

# New proposed guidelines regarding environmental claims - Canada's Competition Bureau holds a public consultation

January 17, 2025

Following an initial round of consultation held during the summer of 2024, the Competition Bureau (the Bureau) has published its [proposed guidelines](#) (the Proposed Guidelines) concerning environmental claims. The Bureau has launched a public consultation to solicit feedback from Canadians on the Proposed Guidelines - the deadline is February 28, 2025.

The Proposed Guidelines respond to recent amendments to the Competition Act, which added new explicit provisions targeting misleading environmental benefits claims (greenwashing). Visit [BLG's article on the new greenwashing provisions](#) for more on this.

Set out in the Proposed Guidelines are 6 principles for compliance, which build on the Bureau's [Deceptive Marketing Practices Digest – Volume 7](#), as well as a set of “frequently asked questions” that provide insight to the Bureau's enforcement approach to environmental claims.

## Six principles for compliance

**Principle 1** - Environmental claims should be truthful, and not false or misleading.

**Principle 2** - Environmental benefits of product and performance claims should be adequately and properly tested.

**Principle 3** - Comparative environmental claims should be specific about what is being compared.

**Principle 4** - Environmental claims should avoid exaggeration.

**Principle 5** - Environmental claims should be clear and specific - not vague.

**Principle 6** - Environmental claims about the future should be supported by substantiation and a clear plan.

## The Bureau's approach to environmental claims

Although not binding, the Proposed Guidelines provide helpful clarity on the Bureau's approach to enforcing the new greenwashing provisions, especially as they relate to the deceptive marketing provisions of the Competition Act, including that the Bureau:

- is focused on marketing and promotional representations made to the public, rather than representations made exclusively for a different purpose, such as to investors and shareholders in the context of securities filings;
- **will likely consider a methodology to be "internationally recognized" if it is recognized in two or more countries;**
- views the Competition Act as not necessarily requiring that a methodology be recognized by the governments of two or more countries;
- will not seek to hold anyone liable for a breach of the new greenwashing provisions before they came into force, i.e. they will not be retroactive;
- may still take enforcement action for greenwashing before the new provisions came into effect through the general deceptive marketing provisions under the Competition Act;
- expects to publish updated guidance with respect to private access to the Competition Tribunal (no time period is provided); and
- in applying the new greenwashing provisions, will assess not only the literal meaning of an environmental claim, but also the general impression that is conveyed to the public by the claim. This in turn requires considering all of the elements of an environmental claim, including the context, words, images and layout.

## Key takeaways

While the Bureau's Proposed Guidelines are helpful, businesses still need to think critically about how they meet consumer demand for environmental action, while not having their environmental claims used against them. Greenwashing claims against businesses are becoming increasingly sophisticated and prevalent. Even if a complaint does not result in a penalty, businesses can still face reputational risk and incur costs in responding to the complaint.

To learn more about how to manage your risk from allegations of greenwashing, please reach out to any of the authors or key contacts listed below.

By

[Candice Kloes](#), [Roark Lewis](#), [Denes A. Rothschild](#), [Rick Williams](#)

Expertise

[Competition/Antitrust and Foreign Investment](#), [Environmental](#)

---

## BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](http://blg.com)

### BLG Offices

#### Calgary

Centennial Place, East Tower  
520 3rd Avenue S.W.  
Calgary, AB, Canada  
T2P 0R3

T 403.232.9500  
F 403.266.1395

#### Ottawa

World Exchange Plaza  
100 Queen Street  
Ottawa, ON, Canada  
K1P 1J9

T 613.237.5160  
F 613.230.8842

#### Vancouver

1200 Waterfront Centre  
200 Burrard Street  
Vancouver, BC, Canada  
V7X 1T2

T 604.687.5744  
F 604.687.1415

#### Montréal

1000 De La Gauchetière Street West  
Suite 900  
Montréal, QC, Canada  
H3B 5H4

T 514.954.2555  
F 514.879.9015

#### Toronto

Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada  
M5H 4E3

T 416.367.6000  
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing [unsubscribe@blg.com](mailto:unsubscribe@blg.com) or manage your subscription preferences at [blg.com/MyPreferences](http://blg.com/MyPreferences). If you feel you have received this message in error please contact [communications@blg.com](mailto:communications@blg.com). BLG's privacy policy for publications may be found at [blg.com/en/privacy](http://blg.com/en/privacy).

© 2025 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.