

HAYNES BOONE

It's Not Easy Being ... Green

The Quest for a Unified Global Green
Marketing Strategy

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So ... You Want a Global Green Campaign?

- Step 1: Evaluate relevant green marketing laws / regulations
- Step 2: Look to relevant “other” legal considerations
- Step 3: Cultural considerations
- Step 4: Strategize and effectuate

Green Regs: United States

- The FTC's Guides for the Use of Environmental Claims (Green Guides) provides guardrails for marketers.
 - Does not have the force of law.
 - Some states have taken it upon themselves to adopt it as law, to differing degrees.
 - Some states have their own laws, others have both.
 - Only a few states impose stricter standards than the Green Guides.



Green Regs: Canada

- The Competition Act (FTCA parallel)
- Amended in 2024 with new provisions explicitly targeting greenwashing
....

Canada 

Green Regs: Canada, Cont.

- 74.01 (1) A person engages in reviewable conduct who, for the purpose of promoting, directly or indirectly, the supply or use of a **product** or for the purpose of promoting, directly or indirectly, any **business interest**, by any means whatever,
 - (b.1) makes a **representation** to the public in the form of a statement, warranty or guarantee of a **product's** benefits for **protecting or restoring the environment** or **mitigating the environmental, social and ecological causes or effects of climate change** that is not based on an **adequate and proper test**, the proof of which lies on the person making the representation.
 - (b.2) makes a **representation** to the public with respect to the **benefits of a business** or **business activity** for **protecting or restoring the environment** or **mitigating the environmental and ecological causes or effects of climate change** that is not based on adequate and proper substantiation in accordance with **internationally recognized methodology**, the proof of which lies on the person making the representation.

Green Regs: Canada, Summarized

- About a product → “adequate and proper test”
- About the benefits of a business or business activity → internationally recognized methodology
- Competition Bureau took public comments – will be considered as the Bureau comes up with its enforcement guidance.
- Hefty penalties: \$10 million CAD for the first violation; \$15 million for additional violations; OR 3x value of benefit; OR 3% of annual worldwide gross revenues



Let's clear the air

The path to net zero requires collaboration, innovative technology — and action

CLEAR THE AIR



Canada's largest oil sands companies are partnering to help address climate action

We're working collaboratively to achieve our goal of net-zero emissions from oil sands operations by 2050.





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Pathways Alliance oilsands group removes all website content as Bill C-59 receives major industry pushback

'This is a time where we want to encourage more public disclosure on things like environmental and climate performance, and this is going to have the exact opposite impact,' said the Business Council of Alberta



Matt Scace

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Green Regs: Europe

- EmpCo Directive – Member States must apply new rules by 2026
 - Amends Unfair Commercial Practices Directive (UCPD)
 - “Environmental Claim” → any message of representation . . . which states or implies that a product, product category, brand or trader has a positive or zero impact on the environment or is less damaging to the environment than other products, product categories, brands or traders, or has improved its impact over time.”

Green Regs: Europe, Summarized

- Key takeaways:
 - No “Generic Environmental Claims” (environmentally friendly, eco-friendly, green, nature’s friend, climate friendly, biobased, gentle on the environment) **unless** “recognized excellent environmental performance”
 - Claims must be specific (no false points of reference, unsupported line claims, etc.)
 - No Sustainability Labels unless based on a certification scheme or established by public authority (no self-certification)
 - Claims based on carbon offsets are an issue (but companies can still advertise investments in carbon credit projects)

Arla – “Net Zero Climate Footprint”



KLM – “Fly Responsibly”



KLM – “Fly Responsibly”



Green Regs: Australia

- Australian Competition & Consumer Commission – Making Environmental Claims: A Guide for Business
- Parallel to US Green Guides, but note:
 - Visual elements should not give the wrong impression (green-colored packaging, logos representing recycling, etc.)
 - Aspirational claims need clear and actionable plans detailing how you will achieve the objectives
 - Emissions intensive businesses should be particularly careful not to understate the overall environmental impact of their business

Beyond Green Regs

- India → Self-Declaration Certificate needed to run ads on television, print media, or the internet. Certify that the ad does not contain misleading claims and complies with all relevant regulatory guidelines.
- China → ESG reporting guidelines mandate large companies (domestic stock indexes and overseas listings) to issue sustainability reports by 2026.

Cultural Considerations

How consumers in different cultural backgrounds prefer advertising in green ads through Hofstede's cultural lens? A cross-cultural study

Chutima Ruanguttamanun ✉

First published: 03 January 2023 | <https://doi.org/10.1002/joe.22192> | Citations: 3

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Abstract

When entering foreign markets, effective advertising appeals are usually employed in advertising to convey local consumers how the products and services will satisfy their wants or needs. The purpose of this cross-cultural study is to investigate the consumers' differences between a developed economy (USA) and an emerging economy (Thailand) based on Hofstede's cultural dimensions and the advertising appeal in green advertisements. This study investigates the role played by cultural and economic differences on liking advertising appeals in green advertisements which provides new insight into the literature on cross-cultural studies as well as managerial implications for marketers, especially in Thailand. Using Hofstede's cultural dimensions as a basis for distinguishing cultures, 40 green global advertisements were presented to 40 consumers in Thailand and 40 consumers in the United States. A combination of quantitative and visual content analysis was also used to examine green advertisements and determine the liking of the appeals. Cultural differences in Hofstede's dimensions reflect in advertising appeals preferences. **The results indicate that the USA and Thailand preferred similar appeals but in different ranking; these appeals are corporate image, eye-catching graphic, exaggerated, imaginative, informative, interesting, meaningful, natural, and sad.** Possible explanations and implications of the findings are discussed as well as demonstrating the significance of culture on advertisement effectiveness.

Dissimilarities	WF: MNCs	CF: Indigenous Firms
Aspect of	Object-oriented	Context-oriented
greenness dimensions	Green vocabulary	No newly coined green words; Vocabularies from multiple domains (environmentalism, technocratic, and politics)
	Coinage of new green terms such as 'ecomagination' (GE), 'Sustainability Living Plan' the environmentalism focus	

Cultural Considerations



Strategy: Lowest Common Denominator

- Take the “strictest” set of rules and key to that.
 - Pros: may help mitigate risks, could allow for fewer iterations of a campaign.
 - Cons: business buy-in from more lenient jurisdictions could be difficult, easy to overlook “other” jurisdictional issues.

Ikea

Raising the goal posts

During FY23, we strengthened our strategic climate goals and actions to align with the 1.5°C trajectory and the Net-Zero Standard by Science Based Targets initiative (SBTi).

22% lower climate footprint

As of FY23, we decreased our climate footprint, in absolute terms compared to our FY16 baseline, by 6.9 million tonnes of CO2 eq, a reduction of 22%. This a result of increased renewable electricity use in both retail and production, continued energy efficiency improvements in the IKEA lighting range and lower production volumes.



Strategy: Global Idea, Limited Reach

- Sometimes, what looks like a “global” campaign might not have global reach.
- Brands might consider keying green marketing to where it will actively distribute the campaign.
 - Pros: a smaller number of jurisdictions to consider
 - Cons: potential traps

Woolmark



Strategy: Jurisdiction-Level Campaigns

- Tailoring campaigns can take different forms.
 - Localization → like packaging design, start with a base and tailor as needed.
 - Pros: can help mitigate risks and avoid cultural pitfalls.
 - Cons: without centralized team involvement, might just lead to translation
 - “Special Egg” → a different campaign for each jurisdiction
 - Pros: flexibility to mitigate risks and get the culture components right
 - Cons: heavy resource draw

Salesforce



Discussion

