

Wind energy

Advertising Guidance (non-broadcast)

Legal, decent, honest and truthful



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 Advertising Clearance Centre \(RACC\)](#), and for TV advertisements, [Clearcast](#).

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

Regular CAP Advertising Guidances offer guidance for non-broadcast marketing communications under The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the CAP Code). For advice on the rules for TV or radio commercials, contact Clearcast www.clearcast.co.uk for TV ads or the RACC www.racc.co.uk for radio ads. These guidelines, drawn up by the Copy Advice team, are intended to help marketers, agencies and media interpret the rules in The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing as far as they relate to the subject discussed. They are based on previous ASA cases and neither constitute new rules nor bind the ASA Council in the event of a complaint about a marketing communication that follows them

This Advertising Guidance offers guidance to marketers who make marketing claims about wind turbines, wind energy developments (or wind farms), on how they can make complex claims about the efficiency of wind turbines and the likely impact of a development on the local area.

Generation capacity

The generation capacity of a development is a key calculation that serves as the basis of a variety of other benefit claims (see below). Marketers may calculate the likely generation capacity of a wind turbine or wind energy development using the following standard equation:

Installed capacity (MW) x the number of hours in a year (8760) x the capacity or load factor = generation capacity.

Capacity or load factor

The capacity or load factor used in the generation capacity calculation will affect the acceptability of a marketer's claim. Claims should be based on robust data that is appropriate to the claim being made.

When making wider claims about the regional or national use of wind energy, marketers may use the capacity or load factor calculated by Digest of UK Energy Statistics (DUKES), provided they also include a statement making the basis of the claim clear, such as "a typical turbine in the UK, rated 1 MW produces X units of electricity per year".

For claims about the benefits of specific developments, the ASA has previously accepted the use of NOABL wind speed data, which is based on wind modelling data for the broader area, to calculate the capacity or load factor. However, marketers must make clear that their calculations are based on estimated wind conditions and must ensure that claims are phrased conditionally so they do not imply the development “will” produce a given amount of energy but rather make clear the calculation is based on an estimate, such as “we expect to generate approximately X”.

Marketers who have access to site specific data, which is based on measurements taken at the proposed site and is the most accurate measurement of the available wind resource, are likely to be able to make definitive claims about wind development capacity, such as “this development will generate X”.

Claims about emissions reductions

The production of a unit of energy by wind power typically displaces a unit of energy produced by higher CO₂-emitting conventional power sources. However, the precise amount of CO₂ displaced varies so marketers must ensure that marketing claims are phrased conditionally to avoid implying that wind energy is guaranteed to displace a particular amount of CO₂, for example “this wind farm could save X tonnes of CO₂ per year”

Carbon displacement can be calculated using the following equation:

Installed capacity in MW x load or capacity factor x number of hours in a year (8760) x the emissions factor ÷ 1000.

Marketers should ensure the emissions factor is robust and relevant, for example by using the figure published by The Department for Energy and Climate Change (DECC).

For example, assuming a wind turbine has an installed capacity of 1MW, the number of CO₂ saved per kilowatt hour is 430g (the long term grid average emissions factor in 2013) and an average capacity or load factor of 0.273, a CO₂ savings claim may be calculated as follows: $1 \times 0.273 \times 8760 \times 430 \div 1000 = 1,028$ tonnes of CO₂ per year.

Claims about the number of homes a wind development could power

Marketers can estimate the equivalent number of homes their wind energy development could power by using the following calculation:

Generation capacity ÷ average annual energy consumption of electricity MWh = the number of homes likely to be powered.

Marketers may use Ofgem's latest average energy consumption of electricity per household figure of 3.3 MWh in the above calculation. However, the wind energy industry trade body, RenewableUK, recommends the use the higher DECC figure of 4.266 MWh to ensure claims do not exaggerate the potential benefits of the wind energy. Marketers must ensure that whatever figure for average annual energy consumption of electricity is used, it is the most up to date figure published by a relevant authoritative body.

Marketing communications must state the basis of their calculations (i.e. the average annual energy consumption of electricity per household) in a clearly asterisked footnote.

Direct supply

Marketers must not imply a wind turbine or wind energy development will directly supply a property or properties, if that is not the case. For example, if a factory had a wind turbine on site that directly fed the electricity it produced into the factory, it would be acceptable to claim "this wind turbine will supply factory A". However, if the electricity produced by a wind turbine or wind energy development is fed into the National Grid, marketers must not imply that the energy will directly supply homes in a given area, for example by claiming "this wind farm will power homes in town B". Marketers may alternatively claim "this development could produce enough energy to power X number of homes which is the equivalent of X homes in town B."

House prices

Nether the ASA or CAP has seen sufficient evidence to determine the impact of wind turbines or wind energy developments on local house prices. Given the lack of conclusive evidence in this area, CAP urges caution when making these claims and advises marketers not to claim that a wind turbine or wind energy development will not have an impact unless they hold robust, contemporaneous evidence to substantiate claims.

CAP reminds marketers that marketing claims which quote the conclusions of research must do so accurately and in a manner that fairly summarises its conclusions. It is

unlikely to be acceptable for a marketer to include a positive quotation from a piece of research which is unrepresentative of the overall conclusions of that research.

Marketers are able to quote from their own relevant Environment Impact Assessments and associated guidance, such as ETSU-R-97, when making claims about wind turbine noise, such as “the development will not produce unacceptable noise effects”, provided they hold documentary evidence to support those claims.

Marketers may make comparative claims about turbines such as “modern turbines have become much quieter in recent years” or “you can now stand underneath a turbine and hold a conversation without having to raise your voice” provided they hold documentary evidence to support those claims.

Claims about the impact of wind energy developments on the environment

Absolute claims such as “the wind turbine will have no effect on the environment or wildlife” will require the highest level of substantiation to support them and demonstrate that in all circumstances the wind turbine or wind energy development had no impact on the environment.

In the absence of evidence to demonstrate that a wind turbine or wind energy development would have no impact whatsoever, marketers are encouraged to make conditional claims supported by the available evidence, such as an Environment Impact Assessment, if they wish to argue for example that the development will have “no significant adverse effect on wildlife.”

Visual representations

When promoting wind energy developments that are not yet built, marketers often include a visual representation of what the development is likely to look like. Marketers must ensure that any images used are based on a robust methodology, for example the Scottish National Heritage guidelines, for generating visualisations; principally, one that accurately portrays the intended turbine height and position.

Marketers must not misrepresent the overall visual impact of a development. It is unlikely to be sufficient for marketers to use images of a turbine or turbines that are unrepresentative, for instance using turbines that are of a lesser height than those proposed or using only an image or images taken from perspectives that minimise the visual impact of the development.

It is likely to be unacceptable to use an unrepresentative image with a qualifying statement because that would contradict rather than clarify the implied visual claim. See CAP’s Advertising Guidance on claims that require qualification.

Marketers may wish to use a variety of visualisations from different viewpoints to provide a representative illustration, both close to the development and further away.

When using generic images of wind farms or wind turbines, marketers should ensure that the turbines depicted are not unrepresentative of those proposed for the promoted development. It is likely to be acceptable for marketers to use generic images of wind turbines that cannot be scaled or compared with the proposed development, such as those looking directly up at a turbine or of the blades, provided they do not imply the image is an accurate representation of what will be developed at the particular site.

Economic impact, including tourism

Marketers must ensure they do not exaggerate the potential economic or tourism impacts of a development on an area without holding robust substantiation. When making claims about the likely impact of a development, marketers should account for the potential loss of amenity during the construction period. Because it is unlikely that a marketer could guarantee a development would not have any negative impact, marketers are encouraged to phrase their claims conditionally such as “it is unlikely that” or “the development could result in X jobs based on Y”.

Rules

- 3.1 Marketing communications must not materially mislead or be likely to do so.
- 3.2 Obvious exaggerations (“puffery”) and claims that the average consumer who sees the marketing communication is unlikely to take literally are allowed provided they do not materially mislead.
- 3.3 Marketing communications must not omit material information or information required to be included by law. This includes providing such information in a way that is unclear or untimely, or in a way that the consumer is unlikely to see or hear it.

Regard will be had to any limitations (e.g. as to time or space) resulting from the means of communication used and steps taken by the marketer to overcome these by providing the information by other means. “Material information” is information that the average consumer needs to take an informed transactional decision (as defined in Appendix 1).

- 11.1 The basis of environmental claims must be clear. Unqualified claims could mislead if they omit material information.
- 11.2 The meaning of all terms used in marketing communications must be clear to consumers.
- 11.3 Absolute claims must be supported by a high level of substantiation. Comparative claims such as “greener” or “friendlier” can be justified, for example, if the advertised product provides a total environmental benefit over that of the marketer’s previous product or competitor products and the basis of the comparison is clear.
- 11.4 Marketers must base environmental claims on the full life cycle of the advertised product, unless the marketing communication states otherwise, and must make clear the limits of the life cycle. If a general claim cannot be justified, a more limited claim about specific aspects of a product might be justifiable. Marketers must ensure claims that are based on only part of the advertised product’s life cycle do not mislead consumers about the product’s total environmental impact.
- 11.5 Marketers must not suggest that their claims are universally accepted if a significant division of informed or scientific opinion exists.
- 11.6 If a product has never had a demonstrably adverse effect on the environment, marketing communications must not imply that the formulation has changed to improve the product in the way claimed. Marketers may, however, claim that a product has always been designed in a way that omits an ingredient or process known to harm the environment.
- 11.7 Marketing communications must not mislead consumers about the environmental benefit that a product offers; for example, by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or by highlighting an environmental benefit that results from a legal obligation if competing products are subject to that legal obligation.

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