

SECTION 9: ENVIRONMENTAL CLAIMS

Question 45:

- i) Given BCAP's policy consideration, do you agree that it is justifiable to take the approach of the present Radio Code and provide detailed rules on environmental claims in a dedicated section of the BCAP Code? If your answer is no, please explain why.
- ii) Taking into account BCAP's general policy consideration, do you agree that BCAP's rules on Environmental Claims are necessary and easily understandable? If your answer is no, please explain why?

<i>Responses received in favour of BCAP's proposal from:</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>
<p>Society of Motor Manufacturers and Traders; Low Carbon Vehicle Partnership; Which?</p> <p>Two organisations requesting confidentiality</p>	<p>The respondents listed in the left hand column agreed with BCAP's proposals.</p>	<p>BCAP welcomes the respondents' comments.</p>
<p>RWE An organisation requesting</p>	<p>The principle-based rules must be interpreted consistently and any guidance to the rules must be regularly reviewed and updated.</p>	<p>BCAP agrees. It is confident that the ASA will apply the rules consistently and proportionately. It also agrees that guidance will need to be</p>

confidentiality		regularly reviewed in light of the fast-developing science and technology in this area.
<i>Responses received against BCAP's proposal:</i> none	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>
Question 46: Do you agree that, provided the claim is thoroughly explained and does not mislead consumers about the product's total environmental impact, it is reasonable to allow a claim about part of an advertised product's life cycle? If your answer is no, please explain why.		
<i>Responses received in favour of BCAP's proposal from:</i> Which Four organisations requesting confidentiality	<i>Summaries of significant points:</i> The respondents listed in the left hand column agreed with BCAP's proposals.	<i>BCAP's evaluation of those points and action points:</i> BCAP welcomes the respondents' comments.
<i>Responses received against BCAP's proposal:</i> Exxon Mobil	<i>Summaries of significant points:</i> It is not clear what "thoroughly explained" means	BCAP's evaluation of those points and action points: "Thoroughly explained" does not appear in the rule: it appeared in the consultation document only in the question above. A claim is thoroughly explained if the

		advertisement makes clear to readers what aspects of the life cycle the claim relates to. BCAP considers that the rule is clear.
Kao Brands Group	The rule is unreasonable because it allows advertisers to make claims about partial life cycle impact only if they are able to make a comprehensive assessment of total life cycle.	BCAP considers that the relaxation to allow claims based on partial life cycles is justified, on the basis that advertisers cannot be expected to account accurately for environmental impact that is beyond their control. Even those claims that are based on partial life cycles must not mislead when considered in the context of the total life cycle, so the rule does not entirely relieve advertisers of the obligation to consider the full life cycle; it does, however, give them the flexibility to make reasonable assumptions about the environmental impact of those aspects of the product's life cycle that are beyond the advertiser's direct control. BCAP will maintain the rule.
Low Carbon Vehicle Partnership	Some, but not all, members considered that claims should comply with ISO standards and be based on whole life cycles.	
<p>Question 47:</p> <p>i) On consideration of the mapping document in Annex 2, can you identify any changes from the present to the proposed rules that are likely to amount to a significant change in advertising policy and practice and are not reflected here and that should be retained or otherwise be given dedicated consideration?</p> <p>ii) Do you have other comments on this section?</p>		
<i>Responses received from:</i>	<i>Summaries of significant points:</i>	<i>BCAP's evaluation of those points and action points:</i>

Low Carbon Vehicle Partnership	LCVP questions whether fuel economy and emissions figures are well understood by consumers	The ASA makes a case-by-case analysis of whether claims are likely to be clear to consumers, taking the nature of the audience into account.
Low Carbon Vehicle Partnership	9.4 (Substantiation of absolute and comparative claims) raises the question of what evidence is reliable.	The type and source of substantiation required depends on the claim. The ASA considers the adequacy of substantiation. Help Notes are a more suitable vehicle than the Code for guidance on the substantiation of environmental claims, because Help Notes can be adapted more quickly to reflect changes in consumer perception and in the nature of evidence available to advertisers.
Low Carbon Vehicle Partnership	The word “significant” in 9.6 is open to interpretation	BCAP acknowledges that the judgement is a matter of interpretation and believes that the Codes allow the ASA to make the necessary subjective judgements on a case-by-case basis.
Which?	9.7 “If a product or service has never had a demonstrably adverse effect on the environment, advertisements must not imply that the formulation has changed to improve the product or service in the way claimed ...” wrongly implies that some products have no adverse environmental impact. The rule should be reworded	The wording is taken from the existing CAP Code and has not presented problems in practice.

Which?	9.7 could allow spurious claims	9.8 prevents spurious claims
Which?	9.8 should include more examples to illustrate its potentially wide application	BCAP considers that examples are best discussed in Guidance
Which?	9.8 should refer to environmental costs as well as benefits.	BCAP considers that a claim to reduce environmental cost is a form of environmental benefit claim, so the rule already covers cost reduction claims.