

# Energy labelling

Advertising Guidance (non-broadcast and broadcast)

## Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

For advice on specific radio advertisements, consult the [Radio Centre](#), and for TV advertisements, [Clearcast](#).

For the full list of Advertising Guidance, please [visit our website](#).

## Background

CAP and BCAP offer guidance on, respectively, the interpretation of the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the CAP Code) and the UK Code of Broadcast Advertising (the BCAP Code). CAP and BCAP guidance is intended to help advertisers, agencies and media owners interpret the Codes but it is not a substitute for those Codes. This Help Note reflects CAP and BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Council in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team on [www.copyadvice.org.uk](http://www.copyadvice.org.uk). For advice on specific radio advertisements, contact the Radio Centre [www.radiocentre.org](http://www.radiocentre.org) or, for TV advertisements, Clearcast, [www.clearcast.co.uk](http://www.clearcast.co.uk).

Because the same principles apply to the requirements of the energy labelling rules whether used in a broadcast or non-broadcast advertisement, a single set of guidance is likely to be of most benefit to advertisers, agencies and media owners.

## The Codes

The rules must be read in conjunction with Directive (EC) No 2010/30/EU and the Energy Information Regulations 2011 on labelling and standard product information of the consumption of energy and other resources by energy-related products and its subsequent delegated regulations. The Directive introduces an information and labelling framework whereby delegated regulations will detail which products are covered by the requirements. The rule only applies to products which are subject to a delegated regulation. For more information on delegated regulations, go to <http://ec.europa.eu/energy>.

## CAP Code

- 9.10 Marketers must make product fiche information about products that fall under delegated regulations available to consumers before commitment.
- 11.8 Marketing communications for specific energy-related products, subject to a delegated regulation, that include energy-related information or disclose price information, must include an indication of the product's energy efficiency class i.e. in the range A+++ to G.

## BCAP Code

- 8.6** Advertisers must make product fiche information available about products that fall under delegated regulations to consumers before commitment.
- 9.9** Advertisements for specific energy-related products, subject to a delegated regulation, that include energy-related information or disclose price information must include an indication of the product's energy efficiency class i.e. in the range A+++ to G.

For the avoidance of doubt, the ASA will not investigate whether or not the energy efficiency class cited is correct and will forward all such complaints to the National Measurement Office.

## Delegated Regulations

The above CAP and BCAP rules only apply to products which are subject to a delegated regulation. Delegated regulations stipulate the date on which the relevant energy labelling requirements for advertising are implemented and outline what information marketers must provide in their product fiche. Marketers can find out more about specific delegated regulations here:

[http://ec.europa.eu/energy/efficiency/labelling/energy\\_labelling\\_en.htm](http://ec.europa.eu/energy/efficiency/labelling/energy_labelling_en.htm).

## Guidance

### Energy efficiency class

When marketers must state the energy efficiency class of a product:

All advertisements for specific energy-related products subject to a delegated regulation that include energy-related information or price information must indicate the product's energy efficiency class.

Advertisements for specific energy-related products which include either of the following, will be subject to rules 11.8 (CAP Code) and 9.9 (BCAP Code).

- "Price information" may include the price of the specific model advertised, but may be more general and state, for example, "Get 20% off" of a particular model(s).
- "Energy-related information" will include claims about the product's energy efficiency or use.

A “specific energy-related product” will include the presence of a specific model in an advertisement. If an advertisement features either of those characteristics, and the product is subject to a delegated regulation, it must indicate its energy efficiency class as defined by the criteria set out within that regulation. If more than one specific model is included in an advertisement, and the advertisement features either of those characteristics, and the products are subject to a delegated regulation, the energy efficiency class for each product should be referenced as defined by the criteria set out within the relevant regulations.

## Exceptions

The rules do not apply to advertisements which promote a brand generally, such as “Brand X Fridges available at Store Y”, but will apply if the advertisement features a specific model and is accompanied by energy-related or price information.

The rules also do not apply if the specific product sold is second-hand. For the purposes of this guidance “second-hand” refers to products which have been put into use.

Marketers that advertise goods which have been previously sold but not used are not considered to be second-hand so advertisements for those goods are subject to this guidance.

How marketers may indicate the energy efficiency class of a product:

Marketers must include the energy efficiency class next to the specific product advertised. In most circumstances it is likely that the relevant class (i.e. A+++ to G) will appear as a graphic next to the product advertised; marketers need not include the full label as specified in the delegated regulation. This principle applies to all advertising that has a visual element.

For radio advertising, advertisers must state the energy efficiency class after a specific product has been mentioned, for example “Product X. Energy efficiency class A”.

Advertisers can abbreviate this so long as the meaning is clear to consumers, for example they may state “energy class A” or “energy rating A”.

For marketing communications where marketers are limited by space, such as sponsored links or messages on social networking sites, marketers may reference the energy efficiency class of a specific product on a subsequently landing page so long as it is no more than one click away from the initial advertisement.

## Distance Selling

When specific energy-related products are sold via distance selling, marketers must make the label and the product fiche information, which is set out in delegated regulations, available to consumers before commitment. Distance selling communications are those which promote specific goods and include a direct response mechanism that allows consumers to place orders without face-to-face contact with the marketer. For the avoidance of doubt, teleshopping is considered to be distance selling so the requirement of rule 8.6 in the BCAP Code applies.

It is likely to be sufficient for distance selling marketers, whether or not they advertise via broadcast or non-broadcast media, to provide consumers with a link to a website with the relevant product information, as long as it is possible to access that information prior to making a commitment to purchase.

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