

## Case Report

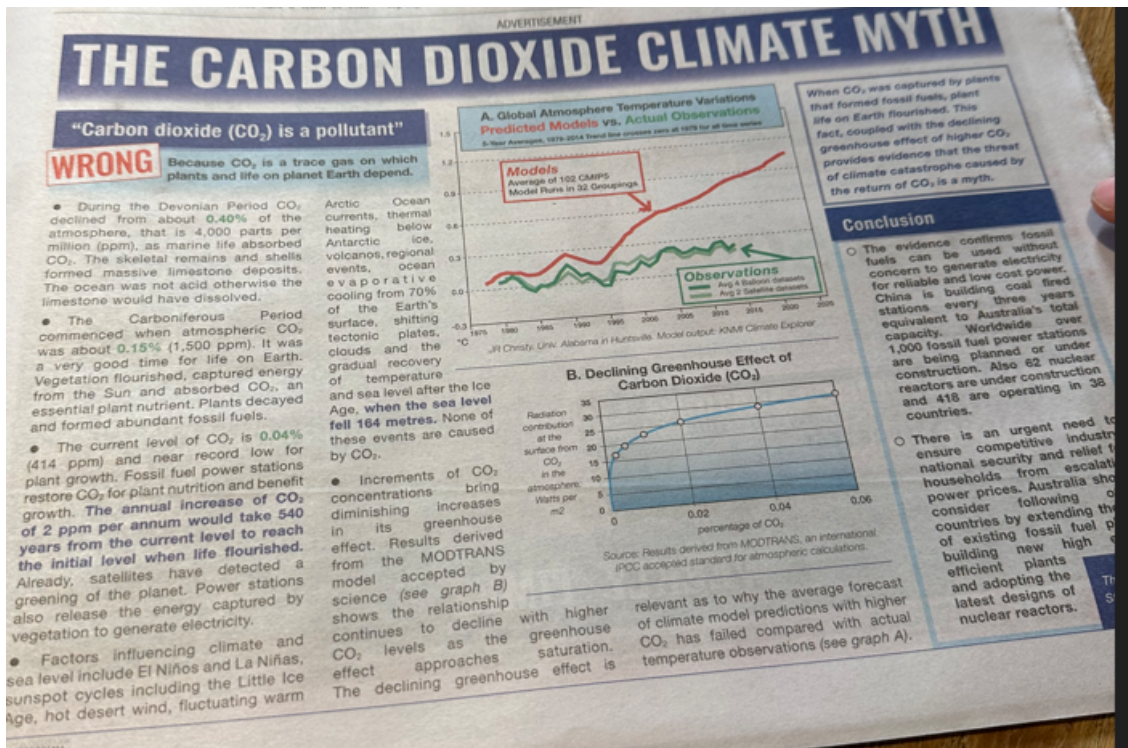
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| <b>1. Case Number :</b>                 | <b>0032-24</b>                           |
| <b>2. Advertiser :</b>                  | <b>The Climate Study Group</b>           |
| <b>3. Product :</b>                     | <b>Other</b>                             |
| <b>4. Type of Advertisement/Media :</b> | <b>Print</b>                             |
| <b>5. Date of Decision:</b>             | <b>21-Feb-2024</b>                       |
| <b>6. Decision:</b>                     | <b>Upheld – Modified or Discontinued</b> |

### ISSUES RAISED

AANA Environmental Code\1 Truthful and Factual  
 AANA Environmental Code\3 Substantiation  
 AANA Code of Ethics\2.7 Distinguishable advertising

### DESCRIPTION OF ADVERTISEMENT

This print advertisement features the headline "The carbon dioxide climate myth".



## **THE COMPLAINT**

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

*They have published climate denial + disinformation in The Australian*

*This fraudulent ad is indistinguishable from editorial content. However the content of this ad is far from editorial. It's a fringe conspiracy theory presenting false and misleading claims. It's attempting to mislead viewers into believing that climate change is just a myth by making blatantly incorrect claims.*

*Fraudulent content itself shouldn't be allowed in public media and definitely presented in a way that gives it the credibility of the publication - by looking native.*

*Extremely unethical of both whoever created this ad and the publication itself for running this.*

## **THE ADVERTISER'S RESPONSE**

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

**SOLAR ENERGY AND CARBON DIOXIDE (CO<sub>2</sub>) ARE ABSORBED BY PLANTS TO MAKE CARBON COMPOUNDS WHICH ARE THE BASIC COMPOUNDS NEEDED BY PLANTS.**

*- The present atmospheric level of CO<sub>2</sub> is 415 parts-per-million (ppm) (0.04%) and near a record low for plant growth, after declining from 1,500ppm (0.15%) at the start of the Carboniferous Period. Professor Ian Plimer in an article in The Spectator Australia 14 June 2023 stated, "Earth is already at net zero". Greenhouse growers add CO<sub>2</sub> to improve plant growth.*

*Prior to the Carboniferous Period the Devonian Period commenced with CO<sub>2</sub> at 4,000ppm (0.4%) which is near ten times the present level without global climate disaster. Marine life flourished and captured CO<sub>2</sub> in skeletal material and shells which formed massive limestone deposits.*

*- At the commencement of the Carboniferous Period, despite CO<sub>2</sub> being near four times the current level, it was a very good time for life on land and in the sea. Abundant vegetation decayed and formed fossil fuels which preserved carbon and solar energy.*

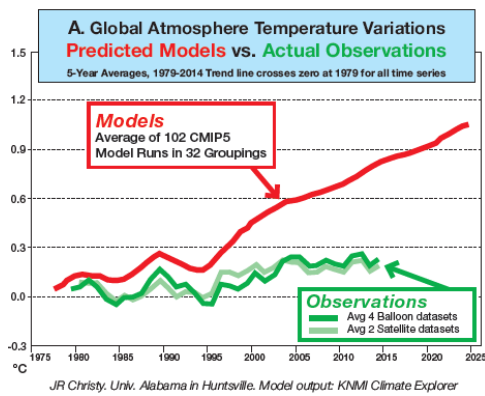
*- Fossil fuel power stations convert the stored solar energy into electricity and CO<sub>2</sub> is returned to the atmosphere. Vegetation captures most CO<sub>2</sub> reducing the annual increase to near 2ppm (0.0002%) and reduces the greenhouse effect.*

Satellites have detected a greening of the planet and there has been a benefit for crops. Satellite measurements of global temperature reveal the low annual increase of CO<sub>2</sub>, together with recovery from the last Ice Age, has only had minor impact compared with model estimates (A below).

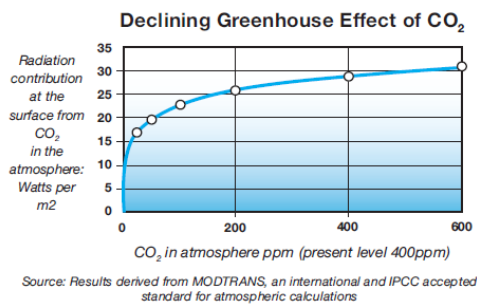
- Atmospheric CO<sub>2</sub> increasing at 2ppm per annum will also serve to arrest the decline of CO<sub>2</sub> over the past 180 million years from 2,800ppm to 415ppm (see Atmospheric CO<sub>2</sub> Graph D). At near 150ppm plants die from CO<sub>2</sub> starvation and life depending on plants would also die.

The MODTRANS model (B below), accepted by science, shows incremental increases in CO<sub>2</sub> have a diminishing greenhouse effect and approach saturation. This explains why CO<sub>2</sub> at 1,500ppm and earlier at 4,000ppm had limited greenhouse impact.

A



B

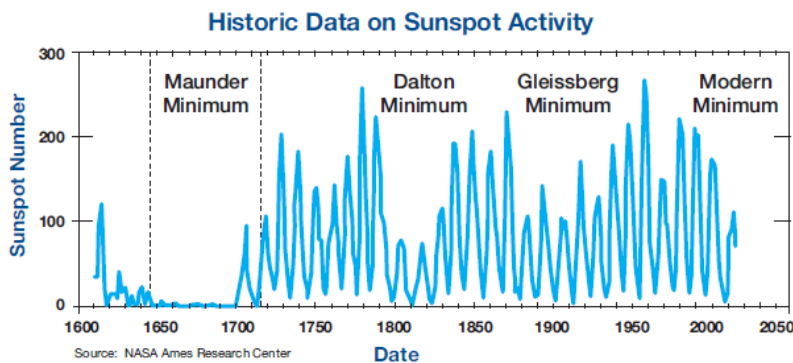


- Earth is now in an Interglacial Warm Period causing global temperature and sea level to gradually recover with interruptions from other climate change factors, including the sunspot cycle.

Climate factors not affected by CO<sub>2</sub> include El Niños and La Niñas, planetary alignments determining Ice Age cycles, hot desert winds, thermal heat below Antarctic ice, ocean evaporative cooling, warm or cold oceans currents, city heat accumulation affecting temperature measurements and sunspot cycles including the Little Ice Age.

- Historical data (C below) shows the Maunder Minimum sunspot activity associated with the Little Ice Age. The Gleissberg Minimum is associated with the 8 year Australian Federation drought. The Modern Minimum shows declining sunspot numbers indicating from past evidence the potential for lower temperatures and rainfall.

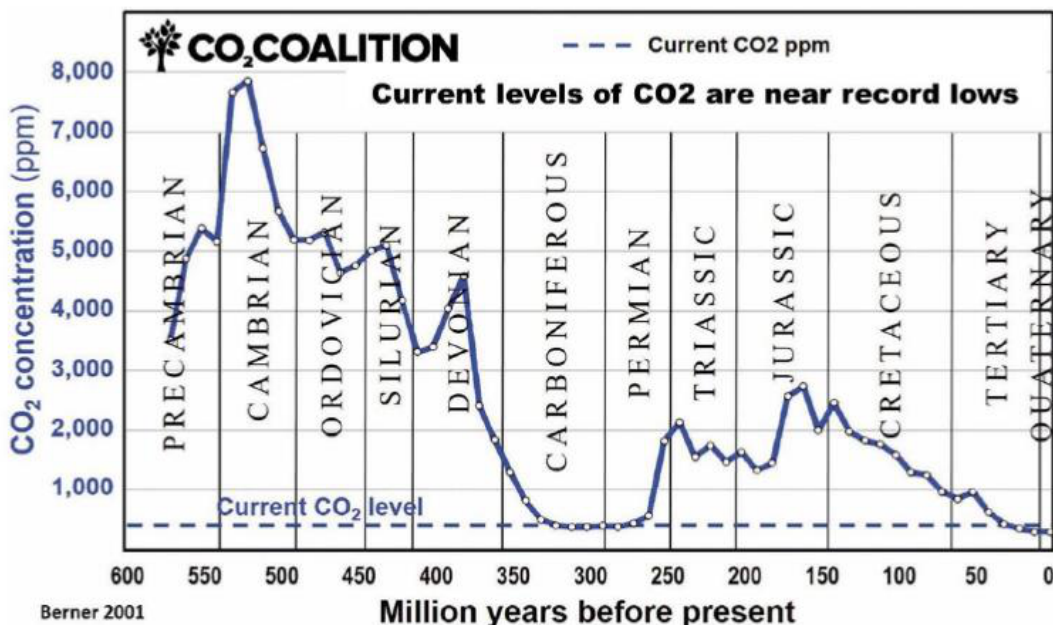
C



**CONCLUSION**

1. Plants require CO<sub>2</sub> and with CO<sub>2</sub> at a near record low level an increase is beneficial for plant and crop growth.
2. Carbon dioxide at 4 times and earlier at 10 times the present level has occurred without climate disaster.
3. At the commencement of the Carboniferous Period carbon dioxide was 1,500ppm. Eventually returning CO<sub>2</sub> at 2ppm per annum would achieve the initial level of 1,500ppm when it was a "very good time for life on land and in the sea".
4. An increase of CO<sub>2</sub> at 2ppm per annum addresses the adverse effect of a further decline from the present level of CO<sub>2</sub> below 415ppm.
5. Scientific material based on observed evidence in this Response demonstrates the Advertisement does not support the claim of being "fraudulent", "unethical" or "disinformation".

D



## THE DECISION

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

The Panel noted the complainant's concerns that the advertisement contains misleading claims and that it looks like native content.

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 noted that the advertisement contained a number of statements which could be considered environmental claims, in particular:

- “The evidence confirms fossil fuels can be used without concern to generate electricity for reliable and low cost power.”

The Panel considered that the advertisement was making the environmental claim that fossil fuels can be used without concern that they will have a negative impact on the environment.

### **1 a) Environmental Claims in Advertising or Marketing Communication shall not be misleading or deceptive or be likely to mislead or deceive**

The Panel noted that the Practice Note for this section of the Environmental Code includes:

*“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 would be likely to be misled or deceived by the material.*



*Factors to consider include:*

*An advertisement may be misleading or deceptive directly or by implication or through emphasis, comparisons, contrasts or omissions. It does not matter whether the advertisement actually misled anyone, or whether the advertiser intended to mislead – if the advertisement is likely to mislead or deceive there will be a breach of the Code.*

*Any comparative claim should be specific and make clear the basis for the comparison. Points of comparison, where appropriate, should reflect a body of evidence including recognised benchmarks or standards where appropriate.*

*The target market or likely audience of the advertising or marketing communication should be carefully considered when making environmental claims. Therefore all advertising should be clear, unambiguous and balanced, and the use of technical or scientific jargon carefully considered.”*

The Panel noted that the advertisement included some notes for the included graphs, however these only included the results and not the actual method or sources for the data used to find these results. The Panel considered that the advertisement included multiple statements relating to historical levels of carbon dioxide but did not include references or substantiation.

The Panel also noted that while the article and the advertiser’s response contained some statements as to levels of carbon dioxide over time, this did not amount to evidence that fossil fuels can be used without concern or that they will not have a negative impact on the environment.

The Panel considered that some members of the public would view the included graphs and sources and take these as facts, without understanding that much of the data gathered was unsubstantiated, or that the conclusion went further than the material allowed. The Panel therefore considered that the advertisement was misleading and deceptive or likely to mislead or deceive the average consumer.

#### **1 a) conclusion**

The Panel found the Claim was misleading or deceptive or likely to mislead or deceive and the advertisement did breach Section 1 a) of the Environmental Code.

#### **3 a) Environmental Claims...shall be able to be substantiated and verifiable. Supporting information shall include sufficient detail to allow evaluation of a claim**

The Panel noted that the Practice Note for this Section includes:

*“Advertisers and marketers should have a reasonable basis for making a claim and therefore should hold appropriate, balanced, comprehensive and credible*

*evidence to substantiate all express and implied claims. Information to support a claim may include, but is not limited to, documentary evidence or data evidencing conformity with an identified standard, research, studies, or an expert independent audit. There is no requirement to use third party verification or certification before an environmental claim is made. An advertiser's own internal procedures may be able to provide the necessary substantiation.*

*In testing the validity of any claim the Community Panel will only rely on information/material provided by the advertiser and the complainant. The Community Panel may seek expert advice to assist in the consideration of material provided in relation to the complaint. It is not the intent for the Community Panel to act as an arbiter of scientific fact, or of philosophical approaches to understanding or addressing environmental concerns."*

For the reasons given in Section 1 a) above, the Panel considered that the advertiser had not provided adequate substantiation for the claims made in the advertisement.

### **Section 3 a) conclusion**

The Panel found that the advertisement did breach Section 3 a) of the Environmental Code.

### **Section 2.7: Advertising shall be clearly distinguishable as such.**

The Panel considered that the advertisement clearly had a heading labelled "advertisement". The Panel also considered that the style of the graphs and heading used differed from that in the rest of the newspaper. Overall, the Panel considered that most members of the community would be able to clearly distinguish the material as advertising.

### **Section 2.7 Conclusion**

The Panel found that the advertisement was clearly distinguishable as such.

### **Conclusion**

Finding that the advertisement breached Sections 1a) and 3a) of the Environmental Code the Panel upheld the complaints.

### **THE ADVERTISER'S RESPONSE TO DECISION**

We agree to discontinue 'The Carbon Dioxide Climate Myth' ad.