

Canada's greenwashing crackdown: New guidelines & private right of action

July 09, 2025

The Competition Bureau (the Bureau) recently issued its [final guidelines](#) on environmental benefits claims (Guidelines), hot on the heels of its [Annual Plan for 2025-2026](#) which pledged continued efforts to combat misleading environmental benefits claims (greenwashing). The Guidelines respond to the [recent amendments to the Competition Act](#), which now explicitly prohibits greenwashing.

This timely release is particularly significant as it precedes a major shift in the enforcement landscape in Canada. As of June 20, private applicants now have the ability to bring greenwashing complaints directly before the Competition Tribunal if they can show “public interest.”

While the Guidelines offer insight into the Bureau's enforcement approach, they are not binding, and some legal uncertainties persist. Businesses must therefore carefully consider how to meet growing consumer demand for environmental action without exposing themselves to legal challenges based on their environmental claims.

Overview of the Guidelines

Following a public consultation earlier this year, the Bureau's [proposed guidelines](#) have largely been adopted in this final version of the Guidelines, with a few notable updates:

- **“Adequate and proper substantiation in accordance with internationally recognized methodology”:** For environmental benefit claims about a business or its activities, the Guidelines clarify that an “internationally recognized methodology” can stem from “a variety of sources, including but not limited to standards-setting bodies, regulatory authorities, or even industries or other entities using methodologies that are commonly accepted internationally.” If no single internationally recognized methodology exists, advertisers may rely on a combination of two or more, or those used for similar claims, to substantiate their claims. The Bureau also indicates that it is unlikely to pursue enforcement for claims following methodologies required or recommended by Canadian federal, provincial, or territorial government programs. However, even with such methodologies, businesses must ensure the overall impression of their claims is not false or misleading. Ultimately, substantiation must be “adequate and proper,”

and the Bureau advises selecting a reputable and robust methodology appropriate for the claim. This approach aligns with established Canadian case law, where "adequate and proper" means fit, apt, or suitable for the circumstances, and its determination depends on the claim's nature and general meaning.

- **Voluntary or mandatory claims to investors:** The Guidelines offer welcome clarity that the Bureau will not concern itself with the communication of certain environmental information to current and prospective securities investors, whether voluntary or mandatory. However, if such environmental claims promote a product or business interest beyond securities sales, the Bureau says the Competition Act provisions will apply.
- **Claims made by foreign entities:** The Guidelines explicitly state that foreign businesses marketing in Canada must comply with the misleading advertising and deceptive marketing practices provisions of the Competition Act. Even if a business does not have a physical presence in Canada, if it markets goods or services to consumers in Canada, the business will need to be careful that it does not run afoul of the Competition Act.
- **Private right of action before the Competition Tribunal:** As of June 20, private parties, including environmental activists and climate advocacy groups, can initiate deceptive advertising cases directly before the Competition Tribunal if they can demonstrate "public interest." This means individuals and businesses will no longer have to rely on the Bureau to address greenwashing complaints. While the Bureau's Guidelines outline its perspective, they are not law and may not fully reflect the views of potential private parties. However, the Competition Tribunal may consider the Bureau's approach when deciding whether to grant leave for an application. The Bureau's [Annual Plan for 2025-2026](#) reiterated its commitment to strengthening private access to the Competition Tribunal through monitoring cases, updating guidance, and intervening on key legal issues to foster greater competition.

Key takeaways

As greenwashing claims become more sophisticated and common, businesses should be careful as they could face substantial risks under the Competition Act, including penalties up to \$10 million or 3 per cent of their annual worldwide gross revenue. Amidst legal uncertainties and Canada's shifting enforcement landscape, it's crucial to meticulously review, assess, and adapt all public-facing environmental claims and ESG frameworks for full legal compliance.

To learn more about how to manage your risk from allegations of greenwashing, please reach out to any of the authors or key contacts listed below.

By

[Candice Kloes](#), [Roark Lewis](#), [Denes A. Rothschild](#), [Rick Williams](#), [Sadie Glickman](#)

Expertise

[Advertising & Marketing](#), [Competition/Antitrust and Foreign Investment](#), [Environmental](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2025 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.