

Greenwashing

HOW TO FILE A COMPLAINT

CQDE

WHAT IS GREENWASHING?

Greenwashing can be defined as “any communication that misleads people into adopting overly positive beliefs about an organization’s environmental performance, practices, or products.” (*Montgomery, Lyon et Bard (2024)*)

In other words, greenwashing is environmentally misleading communication, which may cover the products a company sells, the services it offers, or its practices more generally – for example, its carbon footprint. Greenwashing can be intentional or unintentional and may relate to climate, biodiversity, or pollution. In short, it covers everything related to the environment!

The two complaint processes – Reminder

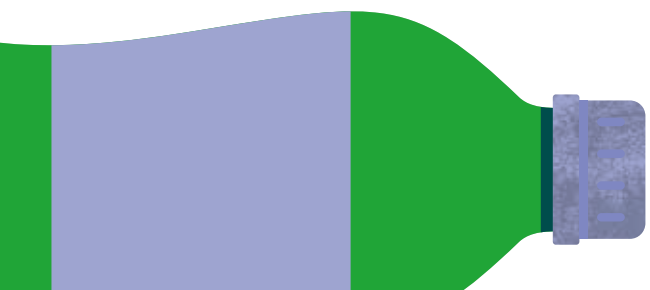
> *Filing a complaint is important!*

But there are other actions you can take. See our fact sheet *Greenwashing: How to Spot It and Take Action* for more information on these other actions.

IF IN DOUBT, REPORT IT!

It’s risk-free: once the report is submitted, the enforcement agency handles the rest. Even if the agency does not find that greenwashing has occurred, there are no fees or other consequences for the complainant.

Before filing a complaint, it’s important to gather and save all supporting evidence for your complaint as quickly as possible, especially when it comes to online information, since such evidence can sometimes become inaccessible very quickly.



AT THE FEDERAL LEVEL

COMPLAINT PROCESS WITH THE CANADIAN COMPETITION BUREAU (CCB)

There are **two types of complaints** that can be filed with the CCB.

Formal complaint (Section 9)

- Requires a solemn declaration from six persons residing in Canada who are 18 years of age or older.
- Must include the names and addresses of the individuals filing the complaint, the name of the business that is the subject of the complaint, a description of the nature of the alleged violation, and a summary of the supporting evidence.
- Allows complainants to receive notice when the CCB initiates an investigation and to be notified of the status of the investigation, upon request (Section 10(2)).

It should be noted that the CCB is not required to open an investigation upon receipt of such a complaint; the CCB opens an investigation when it deems it necessary to determine the facts of the matter. Furthermore, the CCB typically provides little information about its investigations once they are underway, as they are conducted confidentially (Section 29).

A formal complaint must be submitted to the CCB by email or mail.

Informal complaint (Section 10)

- Simpler than a formal complaint: can be filed by an individual and requires only that the CCB's complaint form be completed.
- A description of the alleged facts is sufficient: it is not necessary to explain how the practice violates the law or to file a solemn declaration.
- Does not allow you to receive notification that an investigation has been launched or to be informed of its progress, unless the case is referred to the Competition Tribunal

An informal complaint can be filed either by phone (819-997-4282, toll-free: 1-800-348-5358, TTY (for the hearing impaired): 1-866-694-8389) or via the *complaint form* available on the CCB website.

- Attachments (photos, screenshots, a more detailed account of the alleged facts) supporting the complaint may be included in the online complaint form. We recommend that you gather these to support your complaint.

At the federal level, the Competition Act (CA) protects consumers by prohibiting representations regarding a product or a commercial interest that are false or misleading on a material point, and, since 2024, by prohibiting representations regarding the environmental benefits of a product, a business activity, or a business itself that are not supported by sufficient and appropriate evidence. This law is administered by the Canadian Competition Bureau (CCB).

AT THE PROVINCIAL LEVEL

COMPLAINT PROCESS WITH THE *OFFICE DE LA PROTECTION DU CONSOMMATEUR* (OPC)

Unlike at the federal level, there is only one complaint process at the OPC. This process is relatively simple and similar to the informal complaint process with the CCB.

A complaint can be filed individually and requires three categories of information::

- information about the merchant in question.
- information about the alleged violation by the merchant.
- certain personal information about the person filing the complaint. This information remains confidential.

Unlike the federal process, it does not currently appear possible to include supporting documents (photos, screenshots) directly in a complaint submitted online to the OPC. However, we recommend that you gather supporting documents for your complaint and keep them on file, as it is still possible to submit additional information to the OPC following an initial complaint. The OPC may also contact you to obtain further details and better document the potential violation.

At the provincial level in Québec, the Consumer Protection Act (CPA) protects the public by prohibiting certain deceptive commercial practices, including the communication of false or misleading information to a consumer. This law is administered by the *Office de protection du consommateur* (OPC).

For the CPA to apply, there must be a consumer relationship between the merchant whose practice is being reported and the person filing the complaint: in the context of advertising, for example, it must be reasonably likely for the product or service to be purchased or used by the person filing the complaint.

Contact information for the OPC

- **By phone**

Montréal	514 253-6556
Québec	418 643-1484
Elsewhere in Québec and Canada	1 888 OPC-ALLO (1 888 672-2556)

- **Online form**

https://www.opc.gouv.qc.ca/en/contact/report

- **In person**

Eleven offices across Québec, open without an appointment. To find the office nearest you, visit *https://www.opc.gouv.qc.ca/en/contact/consumer*

FILING A COMPLAINT WITH THE CCB OR THE OPC: WHICH SHOULD YOU CHOOSE?

Generally speaking, we suggest filing a complaint with both organizations whenever possible. Once you've gathered the necessary information, it's not difficult to file a report with both the CCB (informal complaint) and the OPC, since the processes are similar.

That said, a complaint to the CCB may be more appropriate for claims that do not concern products or services offered directly to consumers, such as claims related to an energy or mining project currently under development.

A complaint to the OPC may be more appropriate for representations concerning the misleading use of certifications, selective claims and claims regarding secondary characteristics of a product or service.

It should also be noted that it is possible to file a complaint with the *Autorité des marchés financiers* (AMF) for cases of greenwashing involving a financial product, such as an investment fund. For more information on this process, visit the *AMF's website.*

SOME USEFUL LINKS

Fact Sheet:
Greenwashing: How to Spot It and Take Action

"Our Actions" - Greenwashing
(French language only)

Our Obiterre page:
What Is Greenwashing?
(French language only)

Ad Standards

Eco-label Directory
Government of Québec,
(French language only)

"Le Décodeur" app
Protégez-Vous
(French language only)

If you found this guide helpful in filing a complaint about greenwashing, please let us know by emailing → *ecoblanchiment@cqde.org*

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