



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0389-19
2. Advertiser :	Origin Energy
3. Product :	Other
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	27-Nov-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Environmental Code\1 Truthful and Factual

DESCRIPTION OF ADVERTISEMENT

This television advertisement features different Australians dancing and includes children cartwheeling, an elderly woman dancing with her dog, friends running and men on a construction site dancing with tools.

A voice over states, "some people have loads of good energy, especially if they're with origin. Good energy is more affordable, sustainable, smarter and easier. Origin. Good energy."

THE COMPLAINT

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

This is deceptive and misleading to consumers who associate "good energy" with renewable technologies. It is deliberately misleading to make consumers think that Origin Energy sources all of it's power through renewable sources. When this is clearly not the case despite some use of renewable technologies.

THE ADVERTISER'S RESPONSE

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



We acknowledge the complaint received by Ad Standards dated 25 October 2019 regarding Origin's 'good energy' brand advertisement and thank you for the opportunity to respond to the concerns raised.

Neither the term "good energy" nor the ad in part or as a whole, in any way imply that Origin sources all of its energy through renewable sources. Therefore it is not misleading or deceptive on this basis. Rather, our 'good energy' campaign is a representation of Origin's brand purpose which is to get energy right for our customers, community and planet. This is reflected in our ad visually and in the voice over which states 'good energy is more affordable, sustainable, smarter and easier'.

We are, as a business, working towards making energy more sustainable, as we are more affordable - and smarter and easier through smart and digital technologies. All of which are examples of how we demonstrate 'good energy' on a daily basis.

As a business, we're working on reducing emissions, increasing our renewable power generation and reducing our reliance on coal - more information is outlined here - <https://www.originenergy.com.au/about/sustainability.html>

Through a range of products and services, we stand by offering customers competitive offers to suit their needs whilst helping them understand complex pricing and regulations - <https://www.originenergy.com.au/electricity-gas/plans.html> and <https://www.originenergy.com.au/pricing/explained.html>

We're also working hard to help customers manage their account more easily, through digital tools such as the Origin app. Through the app, customers can view their usage and keep track of their energy costs, helping them to stay in control - <https://www.originenergy.com.au/my-account.html>

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 misleading as the phrase 'good energy' is associated with renewable technologies.

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

The Panel considered whether the advertisement made an Environmental Claim. 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 makes an environmental claim.

The Panel noted the advertisement included the statement "Good energy is more affordable, sustainable, smarter and easier".

The Panel considered the word "sustainable" and considered that the dictionary definition of sustainable is, "causing little or no damage to the environment and therefore able to continue for a long time".

The Panel considered that the phrase "Good energy is more affordable, sustainable, smarter and easier" is making an environmental claim relating to Good energy and its effect on the environment.

The Panel considered that this statement is followed by "Origin. Good energy" and considered that these two statements combined are an implied claim that Origin provides good energy.

The Panel considered section 1a of the Code which requires that 'Environmental Claims in Advertising or Marketing Communications...Shall not be misleading or deceptive or be likely to mislead or deceive.'

The Panel noted the complainant's concerns that the advertisement is misleading as the phrase 'good energy' is associated with renewable technologies and would mislead consumers to believe that Origin Energy sources all of its power through renewable sources.

The Panel noted the advertiser's response that the advertisement did not imply that Origin sources all of its energy through renewable sources.

The Panel considered that the statements in the advertisement are an implied claim that the advertiser provides an environmentally beneficial form of energy but that the claim did not make any inference that all of its energy is environmentally beneficial.

The Panel noted the advertiser's response that they are working towards making energy more sustainable.

The Panel noted information provided on the advertiser's website which outlines plans to decarbonize the business, including exiting coal-fired generation by 2032, and having more than 25 per cent of energy come from renewables and storage by 2020



(<https://www.originenergy.com.au/content/dam/origin/about/investors-media/documents/2019-sustainability-report-final-oct.pdf>).

The Panel noted that the Practice Note to the Environment Code states that “it is not intended that legal tests be applied to determine whether advertisements are misleading or deceptive, or likely to mislead or deceive, in the areas of concern to this Code, Instead consideration will be given as to whether the average consumer in the target market will be likely to be misled or deceived by the material.”

The Panel considered that the overall impression an average consumer in the target market would have of the advertisement would be that Origin Energy has some environmentally beneficial energy and that this is supported by the information they provide on their website. The Panel considered that the average consumer would not interpret the advertisement to mean that all energy generated by Origin is from renewable technologies.

The Panel considered the advertisement made an environmental claim and that this claim was not misleading or deceptive based on the information provided by the advertiser.

Finding that the advertisement was not misleading or deceptive or be likely to mislead or deceive the Panel considered that the advertisement did not breach Section 1a of the Environmental Code.

Finding that the advertisement did not breach any other section of the Environmental Code the Panel dismissed the complaint.