

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

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GREENWASHING IN FASHION: WHEN CAN SUSTAINABILITY CLAIMS BECOME LEGALLY MISLEADING?

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Abstract

Fashion businesses increasingly sell environmental reassurance alongside clothing. The legal difficulty is that a sustainability claim can contain a true statement while communicating an unjustified impression about a garment, collection or business. This article examines that problem through Indian consumer protection law, with comparisons drawn from European Union legislation, United Kingdom advertising enforcement and United States environmental marketing guidance. It argues that liability should turn on the relationship between the claim consumers encounter, the scope of the evidence supporting it and the visibility of its limitations. Neither an environmentally imperfect product nor an unsuccessful transition target establishes greenwashing by itself. Conversely, accurate fibre percentages, genuine certifications and publicly available reports do not excuse a misleading overall representation. The article applies this approach to recycled content, lifecycle comparisons, labels, circularity programmes and climate claims. It proposes fashion-specific Indian guidance, proportionate substantiation duties and coordinated corrective remedies, while explaining why truthful advertising cannot substitute for regulation of production, labour conditions and textile waste.

Keywords: Greenwashing; fashion; misleading advertising; consumer protection;

sustainability claims; environmental justice.

I. Introduction

A garment may contain recycled polyester and still be advertised misleadingly. Its fibre composition answers one question; a promise that buying it is environmentally responsible answers a much larger one. The distance between those propositions is where much fashion greenwashing occurs. Consumer law already recognises that misleading communication includes implications and omissions, rather than merely fabricated facts.¹ The central question is therefore when a limited environmental improvement becomes an unjustified commercial assurance.

India's Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024 address vague, exaggerated and unsubstantiated environmental representations.² Their significance lies in bringing environmental marketing within an operational consumer protection framework. However, a list of prohibited expressions cannot resolve every dispute. Words acquire meaning from photographs, filters, collection names, packaging and the placement of qualifications. A green claim is a communication encountered in a purchasing environment, not an isolated sentence assessed after reading a technical report.³ The interdisciplinary literature also resists reducing greenwashing to a single false statement. Lyon and Montgomery treat it as an umbrella for different forms of misleading environmental communication.⁴ Delmas and Burbano locate its drivers at institutional, organisational and individual levels.⁵ This article develops a doctrinal and normative analysis, informed by that literature and published environmental evidence. It does not claim to measure the prevalence of greenwashing in Indian fashion or to establish misconduct by unexamined businesses.

The argument is that sustainability claims become legally misleading when their reasonably communicated environmental meaning exceeds what the available evidence supports, or when necessary limitations are obscured. This proposition synthesises existing principles; it is not a new statutory test. Foreign materials illuminate recurring problems without displacing Indian requirements. The analysis considers published law and regulatory materials as at 30

¹ Consumer Protection Act 2019 (India), s 2(28).

² Central Consumer Protection Authority, Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024 (F No CCPA/28/2023-CCPA (Reg), 15 October 2024), cls 2(1)(f), 4–6.

³ Guides for the Use of Environmental Marketing Claims, 16 CFR pt 260 (2026), § 260.1(d).

⁴ Thomas P Lyon and A Wren Montgomery, 'The Means and End of Greenwash' (2015) 28 Organization & Environment 223.

⁵ Magali A Delmas and Vanessa Cuerel Burbano, 'The Drivers of Greenwashing' (2011) 54 California Management Review 64.

September 2026 and distinguishes enacted obligations, guidance, negotiated undertakings and contested allegations.

II. Environmental reassurance and unequal information

Environmental attributes are difficult to verify through ordinary use. A customer can assess whether a shirt fits but cannot ordinarily determine where its fibre originated or whether its claimed water savings were measured consistently. Marketing therefore mediates access to information held by manufacturers, suppliers and certifiers. The United Nations Environment Programme's textile roadmap links changes in consumption to production improvements and infrastructure investment, rather than treating informed shopping as a sufficient solution.⁶

This informational problem has distributive consequences. The European Environment Agency reports that much of the environmental pressure associated with European textile consumption arises outside Europe and identifies waste exports as another route through which impacts move across borders.⁷ The inference is that a reassuring retail message can conceal burdens borne by people geographically distant from the purchaser. Protecting consumers and addressing environmental injustice overlap, but they are not identical projects.

A further difficulty concerns scale. Lower emissions per garment do not logically establish lower emissions across a growing business. Likewise, replacing one input says little by itself about how long clothes remain usable. European policy accordingly places durability, repair and reuse alongside changes in materials.⁸ Consumer law should prevent a seller from converting an intensity improvement into an unsupported assertion of absolute environmental progress. It should not, however, presume that increased sales automatically make every narrowly accurate product claim deceptive.

The commercial injury is also competitive. Businesses that finance traceability and better production may compete against environmental assurances made without comparable expenditure. The Dutch Authority for Consumers and Markets expressly connects truthful

⁶ United Nations Environment Programme, 'Sustainability and Circularity in the Textile Value Chain—A Global Roadmap' (2 March 2023) <<https://www.unep.org/resources/publication/sustainability-and-circularity-textile-value-chain-global-roadmap>> accessed 30 September 2026.

⁷ European Environment Agency, 'Circularity of the EU Textiles Value Chain in Numbers' (2025), 'High environmental and climate pressures from EU textiles consumption' and 'Used and waste textiles' <<https://www.eea.europa.eu/en/analysis/publications/circularity-of-the-eu-textiles-value-chain-in-numbers>> accessed 30 September 2026.

⁸ European Commission, 'Textiles Strategy' <https://environment.ec.europa.eu/strategy/textiles-strategy_en> accessed 30 September 2026.

sustainability marketing with protecting businesses that undertake genuine improvements.⁹ The regulatory objective is therefore credible differentiation: consumers should be able to identify a supported improvement without mistaking it for proof that an entire product or business is sustainable.

The social dimension also limits what an environmental certificate can establish. OECD garment-sector guidance treats due diligence as an ongoing response to adverse supply-chain impacts.¹⁰ Its sectoral account includes labour, human-rights and environmental risks.¹¹ A claim confined to recycled content should not silently acquire an assurance of fair working conditions. Conversely, a brand choosing the broader language of responsible production must consider whether its presentation makes social as well as environmental promises.

III. The Indian legal threshold

A. Statutory foundations

The Consumer Protection Act 2019 supplies the principal domestic foundation. Section 2(28) covers false descriptions, representations likely to mislead about product characteristics, express or implied representations amounting to unfair trade practices, and deliberate concealment of important information.¹² Section 2(47) separately addresses false representations about quality, composition, approval and benefits.¹³ Environmental advertising can fall within these provisions without a freestanding statutory tort called greenwashing.

These routes should not be collapsed into a universal requirement of fraudulent intent. Deliberate concealment is one statutory limb; other limbs concern falsity or a likelihood of misleading consumers. Nor should every environmental controversy become a consumer claim. The representation must be connected to the relevant statutory prohibition.¹⁴ A dispute about a brand's moral standing is different from a misleading statement about the composition or benefits of its products.¹⁵

⁹ Authority for Consumers and Markets, 'Going Forward, Decathlon and H&M Will Provide Better Information about Sustainability to Consumers' (13 September 2022) <<https://www.acm.nl/en/publications/going-forward-decathlon-and-handm-will-provide-better-information-about-sustainability-consumers>> accessed 30 September 2026.

¹⁰ OECD, *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector* (OECD Publishing 2018).

¹¹ OECD, 'Responsible Garment and Footwear Supply Chains' <<https://www.oecd.org/en/topics/sub-issues/due-diligence-guidance-for-responsible-business-conduct/responsible-garment-and-footwear-supply-chains.html>> accessed 30 September 2026.

¹² Consumer Protection Act 2019, s 2(28)(i)–(iv).

¹³ Consumer Protection Act 2019, s 2(47)(i)(a), (d)–(f).

¹⁴ Consumer Protection Act 2019, ss 2(28), 2(47).

¹⁵ Consumer Protection Act 2019, ss 2(1), 2(28), 2(47).

The CCPA may investigate consumer-rights violations, unfair trade practices and misleading advertisements, including on its own motion.¹⁶ Its authority to issue guidelines arises under section 18(2)(1). The 2024 instrument therefore operates within an existing enforcement structure, with contraventions addressed through the Act; it is not a separate schedule of automatic greenwashing fines.¹⁷

B. Evidence and the meaning of disclosure

The guidelines require substantiation and accessible qualifications for generic environmental terms. They also require disclosure of whether a claim concerns the whole product, a component, manufacture, packaging, use or disposal.¹⁸ This is especially useful for fashion, where a label may describe a fibre, a garment or an entire collection without marking the transition. A claim's apparent object should determine the evidence required to support it.

There is an interpretive tension within the instrument. Clause 5(c) refers to independent studies or third-party certifications, while clause 6(5) and the annexure also recognise internal verifiable evidence.¹⁹ The better reading is that substantiation must be credible and appropriate to the representation, rather than that every claim requires the same external certificate. Regulators should clarify the relationship expressly. A documented composition statement and a sweeping lifecycle claim raise different evidential demands.²⁰

Disclosure presents a second difficulty. Clause 6(1) permits QR codes and URLs for detailed material information, but clause 6(6) requires accessibility and prohibits contradiction.²¹ The 2022 misleading-advertising guidelines additionally reject disclaimers that contradict a material claim or attempt to correct a misleading one.²² Read together, these provisions support layered disclosure, but not a headline that is false until the customer scans its correction. The precise boundary warrants fashion-specific guidance rather than pretending that India already adopts every UK rule about placement.

ASCI's environmental advertising guidelines provide a complementary self-regulatory standard. They address absolute and comparative claims, lifecycle boundaries, certifications

¹⁶ Consumer Protection Act 2019, ss 18(1), 19(1).

¹⁷ Greenwashing Guidelines 2024 (n 2), cl 10; Consumer Protection Act 2019, s 18(2)(1).

¹⁸ Greenwashing Guidelines 2024 (n 2), cls 5(a), 6(3).

¹⁹ Greenwashing Guidelines 2024 (n 2), cls 5(c), 6(5), annex 1, para 1.

²⁰ Norwegian Consumer Authority and Authority for Consumers and Markets, 'Guidance to the Sustainable Apparel Coalition: Environmental Claims in Marketing towards Consumers Based on the Higg MSI' (5 October 2022) 4, s 4.1.1 <<https://www.acm.nl/system/files/documents/nca-and-acm-joint-guidance-document-to-the-sustainable-apparel-coalition.pdf>> accessed 30 September 2026.

²¹ Greenwashing Guidelines 2024 (n 2), cls 6(1), 6(6).

²² Central Consumer Protection Authority, Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 (F No J-25/4/2020-CCPA (Reg), 9 June 2022), cl 11(1).

and future objectives.²³ Their institutional status matters: ASCI guidance does not confer the CCPA's statutory investigative or monetary powers. Nevertheless, it offers a useful account of how qualifications, evidence and presentation interact in advertising practice.

IV Where fashion claims cross the line

A. Broad language and the overall impression

Terms such as 'sustainable', 'conscious' and 'planet-friendly' may imply more than the advertiser intends. A customer viewing a product page should not have to infer that an environmental promise concerns only its hangtag. India's guidelines expressly address misleading words, symbols and imagery, while excluding non-deceptive puffery and generic visual presentation.²⁴ Green colouring alone is consequently not proof of illegality. Its significance depends on the message created by the advertisement as a whole.²⁵

The ASA's 2025 ruling concerning Nike illustrates the evidential mismatch. Nike relied on recycled content and cradle-to-gate comparative information to explain a paid advertisement referring to sustainable materials. The ASA upheld the complaint because the unqualified claim was unclear and the evidence did not establish the environmental assurance it considered the advertisement communicated across the lifecycle.²⁶ This was an advertising-code ruling, not a judicial determination that recycled polyester has no environmental benefits.

The lesson is not to ban positive language regardless of context. It is to avoid letting a broad adjective perform the work of an unproved conclusion. A statement about a specified percentage of recycled fibre can be evaluated against composition records; a promise of overall sustainability requires a different assessment. The FTC's guidance similarly warns against unqualified general environmental-benefit claims and recognises the importance of clear limitations.²⁷

B Fibre content and claims about whole garments

Consider a hypothetical jacket whose shell contains 60 per cent recycled polyester but whose lining and filling do not. Calling the whole jacket '60 per cent recycled' without identifying

²³ Advertising Standards Council of India, 'Guidelines for Advertisements Making Environmental/Green Claims' (15 January 2024, effective 15 February 2024), guidelines 1–4, 6 and 8 <<https://www.ascionline.in/the-asci-code-guidelines/>> accessed 30 September 2026.

²⁴ Greenwashing Guidelines 2024 (n 2), cl 2(1)(f).

²⁵ ASCI Environmental Guidelines (n 23), guideline 7.

²⁶ Advertising Standards Authority, 'Nike Retail BV' (Ruling A25-1309100, 3 December 2025), 'Response' and 'Assessment' <<https://www.asa.org.uk/rulings/nike-retail-bv-a25-1309100-nike-retail-bv.html>> accessed 30 September 2026.

²⁷ 16 CFR § 260.4(b)–(c).

the denominator may misstate its composition. Calling it ‘sustainable’ adds a further inference. Indian law permits scrutiny of both the represented composition and the scope of the claimed environmental benefit.²⁸

The UK fashion guidance is instructive here: fabric descriptions should specify the relevant fibre percentages and should not imply that a mixed product consists entirely of a preferred material.²⁹ The legal solution is usually a narrower statement, supported by traceable records, rather than a larger disclaimer.³⁰ If the claim concerns only the shell, that limitation belongs in the description that creates the impression.

Natural origin is equally insufficient to establish benign processing. The US bamboo enforcement actions concerned rayon textiles marketed as bamboo and associated environmental assertions. The FTC records settlements requiring changes to advertising and civil penalties of \$2.5 million for Kohl’s and \$3 million for Walmart.³¹ These were settlement outcomes concerning the alleged conduct, not authority for treating every bamboo-derived textile as unlawful. The relevant analytical separation is between botanical origin, fibre identity and manufacturing impact.

C Comparative savings and lifecycle boundaries

A claim of ‘40 per cent less water’ is incomplete until the comparator, activity and measurement boundary are identified. Water used in dyeing is different from water used throughout production. The 2024 Indian guidelines require comparative claims to identify the specific aspects compared and rely on verifiable, relevant data.³² Accordingly, comparison with a previous process can be legitimate even when it would not justify superiority over every competing garment.

The joint Norwegian and Dutch guidance on Higg MSI explains why technical presentation does not resolve this problem automatically. Its account of the investigated marketing distinguishes global-average material data from evidence about a specific finished product and

²⁸ Consumer Protection Act 2019, s 2(47)(i)(a); Greenwashing Guidelines 2024 (n 2), cl 6(3).

²⁹ Competition and Markets Authority, ‘Complying with Consumer Law When Making Environmental Claims in the Fashion Retail Sector’ (18 September 2024), ‘Describe fabrics clearly and precisely’ <<https://www.gov.uk/government/publications/complying-with-consumer-law-when-making-environmental-claims-in-the-fashion-retail-sector/complying-with-consumer-law-when-making-environmental-claims-in-the-fashion-retail-sector>> accessed 30 September 2026.

³⁰ Misleading Advertisements Guidelines 2022 (n 22), cl 11(1)(a), (c).

³¹ Federal Trade Commission, ‘Walmart, US v’ (Matter 2023173, 8 April 2022), ‘Case Summary’ <<https://www.ftc.gov/legal-library/browse/cases-proceedings/2023173-walmart-us-v>> accessed 30 September 2026.

³² Greenwashing Guidelines 2024 (n 2), cl 6(4).

identifies problems with outdated or unsuitable comparative datasets.³³ This is a criticism of the evidential use and presentation examined, not a conclusion that every lifecycle model or subsequent version of an index is necessarily misleading.

The same guidance emphasises representativeness, methodological review and the limits of claims made using averages.³⁴ The underlying inference is straightforward: a precise number may convey unwarranted certainty when the assumptions beneath it are materially incomplete. Regulators should ask whether evidence supports the consumer-facing proposition, rather than treating quantified language as inherently more reliable than words.

Environmental comparisons can also involve trade-offs. Synthetic textiles raise questions about resource use, recyclability and microplastic release that do not collapse into a single carbon score.³⁵ A seller need not reproduce an environmental textbook on every label. It must, however, avoid presenting an improvement in one metric as a finding of overall superiority where the evidence does not support that conclusion. India's prohibition on selective favourable disclosure is directly relevant.³⁶

D Certifications and the appearance of independence

A genuine certificate answers only the questions within its scope. Certification of a fibre does not necessarily certify labour conditions, packaging or the entire company. ASCI accordingly requires advertisers to identify the attributes evaluated by the certifier.³⁷ A privately designed badge can be still more problematic if its placement suggests independent approval. The Indian Act's treatment of false sponsorship or approval supplies an additional legal route.³⁸

Mass-balance systems expose a subtler distinction. Supporting a certified sourcing system does not necessarily establish that a particular garment physically contains the supported material. The CMA's fashion guidance requires clarity where the individual product's composition may not be affected by participation in such a scheme.³⁹ For Indian adjudication, the pertinent question is what the label represents. System-level support may be truthfully described, but it should not be converted into an unverified product-content claim.

Certification should therefore function as evidence, not immunity. The FTC's Green Guides

³³ NCA and ACM, 'Higg MSI Guidance' (n 20) 3–4, s 3(a)–(d).

³⁴ NCA and ACM, 'Higg MSI Guidance' (n 20) 4–5, ss 4.1.1–4.1.2.

³⁵ European Environment Agency, 'Plastic in Textiles: Towards a Circular Economy for Synthetic Textiles in Europe' (2021) <<https://www.eea.europa.eu/en/analysis/publications/plastic-in-textiles-towards-a-circular-economy-for-synthetic-textiles-in-europe>> accessed 30 September 2026.

³⁶ Greenwashing Guidelines 2024 (n 2), cl 6(2).

³⁷ ASCI Environmental Guidelines (n 23), guideline 6.

³⁸ Consumer Protection Act 2019, s 2(47)(i)(d)–(e).

³⁹ CMA, 'Fashion Guidance' (n 29), 'Affiliations and accreditations'.

expressly explain that third-party certification does not eliminate a marketer's substantiation responsibility.⁴⁰ The same reasoning supports scrutiny of expired certificates, mismatched product coverage and undisclosed relationships with certifiers. Whether these defects establish a violation still depends on the applicable rule and the representation conveyed.

E Circularity and disposal claims

'Recycled', 'recyclable' and 'collected for recycling' describe different events. A garment's past input does not establish its future destination. The FTC distinguishes recycled-content claims from recyclability claims and addresses the availability of recycling facilities.⁴¹ Its numerical availability thresholds are US guidance, not Indian legal requirements. The transferable point is that a theoretical process somewhere in the world may not substantiate an unqualified promise to the consumers addressed.

Take-back programmes likewise require care. Collection can lead to reuse, sorting, recycling or disposal; the EEA's account of used-textile exports shows why collection and successful circularity should not be equated.⁴² A hypothetical advertisement promising that every returned garment becomes new clothing would require evidence of that outcome. A narrower promise merely to accept specified garments for sorting presents a different claim and a different evidential burden.

A discount offered for returns creates another normative concern: a programme advertised as reducing waste may encourage additional purchases. That possibility alone does not establish deception. The legal question remains whether the stated benefit is adequately supported and qualified. Claims about the conditions of disposal or degradation need appropriate scientific evidence; otherwise the advertisement risks replacing a practical limitation with an environmental aspiration.⁴³

Communication policy reaches beyond checking individual labels. UNEP and UN Climate Change's fashion playbook addresses the role of communicators in changing consumption narratives.⁴⁴ Its programme is wider than the legal prohibition on misleading advertisements. This distinction prevents two errors: treating every consumption-stimulating advertisement as

⁴⁰ 16 CFR § 260.6(c).

⁴¹ 16 CFR §§ 260.12–260.13.

⁴² European Environment Agency, 'Management of Used and Waste Textiles in Europe's Circular Economy' (2024) <<https://www.eea.europa.eu/en/analysis/publications/management-of-used-and-waste-textiles-in-europes-circular-economy>> accessed 30 September 2026.

⁴³ Greenwashing Guidelines 2024 (n 2), cl 6(5); ASCI Environmental Guidelines (n 23), guideline 10.

⁴⁴ United Nations Environment Programme, 'The Sustainable Fashion Communication Playbook' (19 June 2023) <<https://www.unep.org/resources/publication/sustainable-fashion-communication-playbook>> accessed 30 September 2026.

illegal, and assuming that a legally defensible advertisement necessarily promotes environmental sufficiency.

F Climate claims and future promises

An offset purchase does not show that manufacturing emissions disappeared. The FTC requires competent and reliable evidence for offset claims, addresses double counting and requires disclosure where the reduction will occur two or more years later.⁴⁵ These evidential concerns illustrate why a bare carbon-neutral label may conceal assumptions about boundaries, timing and the mechanism used to balance emissions.

The EU has adopted a more categorical approach to certain product claims. Directive 2024/825 adds an Annex I prohibition covering claims, based on greenhouse-gas offsetting, that a product has a neutral, reduced or positive greenhouse-gas impact.⁴⁶ That prohibition is narrower than a ban on discussing offsets. It distinguishes financing mitigation elsewhere from representing the climate performance of the product offered for sale.

In India, clause 7 permits future environmental claims only where clear and actionable plans have been developed.⁴⁷ Missing a target does not retrospectively prove that the original representation lacked a reasonable foundation. Conversely, sincerely hoping to become net zero does not substantiate a commercial promise unsupported by a plan. Where a campaign continues after material assumptions change, its continuing accuracy should be reassessed.

The guidelines exclude a company mission statement that is not specific to a product or service, illustrating the distinction between general organisational values and claims about sustainable manufacture.⁴⁸ That exclusion should not become a drafting device for insulating substantive product assurances. The EU's requirement for detailed, measurable, time-bound and independently reviewed plans offers a possible model for further Indian guidance, rather than an obligation already imported into Indian law.⁴⁹

⁴⁵ 16 CFR § 260.5.

⁴⁶ Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024 amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information [2024] OJ L 6.3.2024, art 1(4), annex, point 2, inserting point 4c.

⁴⁷ Greenwashing Guidelines 2024 (n 2), cl 7.

⁴⁸ Greenwashing Guidelines 2024 (n 2), cl 2(1)(f), explanation.

⁴⁹ Directive (EU) 2024/825, art 1(2)(b), inserting art 6(2)(d) in Directive 2005/29/EC.

V. Comparative enforcement and its limits

The UK's 2024 undertakings from ASOS, Boohoo and George at Asda translated general principles into commitments concerning green collections, material descriptions, imagery and search filters.⁵⁰ Their importance is operational: misleading meaning can be created by the way products are grouped. The undertakings should not be presented as court judgments conclusively establishing each allegation investigated.

Dutch enforcement supplies a related example. In 2022, H&M and Decathlon committed to adjust sustainability claims following scrutiny of descriptions including 'Conscious' and 'Ecodesign'.⁵¹ The announced payments to sustainable causes were donations attached to commitments, not fines imposed after a merits judgment.⁵² Accurately characterising the remedy matters: cooperative correction and punitive enforcement demonstrate different things about liability.

For UK commercial practices from 6 April 2025, the Digital Markets, Competition and Consumers Act 2024 replaced the earlier unfair-trading regime.⁵³ Sections 225–227 address unfair practices, misleading actions and misleading omissions.⁵⁴ Historical enforcement and current legislation should therefore be kept distinct. The broader lesson for India concerns the regulation of the entire selling interface, not the transplantation of a foreign statutory formulation.

EU legislation adds specified prohibitions to the general assessment of misleading practices. Directive 2024/825 targets unsupported generic environmental claims, sustainability labels lacking the prescribed basis, and whole-product or whole-business claims supported only by a limited aspect.⁵⁵ Member States were required to transpose it by 27 March 2026 and apply their measures from 27 September 2026.⁵⁶ These dates do not establish identical national implementation; a dispute still requires examination of the relevant domestic measure.

The separate Commission Green Claims proposal should not be confused with that enacted

⁵⁰ Competition and Markets Authority, 'Fashion Greenwashing: Investigation into ASOS, Boohoo and Asda' (27 March 2024), 'Undertakings accepted from ASOS, Boohoo and George at Asda' <<https://www.gov.uk/cma-cases/asos-boohoo-and-asda-greenwashing-investigation>> accessed 30 September 2026.

⁵¹ ACM, 'Decathlon and H&M' (n 9), 'What was this case about?'.

⁵² ACM, 'Decathlon and H&M' (n 9).

⁵³ Competition and Markets Authority, 'Unfair Commercial Practices' (CMA207, 4 April 2025) <<https://www.gov.uk/government/publications/unfair-commercial-practices-cma207/unfair-commercial-practices>> accessed 30 September 2026.

⁵⁴ Digital Markets, Competition and Consumers Act 2024, ss 225–227.

⁵⁵ Directive (EU) 2024/825, art 1(4), annex, points 1–2, inserting points 2a, 4a and 4b.

⁵⁶ Directive (EU) 2024/825, art 4(1).

directive or cited as an existing universal pre-approval requirement.⁵⁷ This distinction matters for exporters: existing consumer law, enacted amendments and proposed verification systems create different obligations. Treating them as interchangeable produces misleading compliance advice about misleading advertising.

The US Green Guides are themselves administrative interpretations, not independently binding legislative prohibitions. Enforcement must establish an unfair or deceptive practice under the FTC Act.⁵⁸ They nevertheless offer detailed differentiation between general benefits, seals, offsets and recycling. The comparative value lies in disciplined classification, while India's enforcement remains anchored in its own Act and guidelines.

VI. Liability and remedies in India

Enforcement should begin with the actor responsible for the challenged representation. A manufacturer's composition statement, a retailer's collection label and an influencer's endorsement may communicate different claims. The 2024 guidelines cover manufacturers, traders, service providers, advertising agencies and endorsers within their stated scope.⁵⁹ Outsourcing an advertisement does not make the resulting representation disappear, but responsibility should be established actor by actor rather than attributed indiscriminately across the supply chain.

Section 21 permits directions to discontinue or modify advertisements.⁶⁰ It also provides specified monetary penalties, including up to ten lakh rupees against a manufacturer or endorser under subsection (2), rising to fifty lakh rupees for subsequent contraventions.⁶¹ Endorser restrictions and the statutory due-diligence defence are separately addressed.⁶² It would be inaccurate to describe every participant as automatically liable for the same maximum penalty. Consumers' remedial claims require their own statutory basis and evidence. Section 39 includes discontinuance of unfair practices, corrective advertising and compensation in the circumstances it specifies.⁶³ A regulator's conclusion that an advertisement misleads does not mechanically determine an individual purchaser's compensable loss. Screenshots, the version of the claim encountered, purchase records and the connection between the representation and

⁵⁷ European Commission, 'Green Claims' <https://environment.ec.europa.eu/topics/circular-economy-topics/green-claims_en> accessed 30 September 2026.

⁵⁸ 16 CFR § 260.1(a).

⁵⁹ Greenwashing Guidelines 2024 (n 2), cl 3.

⁶⁰ Consumer Protection Act 2019, s 21(1).

⁶¹ Consumer Protection Act 2019, s 21(1)–(2).

⁶² Consumer Protection Act 2019, s 21(3), (5).

⁶³ Consumer Protection Act 2019, s 39(1)(d), (g), (l).

alleged loss can therefore matter.

Where an influencer is involved, the paid relationship and the environmental assertion raise separate questions. The 2022 guidelines require due diligence for endorsements and disclosure of material connections.⁶⁴ Marking a post as sponsored clarifies its commercial character; it does not substantiate its claim that a garment is environmentally harmless.⁶⁵

The evidential asymmetry favours active investigation. Section 19(3) enables demands for documents or records, while section 17 permits complaints concerning consumers as a class.⁶⁶ Regulators should use those mechanisms to obtain underlying studies and supplier records instead of expecting individual customers to reconstruct international production chains. The burden and standard applicable to each proceeding must nevertheless remain those supplied by law.

VII. A proportionate framework for Indian fashion

India's immediate need is a fashion-specific application of existing powers. Such guidance could distinguish garment composition, production comparisons, business-wide performance, certification and disposal claims, with examples showing how scope changes the required evidence. The CCPA's guideline-making power provides the institutional basis for that work.⁶⁷ Examples should be adaptable to small sellers and regional-language advertising, rather than written only for multinational compliance teams.

First, advertisers should maintain a claim record identifying the wording, affected products, evidence, methodology, limitations and date for review. This is a proposed compliance practice, not an assertion of a presently universal statutory filing duty. It gives practical effect to substantiation and helps identify when a supplier or production change makes an existing claim inaccurate.⁶⁸ External assurance should be proportionate to complexity and reach, with affordable testing and shared infrastructure available to smaller businesses.⁶⁹

Second, guidance should distinguish the immediate explanation needed to understand a claim from the technical information that may sit behind a link. The UK fashion guidance offers a useful model for placing essential qualifications near the representation.⁷⁰ India should clarify this approach in light of its own express allowance for digital disclosure. The aim is intelligible

⁶⁴ Misleading Advertisements Guidelines 2022 (n 22), cls 13–14.

⁶⁵ 16 CFR § 260.2.

⁶⁶ Consumer Protection Act 2019, ss 17, 19(3).

⁶⁷ Consumer Protection Act 2019, s 18(2)(1).

⁶⁸ Greenwashing Guidelines 2024 (n 2), cls 5–6.

⁶⁹ NCA and ACM, 'Higg MSI Guidance' (n 20) 4, s 4.1.1.

⁷⁰ CMA, 'Fashion Guidance' (n 29), 'Don't hide important information'.

communication, not the maximum possible volume of text.

Third, corrective action should reach the same audience and sales channels as the misleading message. Changing an obscure sustainability webpage may leave product filters, advertisements and influencer content untouched. Section 21's modification power and section 39's corrective-advertising remedy offer complementary starting points.⁷¹ Published reasoned decisions would also show businesses why a claim failed, reducing reliance on vague assurances that their advertising is industry standard.

Finally, anti-greenwashing enforcement must retain its limits. Truthful environmental claims do not guarantee fair wages, safe workplaces or sufficient waste infrastructure. UNEP's roadmap places responsibility across policymakers, producers, financiers and other participants precisely because communication reform alone cannot deliver a circular textile economy.⁷² Regulation should preserve accurate accounts of incremental improvement while preventing those improvements from being marketed as resolution of problems they do not address.

VIII. Conclusion

Sustainability claims become legally misleading when the environmental proposition conveyed cannot be justified by evidence of corresponding scope, or when qualifications necessary to understand it are concealed or contradicted. The inquiry must connect words, imagery and selling context with the actual object, boundary and basis of the claim. It must also distinguish an inaccurate present representation from a defensible forecast that later fails.

India already possesses substantial statutory and regulatory tools. Their credibility will depend on precise interpretation, access to supporting evidence and remedies directed at the communication consumers actually encountered. Comparative experience supports that approach without supplying a universal liability formula. Fashion businesses should be able to describe genuine improvements clearly. They should not be able to transform a better fibre, a collection programme or a distant target into an unearned assurance about the environmental consequences of buying more clothing.

⁷¹ Consumer Protection Act 2019, ss 21(1), 39(1)(l).

⁷² UNEP, 'Global Roadmap' (n 6).