



# How to get it right

**Navigating the environmental rules  
with confidence**

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**JUSTINE GRIMLEY - ASA**



# The ASA

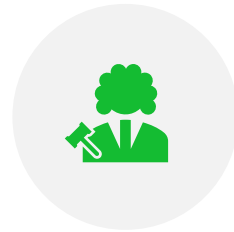
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THE ADVERTISING STANDARDS AUTHORITY (ASA) IS THE UK'S INDEPENDENT REGULATOR OF ADVERTISING ACROSS ALL MEDIA.



THE ASA IS A SELF-REGULATORY/CO-REGULATORY BODY, SET UP BY THE AD INDUSTRY. INDEPENDENT OF GOVERNMENT AND THE INDUSTRY, PAID FOR BY AN ARM'S LENGTH LEVY ON AD SPEND.



THE RULES WORK WITHIN, REFLECT AND SUPPLEMENT THE LAW. WE PROVIDE AN ALTERNATIVE DISPUTE RESOLUTION OPTION FOR SOME ISSUES AND THE ONLY RESOLUTION OPTION FOR OTHERS.



THE MISLEADINGNESS RULES ARE UNDERPINNED BY THE CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008 (CPRS) AND THE BUSINESS PROTECTION FROM MISLEADING MARKETING REGULATIONS 2008 (BPRS).



COMPLIANCE ACTION – ADVERSE PUBLICITY; REMOVAL OF PAID SEARCH; DENIAL OF MEDIA SPACE; AD ALERTS; REMOVAL OF TRADING PRIVILEGES.



Several work strands:



Thematic reviews - research, investigations, guidance, education, monitoring,



Themes so far: Energy; Transport; Green disposal... Food



Partnership working – CMA, FCA, DEFRA, DESNZ, EASA

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# Climate change and the environment

# Basis of claims

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The basis of environmental claims must be clear

Consider consumers' likely interpretation and level of knowledge

Clarify terms

Think about size, prominence & positioning

Make clear if a claim relies on consumer action



# Substantiation

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Hold a high level of evidence to prove all absolute claims

All objective claims require evidence in support

Comparison with identifiable competitor? - Don't forget verifiability

Future projections  
– base claims on a verifiable strategy



# Full life cycle

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Absolute claims – high level of evidence required

Make limitations of a claim clear

Egs: 'Good for the plant' 'eco-friendly' – consider manufacture to disposal



# Omission...

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Claims can mislead  
if significant  
information is  
omitted

Particularly relevant  
for high-emitting  
companies

Ensure messages  
are balanced



# And finally...

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Ads must be prepared with a sense of responsibility





# Case study: Consumer understanding



## Innocent



# Case study: Consumer understanding



## Innocent

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- Innocent's view was that they intended the ad to be a broad "call to action" for society to come together for climate good
- The ad implied by purchasing the product consumers would have a direct positive impact on the environment.
- Brown planet, visuals and voiceover contributed to that impression.
- Innocent couldn't provide evidence that their product had a beneficial impact over other products. Heavy reliance on plastics etc...



# Case study: Inadequate substantiation / omission



## Perfectly Green

 Perfectly Green Artificial Grass  
@Perfectly\_Green

New for 2022! 😎 Soul Eco-grass is recyclable ♻️👍  
The PP backing means it's also great for dog owners  
who want to avoid unwanted dog smells! 🐕 For info,  
samples & prices 📞 01825 729259 or 📧  
sales@perfectlygreen.co.uk [#syntheticgrass](#)  
[#lowmaintenance](#) [#gardendesign](#) [#landscaping](#)



6:00 pm · 22 May 2022 · Hootsuite Inc.

- Social media ad for artificial grass
- Challenged on grounds that the materials were not "recyclable" and because "eco-grass" could not be substantiated.
- ASA consulted DEFRA who confirmed there were no UK recycling facilities that can dispose of this material
- Eco friendly claim not substantiated. Plastic grass has a detrimental impact on bio-diversity.



# Case study: Creative overclaim



## Pepsi Lipton

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- “100 recycled”
- Smallprint explained that the claim excluded the cap and label
- ASA found the overall impression contradicted the claim, even taking account of the smallprint.



# Case study: Absolute claims



## Tier Operations Ltd



- The claim “environmentally friendly” was challenged on the basis that consumers would think it caused no environmental damage
- Tier had evidence that scooters caused less damage than some forms of transport
- But could not demonstrate a lifecycle assessment of their own service
- For instance, what was the production impacts, the end of life use impact for batteries?
- A more limited claim might have been acceptable





# Case study: Misleading impression



## HSBC



- 45 complaints, including from AdFreeCities, said the poster ads omitted significant information about HSBC's contribution to greenhouse gas emissions.
- ASA ruled that the ads gave a misleading impression that HSBC - which had channelled \$130bn of financing to fossil fuel companies in the six years since the Paris Agreement - was a sustainable bank.
- ASA instructed HSBC to adequately qualify future similar ads.



# Case study: An ad without balance



## Shell



Client: Shell  
Agency: Wunderman Thompson  
Title: The UK is Ready For Cleaner Energy  
Clock #: JWT/SHWW675/040  
Duration: 40 sec  
Audio: Stereo  
Date: 01 June 2022  
Project#: e005096

ELECTRIC THEATRE COLLECTIVE LTD. 1<sup>ST</sup> FLOOR 102 CAVELL STREET LONDON E1 2JA  
T +44(0)20 7636 5317 E INFO@ELECTRICTHEATRE.TV WWW.ELECTRICTHEATRE.TV

# Case study: An ad without balance



## Shell

- Shell wanted to raise awareness of their lower emissions energy products
- The cumulative effect of the claims and images in the ad was that it referred to the Shell brand
- *“... the impression that low-carbon energy products comprised a significant proportion of the energy products Shell invested in and sold in the UK in 2022, or were likely to do so in the near future”*
- *“further information about the proportion of Shell’s overall business model that comprised lower-carbon energy products was material information that should have been included”*



# Case study: EV Mileage claims



## Kia UK Ltd

Sponsored



Kia

<https://www.kia.com> › niro › all-new



### The all-new Kia Niro - Niro EV up to 285 mile range



Refined styling, next-gen technology and smart features. The all-New Niro, available now. Compact proportions, high performance, bold design. The...

#### [Kia Xceed Petrol offer](#)

Enjoy 2 Year's free servicing & Get 7.9% APR representative

[Download brochure](#)

- Mileage based on testing scenarios and on a charge starting at 100%
- Full 100% charge not advised for users
- Environmental factors affect the range (e.g. speed, style of driving, weather and route conditions, and the age and condition of the battery might affect the range)

# Case study: overclaiming

## Deutsche Lufthansa



- Based on aspirations to become carbon neutral by 2050 and to cut carbon emissions in half by 2030.
- No qualification
- Absolute claim
- “Protecting its future” unsubstantiated

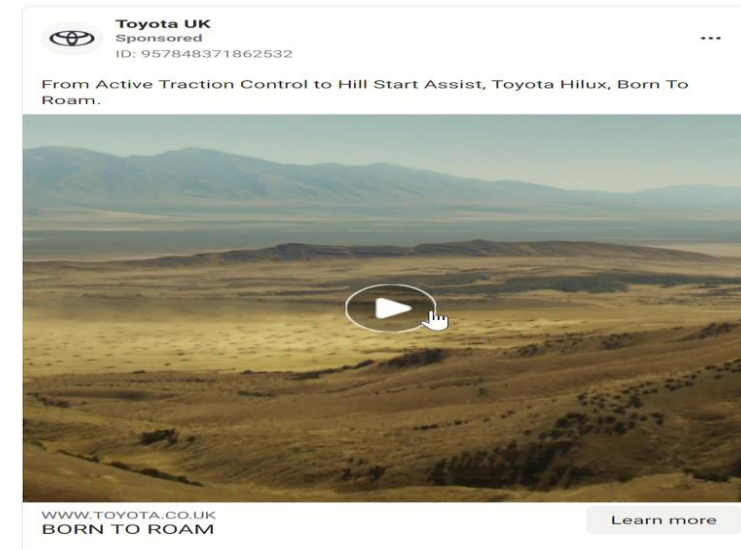
# Case study: Social responsibility



## Toyota

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- The emphasis of the ads was on the off-road settings displayed and the vehicle's movement without restriction, which was highlighted by the messaging, "One of nature's true spectacles" and "Born to roam".
- The ads presented and condoned the use of vehicles in a manner that disregarded their impact on nature and the environment.



# Advice and resources

Here you'll find the latest ASA and CAP news, our comprehensive resource library, event listings and advice services.

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## News

The latest announcements from ASA and CAP, including advice articles and opinion pieces from our senior staff.



## Resource library

Our comprehensive resource library features ad guidance, advice articles, public affairs papers, consultations, useful links and more.

# Resources

## [www.asa.org.uk](http://www.asa.org.uk)

- **BESPOKE COPY ADVICE**
  - **NEWSLETTERS: *INSIGHT AND UPDATE***
  - **TRAINING SEMINARS**
  - **ADVICE ONLINE DATABASE**
  - **E-LEARNING**
- 
- **WEEKLY RULINGS**
  - **TWITTER: @ASA\_UK @CAP\_UK**
  - **CMA – GREEN CLAIMS CODE**



# Top Tips

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1. Use the Copy Advice service
2. Don't use absolute claims & qualify
3. Look through the eyes of a consumer
4. Talk about recent / imminent plans or initiatives
5. Be honest about your green journey.

