# ICPEN calls on fashion brands to end greenwashing amid rising legal scrutiny



On May 2, 2025, the International Consumer Protection and Enforcement Network (ICPEN) published an open letter directed at fashion retailers, urging them to refine their environmental marketing practices. As concerns about greenwashing intensify, the letter emphasises the necessity for brands to avoid vague or exaggerated claims regarding their sustainability efforts, which may mislead consumers and breach consumer protection laws. This communication underscores the fashion industry's significant environmental impact, accounting for approximately 8% of global greenhouse gas emissions and contributing 20% of wastewater.

ICPEN's letter outlines several problematic marketing practices, including the use of ambiguous terms such as “sustainable,” reliance on generic data, and misleading imagery. "Refrain from using vague and general claims such as ‘eco-friendly,’ ‘green,’ or ‘sustainable,’” the letter states, emphasising that brands should only present environmental claims if they possess corroborating evidence. It also discourages the use of implicit green claims through visuals, such as rainforest images or green backgrounds, which do not accurately represent the product's environmental benefits.

Further, the letter advises against creating “sustainable product range” filters in online shops that may mislead consumers into thinking all included products meet stringent sustainability criteria. Brands are urged to focus on concrete measures already taken, rather than speculative aspirations, and to refrain from using non-standard labelling schemes that are not widely recognised.

In related news, Chris Davis, Brand President and Chief Marketing Officer of New Balance, shared insights about the company's long-standing association with the colour grey. He articulated that New Balance has established a unique identity with this colour since the late 1970s when it first introduced grey in its running shoe designs. The hue was strategically chosen to complement the durability and practicality desired by urban runners, aligning with the contemporary fashion landscape's shift towards brighter colours. While Davis argues for the brand's association with grey, a cursory search indicated that New Balance does not have registered trade dress rights specifically for this colour.

In a recent legal development, the Federal Circuit upheld a decision by the Trademark Trial and Appeal Board (TTAB) rejecting Medisafe's attempt to register a dark green colour for medical gloves. This ruling reinforces the legal standard that colour marks can be considered generic and thereby ineligible for trademark protection, reflecting a broader issue in industries such as fashion where colour plays a critical role in branding.

Additionally, the U.S. Trade Representative's (USTR) annual Special 301 Report, released on April 29, has considerable implications for the fashion and retail sectors. The report identified significant intellectual property (IP) protection issues in various markets, notably elevating Mexico to the Priority Watch List due to ongoing concerns regarding the enforcement of trademark counterfeiting and copyright piracy, among other IP-related challenges.

China remains a focal point of concern, with the USTR highlighting its status as a primary source of global counterfeit goods. Issues persist regarding online counterfeiting and partial compliance with IP commitments under the U.S.-China Phase One Economic and Trade Agreement. Furthermore, Indonesia's rising local production of counterfeit goods and Brazil's ongoing challenges with counterfeiting and outdated copyright laws were also noted as pressing concerns for the fashion industry.

This commentary makes clear the urgent need for fashion and retail companies to enhance their IP monitoring practices and collaborate with U.S. trade officials to strengthen enforcement measures in high-risk markets, whilst ensuring that their environmental claims are both substantiated and transparent.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://icpen.org/news/1352> - This ICPEN news release discusses formal undertakings by ASOS, Boohoo, and George at Asda to use accurate and clear green claims, aligning with the article's mention of ICPEN's open letter urging fashion retailers to refine their environmental marketing practices.
2. <https://icpen.org/news/1384> - This ICPEN news release details the UK's Competition and Markets Authority (CMA) issuing a compliance guide to help fashion brands avoid greenwashing, supporting the article's reference to ICPEN's emphasis on avoiding vague or exaggerated sustainability claims.
3. <https://www.voguebusiness.com/sustainability/the-big-global-greenwashing-crackdown> - This Vogue Business article highlights global efforts to combat greenwashing in the fashion industry, corroborating the article's point about the fashion industry's significant environmental impact and the need for brands to substantiate their environmental claims.
4. <https://www.jdsupra.com/legalnews/fashion-law-update-february-2025-2767934/> - This legal update discusses the European Commission's focus on substantiating green claims and the introduction of the Greenwashing Directive, aligning with the article's mention of the necessity for brands to provide evidence for their environmental claims.
5. <https://csq.com/2022/09/new-balance-chris-davis-cmo-how-to-evolve-your-brand-and-stand-out-in-a-crowded-marketplace/> - This article features an interview with Chris Davis, Brand President and Chief Marketing Officer of New Balance, discussing the company's long-standing association with the color grey, supporting the article's mention of Davis's insights into New Balance's branding.
6. <https://www.voguebusiness.com/sustainability/the-big-global-greenwashing-crackdown> - This Vogue Business article discusses global efforts to combat greenwashing in the fashion industry, supporting the article's mention of ICPEN's emphasis on avoiding vague or exaggerated sustainability claims.
7. <https://news.google.com/rss/articles/CBMidEFVX3lxTE0xWjE1ejJDZDhndkJiaWpEblBSdzhpUk5zcjBBdzdSSzlpVEJMV2E1QS1NY2otdUFDbVoyeDh4enNSc1FRdmhpRDliZlFGVDJMaVFlWGlmaklvX05YWEJJV1BsbzZQdy01MDFqaTZCaGNrZENC?oc=5&hl=en-US&gl=US&ceid=US:en> - Please view link - unable to able to access data