



DENTONS

Legal framework applicable to Greenwashing

Country focus: Mexico

Grow | Protect | Operate | Finance

Mexico	
Legal definition of greenwashing	
Targeted greenwashing legislation	
Direct regulation of greenwashing (through consumer protection, advertising standards, unfair competition or environmental law frameworks)	
Soft law guidance or standards on greenwashing	
Applicability of existing national legal frameworks to greenwashing (depending on facts)	

Summary of relevant laws and provisions

In Mexico, greenwashing, or the use of misleading or deceptive environmental claims, is regulated by various legal frameworks, such as the Federal Consumer Protection Law and the General Law for Ecological Equilibrium and Environmental Protection and the Guidelines for Information and Publicity Analysis and Verification .

1. Article 32 of the Federal Consumer Protection Law establish that information or advertising related to goods, products or services that are shared by any means or form must be truthful, verifiable, clear and free of texts, dialogues, sounds, images, brands, designations of origin and other descriptions that induce or may lead to error or confusion that could be considered misleading or abusive.
2. By misleading or abusive information or advertising it must be understood that which refers to characteristics or information related to some good, product or service that, whether or not it may be true, misleads or confuses the consumer by being inaccurate, false, exaggerated, partial, artificial or biased in which it is presented.
3. Article 37 bis of the General Law for Ecological Equilibrium and Environmental Protection empowers the Minister of Economy to issue eco-labelling norms.

4. The Guidelines for Information and Publicity Analysis and Verification further explain what is to be understood by inaccurate, false, exaggerated, partial, artificial or biased information and advertising.
5. The Guidelines for Information and Publicity Analysis and Verification establish clear obligations for advertisers regarding misleading information.
6. The Guidelines for Information and Publicity Analysis and Verification empowers the the Consumer Protection Attorney's Office (PROFECO) to survey the fulfilment of said obligations.



Summary of guidance and soft law

In addition to the legal frameworks mentioned above, there are also some guidance and soft law instruments that aim to prevent or reduce greenwashing in México. These include:

1. Mexico's Sustainable Taxonomy, which seeks to establish a reference framework at the national level that allows classifying in a clear, reliable, legitimate and science-based manner, activities and investment projects that meet solid sustainability criteria, for which general objectives and environmental and social objectives were defined that define its purpose and scope.

Claims & enforcement

Greenwashing claims can be brought by various actors and bodies, depending on the legal framework and the type of remedy sought. These include:

1. PROFECO.
2. Consumers in general.

Sanctions & remedies

The sanctions and remedies for greenwashing vary according to the legal framework and the nature and gravity of the infringement. They can include:

1. Product immobilization.
2. Selling halt.
3. Warning labelling.
4. Advertising injunction.
5. Advertising modifications.
6. Fine advertisers.
7. Product ban (only when it compromises consumers health)

Evidence & substantiation

The evidence and substantiation requirements for greenwashing claims depend on the legal framework and the burden of proof. In general, the following principles apply:

1. The law only requires a brief description of the good, service or advertisement subject of the complaint.
2. The PROFECO will follow the investigation and prosecution of the complaint.

Recent litigation

We are not aware of any relevant litigation in this matter.

Key contact



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