the certificate of conformity mentioned in paragraph 5 of Article 10. These acts also cover the technical means for issuing such certificates of conformity. The adoption of these implementing acts follows the examination procedure referred to in Article 19 of the Directive, which will not be reviewed in this study.

In summary, Articles 9 and 10 establish the review, verification, and certification processes for explicit environmental claims and environmental labelling schemes. These processes aim to ensure the accuracy, compliance, and credibility of environmental claims and labels, providing transparency and accountability in marketing environmentally friendly products and services.

## 5. Discussion

The purpose of this study was to analyse the impact of the EU in regulating greenwashing practices in the fashion industry, through an assessment of the New Green Claims Directive on environmental claims found in the fashion sector.

The findings of this study suggest that the EU Green Claims Directive holds significant potential in effectively incentivising fashion companies to abstain from engaging in greenwashing practices. By laying down detailed requirements and standards, the Directive seeks to tackle effectively the issue of misleading environmental claims made by manufacturers. It aims to provide consumers with reliable and verifiable information, notably by the introduction of clear guidelines for the assessment and substantiation of such claims. The Directive's emphasis on substantiating environmental claims might represent a crucial step towards preventing greenwashing practices. Traders will be required to provide scientific evidence and accurate information to support their claims, guaranteeing a higher degree of transparency and accountability in the industry. This shift towards substantiated claims not only helps to reduce the deception of consumers, but also fosters a more sustainable marketplace by encouraging brands to adopt real sustainable practices.

Furthermore, the Directive's guidelines for the assessment of claims play a vital role in enhancing consumer trust and confidence. Clear evaluation criteria of product's environmental performance, the Directive promotes consistency and comparability across the same industry. Consumers' access to standardised information enables them to assess the sustainability of different brands and products, making it easier for them to make informed

choices aligned with their environmental values. The potential effectiveness of the EU Green Claims Directive also lies in its ability to influence brand behaviour. The Directive introduces legal requirements and penalties for non-compliance, which act as strong incentives for brands to align their practices with the substantiated claims they make. Brands might be motivated to invest in actual sustainable sourcing, manufacturing, and/or supply chain practices to ensure that their environmental claims are backed by concrete evidence. This shift towards more responsible and transparent practices not only benefits consumers but also promotes positive environmental change within the fashion industry. However, it is important to recognise that the successful implementation of the Directive relies on effective monitoring and enforcement by regulatory authorities. Continuous scrutiny and enforcement of the Directive's guidelines will be essential to maintain the integrity of environmental claims and deter greenwashing practices. Additionally, ongoing evaluation and adaptation of the Directive based on industry feedback and evolving sustainability standards will be crucial to ensure its long-term effectiveness.

Although the results are limited by the fact that not all of the most common greenwashing practices are systematically found in the fashion industry, or at least in one of its most influential retailers, Table 3 illustrates the prominence of some practices. This table shows that a piece of clothing produced and sold by Primark that claims to have an environmental benefit has a high probability of being considered to be greenwashing in one way or another.

Results found in Table 4 showcases the large coverage of greenwashing sins by the Directive. While these are only expectations and not measurable data, it suggests that the EU Green Claims Directive has the potential to mitigate greenwashing practices. The overlapping of the two tables suggests that the fashion industry's habits of greenwashing could get regulated or diminished by this proposal.

Indeed, the results of this study suggest that the European directive on green claims could potentially be effective in discouraging brands across the fashion industry from engaging in greenwashing practices. Through the establishment of comprehensive requirements and guidelines, the Directive promotes transparency, accountability, and informed consumer decision-making. By substantiating environmental claims and fostering sustainable practices, the Directive contributes to a more environmentally responsible and trustworthy fashion marketplace. However, its successful implementation relies on robust monitoring,

enforcement, and continuous evaluation to address emerging challenges and maintain its effectiveness over time.

The Directive's emphasis on substantiation is a key aspect of its effectiveness in mitigating greenwashing practices. By requiring brands to provide evidence and scientific support for their environmental claims, the Directive aims to promote transparency and accuracy in the information presented to consumers. This approach will reduce the risk of misleading or deceptive claims that can manipulate consumer perceptions and expectations regarding the sustainability of fashion products.

Moreover, the Directive's objective of enhancing transparency within the fashion industry is significant in addressing greenwashing practices. By establishing guidelines and standards for environmental claims, the Directive contributes to a more consistent and reliable information landscape. This allows consumers to assess the credibility of claims and make well-informed decisions based on the veracity of the provided information. The Directive's role in reducing the risk of greenwashing will be particularly relevant in the fashion industry, where sustainability claims can often be vague or lacking in specific details. Through its guidelines for assessment, the Directive promotes a comprehensive evaluation of claims, taking into account the entire lifecycle of products and considering all significant aspects and impacts. This holistic perspective provides consumers with a more accurate understanding of the environmental performance of fashion items and reduces the likelihood of greenwashing.

The Directive will have implication for various parties. First and foremost, consumers. The study highlights the importance of the EU Green Claims Directive in providing reliable and verifiable information. By enabling consumers to make more informed decisions, the Directive empowers them to support brands that prioritise genuine sustainability practices and make truly-informed consumer choices. Secondly, for brands operating in the fashion industry, the findings underscore the need to align their environmental claims with substantiated evidence. Adhering to the requirements and standards set by the Directive will enhance brand credibility, foster consumer trust, and contribute to the overall sustainability agenda.

The Commission is charged with the task of reporting the achievement of the Directive after 6 years of its implementation. This will allow to assess the real impact of the Directive,

notably thanks to the European Environment Agency which will contribute bi-annually to the evaluation of the progress made in this regard.<sup>93</sup>

While the findings provide valuable insights, it is important to acknowledge the limitations of this study. Firstly, the research is based on a specific context and may not capture the full spectrum of greenwashing practices across different regions or markets. Further research is needed to explore the effectiveness of the EU Green Claims Directive in various cultural and economic contexts. Additionally, the study relies on self-reported data from brands, which may introduce biases or inconsistencies in claim substantiation. This research would have benefited from incorporating independent verification mechanisms to increase the reliability of the data. Lastly, the study focuses primarily on the potential of the Directive to incentivise brands, and further research is required to assess the impact of the Directive on consumer behaviour and market dynamics.

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<sup>93</sup> *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Substantiation and Communication of Explicit Environmental Claims (Green Claims Directive), 2023*

## 6. Conclusion

In conclusion, the interpretation of the results indicates that the EU Green Claims Directive is a positive step towards the mitigation of greenwashing practices in the fashion industry. The implications of these findings highlight the importance of transparent and substantiated environmental claims for consumers, brands, and policymakers. However, it is essential to acknowledge the limitations of this study, including the specific context, self-reported data, and the need for further research to explore different contexts and examine consumer behaviour.

The scope of the brands examined in this research required this study to narrow down its scope. To further advance the understanding and address the challenges associated with sustainable claims in the fashion industry including a diverse range of companies with varying levels of sustainability commitments would have been valuable. A large panel of brands could encompass recognised leaders in sustainability practices, as well as those in the process of transitioning towards more sustainable operations. By incorporating a broader panel, a comprehensive understanding of the industry landscape could be gained, as well as the identification of best practices, and highlighting of challenges associated with sustainable claims.

Given the recent proposal of the EU Green Claims Directive, this study could not investigate its effectiveness and assess the level of compliance among fashion brands in real-life scenarios. This assessment can shed light on whether the Directive is being respected and if it is successfully curbing greenwashing practices. Examining the experiences and perspectives of brands in adhering to the Directive can provide valuable insights into potential areas for improvement. Changes provoked by the implementation of this Directive in other industries, such as the food industry, would be an interesting lens to compare it to.

In light of the prevalence of greenwashing practices, the existing labelling Directive, such as care labels, must be critically evaluate and necessary modifications must be suggested. One potential modification is to introduce a mandatory breakdown of the composition of fabrics in care labels, including information on the proportion of recycled, non-recycled, organic, and conventional materials used. This additional transparency can help consumers make informed choices and reduce the potential for greenwashing by providing more accurate and specific information about the sustainability of the product.

To effectively tackle greenwashing, it is essential to foster collaboration among stakeholders, including fashion brands, industry associations, regulatory bodies, and consumer advocacy groups. Encouraging initiatives that promote transparency, accountability, and best practices can create a collective effort in combatting greenwashing. This can involve sharing knowledge, establishing industry-wide standards, and developing voluntary codes of conduct that emphasise sustainability and consumer trust.

Researchers, policymakers, and industry stakeholders should work together to address the challenges posed by greenwashing and promote genuine sustainability in the fashion industry. This collective effort could contribute to a more transparent, accountable, and environmentally responsible sector that supports informed consumer choices and drives positive change towards a sustainable future.



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*COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT REPORT*

*Accompanying the document Proposal for a DIRECTIVE OF THE EUROPEAN*

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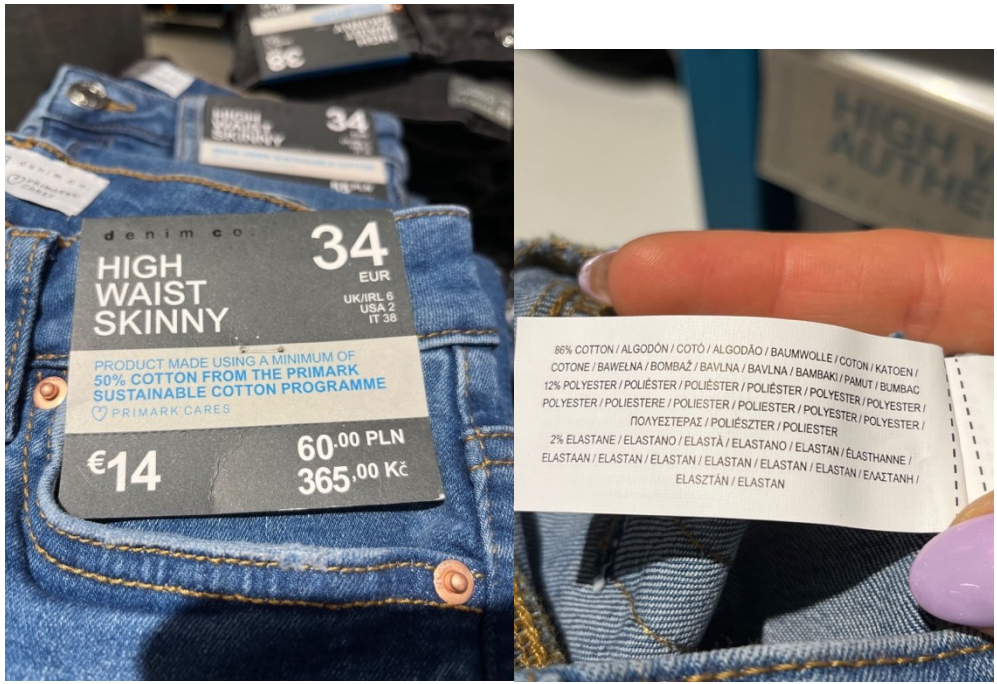


Figure 3: Primark super skinny (Claim 1)

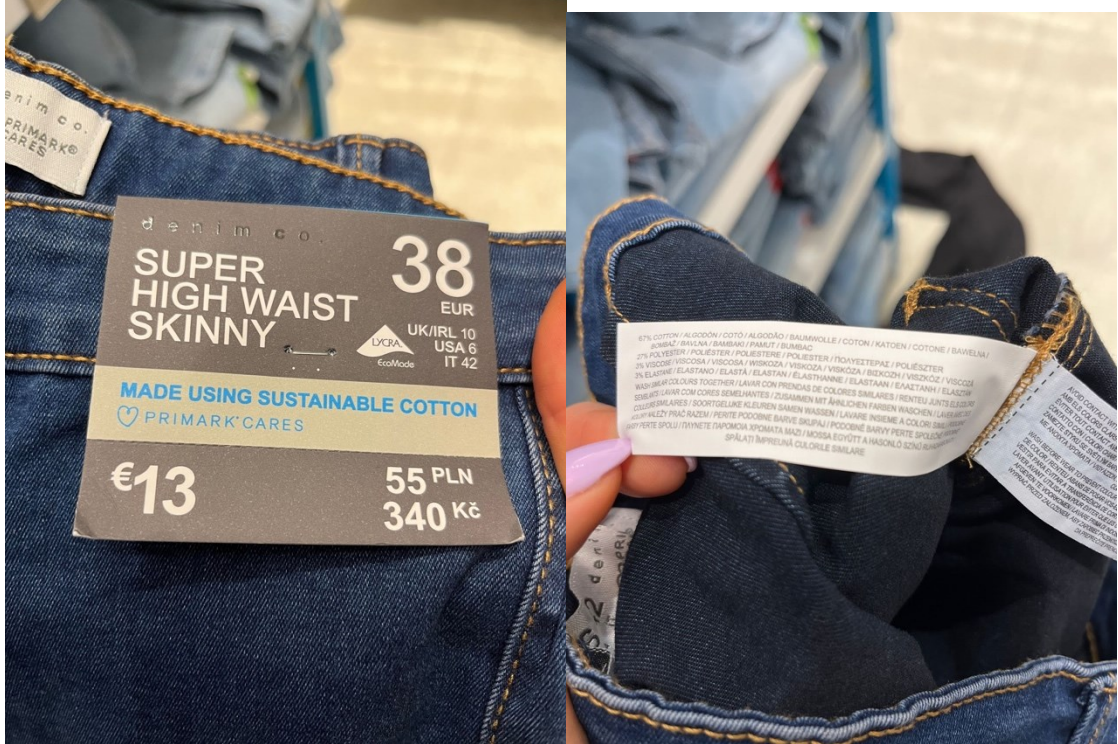


Figure 4: Primark sweater (Claim 2)

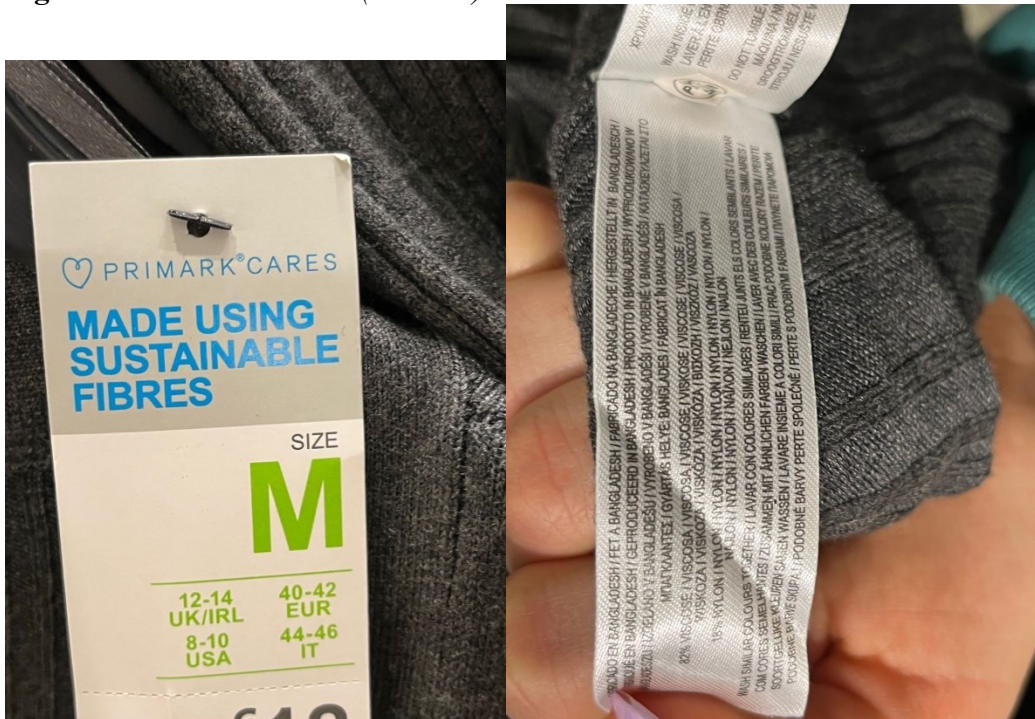


Figure 5. In-store Sign with QR Code (Claim 3)

Note that several claims are on this sign, but solely the QR code is the subject of this study.

