

Fashion Sustainability Claims Can't Shake Scrutiny

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With [Earth Day](#) in April, it's not a surprise that sustainability claims in the clothing industry have been in the limelight this spring. Actions in both the U.S. and overseas are a reminder to fashion retailers of the importance of substantiating sustainability claims.

Recently lobbying group [PoliticallyInFashion](#) partnered with 40 organizations and individuals to submit a [letter](#) to the FTC asking the agency to conduct a comprehensive review of the Green Guides. Citing "an exponential growth in sustainability claims by businesses," the group has asked the FTC to provide more guidance on use of the terms "organic" and "sustainable." The Commission declined to provide specific definitions for either term when the agency last updated the Guides in 2012. PoliticallyInFashion suggests that retailers' increased focus on sustainability claims, and consumers' increased interest in retailers' environmental commitments, warrants additional guidance on the terms. The FTC is scheduled to undertake a review of the Green Guides in 2022.

The U.S., however, is not the only country where sustainability claims are in the spotlight. Regulators across the globe are closely scrutinizing clothing retailers' sustainability claims. In March, the Netherlands Authority for Consumers and Markets ("ACM") [sent letters](#) to more than 70 clothing companies flagging potentially misleading claims. As one example, ACM advised a retailer that offers consumers the online option to filter items by "sustainability" to explain what makes the clothing sustainable. Director Edwin van Houten explained the importance of action in the clothing industry "because, for consumers, the aspect of sustainability plays a major role in their purchase decisions."

As sustainability continues to influence consumers' purchasing decisions, consumer protection regulators will seek to ensure that these claims are truthful. Especially because the FTC has yet to define the term "sustainable," if your marketing team wants to make claims about product sustainability, having accurate and up-to-date substantiation that provides a reasonable basis for the claim is essential. For more information about sustainability claims, or other green marketing issues, see our [blog archives](#) or visit our [Advertising and Privacy Law Resource Center](#).

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