

How “Sustainable” Are Your Sustainable Cosmetics Marketing Claims?

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When it comes to advertising or marketing cosmetic products as being “sustainable,” brands should take into account several key considerations:

Can our brand make *any* environmental benefit claim?

As with any advertising claim, an express or implied claim touting the environmental benefit of a product must be substantiated with sufficient evidence.

Can our brand make a broad claim, such as our cosmetics are ‘sustainable’ or ‘renewable’?

The Federal Trade Commission (FTC) has issued guidance that any broad, unqualified environmental claim should not be made. These types of claims are difficult, if not impossible, to substantiate because a reasonable consumer would likely understand the claim to convey a “general environmental benefit” with myriad benefits — all of which must be true and supported.

Can our brand make a broad environmental claim if it is qualified with a specific benefit?

Yes, but the specific benefit should not be small or unimportant, as consumers are likely to consider the benefit to be significant.

Further, to minimize risk, the brand should identify the specific components of the product that are sustainable or renewable, and explain why.

Does the brand have to take the overall product and supply chain into consideration when making a ‘sustainable’ claim?

Yes, the brand should do so. ‘Sustainable’ claims may imply that the product has no negative impact on the environment overall.

For example: Even if the ‘sustainable’ claim is qualified to clearly convey that it applies only to a certain significant ingredient (and that claim is supported by adequate substantiation), the claim may be misleading if the product is not made using sustainable labor practices.

How concerned should we be about making a ‘sustainable’ claim?

Because these types of claims have increased tremendously in popularity, there is also the potential for increased scrutiny.

Brands should exercise caution before making any sustainable claims — or other environmental claims