BEUC The European Consumer Organisation

ClientEarth

ecos

UNBOTTLING GREENWASHING

Lifting the lid on plastic bottle recycling claims

November 2023

"MANY EUROPEANS WANT TO CONTRIBUTE TO A MORE SUSTAINABLE WORLD THROUGH THEIR PURCHASES. THEY NEED TO BE ABLE TO TRUST THE CLAIMS MADE."

Frans Timmermans,
Executive Vice-President for the European Green Deal, 22 March 2023[1]

Consumer surveys consistently demonstrate that environmental claims have an impact on consumer behaviour. Yet misleading claims remain widespread. This is notably the case for claims on bottles of water packaged in single-use plastics claiming that they are "100% recyclable" and/or "made of 100% recycled plastic". Plastic water bottles are one of Europe's most frequently purchased consumer products, a well-recognised source of plastic pollution and other environmental harm. Yet they remain widely promoted through claims relating to recycling. These claims promote the idea of "plastic bottle circularity" i.e., that plastic bottles are recycled over and over to make new plastic bottles, so neutralising the impacts of plastics on the environment. Such claims are also either vague, factually inaccurate, or otherwise not substantiated. According to our analysis, these claims infringe EU Directive 2005/29/EC on unfair commercial practices (UCPD). Ultimately, they also prevent consumers being empowered to make better informed choices and to play their role in the green transition.

In this context, BEUC together with 14 national consumer organisations from 13 European countries submitted an alert to the European Commission and the European network of consumer authorities (CPC-Network) reporting several traders using such misleading claims. This report was prepared with the technical support and expertise of ClientEarth and ECOS.

The accompanying legal study "The legality of 100% recycled" and "100% recyclable" claims on water bottled in plastics – legal analysis under EU Directive 2005/29/EC "(2023) further complements this report.

[1] https://ec.europa.eu/commission/presscorner/detail/en/ip_23_1692 (accessed October 2023)

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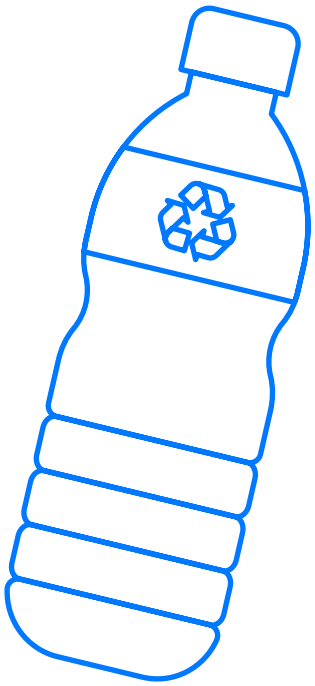
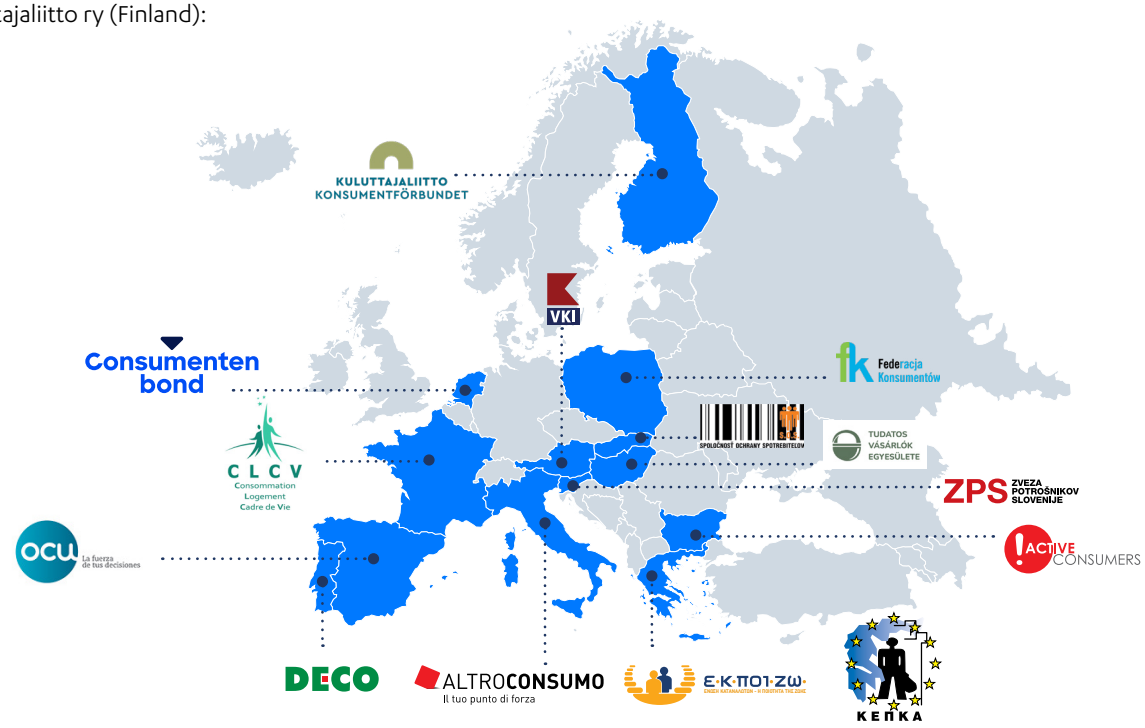


1. PARTICIPATING BEUC MEMBERS AND PARTNERS

This alert to the CPC-Network and the European Commission is coordinated by BEUC together with 14 members representing 13 European countries, namely EKPIZO and KEPKA (Greece), Association Consommation, Logement et Cadre de Vie (CLCV-France), Consumentenbond (the Netherlands), Altroconsumo (Italy), Organización de consumidores y usuarios (OCU-Spain), Zveza Potrošnikov Slovenije (ZPS – Slovenia), Tudatos Vásárlók Egyesülete (TVE-Hungary), DECO (Portugal), Асоциация Активни потребители/ Bulgarian National Consumer Association (BNAAC – Bulgaria), Federacja Konsumentów (Poland), Verein für Konsumenteninformatiwon (VKI, Austria), Spoločnosť ochrany spotrebiteľov (S.O.S.) Poprad (Slovakia) and Kuluttajaliitto ry (Finland):



This alert also benefitted from the technical expertise from ClientEarth and ECOS:

ClientEarth's (www.clientearth.org) work focuses on changing the system – informing, implementing, and enforcing the law, advising decision-makers on policy and training legal and judicial professionals. ClientEarth applies its environmental and legal expertise to help protect the public from misleading communications which block action to address environmental crises. In the last two years alone, ClientEarth has successfully brought the world's first aviation greenwashing lawsuit[2]; joined a complaint against one of the world's largest coal companies' misleading net zero claims[3], challenged an oil major's greenwashing advertising[4] and taken legal action against greenwashing advertisements by an American gas company[5].

ECOS (https://ecostandard.org/) is an international NGO with a network of members and experts advocating for environmentally friendly technical standards, policies and laws. ECOS ensures the environmental voice is heard when they are developed and drive change by providing expertise to policymakers and industry players, leading to the implementation of strong environmental principles. ECOS works to cut global plastic footprints and ensure clean material loops in a circular plastics economy by engaging in standards and related policy developments, as well as striving to ensure the exchange of accurate, transparent, and robust environmental information between businesses and consumers. Recent ECOS work includes tackling misleading greenwashing claims,[6] working towards more ambitious criteria for plastic legislation[7] and empowering consumers for the green transition.[8]

2 www.clientearth.org/latest/latest-updates/news/we-re-joining-legal-action-against-dutch-airline-klm-for-greenwashing/

3 www.clientearth.org/latest/latest-updates/news/clientearth-joins-complaint-against-coal-giant-glencore-alleging-misleading-net-zero-claims/

4 www.clientearth.org/latest/press-office/press/totalenergies-fails-to-stop-historic-net-zero-greenwashing-case-from-proceeding/

5 www.clientearth.org/latest/latest-updates/news/we-re-joining-legal-action-against-greenwashing-ads-by-a-dc-gas-company/

6 https://ecostandard.org/news_events/eu-plans-to-curb-greenwashing-too-good-to-be-true-green-claims-directive-proposal-far-from-the-real-green-deal/

7 https://ecostandard.org/news_events/message-on-a-bottle-the-little-known-decision-that-will-make-or-break-eu-recycling-goals/

8 https://ecostandard.org/news_events/less-greenwashing-and-more-green-empowering-consumers-for-the-green-transition/

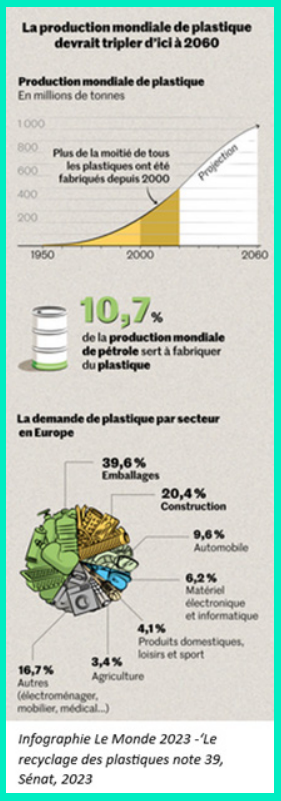
2. PROBLEM DESCRIPTION: THE IMPACT OF PLASTIC BEVERAGE BOTTLES ON THE ENVIRONMENT

The per capita consumption of bottled water has been increasing over the years and the bottled water industry is the fastest-growing sector of the packaged beverage industry.[9] The average European drinks around 118 liters of bottled water per year. The top five biggest consumers of bottled water in the EU are Italy, Germany, Portugal, Hungary, and Spain.[10] Out of all non-alcoholic beverages in the EU in 2019, bottled water represented the largest market share in terms of market volume of around 48%.[11] Various types of single-use packaging materials are used for water products, including glass, aluminum, and cartons. **However, plastics is by far the most common material, accounting for 97% of bottled water containers.[12]**

Plastic bottles generally comprise a beverage bottle body, together with cap or lid and label. The beverage bottle body is commonly manufactured from polyethylene terephthalate ("PET").[13] The other components are manufactured from different types of plastics. Labels are sometimes also manufactured from paper, but this is less common.

Bottled water has multiple, significant negative environmental impacts. Single-use plastics used to manufacture bottled beverage packaging is a highly polluting material made from fossil fuels, in highly carbon-intensive processes. Unless action is taken to halt and reverse growth in plastic production, in 2050, total annual emissions from global plastic production are expected to exceed the carbon budget for all material production, and 32% of the IPCC's entire budget from limiting warming to 1.5 degrees.[14]

All forms of plastic waste management – including recycling – have negative impacts on the environment, including generating pollution[15] and greenhouse gas emissions[16]. The whole plastic lifecycle significantly harms human health,[17] and plastic pollution is detrimental to ocean[18] and terrestrial ecosystems. Global "brand audits"[19] of plastic waste in the environment have found that beverage bottles were the second most common plastic item found in the environment, and the third most common item in Europe.[20] In addition to the significant impacts of plastic beverage bottles on the environment, the extraction of water



Infographie Le Monde 2023 -'Le recyclage des plastiques note 39, Sénat, 2023

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9 In 2022, the average consumption of bottled water in Europe was 121 liters per capita. 64% of bottles consumed contained still water Parag, Y.; Elimelech, E.; Opher, T. Bottled Water: An Evidence-Based Overview of Economic Viability, Environmental Impact, and Social Equity. *Sustainability* 2023, *15*, 9760. https://doi.org/10.3390/su15129760.

10 Statista, M. Ridder, "Per capita consumption of bottled water in Europe in 2019, by country" (2022), available online: https://www.statista.com/statistics/455422/bottled-water-consumption-in-europe-per-capita/.

11 NMWE, Statistics, 2019. Available at: https://naturalmineralwatereurope.org/statistics/

12 United Nations University Institute for Water Environment and Health (UNU INWEH), Z. Bouhlel et al, *"Global Bottled Water Industry: A Review of Impacts and Trends"* (March 2023), available online: https://inweh.unu.edu/wp-content/uploads/2023/03/UNU_BottledWater_Report_F.pdf.

13 The examples of plastic bottles reported in this alert are all made of PET.

14 Eunomia and Zero Waste Europe, "Is Net Zero Enough for the Material Production Sector? Analysing the decarbonisation pathways for key material sectors and their ability to meet global carbon budgets", November 2022

15 For example, plastic recycling gives rise to microplastic pollution. A recent study conducted in the UK found that anywhere between 6 and 13% of plastics processed could be released as microplastics (Journal of Hazardous Materials Advances – Volume 10, 100309, E Brown et al, *"The potential for a plastic recycling facility to release microplastic pollution and possible filtration remediation effectiveness"* (May 2023))

16 CIEL, "Plastic & Climate: The hidden costs of a plastic planet", 2019

17 Marcos Orellana, UN Special Rapporteur on toxics and human rights, "Report of the Special Rapporteur on the implications for human rights of the environmental sound management and disposal of hazardous substances and wastes: The stages of the plastics cycle and their impacts on human rights", 2021, A/76/207.

18 The UN Food and Agriculture Organization, the world's soils are likely even more contaminated by plastic pollution than the oceans. Food and Agricultural Organisation of the United Nations, "Assessment of Agricultural Plastics and their Sustainability" (2021).

19 Citizen science initiatives in which volunteers gather data on plastic waste at community cleanups, recording information such as the type of plastic waste and the brand/company the manufactured it.

20 https://brandaudit.breakfreefromplastic.org/wp-content/uploads/2022/11/BRANDED-brand-audit-report-2022.pdf

for bottled beverages is harmful to local environments and ecosystems,[21] and the distribution of bottled beverages is highly energy intensive (notably, energy incurred for transportation and chilling).[22]

It is increasingly common for bottled beverages (especially water products) to carry some kind of promotional environmental messaging either on the label and/or in additional marketing materials (social media advertising, billboard, and posters) relating to recycling ("100% recycled" and/or "100% recyclable"), often accompanied by circular, closed-loop imagery and sometimes by additional environmental claims.

3. IDENTIFIED CLAIMS

We identified **three main types of problematic claims**:

"100% RECYCLED" CLAIMS

Variations in formulation of claims on bottled water labels include (inter alia): "100% rPET", "100% rePET", "100% recycled material", "100% made of other bottles". In some cases, these claims are accompanied by an asterisk with "excluding cap and label" written elsewhere on the bottle / no asterisk and "excluding cap and label" written elsewhere on bottle, in each case, less prominently than the original claim.

Example: Lanjarón (Spain) – "100% made of other bottles"

"100% RECYCLABLE" CLAIMS

Variations in formulation of claims on bottled water labels include (*inter alia*): "100% recyclable bottle", "I am 100% transparent and recyclable".

Example: Bankya (Bulgaria) – "100% recyclable"

ADDITIONAL ENVIRONMENTAL CLAIMS

Recycling claims are reinforced by circular imagery and/or use of green imagery and generic environmental statements.

Example; Levissima, (Italy) – "100% made of other bottles" in green text, with "let's recycle" also in green text.

[21] Environmental Research Letters – Volume 4, 1,

[22] P Gleick and H Cooley, *"Energy implications of bottles water"*, February 2009.

4. HOW WOULD THE AVERAGE CONSUMER UNDERSTAND THESE CLAIMS?

First, it is noteworthy that the reference to the round number "100%" is likely to be intended to have a particular effect on consumers. It **triggers a so-called "round number bias**" influencing behaviour. This bias has been well-evidenced in the psychological and behavioural literature.

"100%" AND THE "ROUND NUMBER BIAS"

Research has shown that individuals' psychological processes and behaviours are affected by specific numbers, and in particular round number.[23] This bias has been illustrated on several occasions and in various sectors[24]. Round numbers tend to be the most cognitively accessible numbers and are commonly used as reference points.[25] Individuals also tend to rely on round numbers whenever they lack information or general knowledge.

More specifically, studies have shown that round numbers have various effects on communication. For instance, a study showed that the use of round-number endings makes price information easier for consumers to perceive, compare and remember.[26] People tend to use round numbers in communication and infer the speaker' confidence based on whether the speaker uses a round number to communicate numerical information.

Second, overall, the "100% recycled" and "100% recyclable" claims – particularly when they are made alongside circular imagery and/or generic sustainability claims and imagery - promote the idea that the plastic bottled water can be environmentally neutral/sustainable. They do this by conveying an impression of "plastic bottle circularity" *i.e.*, that plastic bottles are recycled over and over to make new plastic bottles, so "neutralising" the impacts of plastics on the environment. This concept is reinforced by the frequent use of "circular", "closed-loop" imagery alongside these claims. When accompanied by generic sustainability claims and imagery, the idea is taken even further, implying or even stating, that these bottles have a positive impact on the environment.

IMAGES AND MARKETING SHOWING 'BOTTLE-TO-BOTTLE' CONCEPT, CIRCULAR IMAGERY AND GREEN IMAGERY COMMONLY USED TO MARKET SUCH PRODUCTS.

Evian, Danone: "Bottle made from bottles". Source: https://www.environmentenergyleader.com/2020/09/evian-launches-new-bottles-made-from-100-recycled-plastic/

Levissima, Nestlé: "Bottle made from 100% rPET recycled plastic; let's recycle together on the label". Source: https://www.allthingscommunicate.com/what-we-do/levissima-issima-nuova-grafica-di-pack-e-trb.

Lanjarón, Danone: "100% recycled: Made from other bottles". Source: https://www.danoneespana.es/noticias/noticias-destacadas/Todas-las-botellas-de-Lanjaron-seran-de-plastico-reciclado-en-2021.html.

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23 The round number bias is also sometimes called "round number heuristic" in the behavioural and psychological literature.

24 E.g., T. Chen, Round-number biases on trading time: Evidence from international markets, *Journal of Financial Research*, 2021.

25 E.g, R. Schindler, P. Kirby, Patterns of rightmost digits used in advertised prices: implications for nine-ending effects, *Journal of Consumer Research*, vol.24, 1997.

26 idem

Valser, Coca-Cola: "made with 100% recycled PET bottles" and on label, "seeing you again already". Source: https://www.valser.ch/verantwortung/rpet.

Bankya, Coca-Cola Danone: "100% recyclable". Source: member photograph.

"100% RECYCLED"

An average consumer would understand a "100% recycled" claim to mean that the beverage bottle is entirely made from recycled materials, and that, in turn, "recycled materials" are materials that have been previously used, passed through the waste management process and a recycling process, and remanufactured into a new product.

As further explained below, the reality does not match consumers' expectations and understanding for multiple reasons:

- First, in all cases, only one of the multiple components that make up the beverage bottle is made fully from recycled plastic.
- Second, in some cases, *pre-consumer* plastic is incorporated into the bottle (offcuts/scraps from manufacturing processes involving virgin plastic and not plastic that has been used previously) which means that the bottle does not originate 100% from "other bottles", or indeed, plastic that has been previously used, pass through the waste management process and a recycling process and remanufactured into a new product (see Section 5.4 for further explanation).
- Third, in some cases 'non-proportional mass balance' approaches may be being used to 'allocate' recycled content to beverages bottles without reflecting the actual recycled content in individual products (see Section 5.4 for further explanation).

"100% RECYCLABLE"

The term "recyclable" is used in different contexts by different actors to mean different things. It does not have a fixed meaning either in law or colloquially. As noted by Consumers International, the term is "ambiguous" and whether a product will be recycled depends on many factors - not just the nature of the packaging.[27] For example, the availability of infrastructure to collect the material, the effectiveness of sorting processes, the availability of appropriate recycling processes and their effectiveness, and the existence of end markets for recycled material.

For the average consumer, it is logical that they would expect that a claim of "recyclable" has some practical meaning to them: i.e., that they can expect the product to be recycled in their local area. In the case of beverage bottles, as noted above, the idea of "bottle to bottle" recycling and circular imagery have been heavily promoted.[28] Consumers may therefore assume "recyclable" in this context to mean that the beverage bottle will be recycled into a new beverage bottle.

The intention of companies in adding "100%" to "recyclable" claims is unclear, and the responses from traders to letters sent to them with enquiries about these claims did not provide further clarity. There are two main ways such a claim could be interpreted by consumers: (i) that 100% of the bottle components are "recyclable", or (ii) that not only is the bottle "recyclable" but that it is recycled at a 100% rate.

As further explained in Section 5.4, neither of these interpretations is correct.

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27 UNEP., Consumers International and One Planet Network, "Can I recycle this?" A Global mapping and assessment of standards, labels and claims on plastic packaging", 2020.

28 This positioning can also been seen in materials from PETcore Europe – trade association representing companies involved in the PET value chain, whose membership includes Coca-Cola, Danone and Nestlé Waters. On a website first published in 2022, PETcore claims that PET is "NOT a single-use plastic!", that it is "the only plastic that can be recycled bottle-to-bottle in a closed loop" and "the complete opposite of disposable 'single-use' plastic. https://www.recycletheone.com/recycle-now/pet-why-its-not-a-single-use-plastic/.

PLASTIC BOTTLE CIRCULARITY

As explained above, these claims convey an impression that plastic beverage bottles are "circular", removing or neutralising the environmental impact of plastic, to the benefit of the environment. This understanding is indicated and reinforced by the way that the claims about recycled content and recyclable bottles are sometimes combined, and by the common reliance on circular imagery and vague claims and imagery suggesting environmental benefit.

IMPACT ON CONSUMER PURCHASING BEHAVIOUR

Consumer research shows high levels of consumer concern about plastic pollution:

- Plastic waste was identified as a top 5 environmental challenge in all countries surveyed, with over 70% of consumers in Slovakia, Austria, Denmark, the Netherlands, and Germany identifying plastic waste as the top concern.[29]
- The same study found that consumers identified disposable drinks bottles as the second most important cause of the plastic waste problem (after plastic food packaging).

... and high sensitivity to claims about recycling:

- Over half of consumers surveyed in four EU countries think that recycling is the most important thing they can do to reduce the impacts of climate change.[30]
- A 2018 study conducted in France showed that 97% of consumers considered packaging labelled as "100% recyclable" as the best for the environment out of 17 labels commonly used on packaging and the most likely to encourage the consumer to make a purchase.[31]
- Finally, a 2023 study based on responses from more than 3,000 consumers in UK, Italy, France, Germany, Sweden, and Poland showed that 84% of European consumers actively seek recycling instructions on packaged products[32] and 60% say that recyclability instructions and sustainability logos positively influence their purchasing.

There is therefore no doubt that such claims can give consumers the impression that these products are environmentally virtuous and are capable of encouraging consumers to purchase the products.

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29 Growth from Knowledge (GfK), *"Plastic waste avoidance - "Who cares? Who does?"Find out how buyers are willing to change their buying behavior and what brands should do"* (August 2019), available online: https://insights.gfk.com/download-gfk-webinar-plastic-waste-avoidance-who-cares-who-does?submissionGuid=10960222-735c-47e8-8338-9e68a6758a21.

30 https://packagingeurope.com/consumer-survey-recycling-is-top-of-the-sustainability-list/10107.article#:~:text=It%20showed%20that%20two%20in,reduce%20impacts%20of%20climate%20change

31 https://bo.citeo.com/sites/default/files/2019-06/CITEO_ETUDE%20SHOPPER_2018_final.pdf.

32 https://retailtimes.co.uk/packaging-sustainability-trends-84-of-european-consumers-actively-look-for-recyclability-instructions-on-products/

5. CONFRONTING CONSUMERS' EXPECTATIONS WITH REALITY

5.1 RELEVANT LEGAL FRAMEWORK

The above claims fall within the scope of application of Directive 2005/29/EC (the Unfair Commercial Practices Directive – UCPD). Additional EU instruments may also come into play and may apply cumulatively to the UCPD.

WHAT THE UCPD SAYS

Article 6 UCPD prohibits misleading actions. A commercial practice is prohibited if it fulfills three criteria, namely if:

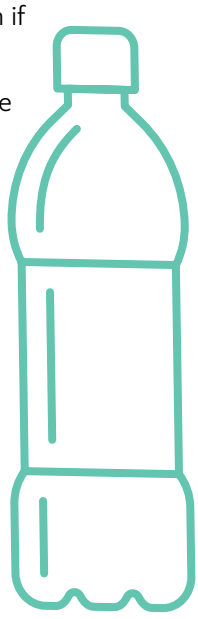
1. It "contains false information and is therefore untruthful or in any way, including overall presentation, deceives or is likely to deceive the average consumer, even if the information is factually correct",
2. it relates to characteristics of the promoted product or of the trader, which notably includes "the existence or nature of the product" and the "main characteristics of the product", and
3. it "causes or is likely to cause [the consumer] to take a transactional decision that they would not have taken otherwise."

Article 7 UCPD prohibits misleading omissions. A commercial practice is prohibited if it fulfills two criteria, namely if:

1. It "omits material information that the average consumer needs, according to the context, to take an informed transactional decision." Whether this is the case must be established within the broader factual context of the commercial practice, "taking account of all its features and circumstances and the limitations of the communication medium"; or if
2. the omission "causes or is likely to cause the average consumer to take a transactional decision that he would not have taken otherwise." According to Article 7(2) UCPD, a trader misleads through omission if material information is provided in "an unclear, unintelligible, ambiguous, or untimely manner".

Article 5(2) UCPD serves as an additional safety net by prohibiting commercial practices that are contrary to the requirements of **professional diligence** if they are likely to materially distort the economic behaviour of the average consumer.

Furthermore, the **UCPD guidance**[33] further specifies the application of the UCPD to green claims by highlighting inter alia that "highly polluting industries should ensure that their environmental claims are accurate in a sense of being relative, e.g., "less harmful for the environment" instead of "environmentally friendly.



BURDEN OF PROOF ON THE VERACITY OF ENVIRONMENTAL CLAIMS ON TRADERS

Article 12 UCPD provides that it **is up to the professionals** using environmental claims to be able to substantiate them with appropriate evidence. Claims should be based on robust, independent, verifiable and generally recognised evidence which takes into account updated scientific findings and methods.

[33] Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market 2021/C 526/01, December 2021 ("UCPD Guidance").

OTHER RELEVANT SECTORIAL LEGISLATION & THEIR CUMULATIVE APPLICATION WITH THE UCPD

Other pieces of EU legislation address misleading environmental claims. This is notably the case of Article 7 of Regulation 1169/2011[34] and Articles 3(2) of EU Regulation 1935/2004.[35] As further explained in the accompany study, a cumulative application of the UCPD and such additional legislation is "possible, required and desirable".[36]

5.2 METHODOLOGY

BEUC collected examples of these claims in early 2023 and then approached several traders to ask them further details about their products and manufacturing processes in light of the claims. The purpose of this communication was to gather facts from the companies regarding the claims, assess the accuracy of the claims in order to inform our view of whether and if so, in what way, the claims were misleading, and to gain insight into the companies' perspectives and intentions when making such claims. These letters were sent for research purposes and to inform our analysis of the claims. As such, we did not ask the companies to comment on and/or respond to our view that the claims were misleading.

The questions asked regarded:

- the recycled content of beverage bottles, including the origin of the materials used to make the plastic bottles, the methodology used to calculate the recycled content of the body of beverage bottles, whether recycled content is certified by third parties, whether recycled content is sourced from post-consumer plastic waste and whether the caps and labels are manufactured from recycled content; and
- how traders substantiated claims relating to recyclability, including how companies verified the recyclability of the packaging, how many times bottles can be recycled, whether the materials can be recycled into materials of equal value, information on the outcome for the materials through multiple cycles of recycling, as well as questions regarding recycling infrastructure in the market where the product was sold.

Several companies that were contacted operate on national markets only. Several of them were also part of multinational companies operating Europe-wide (in particular, Danone[37], Nestlé Waters[38] and Coca-Cola HBC[39]) and for these reasons are the focus of this alert. However, and as further explained below, **there is also clear evidence that this practice is widespread in Europe, with both national and cross-border companies using such claims.**

Finally, where available, we also added images of the online advertising/public materials relating to these products that the identified companies made on their websites or through social media channels.[40]

5.3 THESE CLAIMS PRESENT A PICTURE OF PLASTIC RECYCLING THAT DOES NOT REFLECT THE REALITY

The "100% recycled" and "100% recyclable" claims convey an impression of "plastic bottle circularity", i.e., that plastic bottles are recycled over and over again to make new plastic bottles, so "neutralising" the impacts of plastics on the environment. This impression is frequently further supported by words and imagery. In some cases, the idea of "bottle to bottle" recycling is explicitly conveyed in company's claims, e.g., through assertions that bottles are "100% made of bottles that you recycle" or "100% made of other bottles". The claim of circularity is conveyed through the widespread practice of including circular

[34] EU Regulation 1169/2011 of 25 October 2011 on the provision of food information to consumers.
[35] EU Regulation 1935/2004 of 27 October 2004 on materials and articles intended to come into contact with food.
[36] Accompanying study, p.4.
[37] www.danone.com/fr/brands/waters.html
[38] www.nestle-waters.fr/
[39] www.coca-colahellenic.com/
[40] Noting that such searches cannot be comprehensive, and that only the companies in question will be aware of exactly where and how these products have been promoting. Undoubtedly, advertising is more widespread than identified in this alert.

imagery alongside "100% recycled"/"100% recyclable" claims. Such imagery depicts arrows in an infinite loop and suggests that bottles are recycled into bottles in a fully circular manner: the use of recycled plastic replaces the need for more plastic, and the harmful impacts of plastic waste at end of life are avoided through recycling. This implies an environmentally "neutral" or even environmentally "friendly" process.

This depiction of plastic bottle recycling is far from living up to either the current reality or even future potential of the plastic recycling system: used plastic bottles do not and cannot become new plastic bottles in an infinite loop. Even if they could, it would not mean that plastic beverage bottles are an environmentally neutral or "sustainable" product: they still have an overwhelmingly negative impact on the environment compared to tap water and use of refillable bottles[41].

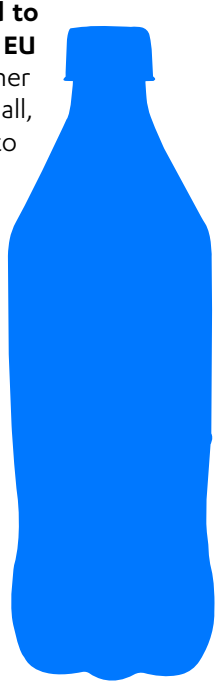
In reality, recycling claims, references to "bottle to bottle" recycling or the "circularity" of beverage bottles all relate specifically to the PET component of the beverage bottle disregarding the other parts of the beverage bottle (e.g., cap, label). But, as explained in a 2022 report by Eunomia and Zero Waste Europe entitled "How circular is PET"[42], even for the PET beverage bottle bodies, a "circular" recycling system in which all beverage bottle bodies placed on the market are made of 100% recycled content, and 100% of which can be collected, recycled and made back into new bottles, eliminating the need for virgin content, does not exist in Europe for the following reasons:[43]

1. **Losses occur at every step of the recycling process: collection, sorting, washing, flaking, recycling and manufacturing into new products.** This means that the amount of recycled plastic obtained from recycling is far less than the quantity put on the market in the form of bottles. In fact, the recycling rate for PET beverage bottle bodies in the EU is estimated to be only 55%.[44] The remainder are incinerated, landfilled or leak into the environment. Whilst rates are higher in certain countries that operate a deposit return system or other effective recycling systems, a 100% rate is unachievable, since these losses are impossible to eliminate entirely.

2. **Most of the recycled plastic obtained from recycling beverage bottle bodies is not used to make new bottles: only 31% of recycled PET derived from beverage bottle bodies in the EU is used to make new bottles.** 69% is used to make other products, including textiles and other forms of packaging. These products are in turn much less likely to be collected and recycled at all, and even then, into lower value products or highly unlikely to be collected and recycled due to lack of suitable recycling infrastructure. This is known as "downcycling".

3. **Owing to these constraints, the overall amount of recycled PET circulating in the system is much lower than these claims imply.** If the recycled content in beverage bottle bodies was evenly distributed across all bottles placed on the EU market, there would only be an average of 17% recycled content per PET beverage bottle body.

4. **Plastic is not circular or infinitely recyclable.** The recycling process[45] degrades plastic, meaning that after a certain number of recycling cycles, virgin material must be added to maintain quality. 100% recycled PET in beverage bottles can only be currently achieved, because most of this recycled PET has itself only been recycled very few times. If recycling rates were higher and the system allowed for recycled PET to remain in circulation for longer, at a certain point, 100% recycled PET would no longer be technically possible: virgin content would need to be added to maintain the product quality.[46]



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41 A study published in 2021 found that the impact of bottled water on natural resources is 3,500 times higher than that of tap water. Science of The Total Environment – Volume 795 148884, C. M. Villanueva et al, *"Health and environmental impacts of drinking water choices in Barcelona, Spain: A modelling study"* (November 2021), available online: https://www.sciencedirect.com/science/article/pii/S0048969721039565#bb0120.). Another study, from 2009, found that production of bottled water is up to 2,000 times more energy intensive than tap water. (Environmental Research Letters – Volume

42 Eunomia and Zero Waste Europe, "How circular is PET? A report on the circularity of PET bottles, using Europe as a case study" February 2022.

43 Information summarised in Eunomia and Zero Waste Europe, "How circular is PET?", 2022.

44 The weight of material entering the recycling operation versus total weight of material placed on the market. Once losses in the recycling process are considered, the rate is likely to be even lower.

45 Here, we refer specifically to mechanical recycling processes, which account for around 98% of plastic recycling in the EU. Alternative or 'chemical recycling' processes exist. Some of these involve breaking down plastic into its constituents (polymers) and then recombining the polymers back into plastic. In theory, these processes can produce plastic which is akin to virgin plastic in quality. However, these processes do not resolve the issue of losses (both at the collection stage, and during the recycling process, as well as possibly further losses incurred during the 'repolymerisation' process) and therefore cannot enable a 'fully circular' plastic recycling system. These processes are also widely acknowledged to have a higher environmental impact than mechanical recycling processes.

46 In a recent study, researchers tested the repeated recyclability of PET and found that that in order to maintain recycled PET in a closed loop (i.e. recycling over and over again), 25% virgin content needed to be added each cycle to 75% recycled content.

Using recycled plastic and recycling plastic are only *less harmful* to the environment than use of virgin plastic and other forms of waste disposal.[47] From a consumer perspective, however, recycling plastic is far more harmful than the alternative on the market: using a refillable bottle and refilling it with tap water. There is no doubt that in places where the quality of tap water is good – as is generally the case in the EU – choosing tap water and using a reusable bottle is by far the most sustainable way of consuming water consumers can adopt.

Overall, these claims contribute to significant consumer confusion around the topic of plastic recycling, including misrepresenting the nature of plastic recycling and suggesting that the environmental impacts of products are neutralised where recycled content is incorporated and/or the product is recycled at end of life. More broadly, these claims present an obstacle to consumers playing their part in the environmental transition, leading to confusion around the solutions to address that impact and potentially harming public trust in environmental claims more broadly.

The consequence of these limitations on recycling for beverage bottle components is that beverage bottles are neither "100% recycled", nor can they be considered "100% recyclable". The reality is that "100% recycling" is not possible, that one component of the beverage bottle cannot legally be made from recycled content and that other parts are problematic to recycle.

The "100% recyclable" claims, especially where accompanied by "circular imagery", falsely suggest that bottles are recycled into other bottles in a closed loop and fully circular manner. Furthermore, such absolute claims give consumers the misleading impression that these bottles will unfailingly undergo effective recycling, which is contingent on various factors in the recycling chain. Lastly, these absolute claims are fundamentally at odds with the substantial negative environmental footprint of the water bottling industry as a whole.

Accompanying legal study (2023, p.21)

"Marketers should ensure that they only describe products as being "recyclable" if they are actually capable of being recycled. Ads shouldn't omit any important information likely to affect a consumer's understanding of a claim, nor should claims that exaggerate the recyclability of a product or its packaging be made. The ASA has previously upheld complaints about claims that packaging was "100% recyclable" when it actually contained a plastic element that was not widely recyclable.

Ruling of the Advertising Standards Authority (ASA - UK) on Pepsi Lipton International (2022) [48]

5.4 OTHER BOTTLE COMPONENTS ARE NOT NECESSARILY RECYCLED OR "RECYCLABLE"

"100% recycled" and "100% recyclable" claims are also factually incorrect because they disregard the fact that beverage bottles are always made from several components: caps, labels, adhesives and printing inks in addition to PET beverage bottle bodies. Some traders also sell such products in multipacks with 'shrink wrap' outer packaging, sometimes with a reinforced plastic handle.

Whilst these additional components may seem like a marginal issue, they still form an integral part of the product and **have a significant impact**. An estimated 362,000 tonnes of plastics is used for caps and labels for PET-based bottles each year.[49] The study that informed the selection of single-use plastic items targeted in the EU's Single-Use Plastics Directive[50] found that plastic caps and lids ranked second for single-use plastic items found on European beaches.[51]

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47 This arises from the energy consumed and pollution generated in manufacturing, distributing, and recycling the products, as well the extraction of water itself.

48 www.asa.org.uk/rulings/pepsi-lipton-international-a21-1120048-pepsi-lipton-international.html

49 Eunomia and Zero Waste Europe, "How circular is PET? A report on the circularity of PET bottles, using Europe as a case study" February 2022.

50 EU Directive 2019/904 on the reduction of the impact on the reduction of the impact of certain plastic products on the environment of 5 June 2019).

51 The Joint Research Center (JRC) of the European Commission, A. M. Addamo et al, *"Top Marine Beach Litter Items in Europe: A review and synthesis based on beach litter data"* (2017), available online: https://mcc.jrc.ec.europa.eu/main/dev.py?N=41&O=441. See page 38.

As a whole, with all components, beverage bottles are neither "100% recycled", nor can they be considered "100% recyclable". The use of simple, absolute, and emphatic "100%" is therefore not justifiable for either "recycled" or "recyclable" claims.

"100% RECYCLED"

Aside from the PET component of the bottle (i.e., the beverage bottle body), other components are generally not made from recycled plastic:

- In the EU, caps are never made from recycled plastics, as EU regulations on recycled plastic and food safety restrict the types of recycled plastics that can be used for food packaging. Currently, recycled PET derived from beverage bottle bodies is the only type of recycled plastic that meets the safety requirements in order to be used for food and beverage packaging.[52] As noted above, caps are not made from PET, but generally from other types of plastic (polypropylene - PP or high-density polyethylene - HDPE).
- The labels – which are also not made from PET – are unlikely to be made from recycled plastic at all, and even then, only partially. We are not aware of any examples of labels made from fully recycled plastics and all but one trader who responded to our question on this point confirmed that the labels were not made with any recycled plastic at all.

In some cases, companies may add an asterisk (*) to the claim, which refers to further text on the back of the label in smaller font specifying that "100% recycled" claims exclude caps and labels. These clarifications are much less prominent and visible than the original claims. Consumers are unlikely to follow the asterisk to read the qualifying information, and in any case, they contradict the main, and absolute "100%" claim in an unclear and ambiguous manner.

In other cases, companies may use a variation of "100% recycled", instead stating "100% recycled PET" or "100% rPET", presumably with the intention of communicating that only the PET element of the beverage bottle (i.e., the body) is made from recycled content. However, whilst some consumers might understand that PET is a type of plastic associated with beverage bottles, the vast majority will not – and could not be expected to – know that the other components of the beverage bottle are manufactured from other types of plastics (i.e., PP, and/or HDPE). As such, this variation of the claim is equally misleading to consumers.

As noted in Section 5.6, in some cases, even the PET beverage bottle body may not fully be made from "100% recycled" plastic in line with an average consumer's understanding of the term. This is for two possible reasons:

- Pre-consumer scraps of PET may be added to post-consumer recycled content to manufacture beverage bottle bodies. These are scraps of plastic that arise during manufacturing processes and are then fed back into the process. They are akin to virgin plastic and are not materials that have been previously used, passed through the waste management process and a recycling process, and remanufactured into a new product, which, as noted in Section 4, is what we consider an average consumer would understand by recycled materials. As further explained in Section 5.6, two traders that are the subject of this alert confirmed that PET beverage bottles they placed on the market contained both post-consumer recycled content and pre-consumer scraps.
- 'Non-proportional mass balance' chain of custody approaches may be used to 'allocate' recycled content to beverage bottles without reflecting the actual recycled content in individual products. Chain of custody approaches are methods used to track recycled content through the supply chain and calculate the proportion of recycled content in products. Some chain of custody methods ensure the physical presence of recycled content in final products in proportions specified. Others, including 'non-proportional mass balance' approaches, involve an 'allocation' of recycled content to any output product. Where such approaches are used, and claims to consumers made on this basis, individual products purchased may contain less recycled content than the amount claimed, or even none at all. Of the traders that are the

[52] Commission Regulation (EU) 2022/1616 of 15 September 2022 on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No 282/2008 (Regulation on recycled materials for food contact applications). This Regulation was introduced in order to address contamination risk of recycled plastic, noting that *"the identity and level of incidental contaminants that could be present in collected food packaging is undetermined, random, depend on the source and collection method of plastic waste, and may vary between collections"* (Recital 5). In order to mitigate these risks, the Regulation sets out the circumstances in which recycled plastic can be used for food contact applications, including requirements as to how plastic waste is collected, sorted and recycled. Currently, these standards are only met for post-consumer mechanical PET recycling (e.g. mechanical recycling of PET beverage bottles, and even then, not all facilities) and as such, this is the only form of recycled plastic permitted to be used in food contact applications in the EU, as specified in the draft European implementing decision for on the calculation, verification and reporting of data on recycled plastic content in SUP beverage bottles.

subject of this external alert, we did not find direct evidence that these approaches had been used but were unable to exclude the possibility that they were due to the failure of some traders to respond to questions on the chain of custody approaches used. See Section 5.6 for more information.

"100% RECYCLABLE"

None of the components of the beverage bottle – even the PET component – is recycled at a 100% rate, nor is this technically achievable.

For the non-PET components of the beverage bottle (*e.g.*, caps and labels), recycling outcomes are notably poorer than for PET. Labels are likely to be contaminated by inks, adhesives, moisture etc. They are unlikely to be recycled in practice. Whilst caps cannot legally be made from recycled plastic in the EU, they are more likely to be recycled. However, we have been unable to identify any data indicating the recycling rates for caps, or the kinds of products they are recycled into. In both cases, it is either highly unlikely or impossible they will be recycled back into components for new bottles *i.e.*, caps and labels. Adhesives and inks are not even technically recyclable.

WHAT NATIONAL GUIDANCE DOCUMENTS SAY ABOUT "100% RECYCLABLE" CLAIMS: THE CASE OF THE DUTCH CONSUMER AUTHORITY'S GUIDELINES ON SUSTAINABILITY CLAIMS (2023)

Example: recyclable packaging
An electronics store sells laptops. The packaging consists of a cardboard box with a plastic handle. The following claim is printed on the box: *The packaging is recyclable.*

About this example
The packaging is only recyclable if the plastic handle is removed. This means that the packaging is recyclable under certain conditions only. Make the conditions for the packaging's recyclability directly clear with the claim, by saying: *The packaging is recyclable after removing the plastic handle.*

What is not allowed?

- **Emphasizing small sustainability benefits** if the product has a negative impact (substantial or otherwise) on humans, animals, and the environment **can be misleading**. Businesses in highly polluting industries (for example, the clothing and fossil industries) must be extra careful when using sustainability claims, because their products often have a negative impact (substantial or otherwise) in terms of sustainability. In that context, claims can be considered misleading quite easily.[13]
- Do **not use sustainability claims if you need a lot of text** (especially complicated text) to specify and explain the claim. Only use sustainability claims if these are easy-to-understand for consumers.
- The use of **general or absolute terms** is, in many cases, misleading. General or absolute claims gives the impression among consumers that a product, in its entirety, has sustainability benefits (major or otherwise) or does not have a negative effect on humans, animals, and the environment. General and absolute claims are more likely to create confusion about the product's specific sustainability benefits. The evidentiary bar for such claims is high (see also rule of thumb 2)

VIEWS FROM THE FRENCH NATIONAL PACKAGING COUNCIL (CONSEIL NATIONAL DE L'EMBALLAGE) 2021[53]

Ne pas utiliser la notion de pourcentage (notamment 100%) accolé au terme « recyclable » car l'emballage est ou n'est pas recyclable. Par ailleurs, du fait de la présence des encres d'impression, des colles, etc. et d'éléments associés : tiquettes, poignées, bouchons, etc. ce taux de 100 % n'est pas atteignable, en conséquence, indiquer «100% recyclable » peut constituer une allégation trompeuse au sens du Code de la consommation (article L121-2 et suivant).

Translation into English: "Do not use the notion of percentage (especially 100%) attached to the term "recyclable" because the packaging is or is not recyclable. In addition, because of the presence of printing inks, glues, etc. and related elements: labels, handles, caps, etc. this rate of 100% is not achievable, therefore, indicating "100% recyclable" may constitute a misleading claim within the meaning of the Consumer Code (Article L121-2 and following)."

5.5 THE USE OF ADDITIONAL GREEN IMAGERY AND GENERIC GREEN CLAIMS

In some cases, companies make additional generic environmental statements directly claiming or otherwise implying that the product is sustainable or in some way has a positive impact on the environment. This effect is often achieved or reinforced through use imagery and colours linked to sustainability or the environment.

Use of such statements, claims or images is particularly misleading, since they promote the idea that where bottles are "recyclable" or "recycled" they are a sustainable (or even "environmentally friendly" or an environmentally "positive") choice. This belies the substantial environmental impact of bottled beverages on the environment, which arises from the use of plastic packaging (the impacts of which are only **reduced** by using recycled content and recycling at end of life but far from neutralised) as well as other, non-plastic related impacts, such as the impact of water extraction/resource depletion on local communities and ecosystems, and energy and fossil fuel use for producing, transporting and chilling bottled beverages.

Zywiec Zdroj, Poland (Danone) translation: "New! This bottle is made from 100% recycled material. New convenient 1L bottle. For the balance in nature."

5.6 INFORMATION PROVIDED BY TRADERS FAILED TO SUBSTANTIATE THE CLAIMS

Pursuant to Article 12 UCPD, traders should have the necessary robust, independent, verifiable, and generally recognised evidence to substantiate their environmental claims.

In the responses analysed together with our partners ClientEarth and ECOS, we found that the companies (when they responded, as several did not answer our letters) did not provide information that adequately substantiated the claims made, and in some respects, confirmed our reasoning for why the claims are misleading.

[53] CNE-Document-allegations-environnementales-relatives-aux-emballages-de-produits-mars-2021.pdf (conseil-emballage.org), p. 24

Overall, the following conclusions can be drawn from the traders' response to our letters:

REGARDING "'100% RECYCLED" CLAIMS

The traders that responded confirmed that the only component of the beverage bottles made fully of recycled plastic was the PET beverage bottle body. They also confirmed that caps are not made from recycled plastic, with the exception of one trader who implied the caps may be made partially from recycled plastic (which would contravene the legal requirements referred to in Section 5.4 and therefore we assume was a mistake). All but one trader stated that labels were not made from recycled plastic, and one trader implied that labels may be "partially" made from recycled plastic.[54]

Some traders are not using 100% post-consumer recycled content to manufacture PET beverage bottle bodies. Other traders state that they use 100% post-consumer recycled PET for beverage bottles, but do not always have in place independent certification that can verify this.

Two traders confirmed that they included pre-consumer scraps in their 'recycled content' claims. As explained in Section 5.4, pre-consumer scraps arise during the manufacturing process for products using virgin plastics. They are not plastic that has been used before and passed through the waste management system. In these cases, this means that the PET component was not derived from 100% post-consumer recycled content (see Section 5.4 for further explanation on the difference between pre-consumer scraps and post-consumer recycled content, and Section 4 for an explanation of why this does not correspond with an average consumer's understanding of 'recycled' material). The other traders that responded on this point affirmed that the beverage bottle bodies were made fully from post-consumer recycled content. However, only a few traders confirmed that they held independent certification that could verify this. The remainder either did not respond to the question of whether they held independent certification or stated that they do not.

Most traders confirmed that they are not using non-proportional mass balance approaches to calculate recycled content in PET beverage bottle bodies. As noted in Section 5.4, this should mean that the claims should fairly represent the quantity of recycled PET in the beverage bottle body (subject to the addition of pre-consumer scraps in two cases, as noted above). **However, only a few traders were able to name certification schemes that could verify this.** The remainder either did not respond to the question of whether they held independent certification, stated that they do not or stated that they did but did not provide details, as requested.

REGARDING "100% RECYCLABLE" CLAIMS

Traders appeared to understand such claims to mean that all components of the beverage bottles are 'technically recyclable', pointing to the recycling of caps and labels but without referring to any evidence that this happens in scale, in practice, or in the markets where their products are sold. In each case, the traders who responded to these questions noted that caps and labels are not recycled back into caps and labels, but are instead used in other, lower quality applications.

Some traders referred to observing 'design for recycling' guidelines in manufacturing beverage bottles. We note that these guidelines are not necessarily intended to support or verify claims to consumers per se, but rather to guide manufacturers to produce products that are compatible with recycling systems.

As regards the "recyclability" of the PET component specifically in their responses, traders generally referred to the possibility of PET beverage bottle bodies being recycled back into PET beverage bottle bodies. Most did not comment on the extent to which this happens in practice in the markets where the product is sold or provide any data to this effect. Some traders provided information and data on PET recycling in the markets where products sold, including recycling rates. This data did not contradict the information set out in Section 5.3 and 5.4 - namely, that a 100% recycling rate does not exist anywhere in the EU and is not technically feasible.

[54] The trader in question responded that *"caps, shrink films and labels are currently only made from recycled materials"* [office translation]. We know that caps cannot legally be made from recycled materials, and so can only assume the trader referred to shrink films and labels specifically as containing recycled plastic. However, this is not clear from the response, nor are the quantities of recycled plastic used. Also, for one trader, the product bore a '50% recycled' claim and not a '100% recycled' claim.

6. CONCLUSIONS & CALL TO THE CPC-NETWORK

6.1 MAIN FINDINGS

Based on the findings above, we believe that these claims are either vague, factually inaccurate or otherwise not substantiated. Moreover, they convey a misleading impression of "plastic circularity" which remains far from the reality and potential of the recycling process. Worse, they contribute to slowing down the green transition by presenting plastic as a sustainable option whereas its disastrous effects on the environment have been well-documented. Furthermore, they ultimately deter consumers from turning to more sustainable options (like tap water), wherever they can.

Through these claims and the way that they are presented, the companies making them give a misleading impression of plastics recycling, both in terms of how it works and the extent to which plastic recycling/use of recycled plastic confers an environmental benefit. By omitting relevant information regarding the overall impact of the production, distribution, and disposal of bottled beverages – which is substantial and goes beyond plastic-related impacts – these companies inaccurately imply that consumption of bottled water can be environmentally neutral/sustainable, or even in some cases, have a positive impact on the environment. The claims go far beyond mere disposal instructions for the product, instead positioning it as "environmentally friendly". **This gives a fundamentally misleading impression of the environmental impact of the product, stating or suggesting that it is or can be part of a fully circular recycling process, and therefore does not have an impact on the environment.**

The pervasive practice of plastic beverage bottle recycling claims sells to an increasingly environmentally-conscious European consumer a product which does not exist – fully circular plastic packaging. The practice protects beverage company and fossil fuel plastic producer profits at the expense of consumer information, ecological transition, and public health protection. It directly prevents consumers being empowered to make better informed choices and to play their role in transition.[55]

6.2 EU-WIDE INFRINGEMENTS

The use of "100% recyclable"/ "100% recycled plastic" is a sectoral issue, as for instance showed by Altroconsumo's finding regarding the Italian market.

ALTROCONSUMO'S RESEARCH ON THE AVAILABILITY OF "100% RECYCLABLE"/ "100% RECYCLED" CLAIMS ON PLASTIC BOTTLES ON THE ITALIAN MARKET (2023)

In February 2023, Altroconsumo checked the labelling of 79 bottles of water checking among other things claims relating to "100% recyclable" and "100% recycled".

Altroconsumo found the presence of the "100% recyclable" claim on 32 bottles in total, belonging to 20 different brands. On 5 bottles the "100% recyclable" claim was accompanied by a claim relating to the use of recycled plastic, in quantities varying between 30 and 50%.

On 9 bottles they found only a claim relating to the use of recycled plastic, in quantities varying between 30 and 100%. There was only one bottle that referred to the use of 100% recycled plastic (Levissima), while in the case of Evian the claim used was 100% recycled bottle (English claim).

source: www.altroconsumo.it/alimentazione/acqua-in-bottiglia (2023)

[55] Proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims (Green Claims Directive proposal), Section 1.1.

In this alert, we focused on several brands placing bottled water packaged in plastic on the market and using such claims, as shown in the figure below. While the brands sometimes operate on national markets, they remain part of multinational parent companies, namely Nestlé Waters, Danone and Coca-Cola HBC.

- **Danone**[56] topped the packaged water market, accounting for more than 19% of total Danone sales. Danone Waters the second worldwide company for packaged water.[57]
- **Nestlé Waters**[58] is Nestlé's bottled water division. Nestlé Waters is the top bottled water company in the world.
- **Coca-Cola HBC** owns mineral water brands such as Bon Aqua, Romerquelle,Naturqqua, Valser and others. As explained on their website, "[their] geographic footprint spans from the West Coast of Ireland, across Central and Eastern Europe"[59]

6.3 CALL TO THE CPC-NETWORK

As the accompanying study highlights, these misleading environmental claims can be assessed under Directive 2005/29/EC (Unfair Commercial Practices Directive – UCPD) as the applicable *lex generalis* **and therefore the CPC Regulation[60] is applicable as enforcement tool.**

The Commission Guidance clearly confirms the application of the CPC Regulation to unfair practices concerning food products in its specific section on the application of EU food and consumer protection law to issues of dual quality of food products.[61]

IN THIS CONTEXT, WE CALL ON THE EUROPEAN COMMISSION AND THE CPC-NETWORK TO:

- **Start a coordinated action and issue a common position according to Article 19 of EU Regulation 2017/2394 (CPC Regulation).** This step is essential not only to enforce the law against the concerned traders but also to provide a clear signal and guidance to the whole sector about the misleading nature of these claims.
- **Request traders to stop misleading consumers by using such claims.**

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56 www.danone.com/brands/waters.html
57 www.danone.com/brands/waters.html
58 www.nestle-waters.fr/
59 www.coca-colahellenic.com/en/about-us/at-a-glance
60 Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws, OJ L 345, 27.12.2017, p. 1–26
61 See accompanying study, p.4.

Specifically:

- Traders should stop using ambiguous language relating to recyclability, including "recyclable" and/or "100% recyclable". Instead, traders should provide clear information on how consumers should correctly dispose of packaging in the market where the product is sold. For example, if the market in which the product is sold operates a separate collection recycling scheme, simple instructions about how to dispose of the item through the scheme according to local infrastructure is sufficient, as well as clearer and more helpful to a consumer than a "recyclable" or "100% recyclable" claim.

- Where the product contains recycled plastic and traders choose to include this information on product labels, traders should be clear about the quantity of recycled material in the product as a whole, acknowledging all components. These amounts should reflect quantities of post-consumer recycled material only, relying on a robust chain of custody model (i.e., not on non-proportional mass balance approaches). When claiming that bottles are made of 100% recycled plastic, traders should be in a position to substantiate this through a reputable and transparent third-party certification scheme.

- Information about recycling provided should not imply that plastic beverage bottles have no impact on the environment or that they are otherwise sustainable. Circular imagery and generic environmental claims, statements, and imagery on labels and in accompanying advertising should not be permitted.

BEUC The European Consumer Organisation

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