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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

FAST FASHION THROUGH THE LENS OF SUSTAINABLE DEVELOPMENT GOALS: ADDRESSING THE OVERARCHING PROBLEM OF GREEN WASHING AND UNFAIR MARKETING PRACTICES

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ABSTRACT

In the era of overconsumption, the fashion industry being the 2nd biggest polluter out of all the business sectors The launch of fast fashion exacerbated by the brand's social media presence and social media influencers flaunting new trends in fashion has had a coupled effect on the market. The paper addresses SDG in relation to the Fast fashion Industry. Just like another fashion trend, We come to know that the idea of sustainability has also become a trend with the new 'greenwashing' practices. Brands tend to keep their social image by marketing themselves as they use ethically, and environmentally sustainable practices included in their production process of garments. The paper explores how social media advertising by the fast fashion brands promotes overconsumption. The paper analyses Greenwashing and policies around the globe to curb the problem of false solution – Green washing. The paper explores the legal policies around the globe on sustainable practices in the Fashion industry and addresses and answers the problem of lack of transparency as an unethical marketing. The paper concludes that apart from green washing, non-disclosure of relevant information is an unethical marketing tactic and suggests for a sector specific legislation, accountability in marketing to attain sustainable development goals.

INTRODUCTION

What is fast fashion?

Fast fashion is a novel business model in the Apparel textile industry popularised through social media, influencer marketing coupled with e-commerce, the sector has boomed and is purely run on demand of the customers and the changes in the business environment favours fast fashion brands to thrive. A trend is something that's popular among consumers for a hot minute

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which might go out of style in a matter of days or weeks. This going out of trend and something becoming trendy is a fast cycle depending on the customer demand. The clothes made by fast fashion brands are not made to wear for a long period of time. The quality of clothes from fast fashion brands is poor and worn out in a few washes.³

Due to the huge demand and to meet the demands and the changing trends quicker in low cost, huge fashion houses and brands outsource production and manufacture in countries where labour can be bought at cheap prices and the countries where environmental regulations are not stricter. So, these brands fly under the radar of ethical concerns since it is not sure the labour conditions pass through the appropriate standards. Most times, these fashion brands hire subcontractors.

In recent times, the ideals of trade profit making, and wealth maximisation have become quite old. New ideals of sustainability and global consciousness on environment, health, livelihood etc., have become the focus and are reflected in the United Nations sustainable Development goals, 2015.

In the meantime, the fashion industry has also started adopting sustainable ways to produce clothes at all the stages of the production and they are marketed to be ethically made. Many brands proudly tout the tags that they are sustainably made. However, the fast fashion brands do not disclose if they are sourced and made in an environmentally as well as ethical way free from cheaply bought labour in sweatshops and child labour around the globe. Fashion Industry creates huge bales and bales of cloth waste which ends up in landfills and polyester being a cheap and widely used material do not decompose for a long time.⁴

To tackle the issue of landfills, recycling and circular economy comes into play. The idea of sustainability in Fashion Industry means to incorporate sustainable and ethical practices. It includes introducing upcycling of waste cloth materials while production and recycling and reducing the usage of environmentally damaging cloth fibres. As per the Claims of Fashion Revolution, most brands are not transparent about how responsible their production process is or reveal their supply chain or how ethical and responsible they are in consumption of resources

³ L. Alexa, A. Apetrei & M. Pişlaru, Fast Fashion – An Industry at the Intersection of Green Marketing with Greenwashing, in International Symposium 'Technical Textiles - Present and Future' 263–268 (2022).

⁴ B. Garcia-Ortega et al., Sufficient Consumption as a Missing Link Toward Sustainability: The Case of Fast Fashion, 399 J. Cleaner Prod. 136678 (2023).

like renewable resources, electricity, raw materials, and manpower.⁵

REVIEW OF LITERATURE

TITLE: Fast Fashion for 2030: Using the Pattern of the Sustainable Development Goals (SDGs) to Cut a More Gender-Just Fashion Sector Ramona Vijeyarasa and Mark Liu

The paper talks about gender inequalities in the global fashion sector drawing from the major accident that happened in the Garment production factory in Bangladesh in 2017. It gives a gender-perspective to the sustainability discourse as well as the global fashion sector. Women participate more in the production and manufacture of Garments globally and in countries like India, the whole sector is unregulated and informal. Sector-specific regulations and environmental standards for the whole fashion industry is one of the ways to combat the issue of environmental degradation. Most brands are not transparent enough to disclose the number of products produced and recycled, where their products are made and if they have adhered to environmental and ethical standards appropriately.

Fast fashion brands are now integrating more sustainable methods into their business plans, but the truth is that they have little motivation to drop such a profitable but environmentally and ethically unsustainable business model (Gómara 2023) Overconsumption is also normalised by fast-fashion internet-based brands like fashion nova and Shien to hype and ramp up sales through catchy adverts. These internet-based brands work on the basis of demand and order so there is no wastage by excess inventory.

TITLE: Slow Fashion in a Fast Fashion World: Promoting Sustainability and Responsibility

AUTHOR: Mark K. Brewer

The fashion industry around the globe faces significant sustainability and social responsibility challenges, especially due to the fast fashion model's environmental and social impact. Current legal protections are limited in addressing these issues, making corporate responsibility and sustainability initiatives crucial. Legal reforms and support for sustainable practices are needed to shift the industry and consumers away from fast fashion towards more ethical and sustainable models. Companies adopting slow fashion should be the blueprint for the industry's future.

⁵ E. Hageman et al., Do Fast Fashion Sustainable Business Strategies Influence Attitude, Awareness and Behaviours of Female Consumers?, 332 Bus. Strategy & Env't 1081–1098 (2023).

RESEARCH GAP

Fast fashion thrives in the popularity of a trend and its fast cycle is due to the novelty of the trend. The normalisation of overconsumption in the social media spaces and lack of awareness on what happens behind the curtains of the glittery advert screen of fast fashion brands is one of the contributing factors influencing consumer behaviour. To bring about change many legislations demand transparency by fast fashion brands. Even though green washing has been identified as one of the issues, there is no literature and legislation on transparency on the internet spaces and the influence of fashion brands by fashion brands without proper disclosure by fashion brands.

FAST FASHION AND SDG

Fast fashion in the textile garment industry can conflict with many of the Sustainable Development Goals (SDGs), making the relationship between the two often complex and problematic. The following summarises the ways in which fast fashion and the SDGs interact:

1. SDG 8: Decent Work and Economic Growth

Fast fashion frequently depends on low-paid, labour-intensive jobs in developing nations, where employees may be exploited and subjected to subpar working conditions. The objective of encouraging decent work and economic growth is compromised by this.

2. SDG 12: Responsible Consumption and Production

Fast fashion involves Rapid production cycles, and a high turnover of clothing items are features, which increases waste and degrades the environment. The ideas of sustainable production and consumption are at conflict with SDG – 12

3. SDG 13: Climate Action

Fast fashion's supply chain, which includes the production, shipping, and disposal procedures, greatly increases greenhouse gas emissions. This complicates attempts to mitigate climate change and makes it worse.

4. SDG 14: Life Below Water

Fast fashion and other segments of the textile industry frequently discharge chemicals and microplastics into waterways, endangering ecosystems and marine life.

5. SDG 15: Life on Land

The production of textiles, especially cotton, can lead to deforestation, soil degradation, and loss of biodiversity, affecting terrestrial ecosystems. The petrochemical fibres like

polyester and other related synthetic blends doesn't degrade but end up as landfills.

6. SDG 5: Gender Equality

While the majority of fast fashion workers are women, the low wages and poor working conditions they often face highlight systemic issues related to gender inequality and workers' rights.

In summary, fast fashion generally presents significant challenges to achieving several Sustainable Development Goals due to its environmental impact, labour practices, and contribution to waste and pollution. Addressing these issues requires a shift towards more sustainable and ethical practices within the fashion industry.⁶

GREENWASHING IN FASHION INDUSTRY AND SDG: LEGALITY

In the contemporary marketplace, terms like "eco," "green," "environment," and "sustainable" have gained significant traction, becoming buzzwords that define much of modern consumer culture. These words, along with their associated verbs and synonyms, play a crucial role in shaping consumer perceptions and behaviour, particularly in the 21st century. The concept of sustainability has come a long way from the days of the Industrial Revolution in England to modern discussions on environmental responsibility. As amusing as anecdotes like those of Nityananda, who humorously claimed to find silicon in the River Ganges, may be, they point towards a broader issue: the manipulation of information. This manipulation, when applied in the corporate world, takes the form of greenwashing—a deceptive practice where companies, organizations, or manufacturers mislead consumers about the environmental benefits of their products or practices.⁷

Greenwashing capitalizes on the growing societal trend towards environmental consciousness and sustainability. Human beings, as social animals, are inherently influenced by the norms and behaviours of their peers. We are wired to seek acceptance and validation within our social groups, which creates a fertile ground for mechanisms such as emotional influence, suggestion, and imitation. In the context of greenwashing, companies exploit these psychological tendencies by crafting messages that appeal to our desire to be seen as environmentally responsible.

⁶ <https://www.un.org/en/exhibits/page/sdgs-17-goals-transform-world>

⁷ Laufer, W. S. (2003). Social accountability and corporate greenwashing. *Journal of Business Ethics*, 43(3), 253-261.

Greenwashing involves a range of deceptive marketing tactics, from exaggerated claims about the eco-friendliness of a product to outright lies about sustainable practices. This could manifest in something as simple as an advertisement portraying a product as “green” without any substantial evidence, to more complex schemes that involve concealing detrimental manufacturing processes. For instance, a company might highlight the use of recycled materials in a product while downplaying the fact that its production involves significant pollution or energy consumption.

The impact of greenwashing is multifaceted. On one hand, it misleads consumers, who are increasingly making purchasing decisions based on the perceived environmental impact of products. People who consciously choose to support sustainable practices are willing to pay a premium for eco-friendly products. When companies falsely advertise their products as sustainable, they not only deceive these consumers but also create an unfair competitive advantage over genuinely sustainable businesses.

Moreover, the prevalence of greenwashing undermines the integrity of the broader sustainability movement. The efforts of organizations, governments, and individuals to promote a sustainable and environmentally friendly lifestyle are compromised when deceptive practices are allowed to flourish. This poses an ethical dilemma, as greenwashing exploits the trust and goodwill of consumers who are trying to make a positive difference. Economically, it can lead to market distortions, where genuinely sustainable products are crowded out by misleading claims, ultimately stifling innovation and progress in sustainable practices.⁸

To combat greenwashing, several international bodies and regulatory frameworks have been established. The United Nations, along with various countries, has implemented guidelines and standards to ensure transparency and accountability in environmental claims. For example, the International Organization for Standardization (ISO) provides standards such as ISO 14024, which sets principles for accurate environmental labelling. Despite these efforts, greenwashing remains a pervasive issue, highlighting the need for more stringent regulations and consumer awareness.⁹

⁸ Lyon, T. P., & Montgomery, A. W. (2015). The means and ends of greenwash. *Organization & Environment*, 28(2), 223-249.

⁹ Delmas, M. A., & Burbano, V. C. (2011). The drivers of greenwashing. *California Management Review*, 54(1), 64-87.

In conclusion, greenwashing is not just a marketing issue but a significant ethical and economic problem. It feeds on the psychological needs of individuals to feel socially and environmentally responsible, creating an illusion of sustainability that hinders real progress. As consumers, it is crucial to remain vigilant and critical of environmental claims, ensuring that our choices genuinely contribute to a more sustainable world.

PROBLEMS WITH GREEN WASHING

1. **Consumer Deception:** Greenwashing confuses consumers by misleading them about the environmental impact of products, thus eroding trust in eco-friendly claims.
2. **Undermining Sustainable Practices:** When companies falsely promote sustainability, it undermines legitimate efforts made by genuinely eco-friendly companies.
3. **Regulatory Challenges:** The absence of clear guidelines and regulations makes it difficult to hold companies accountable for greenwashing.
4. **Market Distortion:** Greenwashing can distort the market by giving unsustainable products a competitive advantage over genuinely sustainable ones.
5. **Hindrance to Environmental Progress:** It delays the adoption of environmental solutions and the reduction of environmental harm.

INTERNATIONAL CODES AND CONVENTIONS RELATING TO GREEN WASHING

There are no specific international treaties directly aimed at greenwashing, but various international organizations and guidelines address environmental claims and corporate responsibility, indirectly tackling greenwashing.

1. **ISO 14024: Environmental Labels and Declarations:** Sets out principles and procedures for companies making environmental claims about their products.
2. **OECD Guidelines for Multinational Enterprises (2011):** These guidelines urge companies to provide accurate, verifiable information concerning their products' environmental impacts.
3. **UN Sustainable Development Goals (SDGs):** The SDGs, particularly Goal 12 (Responsible Consumption and Production), promote transparent sustainability practices.¹⁰

¹⁰ United Nations. (2015). Transforming our world: the 2030 Agenda for Sustainable Development.

4. **International Consumer Protection and Enforcement Network (ICPEN):** An international body focused on enhancing consumer protection against misleading environmental claims.¹¹

REGIONAL CONVENTIONS ON GREEN WASHING IN INDIA

India does not have specific regional conventions on greenwashing, but there are various environmental policies and guidelines that indirectly address deceptive environmental practices.

1. **National Action Plan on Climate Change (NAPCC):** Encourages transparency and promotes sustainability in businesses, indirectly addressing the issues of greenwashing.
2. **Consumer Protection Act (2019):** Protects consumers from unfair trade practices, including false environmental claims made by companies.
3. **Bureau of Indian Standards (BIS):** The BIS provides standards for eco-labelling of products in India, which aim to ensure that environmental claims made by companies are genuine.

MUNICIPAL LAWS ON GREEN WASHING RELATED TO FASHION

In the fashion industry, the following laws indirectly address greenwashing by regulating unfair trade practices and promoting environmental responsibility:

1. **The Environment (Protection) Act, 1986:** Though it primarily deals with pollution control, it can be used to challenge misleading environmental claims in the fashion industry.¹²
2. **Consumer Protection (E-commerce) Rules, 2020:** Requires e-commerce companies to provide accurate information about product origins and characteristics, which includes environmental claims.
3. **Draft EPR Guidelines for Textile Waste Management:** Though still under development, these guidelines aim to address sustainability in the textile and fashion industry, helping to reduce greenwashing.

¹¹ ISO. (1999). ISO 14024: Environmental labels and declarations—Type I environmental labeling—Principles and procedures.

¹² The Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986.

INDIAN LAWS ON GREEN WASHING

India has a range of laws that indirectly deal with greenwashing by promoting transparency and holding companies accountable for deceptive environmental claims:

1. **The Consumer Protection Act, 2019**: Prohibits misleading advertisements and unfair trade practices, which include false environmental claims by companies.¹³
2. **The Competition Act, 2002**: Prohibits companies from engaging in deceptive marketing practices, including greenwashing, which could distort competition.¹⁴
3. **The Advertising Standards Council of India (ASCI) Guidelines**: The ASCI provides guidelines for environmental claims in advertisements, ensuring that they are truthful and not misleading.¹⁵
4. **Extended Producer Responsibility (EPR) under the Plastic Waste Management Rules, 2016**: Requires companies to take responsibility for the environmental impact of their products, thereby reducing opportunities for greenwashing.

TRANSPARENCY AND MARKETING PRACTICES - SECTOR SPECIFIC LAWS AND SDG

The whole of Fast fashion exists because of how fast the cycle of demand and supply could run and introduction of new trends and the popularity of the trend could pull customers as much as it can. The current environmental climate demands brands to disclose whether they source and make products in a sustainable way. But fashion brands include them as an eyewash without properly disclosing or being transparent about their supply chain, sustainability of their production process, count of the apparels they make and the count of apparels that are recycled etc.,¹⁶

Apart from the problem of overconsumption, marketing clothes without any transparent disclosure on how the garments does seem like the customers are blindsided to buy products without proper awareness. The consumer attitude of Gen Z does sway when the fact of sustainability, pollution and environmental degradation is made aware in the products they consume. Moreover, it is found that the consumers are less aware about the brands which use

¹³ Consumer Protection Act, 2019, No. 35, Acts of Parliament, 2019.

¹⁴ The Competition Act, 2002, No. 12, Acts of Parliament, 2003.

¹⁵ ASCI Guidelines for Environmental Claims in Advertising, 2021.

¹⁶ I. Papisolomou, Y. Melanthiou & A. Tsamouridis, The Fast Fashion vs Environment Debate: Consumers' Level of Awareness, Feelings, and Behaviour Towards Sustainability within the Fast-Fashion Sector, 29 J. Mktg. Comm. 191–209 (2022).

sustainable practices. Marketing often promotes impulse buying by using tactics like low prices, limited stock, and frequent discounts. Instead of emphasizing sustainable production, it focuses more on quick sales, which can lead to overconsumption and waste, rather than building long-term value and conserving resources. Fast fashion demands sector specific laws due to its shady nature. These fast fashion brands do not promote sustainable consumption. Their FOMO (Fear of missing out) based marketing creating a psychological trigger that the consumer might miss out on the trend if they do not purchase the marketed garment has found to be an effective strategy to draw attention of the consumers. The problem of overconsumption is also normalized by the members of the society and is considered honourable.¹⁷

FOREIGN LEGISLATIONS

Some of the laws around the globe that has sector specific laws on fast fashion are.,

1. EU Strategy for sustainable and circular textile,2022 - mandates recycling of cloth fibres and demands brands exporting to the EU to disclose the supply chain. These obligations are to curb the fast fashion brands. The manual has a vision for 2030 with an action plan to make the sector more sustainable.
2. The strategy plan emphasises on recycling, minimal incineration, and reduction of usage of renewable resources.

USA has also adopted a few more related strategies and directives, awareness campaigns specific to the Textile sector.

1. New York Fashion Bill - obligates fashion brands to transparently disclose the 50 percent of the supply chains of how their garments and apparels are sourced and made.
2. Uyghur Forced Labor Prevention Act (UFLPA) - the US doesn't allow imports from specific regions of Autonomous China where garment sweatshops with Unfair Labour conditions and forced labour is quite prevalent.
3. The Climate Corporate Data Accountability Act is the first legislation in the United States mandating that textile and apparel fashion brands disclose their emissions and the fashion brand's carbon footprint. This legislation will become effective on January 1, 2026, with the initial reports required to be submitted by the year 2027.

The above legislations and bills aim to bring more transparency in the textile industry on their sustainability practices. These legislations are specific to the fashion industry.

¹⁷ C. Hodkinson, "Fear of Missing Out" (FOMO) Marketing Appeals: A Conceptual Model, 25 J. Mktg. Comm. 65-88 (2016).

CONCLUSION

Fast fashion companies have been the driving force behind the fashion industry's unrelenting growth through consumption, as their dominant business model relies on massively accelerated demand, production, consumption, and disposal. A more sufficiency-driven strategy appears necessary to reduce consumerism and make a more meaningful contribution to sustainability, even in the face of companies' efforts to disentangle the pursuit of growth from its detrimental effects.

Fast fashion is not only a one-sided problem. The lack of awareness of the consumers towards fashion on what they consume is also the reason for the overproduction. Fast fashion thrives on the trend, popularity and demand. Consumer behaviour and consumption plays a role in the industry. The overarching problem of fast fashion is the Overconsumption behaviour pattern from the side of the consumer. Fashion brands influence the over-consumption behaviour by using psychological triggers – FOMO marketing which creates an urgency and false scarcity in the mind of the targeted consumer, fake reviews and testimonials by consumers generated by Artificial intelligence, exclusive and limited offers to the consumers with countdown timers ticking on their e-commerce websites, creating anticipation by release date countdowns, persuading the consumers by making a personal connection with the storytelling etc., to market their garments.

The fast fashion sector, needs a sector specific law in the fronts of production, manufacture, marketing and must have a comprehensive legislative framework on the design, recycling, upcycling, transparency in supply chain in the fast fashion industry.

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