



Green Lights for Green Advertisement

September 26, 2024

The Superintendency of Industry and Commerce issued new guidelines about the advertisement of environmental benefits. When a product is advertised as having environmental qualities, characteristics, or attributes, in addition to complying with the Consumer Protection Statute, the product must generate real environmental benefits.

The advertising of the environmental qualities, characteristics, or attributes of any product must meet the following requirements:

1. It must be an objective and verified claim.
2. The tests, research, studies, or other evidence must be based on the application of recognized technical and scientific procedures. The advertiser must keep the information that supports their claims available to the Superintendence of Industry and Commerce.
3. The claim must be complete, truthful, transparent, timely, verifiable, up-to-date, understandable, precise, and appropriate,

- and must not omit relevant information that could mislead consumers.
4. Environmental claims must indicate whether the advertised quality, characteristic, or attribute pertains to the product, its packaging, or a portion or component of them, and must also specify the environmental benefit it represents.
 5. If the advertising is based on a comparison between an old and a new product of the same brand, the environmental characteristics of both the previous product and the new product must be specified.
 6. If comparative advertising is developed based on different brands, the environmental characteristics of the compared products must be specified.

If the aforementioned conditions are not fulfilled, the Superintendence of Industry and Commerce may impose the following sanctions:

1. Fines of up to two thousand (2,000) current legal monthly minimum wages at the time the sanction is imposed.
2. Temporary closure of the commercial establishment for up to 180 days.
3. In case of recurrence and depending on the severity of the offenses, permanent closure of the commercial establishment or an order for the permanent removal of a website or the electronic commerce platform used.
4. Temporary or permanent prohibition from producing, distributing, or offering certain products to the public. The producer may request the competent authority to lift this sanction after demonstrating that they have introduced

modifications to the production process to ensure compliance with quality and suitability standards.

5. Ordering the destruction of a particular product that is harmful to the health and safety of consumers.
6. Successive fines of up to one thousand (1,000) current legal monthly minimum wages for non-compliance with orders or instructions while remaining in defiance.