

Annex A: Greenwashing-via-Offsets Cases¹

No.	Parties	Filing date	Forum Type	Claim	Legal basis	Remedy sought	Status
1	New Weather Institute v. Shell ²	Apr. 2023	SRO (U.K. Advertising Standards Authority)	Shell's ad claiming "CO ₂ -compensated" gas for heating homes misleads consumers because it is based on offsets.		Ruling ad breaches advertising rules & requiring its withdrawal or amendment	Pending
2	Reclame Fossielvrij v. Shell Plc ³ (Reclame Fossielvrij v. Shell (III))	Feb. 2023	SRO (Dutch Advertising Code Commission (Stichting Reclame Code))	Shell's ad claiming "carbon neutral" gas for heating homes misleads consumers because it is based on offsets.		Ruling that ad breaches Dutch Advertising Code & recommending its withdrawal or amendment	Pending
3	Fossil Free Football & Reclame Fossielvrij v. FIFA ⁴	Nov. 2022	SRO (Dutch Advertising Code Commission (Stichting Reclame	FIFA claimed 2022 Qatar World Cup was carbon neutral but used unsound methodology for GHG accounting &	Environmental Advertising Code, which forms part of the Dutch Advertising	Ruling that ad breaches Dutch Advertising Code & recommending its withdrawal or	Pending

¹ This Annex draws upon Columbia University's Climate Case Chart, <http://climatecasechart.com/>, and the following articles: Sutton, *supra* note **Error! Bookmark not defined.**; *Companies Accused of Greenwashing*, TRUTH IN ADVERTISING, <https://truthinadvertising.org/articles/companies-accused-greenwashing/> (last updated Oct. 27, 2023).

² See *Klachten in Nederland en VK over Misleidende Shell-marketing voor 'CO₂-gecompenseerd Gas'*, *supra* note **Error! Bookmark not defined.**; *Guide to Making a Complaint*, ASA.ORG, <https://www.asa.org.uk/make-a-complaint/guide-to-making-a-complaint.html> (last visited May 4, 2023).

³ See *Klachten in Nederland en VK over Misleidende Shell-marketing voor 'CO₂-gecompenseerd Gas'*, *supra* note **Error! Bookmark not defined.**; *Afhandeling van Klachten in Cijfers*, *supra* note **Error! Bookmark not defined.**


⁴ See David Lockwood & Matt Warwick, *Qatar World Cup: Fifa's Carbon Neutrality Claim 'Misleading and Incredibly Dangerous'*, BBC (Nov. 2, 2022), <https://www.bbc.com/sport/football/63466168?ref=the-wave.net>; Frank Huisingh, *FIFA's 'Carbon Neutrality' Claims are Unfounded. We Lodged a Complaint*, FOSSIL FREE FOOTBALL (Nov. 14, 2022), <http://www.fossilfreefootball.org/2022/11/14/fifas-carbon-neutrality-claims-are-unfounded-we-lodged-a-complaint/>; Frank Straver, TRUOW, *Internationale lacht tegen 'leugenachtige' groene claims WK Qatar [International complaint against 'lying' green claims Qatar World Cup]* (Nov. 3, 2022), <https://www.trouw.nl/sport/internationale-klacht-tegen-leugenachtige-groene-claims-wk-qatar~b6382fe5/>; *Les plaintes internationales déposées contre la FIFA accroissent la pression sur la Suisse*, *supra* note **Error! Bookmark not defined.**

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			Code))	relied on low-quality offsets.	Code	amendment	
4	New Weather Institute v. FIFA ⁵	Nov. 2022	SRO (UK Advertising Standards Authority)	FIFA claimed 2022 Qatar World Cup was carbon neutral but used unsound methodology for GHG accounting & relied on low-quality offsets.	UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing	Ruling ad breaches advertising rules & requiring its withdrawal or amendment	Dismissed - forwarded to Swiss SRO to be jointly considered with other claims
5	Notre Affaire à Tous v. FIFA ⁶	Nov. 2022	SRO (French Professional Advertising Regulatory Authority (Autorité de Régulation Professionnelle de la Publicité (AARP)))	FIFA claimed 2022 Qatar World Cup was carbon neutral but used unsound methodology for GHG accounting & relied on low-quality offsets.	ICC Code; AARP Sustainable Development Recommendations	For ARPP to launch investigation (with goal that FIFA will abstain from claiming carbon neutrality of events without substantiation)	Dismissed - forwarded to Swiss SRO to be jointly considered with other claims
6	Klima-Allianz Schweiz v. FIFA ⁷	Nov. 2022	SRO (Swiss Fairness Commission (Commission Suisse pour la Loyauté))	FIFA claimed 2022 Qatar World Cup was carbon neutral but used unsound methodology for GHG accounting & relied on low-	Federal Law Against Unfair Competition; ICC Code; Rules on Fairness in Commercial	For Swiss Integrity Commission to investigate and condemn FIFA's ad campaign	Pending

⁵ See *New Weather Institute v. FIFA*, CLIMATE CASE CHART, <http://climatecasechart.com/non-us-case/new-weather-institute-v-fifa/> (last visited May 4, 2023); *Les plaintes internationales déposées contre la FIFA accroissent la pression sur la Suisse*, *supra* note **Error! Bookmark not defined.**

⁶ See *Notre Affaire à tous v. FIFA*, CLIMATE CASE CHART, *supra* note **Error! Bookmark not defined.**; *Les plaintes internationales déposées contre la FIFA accroissent la pression sur la Suisse*, *supra* note **Error! Bookmark not defined.**

⁷ See *KlimaAllianz v. FIFA Compl.*, *supra* note **Error! Bookmark not defined.**; *Les Plaintes Internationales Déposées Contre la FIFA Accroissent la Pression Sur la Suisse*, *supra* note **Error! Bookmark not defined.**

No.	Parties	Filing date	Forum Type	Claim	Legal basis	Remedy sought	Status
				quality offsets.	Communication		
7	Carbon Market Watch v. FIFA ⁸	Nov. 2022	SRO (Belgian Advertising Ethics Jury (Jury d'Ethique Publicitaire (JEP)))	FIFA claimed 2022 Qatar World Cup was carbon neutral but used unsound methodology for GHG accounting & relied on low-quality offsets.	ICC Code; JEP Green Advertising Code	For FIFA's ad to be withdrawn immediately	Dismissed - forwarded to Swiss SRO to be jointly considered with other claims
8	Solutions for Our Climate & Consumers Korea v. SK Lubricants 	Oct. 2022	Ministerial-level central administrative organization (Korea Free Trade Commission)	Company claimed zero CO2 emissions through use of offsets; ad campaign suggests consumers can reduce CO2 emissions through the company's products.	Fair Labeling & Advertising law; Presidential decree re: Act on Fair Labeling & Advertising; Public notice by the Fair Trade Commission	For SK's Fair Trade Commission to initiate an investigation into SK Lubricant's violations	Pending
9	Fossilvrij NLv.	May 2022	Court (District Court of	KLM's "flying responsibly" campaign indicates	Portion of Dutch civil code	Declare KLM ad campaign is misleading &	Pending

⁸ See *Carbon Market Watch v. FIFA*, CLIMATE CASE CHART, *supra* note **Error! Bookmark not defined.**; *Les plaintes internationales déposées contre la FIFA accroissent la pression sur la Suisse*, *supra* note **Error! Bookmark not defined.**

⁹ See *SFOC v. SK Lubricants Compl.*, *supra* note **Error! Bookmark not defined.**; *Consumer group challenges SK subsidiary for greenwashing with carbon offsets*, SOLUTIONS FOR OUR CLIMATE (Dec. 27, 2022), <https://forourclimate.org/en/sub/news/%EB%B3%B4%EB%8F%84%EC%9E%90%EB%A3%8C-%EB%B0%B0%EC%B6%9C%EA%B6%8C-%EC%82%AC%EC%84%9C-%ED%83%84%EC%86%8C%EC%A4%91%EB%A6%BD-%EA%B7%B8%EB%A6%B0%EC%9B%8C%EC%8B%B1-%EB%85%BC%EB%9E%80%EC%9C%BC%EB%A1%9C-%EA%B3%B5%EC%A0%95%EC%9C%84-%EC%95%9E%EC%97%90-%EC%84%A0-%ED%83%84%EC%86%8C%EC%A4%91%EB%A6%BD-%EC%9C%A4%ED%99%9C%EC%9C%A0>.

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	KLM ¹⁰		Amsterdam)	offsets and alternative fuels can make flying sustainable.	implementing EU Directive on Unfair Commercial Practices; Dutch Authority for Consumers & Markets Sustainability Claims Guidelines	unlawful; for KLM to remove ads; send communication to those whom purchased tickets during ad campaign w/ apology and information re: climate change; to place ad in 5 national newspapers announcing legal violation; to place corrective text on online accounts for 4 weeks; to add permanent warning to website stating airplanes contribute to climate change; to charge KLM a penalty in event of future violations; to pay for Fossilvrij's legal costs.	
10	Deutsche Umwelthilfe (DUH) v. TotalEnergies Wärme&Kraftstoff Deutschland	May 2022	Court (Düsseldorf District Court, Germany)	Total's ad that a heating oil is climate neutral is misleading because it is based on an offsetting scheme in Peru that an investigation by DUH revealed to be	Germany Unfair Competition Act, which implements the EU Directive on Unfair Commercial	For Total to stop advertising such oil as "climate compensated" & provide greater detail about its offsetting schemes	Upheld complaint (Apr. 2023)

¹⁰ See *Fossilvrij NL v. KLM*, CLIMATE CASE CHART, <http://climatecasechart.com/non-us-case/fossilvrij-nl-v-klm/> (last visited May 4, 2023); *Fossilvrij NL v. KLM* Writ ¶¶ 333-361.

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	d GmbH ¹¹			problematic.	Practices		
11	Deutsche Umwelthilfe (DUH) v. BP Europa SE & Shell Deutschland GmbH ¹²	May 2022	Court (Düsseldorf and Hamburg District Courts, Germany)	Shell's statement that its motor oil is compensated for is not verified, and BP's ad for climate neutral car dealerships does not explain its compensation scheme.	Germany Unfair Competition Act, which implements the EU Directive on Unfair Commercial Practices	Enforcement of court order that prohibited Shell from charging motorists surcharge for carbon compensation	Pending
12	Deutsche Umwelthilfe (DUH) v. Beiersdorf ¹³	May 2022	Court (Düsseldorf and Hamburg District Courts, Germany)	Beiersdorf's products' climate neutrality claims not corroborated w/ sufficient information; problematic because relies on forest-based offsetting projects.	Germany Unfair Competition Act, which implements the EU Directive on Unfair Commercial Practices	That Beiersdorf stop using "100% climate-neutralized" product description or phrases that its emissions are compensated for	Pending
13	Greenpeace France, Friends of the Earth France & Notre Affaire à Tous v. TotalEnergies SE & TotalEnergies Electricité et Gaz France	Mar. 2022	Court (Paris Judicial Court)	Total's net-zero ads are misleading given Total relied on offsets & continues to produce fossil fuels.	French Consumer Code; Civil Code; Environment Code	Finding that ad breaches consumer law; cease ad & publicize ruling; prohibit future ads unless they include clear disclaimers	Pending

¹¹ See Deutsche Umwelthilfe Press Release, *supra* note **Error! Bookmark not defined.**

¹² See Deutsche Umwelthilfe Press Release, *supra* note **Error! Bookmark not defined.**

¹³ See Sutton, *supra* note **Error! Bookmark not defined.**

No.	Parties	Filing date	Forum Type	Claim	Legal basis	Remedy sought	Status
	(+ ClientEarth petitioning to intervene) ¹⁴						
14	Reclame Fossielvrij, Greenpeace Netherlands & citizens v. Shell Plc ¹⁵ (Reclame Fossielvrij v. Shell (II))	Feb. 2022	SRO (Dutch Advertising Code Commission (Stichting Reclame Code))	Shell's "Make a difference. Compensate for CO2 emissions" ad misleads consumers into thinking offsets can truly compensate for use of product.	Dutch Advertising Code; Env'l Advertising Code	Ruling that ad breaches Dutch Advertising Code & recommending its withdrawal or amendment	Upheld complaint (originally upheld June 2022, upheld on appeal Oct. 2022)
15	Greenpeace Canada v. Shell Canada ¹⁶	Nov. 2021	Independent law enforcement agency (Competition Bureau of Canada)	Shell's "Drive Carbon Neutral" products make false representations to the public, as they are based on potentially illegitimate forest-based offset	Canada Competition Act	That action be taken to stop such false and misleading claims	Pending

¹⁴ See *Greenpeace France and Others v. TotalEnergies SE and TotalEnergies Electricité et Gaz France*, CLIMATE CASE CHART, *supra* note **Error! Bookmark not defined.**; *Environmental Groups Sue TotalEnergies for Misleading the Public Over Net Zero*, *supra* note **Error! Bookmark not defined.**

¹⁵ See *Ook aangepaste CO2-slogan Shell*, *supra* note **Error! Bookmark not defined.**; *Advertising watchdog ruling: Shell misleads with advertising "millions of kilometers cleaner with green hydrogen"*, RECLAME FOSSIELVRIJ (Feb. 10, 2022), <https://verbiedfossielereclame.nl/uitspraak-reclamewaakhond-shell-misleidt-met-reclame-miljoenen-kilometers-schoner-met-groene-waterstof/>; *Reclame Fossielvrij v. Shell (II) Decision*, *supra* note **Error! Bookmark not defined.**

¹⁶ See Press Release, Dina Ni, Greenpeace Canada Files Competition Bureau Compl. Against Misleading Shell Advertising (Nov. 10, 2021), <https://www.greenpeace.org/canada/en/press-release/50740/driving-carbon-neutral-with-fossil-fuels-greenpeace-canada-files-competition-bureau-complaint-against-misleading-shell-advertising/>; *Greenpeace Canada v. Shell Canada*, CLIMATE CASE CHART, <http://climatecasechart.com/non-us-case/greenpeace-canada-v-shell-canada/>.

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				projects & Shell has failed to demonstrate the validity of its neutrality claims.			
16	Law clinic students, Reclame Fossilvrij & Greenpeace Netherlands v. Shell Plc ¹⁷ (Reclame Fossilvrij v. Shell (I))	Feb. 2021	SRO (Dutch Advertising Code Commission (Stichting Reclame Code))	Shell's "Drive CO2 Neutral" ad is based on offsets & lacks substantiation.	Dutch Advertising Code; Env'l Advertising Code	Ruling that ad breaches Dutch Advertising Code & recommending its withdrawal or amendment	Upheld complaint (Aug. 2021)

¹⁷ See Stichting Reclame Code, Compl. at 95 (Reclame Fossilvrij & Greenpeace Netherlands/Shell Plc) (Neth.), available at <https://verbiedfossilereclame.nl/wp-content/uploads/2021/04/def-Complaint-RCC-Shell-Rij-CO2-neutraal-campaign.pdf>; Reclame Fossilvrij v. Shell (I) Decision, *supra* note **Error! Bookmark not defined.**