# ICPEN targets greenwashing in fashion with new open letter urging transparency



The International Consumer Protection and Enforcement Network (ICPEN) has issued a pointed open letter aimed at fashion retailers, urging them to enhance the transparency and accuracy of their environmental marketing. Released on May 2, 2025, the letter highlights the widespread practice of greenwashing, where brands make vague or exaggerated sustainability claims that can mislead consumers. Fashion accounts for approximately 8% of global greenhouse gas emissions and contributes to 20% of wastewater, intensifying scrutiny on the sector's marketing strategies.

ICPEN's letter details specific practices that it deems misleading, urging brands to refrain from vague terminology such as "eco-friendly" or "sustainable." The letter emphasises the necessity for substantiated claims, stating that companies should only make environmental assertions when they have solid evidence to support them. It also warns against the use of images associated with nature that do not accurately represent the product's sustainability attributes, as well as the potential misleading nature of features like “sustainable product range” filters on online shopping platforms. The letter calls for brands to focus on concrete measures they have implemented rather than vague future promises, and it advises against the use of proprietary labelling schemes that may not be widely recognised.

In other industry developments, Chris Davis, the Brand President and Chief Marketing Officer of New Balance, recently articulated his company's claim to the colour grey, which he describes as integral to the brand's identity. He noted that New Balance first adopted grey for its running shoes in the late 1970s, when a different colour palette dominated the market. Davis explained that grey was selected for its durability and its ability to blend into urban environments. This assertion of identity comes amidst a wider discussion about colour trademarks in the fashion industry.

Despite the nuanced claims regarding New Balance’s distinctiveness with grey, it is noteworthy that the brand does not seem to hold specific trade dress registrations for the colour. However, it maintains rights through word marks associated with "GREY," utilizing this identity across its marketing strategies and e-commerce initiatives.

In a related legal matter, the Federal Circuit recently upheld the refusal to register the dark green colour of Medisafe’s medical gloves as a trademark. The court found that the colour was too generic within the medical glove market to function as an identifier of source. The Trademark Trial and Appeal Board (TTAB) determined that consumers do not associate that particular hue with any single brand, thus rendering it ineligible for trademark protection. This decision underscores the high hurdles for registering colour as a trademark, particularly in standardized industries.

On another front, the U.S. Trade Representative (USTR) published its annual Special 301 Report on April 29, evaluating the effectiveness of intellectual property rights (IPR) protections amongst U.S. trading partners. The report identified significant risks for fashion and retail brands, particularly highlighting continued concerns in markets such as Mexico and China. Mexico’s status was elevated on the USTR's watch list due to longstanding IP issues, notably related to trademark counterfeiting and copyright piracy, while China remains a focal point for global counterfeit goods sales, further compounded by inadequate enforcement of trade agreements.

Indonesia and Brazil were also pointed out for increasing instances of counterfeit manufacturing and sales, with calls for improved IP protection measures. The report stresses the necessity for fashion companies to proactively monitor IPR environments globally and underscores the importance of registering trademarks to maintain brand integrity and value in competitive and often challenging markets.

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

## References

* <https://icpen.org/news/1352> - This ICPEN news release discusses the greenwashing investigation involving ASOS, Boohoo, and George at Asda, highlighting the need for accurate and clear environmental claims in the fashion industry.
* <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, emphasizing the importance of substantiated environmental claims.
* <https://www.gov.uk/government/publications/open-letter-to-fashion-retail-sector-about-environmental-claims> - This UK government publication presents an open letter to the fashion retail sector, urging businesses to review their environmental claims to ensure they are accurate and not misleading.
* <https://www.businessoffashion.com/articles/sustainability/how-brands-should-navigate-fashions-greenwashing-crackdown/> - This article from the Business of Fashion discusses how brands should navigate the crackdown on greenwashing, emphasizing the need for precise language and substantiated environmental claims.
* <https://www.jdsupra.com/legalnews/fashion-law-update-february-2025-2767934/> - This legal update discusses the European Commission's Green Claims Directive Proposal, which introduces common criteria against misleading environmental claims, requiring companies to substantiate their green claims with scientific evidence.
* <https://www.highxtar.com/en/new-balance-celebrates-its-iconic-grey-color-for-the-month-of-may/> - This article highlights New Balance's celebration of its iconic grey color, featuring insights from Chris Davis, CMO and Senior Vice President of Merchandising at New Balance, about the brand's identity and use of grey in its products.
* <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