



H&M Faces New Allegations of Greenwashing

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Last year, a plaintiff filed a class action lawsuit against H&M, arguing that the retailer misled consumers into thinking that its Conscious Choice collection of clothing was “environmentally friendly” and “sustainable.” This May, a federal court in Missouri [dismissed the case](#), noting that the plaintiff had mischaracterized H&M’s claims and that the retailer had qualified the claims such that reasonable consumers would not be misled by them.

Six months after that dismissal, the same law firm that filed the first class action filed a second class action against H&M over the same line of clothing. This time, the firm focuses on a different angle, arguing that “H&M falsely and misleadingly markets the Products as made with ‘recycled’ and/or ‘organic’ materials.” The complaint alleges that, in reality, the products “are all made with virgin synthetic, conventionally grown, and/or non-organic materials.”

The plaintiff bases these allegations, in part, on information that appears in a “Materials & Suppliers” tab for each product on the website and in the H&M app. Examples in the complaint show the tab for some of the products in the collection states that the products are made with “cotton” or “polyester,” rather than with “recycled” or “organic” versions of those materials. The plaintiff also claims to have independent testing on a sample of those products to confirm that they aren’t recycled or organic.

The complaint was just filed and H&M hasn’t answered. Having only have one side of the story, it’s too early to predict how this will end. What we can predict, though, is that these types of lawsuits are likely to continue. Stay tuned for more updates. In the meantime, if your company makes any “green” claims, make sure that you have adequate substantiation and that you accurately describe the composition of all products.

