



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0188-22</b>
<b>2. Advertiser :</b>	<b>NSW Minerals Council</b>
<b>3. Product :</b>	<b>Other</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>24-Aug-2022</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Environmental Code\1 Truthful and Factual

### DESCRIPTION OF ADVERTISEMENT

This television depicts a woman in high-vis talking to people and showing products, as her voiceover states:

"In my fifteen years in mining in NSW, I've seen plenty of change. Not just in how we mine, but what we mine. Like copper, gold, zinc, nickel and cobalt. Metals for the future. Needed for rooftop solar panels, and at our mines, wind turbines, electric vehicles and batteries. And in every single smartphone. All to be part of a better future. Because in NSW we mine responsibly, for today and tomorrow.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*Tag line of advertisement says words to the effect that they always mine responsibly in NSW. There have been various previous and ongoing legal cases against mining in NSW for damaging the environment*

### THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:



*Thank you for your email about the NSW Minerals Council's new advertising campaign. I note the complaint made and I am happy to provide some information to assist Ad Standards in its response to the complainant.*

*The NSW mining industry is considered a world-class industry with some of the best miners of the world. The industry is heavily regulated and works to very high standards under approvals provided to mine by the NSW Independent Planning Commission and NSW regulators including the NSW Resources Regulator and the NSW Environment Protection Authority.*

*The mining industry in NSW is a major industry that directly employs more than 40,000 people in a wide variety of professions and locations across the state. And while some people are connected to our industry, we also seek to communicate with and educate people that are not directly connected to mining about the relevance and benefits of our industry to them.*

*The mining industry in NSW has been conducting similar advertising campaigns on TV, radio, print and digital channels for more than 10 years.*

*Our high-quality coal in NSW is needed for energy and for making steel in countries including India, Korea, Japan, Taiwan, China and more. And the metals and minerals being explored for or mined in NSW are essential to so many of the things we all need. There is further information about the end-uses for metals and minerals in the comprehensive guide published by the Minerals Council of Australia - '30 Things'.*

*Here in NSW, mining companies make every effort to minimise their impacts on the environment and to restore the land after mining for stable and sustainable uses such as farmland for grazing cattle and bushland for native plants and animals.*

*Further information about how mining companies are minimising their environmental impacts will be made available in the coming weeks on the website [responsiblemining.com.au](http://responsiblemining.com.au).*

*In relation to the AANA Environmental Claims Code, we don't believe any claims are being made in the advertising that are contrary to the standards set out in the Code. However we would be happy to provide the panel any further information to address the concerns raised.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Environmental Claims in Advertising and Marketing Code (the Environmental Code).



The Panel noted the complainant's concerns that the advertisement is making misleading or deceptive claims by stating that the advertiser mines responsibly, when in the past they have been involved in legal cases regarding environmental damage.

The Panel viewed the advertisement and noted the advertiser's response.

### **Is an environmental claim being made?**

The Panel considered whether the advertisement made an Environmental Claim.

The Environment Code applies to 'Environmental Claims' in advertising and marketing communications.

The Code defines Environmental Claims as *“any express or implied representation that an aspect of a product or service as a whole, or a component or packaging of, or a quality relating to, a product or service, interacts with or influences (or has the capacity to interact with or influence) the Environment”*.

The Panel considered that the inclusion of examples about renewables did not in itself amount to an express or implied claim that the advertised company uses or directly produces renewable energy, or that the only products produced by the company are used for renewable energy.

The Panel considered that the statement, “we mine responsibly for today and tomorrow”, could be interpreted in a number of ways. The Panel considered that the advertisement did not explain what is meant by the term responsibly. The Panel considered that most consumers would understand the term ‘responsibly’ to mean the company mines within the law and industry regulations. The Panel considered that this is a statement about corporate responsibility and is not an Environmental Claim.

### **Conclusion**

Finding that the advertisement did not make an Environmental Claim the Panel dismissed the complaint.