

# **Public-Private Dialogue on Substantiating Environmental Claims in Advertising to Increase Consumer Confidence and Improve Competition**

## **Summary Report**

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**APEC Committee on Trade and Investment**

**June 2025**



**Asia-Pacific  
Economic Cooperation**





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APEC Project: CTI 203 2023T

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## **Executive Summary**

This report summarizes the key discussions and findings of the APEC Public-Private Dialogue on substantiating environmental claims in advertising, held in Lima, Peru, on 19 August 2024. The event brought together representatives from government authorities, international organizations, consumer associations, advertising agencies, academia, and private industry across APEC economies to address greenwashing and improve transparency and trust in environmental advertising.

The dialogue highlighted the growing relevance of environmental claims in shaping consumer choices and competitive strategies, and the challenges that arise when such claims are misleading or unsubstantiated. A shared concern among delegates was the impact of greenwashing on fair competition, consumer confidence, and the credibility of sustainability initiatives.

The sessions explored diverse regulatory and policy approaches, enforcement strategies, communication challenges, and self-regulatory practices. Key international frameworks such as the Guidelines for Providing Product Sustainability Information elaborated by the United Nations Environment Programme (UNEP), the consumer empowerment strategies developed by the Organization for Economic Cooperation and Development (OECD), and the Green Guides published by the Federal Trade Commission of the United States were discussed. Experiences from Australia; Chile; the United Kingdom; and Peru illustrated how different economies are addressing the risks and opportunities associated with green advertising.

Participants agreed that a combination of legal enforcement, self-regulatory tools, clear guidelines, consumer education, and international cooperation is essential to promote truthful and responsible environmental claims. Recommendations included reinforcing institutional capacities, developing cross-border collaboration, encouraging responsible communication in the private sector, and supporting consumer access to clear and credible information.

The event was part of the APEC Project CTI 203 2023T, developed by Peru and co-sponsored by nine APEC economies. It integrated technical contributions from the private sector, which enriched the analysis with interesting insights.

This project reinforced the value of continued cooperation among APEC economies in strengthening frameworks that protect both consumers and fair competition, while contributing to broader sustainability goals.

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## **I. Introduction**

This Public-Private Dialogue (PPD) was organized by Peru as part of the APEC project “PPD on substantiating environmental claims in advertising to increase consumer confidence and improve competition” (CTI 203 2023T), to address the challenges and opportunities surrounding environmental claims in advertising. The event brought together representatives from APEC economies - including government agencies, international organizations, industry leaders, advertising associations, academia, and consumer groups - to exchange perspectives and experiences related to green advertising and fair competition.

The PPD contributed to APEC’s broader goals under the Putrajaya Vision 2040 by fostering regulatory cooperation, promoting sustainable and inclusive growth, and enhancing institutional capacity. It also encouraged the participation and leadership of women professionals in the development of competition and consumer protection policies.

The project included the sponsorship of Australia; Canada; Chile; China; Korea; Malaysia; the Philippines; Chinese Taipei; and Thailand.

## **II. Background**

Environmental claims in advertising have gained prominence as consumers become more environmentally conscious and demand sustainable products and services. However, the rise of misleading or unsubstantiated green claims - commonly referred to as greenwashing - has raised serious concerns for consumer trust, market integrity, and environmental protection.

Greenwashing presents particular challenges in the Asia-Pacific region, where diverse legal frameworks and increasing cross-border digital trade complicate the enforcement of fair advertising standards. The need for a shared understanding and alignment of policies has become essential to ensure truthful advertising, prevent unfair competition, and support informed consumer choice.

This project responds to that need by offering a platform to examine regulatory frameworks, enforcement tools, best practices, and self-regulatory mechanisms that help economies tackle greenwashing effectively.

### **III. Public-Private Dialogue Summary**

#### **1. Session 1: The regulatory and policy landscape for environmental claims**

##### **1.1. Opening remarks**

**Mr. Alberto VILLANUEVA**, *President of INDECOPI of Peru*, welcomed attendees to the PPD. He underlined the efforts led by the agency in promoting fair competition and addressing environmental advertising were highlighted as key to economic development. He emphasized the importance of this event in fostering dialogue between different sectors and international organizations, as well as educating the public about fair competition regulations. Also, he highlighted that for the first time, the educational sector was involved, giving students and educators a chance to learn and apply the knowledge gained in this field. Finally, Mr. Villanueva noted that INDECOPI's role goes beyond its regulatory duties, focusing on guiding and raising public awareness about consumer interests, fair competition, and truthful environmental advertising.

##### **1.2. Keynote speaker 1: Sustainability and Development. The importance of preventing greenwashing**

**Ms. Bruna DE MORALES** - *Ecolabel and Consumer Information Expert, Consumption and Production Unit, United Nations Environment Programme (UNEP)* addressed the critical issue of greenwashing and the importance of reliable consumer information for sustainable development. She emphasized the need to prevent greenwashing through accurate and credible information, ensuring that consumers are not misled by false or exaggerated environmental claims. She stood out that consumers are increasingly seeking more information about the environmental impact of products, with many willing to change their consumption habits to reduce their ecological footprint.

The speaker outlined the importance of providing product sustainability information that is holistic, life-cycle-based, and transparent. She introduced to the audience the Guidelines for Providing Product Sustainability Information developed by UNEP, which aims to set a common ground for reliable and fair communication about product sustainability. She mentioned that these guidelines are intended to contribute to achieving SDG 12, which focuses on ensuring sustainable consumption and production patterns.

Furthermore, Ms. De Morales discussed various regulatory frameworks from different economies aimed at combating greenwashing and emphasized the need for strong ecolabels and transparency in claims. She highlighted the One Planet Network and its Consumer Information Programme as key initiatives supporting the provision of quality information and promoting sustainable consumption.

##### **Key Points:**



- Greenwashing involves false or exaggerated environmental claims that mislead consumers and undermine trust.
- A growing number of consumers seek reliable information about the environmental impact of products, with many willing to change their consumption habits.
- Consumer information must be credible, objective, and consider the entire life-cycle of products to truly reflect sustainability.
- Established guidelines provide minimum standards for fair and transparent communication about product sustainability.
- Economies are developing regulatory frameworks to combat greenwashing, emphasizing the need for strong ecolabels and transparent claims.
- The network supports global efforts to provide quality consumer information and promote sustainable consumption practices.

### **1.3. Keynote speaker 2: Protecting and empowering consumers in the green transition**

**Ms. Harriet GRAY** – *Policy Analyst Consumer Policy/Consumer Product Safety, Directorate for Science, Technology and Innovation of the Organization for Economic Cooperation and Development (OECD)* focused on the crucial role of protecting and empowering consumers during the green transition, as the world moves towards more sustainable consumption patterns. She emphasized the importance of enabling “right to repair,” which would help combat product obsolescence and reduce waste by making it easier for consumers to repair products rather than replace them. The speaker mentioned that this is seen as a vital component of promoting sustainability and empowering consumers.

Through her presentation she discussed the potential of digital tools and e-commerce platforms to facilitate sustainable consumption by providing consumers with reliable information and more sustainable product options. In addition to it, she highlighted the OECD's work, particularly through its Consumer Policy Unit and the Horizontal Project on Climate and Economic Resilience, as a key effort in developing and implementing policies that protect consumers and promote sustainable practices globally. Ms. Gray explained that the overarching goal is to create a consumer environment that is transparent, trustworthy, and conducive to the green transition.

#### Key Points:

- Combating greenwashing requires legislation, reliable certification schemes, business guidance, and consumer education to ensure transparency in environmental claims.
- The right to repair is crucial in addressing product obsolescence, reducing waste, and promoting sustainability.
- Policies supporting repairability empower consumers by extending product lifespans and reducing the need for frequent replacements.

- Digital platforms and e-commerce can promote sustainable consumption by providing access to reliable environmental information and offering sustainable options.
- A holistic approach is needed to equip consumers with the knowledge and tools to participate actively in the green transition.

#### **1.4. Keynote speaker 3: Sustainability policies and regulations applicable to environmental claims**

**Ms. Cecilia PARKER** - *International Consumer Protection and Enforcement Network (ICPEN) Misleading Environmental Claims Group leader and Director Consumer Protection of the United Kingdom Competition and Markets Authority (CMA)* provided an in-depth overview of sustainability policies and regulations applicable to environmental claims. She emphasized the intersection between consumer rights and environmental sustainability.

One of the central themes of her presentation was the mis-selling of products, particularly those related to energy efficiency and other environmentally significant claims. She explained that misleading green claims pose significant risks to consumers by providing inaccurate or exaggerated information, leading to misinformed purchasing decisions. She categorized misleading practices into various types, including:

- **Action-based Misleading:** This involves actively providing false information.
- **Omission-based Misleading:** This occurs when important information is left out, such as details about the sustainability of a product.
- **Dark Patterns:** These are manipulative practices designed to trick consumers into making purchases they might otherwise avoid, contributing to over-consumption and other negative outcomes.

The speaker highlighted the importance of legislative frameworks in combating these issues that include both general consumer protection laws and specific rules on environmental claims. She mentioned some essential elements of these frameworks are:

- **Prohibitions and Pre-authorization:** To prevent companies from making unverified claims.
- **Specific Rules on Substantiation:** Requiring businesses to provide evidence for their environmental claims.
- **Disclosure Requirements:** Such as ecolabels and environmental footprints, ensuring that consumers have access to accurate and comprehensive information.

Ms. Parker mentioned the need of clear and actionable guidelines to help businesses align with sustainability goals and avoid misleading claims like the World Federation on Advertising's "Global Guidance on Environmental Claims" and ISO 14019, which focuses on the validation and

verification of sustainability information. These guidelines encourage transparency, honesty, and the use of reliable third-party certifications.

In addition to it, she outlined that the enforcement of these regulations is another crucial component. She mentioned that compliance reviews, individual investigations, and joint international actions aimed at setting precedents and tackling global businesses that engage in misleading practices. The speaker said that these efforts are often supported by international collaboration, such as the work of ICPEN and the OECD. Also, she referenced various useful resources for further guidance, including the CMA Green Claims Code, the Federal Trade Commission (FTC) Green Guides, and the European Union's guidance on the interpretation of the Unfair Commercial Practices Directive.

Key Points:

- Comprehensive legislation is required to regulate environmental claims, including prohibitions, pre-authorization, and specific substantiation rules.
- Enforcement is necessary to set precedents and ensure that global businesses adhere to sustainability regulations.
- Cooperation among consumer protection authorities worldwide is vital for tackling global challenges related to greenwashing.
- Technological solutions and policies addressing overconsumption and promoting the right to repair are critical for advancing sustainability goals.
- Cross-sector collaboration, empirical research, and behavioral insights are essential for creating effective policies that protect and empower consumers in a sustainable economy.

#### **1.5. Panel discussion: Oversight of environmental claims and enforcement**

**Mr. Abelardo ARAMAYO** - *Technical Secretariat of the Commission on Unfair Competition of INDECOPI of Peru* delivered a presentation on the regulation of environmental claims in Peru. He outlined the challenges in overseeing "green" advertising, given that a significant portion of these claims are often vague, misleading, or lack substantiation in Peru.

Through his presentation, he emphasized the growing consumer demand for sustainable products, with a substantial majority of consumers prioritizing environmental sustainability in their purchasing decisions. He stood out the Peruvian regulatory body, which plays a crucial role in ensuring that environmental claims are truthful, and evidence based. He mentioned that some efforts developed by INDECOPI, through the Commission on Unfair Competition, like conducting investigations, sending information requests, and acting against misleading claims, particularly on digital platforms, ensuring that all claims are justified, proven, and traceable.

Additionally, the speaker introduced the Peruvian Environmental Advertising Guide, developed with input from various stakeholders, which aims to guide responsible green advertising practices in Peru. He explained that the guide was released for public consultation to gather feedback and promote transparency in environmental advertising.

**Mr. Michael OSTHEIMER** - *Senior Attorney of the Division of Advertising Practices of the Federal Trade Commission of the United States of America* discussed the FTC's approach to overseeing environmental claims in advertising. He outlined the core principles that guide truthful and substantiated marketing practices: all claims must be substantiated with a reasonable basis.

The speaker explained that the FTC's "Green Guides" serve as a framework for marketers, offering detailed advice on how to avoid misleading consumers with environmental claims. These guidelines cover various types of claims, such as those related to recyclability, carbon offsets, and renewable energy. In that context, he mentioned that claims like "recyclable" or "compostable" must consider real-world availability and context and "Free-of" and "non-toxic" claims must not imply false environmental benefits.

Mr. Ostheimer emphasized that while the Green Guides are not legally binding, deviations from them can result in enforcement actions under the FTC Act. Finally, he highlighted the importance of consumer perception in interpreting claims and the necessity for marketers to provide a reasonable basis for their assertions.

**Mr. Andrés HERRERA** – *National Director of the National Consumer Service (SERNAC) of Chile* presented an overview of Chile's approach to combating greenwashing. In his presentation, Herrera explained how SERNAC addresses greenwashing through both normative measures and public policy. Chilean consumer law addresses greenwashing by penalizing companies that induce error or deception regarding the environmental attributes of their products. The law includes fines, the suspension of misleading advertisements, and requires corrective advertisements to rectify false claims (fines up to approximately USD155,691, suspension of misleading advertisements, and mandatory corrective advertising).

Moreover, the speaker mentioned that SERNAC proactively detects and enforces greenwashing by conducting regular market-wide studies to identify misleading environmental claims. These efforts are backed by legislative initiatives to enhance the legal framework, including proposals to increase fines and impose stricter penalties on companies found guilty of greenwashing.

Finally, Mr. Herrera discussed a proposed new law aimed at strengthening consumer protection against greenwashing. He explained that this new regulation could make it easier for low-income consumers to seek justice and would significantly increase the penalties for companies that engage in deceptive environmental advertising. This new regulation includes:

- Increase fines up to approximately USD300,000.
- Introduce measures to make legal recourse more accessible for low-income consumers.
- Includes provisions for banning companies convicted of environmental crimes from advertising for up to 5 years.

#### **1.6. Case studies: Unfair competition cases related to environmental claims**

**Ms. Rosa GILES** – *Legal Officer at the Commission on Unfair Competition of INDECOPI of Peru* provided an overview of legal frameworks, case studies, and administrative procedures related to unfair competition in the context of environmental claims (greenwashing) in Peru.

She introduced the legal framework underpinning these cases, the Legislative Decree 1044, the Law on Suppression of Unfair Competition in Peru. This legal framework sets the foundation for identifying and sanctioning misleading advertising practices that can mislead consumers and distort market competition. She outlined how misleading or deceptive advertising can constitute acts of unfair competition, particularly when it involves environmental claims.

Through her presentation, she emphasized that acts of unfair competition arise when businesses make claims that deceive other market participants about the characteristics, benefits, or conditions of their products and services. Such deceptive acts are most developed through advertising, where companies may exaggerate or falsely present their environmental credentials to gain a competitive edge.

In that context, she mentioned that the administrative process for investigating and sanctioning these unfair competition acts is rigorous, spanning 205 business days and involving two levels of review. The first level is the Commission on Unfair Competition, which investigates the claims and determines the initial ruling. If appealed, the case moves to the Specialized Chamber for Competition Defense. She stood out that this two-tiered review system is crucial for ensuring transparency, fairness, and thoroughness in handling these cases, which, in turn, bolsters consumer trust in the market.

To illustrate the practical application of these legal and administrative measures, Ms. Giles discussed three significant case studies from Peru. These cases highlight the various ways in which companies have attempted to mislead consumers with environmental claims and the corresponding legal outcomes:

- The first case involved a supermarket chain that claimed its plastic bags were 100% biodegradable and compostable. Upon investigation, it was found that while the bags met biodegradability standards, there was no clear regulation governing the term "compostable." However, since the claims were substantiated by certifications obtained

prior to the advertisements, no sanctions were imposed. This case underscored the importance of having clear regulations and the need for businesses to ensure their claims are fully substantiated before making them.

- The second case was centered on a company that marketed its beverage line as "100% natural." However, the product contained flavorings, which contradicted this claim. The investigation revealed that the term "natural" was not adequately covered by existing standards, such as the CODEX Alimentarius, and the product did not meet the criteria for being minimally processed under Peruvian health regulations. As a result, the company was ordered to cease the advertising campaign and was fined. The decision was upheld in appeal, highlighting the legal system's commitment to ensuring truthfulness in advertising.
- The third case involved a company that advertised its product as environmentally friendly bottled water, which was later revealed to be a water purification system, not bottled water. The company's claims were deemed misleading due to the lack of evidence supporting the product's environmental benefits by the Commission. Under the Chamber's review, the product's sustainability was acknowledged, but the company received a warning because of the misrepresentation of the product, since it was not bottled water.

Finally, Ms. Giles emphasized the importance of inter-agency cooperation in addressing greenwashing. In Peru, collaboration between agencies like INDECOPI, the Ministry of Production, and the Ministry of Environment is critical in ensuring comprehensive enforcement of consumer protection and environmental standards. Moreover, Ms. Giles stood out partnerships with international organizations such as the OECD, United Nations, and the International Consumer Protection and Enforcement Network (ICPEN) which allowed Peru to align its regulatory framework with global standards, ensuring that the economy's approach to greenwashing is consistent with international best practices.

**Ms. Libby DARWIN** – *General Manager of Consumer Compliance Strategies, Consumer Fair Trading of the Australian Competition & Consumer Commission* provided an insightful overview of the challenges and strategies involved in regulating environmental claims within the Australian market. She explained the intersection between consumer law and environmental law, particularly in areas such as emissions, offsets, and recycling claims. She also introduced specific case studies, the impact of regulatory actions, and the challenges faced by regulators in this evolving area.

Through her presentation, the speaker underlined an internet sweep to identify misleading environmental claims conducted by the ACCC. This initiative garnered significant media attention

and led to increased business interest in seeking guidance on compliance. She highlighted that the sweep also resulted in changes, with some businesses removing questionable claims from their advertising materials.

She outlined the interaction between competition and consumer law, the importance of substantiating environmental claims, and the ACCC's integrated approach to compliance and enforcement. Ms. Darwin explained that the ACCC's 2024-25 Compliance and Enforcement Priorities include a focus on environmental and sustainability claims, reflecting the growing importance of these issues in the marketplace. The ACCC employs an integrated approach to compliance, using a mix of tools such as education, litigation, market studies, and collaboration with other agencies to ensure businesses comply with the law.

Finally, Ms. Darwin mentioned that stakeholders from Australian marketplace have called for clearer guidance on terms like "net zero" and "carbon neutral" and better information on trustworthy certification schemes. She explained that the ACCC recognized the need for collaboration between businesses on sustainability issues and guidance on this matter. There is a push for more business and industry partnerships to address environmental concerns and incorporate behavioral evidence in enforcement strategies.

## **2. Session 2: Best practices and stakeholders' perspectives on environmental claims**

### **2.1. Keynote speaker 1: Introduction to good practices for better environmental advertising**

**Ms. Ivette GARCÍA** – *Consultant for the World Bank* focused on the GRIDMAP framework, a tool designed to support emerging markets and developing economies (EMDEs) in building trustworthy and safe digital markets. She mentioned that the GRIDMAP Consumer Protection Module aims to build consumer trust, promote informed choices, and ensure a fair, secure, and inclusive market and it addresses issues such as the prohibition of unfair and deceptive business practices, appropriate disclosures, transaction privacy and safety, dispute resolution, and emerging topics like sustainable consumption.

Her presentation involved the framework's pillars, consumer protection strategies, and the assessment results from various regions, highlighting the importance of strong legal frameworks and institutional arrangements in promoting fair business practices, particularly in environmental advertising. Particularly, she explained that the GRIDMAP framework is designed to provide a minimum package of regulations and practices for EMDEs to develop safe and trustworthy digital markets and it consists of three pillars:

- **Legal Framework:** Establishes the necessary regulations and policies.

- Institutional Arrangements: Ensures the institutions have the staff, budget, and enforcement powers to implement the legal framework.
- Enforcement/Implementation: Focuses on the actual use of powers to enforce regulations and facilitate compliance.

In addition to it, Ms. Garcia mentioned that low-income economies and those in regions like Sub-Saharan Africa show the largest gaps in meeting the minimum package requirements, particularly in the areas of sustainable consumption and the prohibition of misleading environmental claims. Provisions for sustainable consumption, such as labeling for energy efficiency, recyclability, and product durability, are also less common in lower-income regions, indicating a need for improvement.

#### Key Points:

- The GRIDMAP Consumer Protection Module Minimum Package aims at building consumer trust while promoting informed choices and a fair, secure, and inclusive market.
- GRIDMAP offers a comprehensive framework and methodology for Authorities to prioritize and determine how to better protect consumers in the digital marketplace.
- The findings highlight disparities in the adoption of consumer protection measures across different income levels and regions.

## **2.2. Keynote speaker 2: Communication strategies in green advertising**

**Mr. Dario DIAZ** – *Head of Sustainability at Apoyo Comunicación* focused on the increasing importance of responsible communication in the context of environmental claims made by businesses. He explained that as public concern for environmental issues grows, consumers are becoming more skeptical about the truthfulness of environmental claims, leading to challenges for businesses in avoiding greenwashing—an unethical practice in which companies falsely market products as environmentally friendly.

Particularly, Ms. Diaz mentioned that businesses now face two major challenges: ensuring that their environmental messages comply with local regulations and making sure that consumers understand these messages. The rise of "greenhushing," where companies deliberately avoid publicizing their environmental efforts to escape scrutiny, adds to these challenges.

In that context, he explained that to address these issues, companies are advised to adopt responsible communications, which require cultural transformation, strong leadership, and adherence to best practices. This involves conducting audits of current communication practices, developing accurate and verifiable claims, and training communication teams to maintain high standards.



The speaker also emphasized the need for friendly and engaging communication strategies that resonate with consumers, such as using virtual and augmented reality. Finally, he highlighted the importance of public-private dialogue in developing new standards and guidelines for environmental claims, suggesting that collaboration between businesses and regulators is crucial for promoting responsible communication.

Key Points:

- Responsible communications emphasize the need for businesses to adopt accurate, measurable, and verifiable environmental claims and calls for cultural transformation within companies, led by strong leadership.
- To recommend best practices like conducting audits and aligning communication practices with ethical standards and developing clear, engaging content and utilizing innovative formats like virtual and augmented reality.
- Collaboration between businesses and regulators is essential to create new standards and guidelines for responsible communication
- The evolving landscape of environmental claims requires the development of new taxonomies and guidelines to ensure clarity and consistency in communication.
- Authentic brand purpose should reflect genuine social and environmental impact, resonating with consumer values.

### **2.3. Private sector Perspectives: Insights from agencies, associations and industries**

**Mr. Pierino STUCCHI** – *Legal Advisor of the National Advertisers Association (ANDA) of Peru* focused on the role of ANDA-Peru in promoting ethical commercial communication and preventing greenwashing. He outlined that misleading environmental claim could lead to reputational damage and legal penalties. In that context, the expert emphasized the relevance of compliance with ethical principles in advertising, advocating for transparency, truthfulness, and fair competition.

Through his presentation, Mr. Stucchi explained that to combat greenwashing, it is necessary to have guidelines for reliable, clear, and transparent communication. The guidelines must emphasize the need for substantiated claims and accessible information for consumers. He also discussed the importance of compliance programs within organizations. These programs, though voluntary, are crucial for identifying and preventing risks related to advertising and consumer protection. The speaker mentioned that effective compliance programs involve senior management, clear policies, training, and continuous monitoring. Also, Mr. Stucchi highlighted some potential corrective measures like halting advertising campaigns and compensating consumers.

Overall, the presentation underscored the need for ethical advertising practices and the proactive role that organizations like ANDA can play in promoting responsible communication and protecting consumer rights.

**Mr. Bruno FERNÁNDEZ** – *Representative of the Interactive Advertising Bureau (IAB) Industries of Peru* focused on the role of IAB in addressing the environmental impact of digital advertising. IAB is a global association with a presence in 45 economies, including Peru. Particularly, it represents 80 members in the Peruvian digital marketing and advertising ecosystem.

A significant point of his presentation is the environmental footprint of the internet, particularly the carbon emissions generated by digital advertising. The carbon emissions from online activities, such as ad campaigns, are comparable to those of the aviation industry. For instance, a digital ad campaign delivering one million impressions can emit the same amount of carbon as a round-trip flight from Boston to London for a single passenger.

The speaker mentioned that IAB acknowledges that the digital advertising industry is far from meeting the necessary CO2 reduction goals. However, it has plans to act in the coming years, specifically between 2025 and 2026. These plans include creating consistent standards for carbon accounting in digital advertising, developing multiple carbon calculators tailored for the digital sector, and providing tools and solutions to reduce CO2 emissions from digital ads delivery and an open-source methodology and a common market database for accurate carbon tracking.

Additionally, Mr. Fernández highlighted that IAB intends to establish an open-source methodology based on lifecycle analysis principles and develop a common market database with peer-reviewed or average business estimate data. Also, he mentioned a critical initiative: the creation of an Eco-friendly Programmatic Media Buying Guide, which will become part of the regular guidelines for their committees. Finally, he emphasized IAB's commitment to environmental sustainability and its role in driving the digital advertising industry toward more eco-friendly practices.

**Mr. Bruno MEJÍA** – *Senior Manager at Ernst & Young and representative of Exporters Association (ADEX) of Peru* discussed the issue of greenwashing and its impact on consumer confidence and competition. He noted that greenwashing is identified as a significant barrier to effectively addressing climate change. Some forms of this commercial practice are:

- **Unreliable Label Reliance:** Falsely implying third-party endorsement or certification.
- **Lesser of Two Evils:** Promoting products as "greener" within inherently harmful categories (e.g., "eco-friendly" cigarettes).
- **Lack of Proof:** Making claims without supporting evidence.

- **Misleading Labels and Language:** Using vague terms like "green" or "eco-friendly" without substantiation.
- **Hidden Trade-Offs:** Highlighting one environmental benefit while ignoring others.
- **Irrelevant Claims:** Emphasizing environmental aspects that are insignificant or already regulated.
- **Suggestive Imagery:** Using visuals that falsely imply environmental benefits.

He also mentioned some levels of greenwashing:

- **Company Level:** Selective emphasis on positive aspects of environmental performance without full transparency or action plans.
- **Product Level:** Ambiguous claims and the use of visuals suggesting sustainability without clear proof.
- **Service Level:** Claims related to services with complex boundaries, often overstating their environmental impact.

Through his presentation, he emphasized that environmental claims must be substantiated by credible evidence covering the entire lifecycle of the product or service. Claims should be significant, reflect genuine improvements, and go beyond mere compliance with regulations. In that context, the speaker indicated that companies must ensure that their environmental claims are specific, substantiated, and significant to avoid misleading consumers and facing reputational damage. Finally, he revealed that the "average" consumer tends to be skeptical of environmental claims, often seeking proof of their validity, therefore claims must be clear, substantiated, and reflect meaningful environmental benefits.

**Ms. Anita DE LA PIEDRA – *Leader of Legal Solution of Niubox Legal*** discussed the importance of accurate environmental claims in advertising, the potential consequences of greenwashing, and the regulatory measures that can be taken against companies that engage in deceptive practices. She stated that with the growing consumer demand for sustainable products, it is crucial that companies provide truthful, clear, and timely information about the environmental impact of their products. Misleading claims can distort consumer behavior and undermine trust in genuine environmental initiatives. Some examples of Greenwashing:

- Misleading claims about carbon offsets, such as stating that they represent emission reductions that have already occurred or were generated due to legal obligations.
- Incorrectly labeling products as compostable when they require specific procedures that cannot be performed domestically.

The speaker explained that green consumers aim to make purchasing decisions that align with environmental preservation. Greenwashing can mislead these consumers, causing them to support products or services that are not as environmentally beneficial as they believe. She

mentioned that sanctions that could be imposed by INDECOPI to combat greenwashing include fines, cessation of misleading advertising, rectification of false information, destruction of infringing materials, and more.

Finally, Ms. De la Piedra suggested some recommendations to avoid greenwashing:

- **Evidence:** Ensure technical documentation is available prior to issuing advertisements, establishing a clear link between claims and evidence.
- **Regulatory Compliance:** Consider the legal framework and sector-specific environmental regulations when making environmental claims.
- **Information Transparency:** Provide clear, sufficient, and appropriate information that allows consumers to fully understand the implications, limitations, and conditions of the advertised environmental benefits.

#### **2.4. Consumers Perspective on environmental claims**

**Ms. Hollie HAMBLETT** – *Policy Specialist at Consumers International* developed a presentation related to the impact of environmental claims in consumers. She explored the challenges consumers face in navigating environmental claims made by companies and the role of greenwashing in exacerbating the gap between consumers' sustainable intentions and their actual purchasing behaviors.

At the beginning of her presentation, she introduced Consumers International, a global membership organization representing consumer groups in over 100 economies, advocating for consumer rights in areas like finance, energy, food, health, and sustainability.

The speaker indicated that despite a significant proportion of consumers (62%) expressing willingness to change purchasing habits for sustainability, there is a widening gap between these intentions and actual behavior. This "intention-action gap" is partly fueled by misleading green claims. In that sense, she mentioned the impact of greenwashing:

- **Deception:** Greenwashing exploits consumers' desire to support sustainability, leading them to buy products that are less eco-friendly than claimed.
- **Financial Loss:** Consumers may pay premiums for products that do not deliver on their environmental promises.
- **Market Distortion:** Greenwashing dilutes the market for truly sustainable products, making it harder for consumers to identify genuinely eco-friendly options.
- **Erosion of Trust:** It undermines consumer trust in environmental claims, increasing skepticism towards all brands.

Through her presentation, she also outlined the need for stronger regulations and standardized sustainability information to help consumers make informed decisions and avoid being misled by false environmental claims. In that context, she explained some challenges related to regulation, particularly she stated that the enforcement of green claims is difficult due to the complexity of verifying claims and resource limitations faced by authorities. This leads to inconsistencies in how greenwashing is addressed globally.

Additionally, she suggested a vision for closing the Intention-Action Gap:

- **Standardized Information:** Create a marketplace with comprehensive, standardized product sustainability information.
- **Support Sustainable Choices:** Enhance online marketplaces to better support consumers in choosing sustainable products.
- **Eradicate Greenwashing:** Strengthen enforcement of consumer and competition laws to combat misleading claims.

Finally, Ms. Hamblett addressed some policy recommendations to combat greenwashing:

- **Stronger Enforcement:** Implement more robust enforcement measures and fines to deter greenwashing.
- **Support for SMEs:** Provide support for small and medium-sized enterprises (SMEs) to access reliable third-party certifications.
- **Pre-Approval Scheme:** Introduce mechanisms to vet sustainability claims before they reach the market to prevent misleading information from spreading.

## **2.5. Public sector Perspectives: Regulatory approaches to green advertising**

**Ms. Cecilia PARKER** - *ICPEN Misleading Environmental Claims Group leader and Director Consumer Protection of the United Kingdom Competition and Markets Authority (CMA)* discussed the importance of combating greenwashing, emphasizing that the purpose is to ensure a transition to a sustainable economy where consumers can make informed choices without being misled. Greenwashing disrupts this goal by misleading consumers and distorting market incentives.

She outlined the role of competition authorities in advocating for legislative changes and the need for consumer protection agencies to prioritize skill development and evidence evaluation. Ms. Parker explained that authorities play a key role in ensuring that the supply-demand cycle drives sustainable consumption. Also, she mentioned that advocacy with governments remains essential to improve legislation for consumer protection and supply chain transparency. In that context, some challenges in proving greenwashing are as follows:

- The concept of the "average consumer" used in legal frameworks complicates the process of proving greenwashing.
- There is a need to revise this concept to better reflect real consumer behavior, which is often influenced by information asymmetry and time constraints.

Ms. Parker suggested prioritizing actions where agencies should focus on sectors with the highest environmental impact and where misleading claims are most prevalent. Also, she highlighted that skill development within agencies is crucial, particularly in understanding and evaluating evidence related to greenwashing claims. The speaker stressed the importance of focusing on sectors that are most harmful to the environment and where misleading claims are prevalent such as fossil fuels, fashion, aviation, and agriculture as areas of concern. In her opinion, the prevalence of environmental claims in these sectors, and their potential to mislead, should guide the prioritization of enforcement actions.

Finally, she addressed some global and local considerations:

- Different economies may prioritize actions differently based on their specific environmental impacts and consumer behavior.
- The speaker encourages agencies to ask key questions about where they can make the most significant impact when deciding on their focus areas.

**Ms. Andrea VEGA** – *Legal Officer at the Commission on Unfair Competition of INDECOPI of Peru* provided a public sector perspective on the issue of greenwashing in environmental advertising. She outlined the public policy challenges posed by greenwashing, its impact on consumers, businesses, and the environment, and the strategies used to mitigate these impacts.

She introduced the Environmental Advertising Guide developed by INDECOPI as a key tool for combating greenwashing. She explained that the guide is intended to help advertisers, businesses, and consumers navigate the complexities of environmental claims, ensuring that such claims are truthful, clear, relevant, transparent, and based on fair comparisons.

Through her presentation, she emphasized how greenwashing negatively affects various stakeholders like consumers, businesses and the environment. Regarding consumers, she mentioned that they are misled into believing that they are making environmentally friendly choices when, in fact, they may not be. Also, regarding businesses, she indicated that greenwashing creates unfair competition as companies that make genuine environmental efforts are overshadowed by those making false claims. Finally, she emphasized that this practice could undermine genuine environmental initiatives and delay meaningful environmental action.

Also, she explained the use of non-regulatory "soft tools" to address greenwashing like the Environmental Advertising Guide (a comprehensive resource aimed at guiding advertisers and

businesses in making accurate and substantiated environmental claims); meetings and collaborations (regular discussions with industry associations, the Ministry of Environment, and international authorities to promote best practices); information letters (distributed to promote compliance with environmental advertising standards); and webinars, interviews, and press releases (used to raise awareness and educate stakeholders about the importance of truthful environmental advertising).

Finally, Ms. Vega delivered some recommendations to combat greenwashing in advertising:

- Adhere to the principles outlined in the Environmental Advertising Guide.
- Consider the regulatory framework, including the Unfair Competition Act and relevant environmental regulations.
- Avoid using general images, colors, or statements that do not specifically convey the environmental benefits of the product or service.
- Identify and eliminate subjective or unsubstantiated claims in green advertising.
- Report any unclear or potentially deceptive advertising practices to the relevant authorities.

## **2.6. Expert perspectives: Experiences with sustainability and green claims**

**Mr. Ravi DUTTA-POWELL** – *Researcher and behavioural scientist, Australian Securities & Investments Commission (ASIC)* focused on combating the issue of greenwashing in advertising, particularly within the context of consumer perceptions. He highlighted the increasing prevalence of greenwashing and introduced the study he developed in a collaborative effort titled “Two interventions for mitigating the harms of greenwashing on consumer perceptions”.

The speaker expressed that greenwashing could manifest in various forms, such as distracting consumers from broader environmental impacts or exaggerating the importance of individual responsibility. He underscored the growing prevalence of greenwashing, which can lead consumers to mistakenly believe in the environmental credibility of companies.

In that context, he explained some interventions to combat greenwashing:

- **Literacy Intervention:** This approach involves educating consumers about greenwashing, helping them understand its intentions and recognize misleading claims. This intervention is similar to existing anti-greenwashing campaigns.
- **Pre-Bunking Intervention:** This innovative approach involves having participants imagine they are an energy company tasked with creating a greenwashing campaign. The idea is that by simulating the greenwashing process, participants become more resistant to future manipulation.

Also, Mr. Dutta-Powell addressed the study design and some findings:

- Participants were randomly assigned to one of the three interventions (literacy, pre-bunking, or control). They were then shown three advertisements, two of which were greenwashed, and one generic.
- The study found that greenwashing is quite effective, with 57% of consumers in the control group believing greenwashed claims were reliable indicators of a company's environmental practices.
- However, both the literacy and pre-bunking interventions significantly reduced the credibility consumers attributed to greenwashed companies, resulting in a 0.6 point decrease in perceived green credentials on a 7-point scale.

The speaker highlighted that the interventions were particularly effective among consumers who were already concerned about environmental issues. For that reason, the study revealed that these individuals are more susceptible to greenwashing but also more responsive to anti-greenwashing measures.

At the end of his presentation, he outlined several areas for future research, including:

- Assessing whether these interventions are effective against real brands rather than fictional companies.
- Determining whether consumers can be made more discerning, punishing only greenwashing without negatively impacting genuine environmental advertising.
- Investigating how these interventions influence purchase intentions and decisions over time.
- Exploring the potential for streamlining and scaling the interventions to reach a broader audience.

**Mr. Daniel CAVERO** – *Representative of the Commission for the Promotion of Peru for Exports and Tourism (PROMPERU)* introduced the sustainability initiatives and strategies implemented by PROMPERU to promote the economy's image, exports, and tourism. He highlighted PROMPERU's commitment to sustainability as a key element in their operations and branding, aligning with global Sustainable Development Goals (SDGs). He discussed various programs, campaigns, and strategic initiatives aimed at positioning Peru as a leader in sustainable development and promoting its cultural and natural assets.

The speaker addressed specific actions in the Eco-efficiency Plan of PROMPERU, focusing on eco-efficient transportation, events, and office management. Initiatives that aimed to minimize the environmental impact of the organization's operations. Also, he mentioned that PROMPERU integrates sustainability into its operational programs, such as Fair Trade, Eco-efficiency, and Biotrade standards. Programs that are certification standards, promoting sustainable business practices among exporters. In fact, according to Mr. Cavero, the agency has implemented 19



sustainable trade programs across various sectors, focusing on enhancing the sustainability profile of Peruvian companies in the international market. This included initiatives like organic certification, environmental product declarations, and programs to counteract deforestation.

Finally, Mr. Cavero outlined Peru's commitment to sustainable tourism which is showcased through the promotion of destinations with the Green Destinations Seal (notably, Machu Picchu has been recognized as the world's first carbon-neutral destination). In addition, the speaker emphasized that PROMPERU prioritizes sectors like food industries, tourism, high technology, textiles, and renewable energies for attracting foreign direct investment (FDI). He added that these initiatives have garnered international recognition, including awards and certifications that highlighted Peru's leadership in sustainable practices.

## **2.7. Closing remarks**

**Mr. César LLONA**, *President of the Specialized Chamber of INDECOPI of Peru*, closed the PPD by thanking participants for their active engagement and valuable contributions to the discussions on environmental advertising. He emphasized that the event provided a valuable space to exchange perspectives on green claims and their impact on consumers, businesses, and the environment.

He summarized that the day's sessions had addressed key issues such as applicable regulations, enforcement measures, and best practices shared by public authorities, the private sector, and consumer organizations. Mr. Llona also highlighted the importance of international collaboration and the need to strengthen consumer empowerment and truthful advertising across the region.

He noted that ethical environmental advertising is a shared responsibility, not only for regulators but also for businesses and consumers. In closing, he encouraged all participants to apply the insights gained in their respective roles and reaffirmed INDECOPI's commitment to promoting fair and accurate environmental advertising.

## **IV. Conclusions**

The PPD brought together competition and consumer protection authorities, international organizations, private sector actors, and consumer representatives to explore how environmental claims are addressed across APEC economies. The discussions underscored common regulatory challenges and highlighted practical solutions to promote fair competition, protect consumers, and strengthen the integrity of green advertising. The following conclusions reflect the main cross-cutting insights drawn from these exchanges.

The PPD demonstrated that environmental advertising plays a growing role in shaping consumer behavior and competitive dynamics across APEC economies. However, the misuse of environmental claims—through vague, exaggerated, or misleading messages—undermines consumer trust and distorts market functioning.

Throughout the sessions, participants emphasized the importance of promoting transparency, accuracy, and accountability in green claims. The PPD confirmed that a balanced approach—combining regulatory enforcement, self-regulatory tools, and capacity-building—is essential to address the challenges of greenwashing.

Authorities shared valuable lessons on oversight and sanctions, while businesses and advertising associations highlighted the role of internal compliance and ethical communication. Consumer organizations underlined the need for reliable, accessible information and tools that empower consumers to make informed decisions.

## **V. Recommendation for next steps**

Based on the discussions held throughout the event, the following recommendations are addressed to APEC competition and consumer protection authorities, the broader public sector, and APEC as a regional forum. They aim to provide actionable steps for enhancing regulatory frameworks, institutional capacity, and regional cooperation in the oversight and promotion of transparent environmental claims in advertising.

### **For APEC Competition and Consumer Protection Authorities:**

- Promote legal and institutional frameworks that require environmental claims to be truthful, substantiated, and presented with clarity.
- Strengthening enforcement mechanisms for misleading environmental advertising, particularly in digital markets.
- Foster inter-agency cooperation across competition, consumer protection, and environmental authorities.
- Develop and disseminate clear guidance to support businesses in formulating lawful and responsible green claims.

### **For the private sector:**

- Adopt compliance programs that include prior review of advertising content and alignment with domestic and international guidelines.
- Encourage the use of measurable, specific, and verifiable environmental claims.

- Choose transparent communication practices and avoid general and unsubstantiated claims that may mislead consumers.
- Explore participation in self-regulatory frameworks that promote ethical standards in environmental marketing.

**For APEC as a regional forum:**

- Continue promoting capacity-building activities that allow economies to strengthen regulatory responses to greenwashing.
- Encourage information exchange on enforcement cases, policy developments, and practical tools for substantiating environmental claims.
- Support research and collaborative efforts aimed at harmonizing principles for environmental advertising across economies.

**VI. Annexes**

## Annex 1: Agenda

### Public-Private Dialogue (PPD) on substantiating environmental claims in advertising to increase consumer confidence and improve competition

19 August 2024

#### OBJECTIVE

Greenwashing is an increasingly important issue that impacts on the climate agenda and attracts more attention from policy makers and specialists in competition, advertising, and consumer protection. In that context, the PPD looks to address the challenges faced by APEC economies on green advertising as a competition tool and thus propose advertising standards for the benefit of the environment, consumers, and industry, as part of APEC Putrajaya Vision 2040. The Project includes a one-day PPD, a summary report, and a Best Practices Guidelines on Substantiating Environmental Claims. After the PPD event, Peru will compile a workshop summary report highlighting the key findings and insights from the discussions.

**Sponsoring economies:** Australia; Canada; Chile; China; Korea; Malaysia; The Philippines, Chinese Taipei; and Thailand.

#### OUTCOMES

1. **Enhanced Understanding:** Participants will gain a deeper understanding on green advertising and its impact in trade flows, economic growth, and sustainability.
2. **Capacity Building:** Policymakers will strengthen their capacity in the design and implementation of competition and green policies for better advertising practices. This will be achieved through the exchange of experiences and best practices on the supervision of green advertising practices applied in APEC member economies.
3. **Skill improvement:** Participants will develop improved skills on the resolution of competition cases related to greenwashing.
4. **Empowerment of Female Participants:** The program will specifically enhance the capacity and skills of female participants, enabling them to develop best practices on competition policies related to environmental claims.

#### Session 1 – Morning (8:30 – 12:20)

TIME	AGENDA ITEM	POC
8:30 – 9:00	Registration	
9:00 – 9:10	Opening remarks: Alberto Villanueva Eslava, Executive President of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru	Peru

<b>9:10 – 9:30</b>	<p>Sustainability and Development. The importance of preventing greenwashing:</p> <p>Bruna de Moraes Tiussu - Ecolabel and Consumer Information Expert, Consumption and Production Unit, United Nations Environment Programme</p> <p><b>Q &amp; A</b></p>	United Nations Environment Programme
<b>9:30 - 09:50</b>	<p>Protecting and empowering consumers in the green transition:</p> <p>Harriet Gray – Policy Analyst Consumer Policy/Consumer Product Safety, Directorate for Science, Technology and Innovation of the Organization for Economic Cooperation and Development (online)</p> <p><b>Q &amp; A</b></p>	The Organization for Economic Cooperation and Development (OECD)
<b>09:50-10:10</b>	<p>Sustainability policies and regulations applicable to environmental claims:</p> <p>Cecilia Parker Aranha – ICPEN Misleading Environmental Claims Group leader and Director Consumer Protection of the United Kingdom Competition and Markets Authority</p> <p><b>Q &amp; A</b></p>	United Kingdom
<b>10:10 – 11:10</b>	<p>Oversight of environmental claims and enforcement:</p> <ul style="list-style-type: none"> <li>- Abelardo Aramayo – Technical Secretariat of the Commission on Unfair Competition of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru</li> <li>- Michael Ostheimer - Senior Attorney of the Division of Advertising Practices of the Federal Trade Commission of the United States</li> <li>- Andrés Herrera Troncoso – National Director of the National Consumer Service (SERNAC) of Chile</li> </ul> <p><b>Q &amp; A</b></p>	Peru United States Chile
<b>11:10 – 11:30</b>	COFFEE BREAK	
<b>11:30-12:00</b>	<p>Unfair competition cases related to environmental claims:</p> <ul style="list-style-type: none"> <li>- Rosa Giles – Legal Officer at the Commission on Unfair Competition of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru</li> <li>- Libby Darwin – General Manager of Consumer Compliance Strategies, Consumer Fair Trading of the Australian Competition &amp; Consumer Commission (online)</li> </ul> <p><b>Q &amp; A</b></p>	Peru Australia

<b>12:00 -12:20</b>	Official Photo	All participants
<b>LUNCH - 12:20-14:30</b>		
<b>Session 2 - Afternoon (14:30 – 17:45)</b>		
<b>TIME</b>	<b>AGENDA ITEM</b>	<b>POC</b>
<b>14:30-14:45</b>	<p>Introduction to good practices for better environmental advertising:</p> <p>Ivette García – Consultant for the World Bank (online)</p> <p><b>Q &amp; A</b></p>	World Bank
<b>14:45-15:00</b>	<p>Communication strategies in advertising:</p> <p>Dario Díaz – Head of Sustainability at Apoyo Comunicación</p> <p><b>Q &amp; A</b></p>	Apoyo Comunicación – Peru
<b>15:00-16:10</b>	<p>Private sector Perspective:</p> <p>Agencies and Associations</p> <ul style="list-style-type: none"> <li>- Pierino Stucchi – Legal Advisor of the National Advertisers Association (ANDA)</li> <li>- Bruno Fernández – Representative of the Interactive Advertising Bureau (IAB)</li> </ul> <p>Industries</p> <ul style="list-style-type: none"> <li>- Bruno Mejía – Senior Manager, representative of Exporters Association (ADEX)</li> <li>- Anita de la Piedra – Leader of Legal Solution of Niubox Legal</li> <li>- Erika Starost – Representative of Chamber of Commerce of Lima</li> </ul> <p><b>Q &amp; A</b></p>	<p>National Advertisers Association (ANDA) – Peru</p> <p>Interactive Advertising Bureau (IAB) – Peru</p> <p>Representative of Exporters Association (ADEX) – Peru</p> <p>Niubox Legal – Peru</p> <p>Chamber of Commerce of Lima (CCL) – Peru</p>
<b>16:10-16:25</b>	<p>Consumers Perspective:</p> <p>Hollie Hamblett – Policy Specialist at Consumers International</p> <p><b>Q &amp; A</b></p>	Consumers International
<b>16:25-16:40</b>	COFFEE BREAK	
<b>16:40-17:05</b>	<p>Public sector Perspective:</p> <ul style="list-style-type: none"> <li>- Cecilia Parker Aranha - ICPEN Misleading Environmental Claims Group leader and Director Consumer Protection of the United Kingdom Competition and Markets Authority</li> <li>- Andrea Vega – Legal Officer at the Commission on Unfair Competition of the National Institute</li> </ul>	United Kingdom Peru

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for the Defense of Competition and the  
Protection of Intellectual Property (INDECOPI)  
of Peru

**Q & A**

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International organization perspective and expert  
experience related to sustainability and green claims:

**17:05-17:35**

- Ravi Dutta-Powell – Australian Securities & Investments Commission (ASIC) (online)
- Daniel Cavero – Representative of the Commission for the Promotion of Peru for Exports and Tourism (PROMPERU)

Australia  
Peru

**Q & A**

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Closing remarks:

**17:35-17:45**

Cesar Llona – President of the Specialized Chamber  
for the Defense of Competition of the National  
Institute for the Defense of Competition and the  
Protection of Intellectual Property (INDECOPI) of  
Peru

Peru

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## **Annex 2: Presentations**

Public-Private Dialogue presentations available at:

<https://goo.su/A1VZXe>



Annex 3: Official Photo

