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Swiss Regulator Finds Against FIFA on World Cup Carbon Neutrality Claims

July 11, 2023



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On June 7, 2023, the Swiss advertising regulator, Schweizerische Lauterkeitskommission (SLK), upheld complaints that the International Federation of Football Association (FIFA) made false statements about the 2022 FIFA World Cup in Qatar when describing it as climate- or carbon-neutral. The SLK determined that FIFA was unable to provide evidence as to the accuracy of the statements and advised the association to refrain from making such unsubstantiated, absolute claims in the future.

The SLK commenced its investigation after advertising regulators in four European countries – France, Belgium, the UK and the Netherlands – passed on complaints challenging FIFA’s claims to their Swiss counterpart, where FIFA is based. The SLK considered the statements made by FIFA in the context of Swiss standards for advertising carbon neutrality and emphasized that factual claims must be accurate and not misleading. The regulator also highlighted the importance of strict standards in substantiating environmental claims and that advertisers should not claim to have achieved sustainability goals if there are no definitive and generally accepted methods for measuring sustainability.

The SLK follows the provisions outlined in the [Marketing and Advertising Code](#) of the International Chamber of Commerce (ICC Code) regarding environmental claims in marketing communications. Article D of the ICC Code outlines these requirements, including that environmental claims “should be so framed as not to abuse consumers’ concern for the environment, or exploit their possible lack of environmental knowledge,” and “should use technical demonstrations or scientific findings about environmental impact only when they are backed by reliable scientific evidence.”

FIFA had provisionally calculated projected carbon emissions from the event to total 3.63 million tons as a result of, among other things, travel, accommodation, and food and beverage for ticket holders. The SLK found that it was not possible to definitively determine the accuracy of FIFA's estimate and that it had therefore failed to comply with Article D. Further, FIFA pledged to fully offset the emissions once definitively calculated through various initiatives, including planting gardens around the stadium, but SLK ruled that FIFA "did not prove that the emissions stated in the ex-ante report had been offset and did not set out a plan to define how it will further offset emissions." According to a [report in 2022](#) by Carbon Market Watch, the claim that the 2022 Qatar World Cup is carbon neutral was unrealistic and lacked credibility.

Taking the Temperature: SLK's finding against FIFA is another example of how regulators are utilizing existing non-sustainability specific legislation to combat alleged greenwashing. We [discussed this previously](#) in the context of the UK's Advertising Standards Agency's [ban of advertisements](#) by oil and gas majors Shell, Repsol and Petronas and its ban on advertisements by HSBC. The Australian Securities and Investments Commission also has been [active in bringing enforcement actions](#) relating to potentially misleading environmental claims.

We have also [discussed previously](#) that carbon offsetting is a sometimes controversial method employed by organizations (as FIFA did here) to compensate for their carbon emissions, since measuring the offset accurately is complex and difficult to verify and may disincentivize concrete emission-reduction measures.

The SLK's decision is not legally binding, but it does highlight the seriousness of the concerns raised and has generated adverse publicity for FIFA. Establishing generally accepted methods of calculating carbon emissions and substantiating an organization's methods of offsetting those emissions is becoming increasingly urgent so that organizations can promote their ESG credentials in a way that is not potentially misleading and does not expose them to, at the very least, reputational damage.