



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0225/18
2	Advertiser	Tyre Stewardship Australia
3	Product	House Goods Services
4	Type of Advertisement / media	Print
5	Date of Determination	09/05/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

Green Code 1 - Truthful and Factual 1)i not misleading or deceptive

Green Code 3 - Substantiation 3)i - claims able to be substantiated and verifiable

DESCRIPTION OF THE ADVERTISEMENT

The print advertisement features a photograph of a synthetic sports field. The words 'The future of 56 million* used tyres can look greener.' are at the top of the screen and information below states, 'Over 56 million used tyres are generated in Australia, each year. It's easy to be sure your old tyres are recycled in an environmentally sustainable way. Only deal with TSA (Tyre Stewardship Australia) accredited tyre dealers and see your old tyres have a new life! Find out how at greentureproject.com.au'.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

It is a complete and utter lie that replacing real grass with rubber astro turf is good for the environment.

It is an impossibility that using recycled tyres in such a fashion is "environmentally sustainable".

There is nothing sustainable that replaces natural soil and grass with old rubber. There



is total destruction of the micro habitat for worms and soil living creatures which run turn feed birds, skinks and other creatures.

This is a misleading and directly untrue and purports to being 'green' with a green enhanced sports field to look exactly like the grass it replaces yet it is dead rubber blocking out sun and life to the entire pitch. The entire advert is disingenuous and is a fraud, lie and smokescreen for an industry that is certainly not 'environmentally sustainable'.

THE ADVERTISER'S RESPONSE

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

Description of advertisement

A public information advertisement intended to make consumers aware of the end-of-life tyre management challenge and to highlight the opportunity for them to support work to increase the beneficial uses of recycled tyre raw material by choosing to purchase their tyres from a Tyre Stewardship Australia accredited retailer.

The advertisement points readers to the public information website GreenTyreProject to find out more about how old tyres can become new products and how they can participate.

General response

1. The advertisement in question clearly indicates, in both copy and in branding, that it is on behalf of Tyre Stewardship Australia (TSA), not, as the complainant suggests "from a dubious organisation called 'Responsible Tyre Disposal'". The words 'Responsible Tyre Disposal' appear only as part of the TSA accreditation logo shown in the advertisement. The name of the organisation is clearly outlined, in full and in an acronym, in the second line of body copy.

2. In no part of the advertisement is it expressly or implicitly suggested that synthetic turf containing recycled rubber granules should or will replace traditional all natural turf. The synthetic turf shown in the advertisement is simply illustrative of beneficial products that can be manufactured using tyre-derived recycled material and that can be used in innovative applications, to meet specific needs.

3. Further detail on the use of tyre-derived recycled material in such products and applications is found on the website the advertisement directs readers to in order to 'Find out how..', specifically in the Articles section link from the site's homepage. <https://www.greentyreproject.com.au/articles>

4. The additional detail provided by the consumer information site outlines suitable



applications for synthetic turf and the benefits offered in such applications. There is no claim or implication that all natural turf surfaces should be replaced by synthetic alternatives, only that TSA is working with local government authorities, and their suppliers, to encourage suitable applications.

Overall purpose of the advertisement

The advertisement in question is intended as a public education piece. Therefore, it strongly points the reader to the dedicated public information and engagement website mentioned above. That site provides ample information, substantiating all statements made in the advertisement.

The nature of the complainant's comments suggest a predilection to negatively misunderstand the content of the advertisement.

The use of the synthetic turf as an example is entirely consistent with the objectives of the advertisement. It is the use of an arresting and unexpected image when juxtaposed with the recognition of the end-of-life tyre management sustainability challenge. Synthetic turf infill is only one of myriad beneficial uses for tyre-derived recycled material. A representative (but not exhaustive) listing of such uses is provided in the addendum to this response.

Detailed response

Sustainable treatment of end-of-life tyres

TSA is an ACCC authorised, State and Federal Government approved, not for profit, industry cooperative product stewardship scheme focussed on increasing the sustainable management of end-of-life tyres generated in the Australian market.

The organisation has three principle aims:

- The creation of an accreditation scheme that supports and recognises key commitments by participants in the supply-to-disposal chain to sustainable management, and reporting on the fate, of end-of-life tyres;*
- Consumer education relating to the challenge of managing the annual end-of-life tyre task and the desirability of supporting such efforts to achieve an environmentally sustainable end use by choosing to deal only with TSA accredited suppliers and operators;*
- The support of accelerated and additional market research and development for tyre-derived products as part of creating a larger and more profitable domestic market for recycled-tyre raw material.*



The consumer information website pointed to in the subject advertisement provides multiple examples of tyre-derived products in various forms and applications, that offer the opportunity for a significantly increased domestic market for recycled tyre raw material.

Use of synthetic turf containing rubber crumb as a base and/or infill element

Such surfaces are specified where fit-for-purpose. Typically, a synthetic surface, containing rubber crumb granules as a base layer, or infill, providing shock absorption and support for the artificial grass blades, are used in facilities not suited to natural turf due to drainage, soil type, frequency of use, exposure to natural sunlight and other location specific issues.

Certain sporting codes also specify artificial surfaces and in such cases synthetic turf may be the only suitable solution.

Synthetic turf is also used as a supporting infill to natural turf and other synthetic surfaces, such as on the perimeter of competition fields and in adjacent high-traffic training and preparatory spaces.

Benefits of synthetic turf use

The principle benefits relate to use in difficult locations, consistency and maintaining a playing surface in very wet and drought conditions, durability of the surface and the resulting ability to significantly increase the frequency of use.

The ability to use sporting fields in all climate conditions, and in high frequency, offers significant maintenance and community benefits. Increased training and competition frequency offers greater opportunity for physical activity and with it can deliver obvious community health benefits. Decreased maintenance costs for such high-frequency facilities offers local government economic benefits and further community amenity through reallocation of funds otherwise employed on high maintenance.

Additional operational and use benefits are related to improved shock absorption and increased all weather stability for players, thus decreasing the opportunity for injury.

The use of synthetic surfaces also allows for the utilisation of otherwise unsuitable sites for playing and training fields, further increasing community amenity and improving the built environment.

Synthetic surfaces as part of broader market development for tyre-derived products



Synthetic playing surfaces are an innovative use of rubber crumb that can offer a viable domestic market. The use of such surfaces is likely to increase with the significant growth in urban population and the resulting additional demand for sporting facilities, often in areas with limited open spaces, therefore necessitating the high-frequency use and the use of otherwise unsuitable sites.

The sustainability of such applications is demonstrable not only on an environmental basis, by offering a beneficial use for end-of-life tyres, but also on both community amenity and economic grounds in terms of availability of facilities and their cost of upkeep.

Community benefit of TSA's work

In summary, all the efforts of TSA are targeting a far more sustainable outcome for Australian market end-of-life tyres than the current rate of approximately 10% of such tyres being domestically recycled. An important element in the strategy to achieve that goal is to increase consumer awareness of the issue and support for industry members participating in the TSA's work.

The subject advertisement is performing the task of engaging with the tyre purchasing public and to offer them the option of supporting those endeavours. It simply uses one of the possible applications of tyre-derived material as an example of the beneficial outcomes that can result.

Addendum

<http://www.footballfacilities.com.au/wp-content/uploads/2015/11/Synthetic-Fields.pdf>

<http://sport.vic.gov.au/sites/default/files/documents/201704/Artificial%20Grass%20For%20Sport%20Guide%20%28pdf%2C%202317kb%29.pdf>

Other uses of tyre-derived recycled raw material (not exhaustive)

- *Playing surfaces*
 - o *AFL*
 - o *Soccer*
 - o *Equestrian*
 - o *Playgrounds*
 - o *Track and field facilities*
- *Manufacturing*
 - o *Brake pads*
 - o *Tile adhesive*
 - o *Steel production (not just as a fuel)*



- o Composite pipe*
- o Alternative Fuels (EfW)*
- o Rubber matting for residential and commercial use*
 - *Mining and quarries*
- o Explosives*
 - *Civil Construction*
- o Retaining walls*
- o Pavement sub-base stabilisation*
- o Engineer certified crane platforms*
- o Piling platforms*
- o Access roads*
- o Hard stand areas*
- o Erosion protection in waterways, drains, spillways and drop structures*
 - *Roads*
- o Crumbed-Rubber Asphalt (CRA)*
- o Rubber-Crumb Spray-Seal*

THE DETERMINATION

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

The Panel noted the complainant’s concerns that the advertisement is misrepresenting the product as the claim that the product is ‘environmentally sustainable’ is not true when considering that fake grass is not good for the environment.

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

The Panel noted that the complaint was received before 1 May 2018 and therefore the version of the Environment Code effective prior to this date is the one that should be considered.

The Environment Code applies to 'Environmental Claims' in advertising and marketing communications. An 'Environmental Claim' is defined as 'any representation that indicates or suggests an Environmental Aspect of a product or service, a component or packaging of, or a quality relating to, a product or service.'

An 'Environmental Aspect' means 'the element of a product, a component or packaging or service that interacts with or influences (or has the capacity to interact with or influence) the Environment.'



The Environment is given a broad definition in the Code but, according to the dictionary definition means ‘the broad natural surrounding conditions, such as the bush, the rivers, the air, the sea in which human beings live.’

The Panel considered whether the advertisement contained any environmental claims ie: is there a representation that suggests that part of the product or service interacts with or influences the natural conditions in which we live?

The Panel noted that the print advertisement features a photograph of a synthetic sports field and the words ‘56 million used tyres can look greener’ and ‘It’s easy to be sure your old tyres are recycled in an environmentally friendly way’.

The Panel considered that the advertisement is not encouraging the replacement of grass sports fields with recycled tyres. Rather it is highlighting a use of end of life tyres.

The Panel considered that the words ‘56 million used tyres can look greener’ is not an environmental claim under the Environment Code, however the words ‘it’s easy to be sure your old tyres are recycled in an environmentally friendly way’ may be considered an Environmental Claim.

The Panel considered that the advertisement is promoting the national Tyre Stewardship Scheme, which is an ACCC endorsed program, aimed at reducing the amount of end of life tyres damaging the environment via landfill, illegal dumping or undesirable export while increasing the recycling rate of end of life tyres’ (<https://www.tyrestewardship.org.au/static/uploads/files/tyre-stewardship-scheme-acc-acc-determination-wfrzxtslvayr.pdf>).

The Panel considered that the advertisement did include an environmental claim about their service.

The Panel considered Section 1 (i) of the Environmental Code which provides that: ‘Environmental Claims in Advertising or Marketing Communications shall not be misleading or deceptive or be likely to mislead or deceive.’

The Panel noted that the practice note to the Environment Code does not require the Panel to apply legal tests in its determination of whether advertisements are, or are likely to, mislead or deceive, or otherwise contravene prevailing community standards in the areas of concern to the Code but rather to determine whether statements would be reasonably understood to be literally true and therefore not require substantiation.

The Panel noted the advertiser’s response that the advertisement does not state that synthetic turf should replace natural turf, and that it merely illustrates one of the



beneficial products that can be manufactured using recycled tyres.

The Panel considered that the 'environmentally sustainable' claim in the advertisement was referring to the fact tyres are recycled in an environmentally sound way rather than ending up in landfill, stockpiled, burned in an unsustainable way or exported (<https://www.tyrestewardship.org.au/tsa-knowledge/faqs-the-scheme>). The Panel considered that the statement that recycling tyres is environmentally sustainable is a statement would be reasonably understood to be true by most members of the community, and that was not likely to mislead or deceive.

The Panel determined that the advertisement did not breach Section 1 (i) of the Environment Code.

The Panel then considered Section 3(i) of the Environmental Code which provides that:

'Environmental Claims in Advertising or Marketing Communications must be substantiated and verifiable. Supporting information must include sufficient details to allow evaluation of a claim.

The Panel noted the logo of the 'TSA Accredited: Responsible Tyre Disposal' and the website details of the greentyreproject.com.au. The Panel noted that this website provides further information about the logo which refers to the Tyre Stewardship Scheme and how '...The Green Tyre Project 'urges Australians to take the pledge to recycle used tyres in the most environmentally sustainable way, by only purchasing new tyres from retailers who have pledged to recycle. The Panel noted that his website link would be readily accessible to interested consumers who sought more information about the environmental claim in the advertisement.

For the reasons stated above, the Panel considered that the claim made in the advertisement related to the recycling of tyres being environmentally sustainable and considered that this was a substantiated claim.

The Panel determined that the advertisement did not breach Section 3(i) of the Environment Code.

Finding that the advertisement did not breach the Environment Code on other grounds, the Panel dismissed the complaints.

