

Date: [Insert Date]

To: [Recipient Name/Board of Directors]

From: [Advisor/Legal Counsel Name]

Subject: ADVISORY: Greenwashing Liability Mitigation and Regulatory Compliance

Dear [Recipient Name],

This advisory letter outlines essential steps to mitigate legal and reputational risks associated with "greenwashing"-the practice of making unsubstantiated or misleading environmental claims. Given the increasing scrutiny from regulators (such as the FTC and SEC) and the rise in consumer class-action litigation, the following protocols are recommended:

1. Substantiation of Claims

All environmental marketing claims must be supported by competent and reliable scientific evidence. Ensure that life-cycle assessments (LCAs) or third-party certifications are current and documented before any public dissemination.

2. Specificity and Qualification

Avoid broad, vague terms such as "eco-friendly," "sustainable," or "green" without specific qualifications. Clearly define which portion of the product or process the claim refers to (e.g., packaging vs. contents) to prevent consumer deception.

3. Alignment of Internal Data and External Communications

Ensure that ESG (Environmental, Social, and Governance) reports, financial filings, and marketing materials are consistent. Discrepancies between internal carbon data and public carbon-neutral pledges represent a significant litigation risk.

4. Monitoring Future Targets

Forward-looking statements regarding "Net Zero" or "Carbon Neutrality" must be accompanied by a feasible implementation plan and interim milestones. Statements of intent without reasonable grounds for achievement may be classified as fraudulent misrepresentation.

5. Compliance Review Process

Establish a formal review committee consisting of legal, sustainability, and marketing leads. All high-impact environmental claims should undergo a "Green Guides" compliance audit prior to publication.

Failure to adhere to these standards may result in regulatory fines, corrective advertising mandates, and permanent brand damage. We recommend a comprehensive audit of all current digital and print assets immediately.

Sincerely,

[Signature]

[Name and Title]

[Organization]