

Case Report

1. Case Number :	0102-24
2. Advertiser :	Department of Climate Change, Energy, the Environment and Water
3. Product :	Energy/Resources
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	17-Apr-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Environmental Code\1 Truthful and Factual

DESCRIPTION OF ADVERTISEMENT

This television advertisement features images of rivers, plants and animals. A voice-over says, "The Murray–Darling rivers pump life through our nation. To our farms, communities, and environment. But water's being overused. And the next drought is only a matter of time. We have to make sure there's enough water, otherwise the rivers may run dry. If we don't act, it could threaten our iconic Aussie plants and animals, our food supply, and affect the drinking water of more than 3 million Australians. Find out how the Australian Government's plan will restore the Murray–Darling rivers. Authorised by the Australian Government, Canberra."



THE COMPLAINT

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

This advert has scared us and given sleepless nights already. It claims we will be in drought and that we need to deprive farmers of water. It also offends us given that two water storages nearby are at high levels in Autumn after irrigation season.

This Commercial's content is blatantly misleading the Australian population and must be removed from screening on our Australian Networks! It is causing unnecessary adverse emotional distress to those in the Murray Darling Basin Communities that have suffered the impacts of water reform.

We are of the opinion the language and associated images contained within the range of Australian Government, taxpayer funded advertising around the Murray Darling Basin Plan are intentionally misleading and do not meet the environmental claims advertising code.

THE ADVERTISER'S RESPONSE

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

The complaints refer to a television commercial that is part of an Australian Government advertising campaign to raise awareness of the importance of the Murray—Darling Rivers to the prosperity of Australia, the threats they face, and where people can go to find out more about the Australian Government's plan to restore them.

The campaign was developed in accordance with the Whole-of-Australian Government Advertising Framework. The Independent Communications Committee determined the campaign could comply with the Australian Government Guidelines on Information and Advertising Campaigns by non-corporate Commonwealth entities, which contain many similar principles to those covered by the Codes. The campaign was then certified by the Department of Climate Change, Energy, the Environment and Water Secretary.

AANA Environmental Claims Code

The advertisements went through multiple rounds of focus group testing with target audiences during campaign development to ensure the key messages were understood and that the information provided was not misleading in any way.

All environmental claims made within the advertisement were verified by experts within the Bureau of Meteorology, Murray—Darling Basin Authority, Department of

Agriculture, Fisheries, and Forestry, and the Department of Climate Change, Energy, the Environment and Water.

The environmental claim relating to future matters (ie “the next drought is only matter of time”) is based on reasonable grounds. The CSIRO’s most recent report on future climates for the Murray–Darling Basin states the future will be warmer and is likely to be drier with more severe droughts.

Contrary to the claims in the complaint received from Bellata on 5 April 2024, the Murray–Darling Basin Plan and Restoring our Rivers Act 2023, the Australian Government’s plans to restore the Murray–Darling rivers, are designed to address the threats identified within the advertisement. Viewers are encouraged to visit the campaign website murraydarling.gov.au for more information about the plan.

AANA Code of Ethics

The advertisement complies with Section 2 of the Code of Ethics because it:

- does not discriminate against or vilify any particular groups*
- is not exploitative or degrading*
- does not contain violence*
- has no references to sex, sexuality or nudity*
- does not use strong language*
- contains no scenes that could contradict community standards of health and safety, and*
- is clearly distinguishable as advertising through the government authorisation statement at the end of the advertisement.*

Contrary to the complaint received from on 14 March 2024, the advertisement does not vilify farmers or blame irrigators, rather it explains that there are important but competing demands on the Basin’s finite water resources – for economic activity, communities, Culture and the environment.

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).

The Panel noted the complainants’ concerns that the advertisement is misleading.

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

Is an Environmental Claim being made?

The Panel noted that the Environment Code applies to 'Environmental Claims' in advertising and marketing communications.

The Panel noted that 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 this advertisement contains six Environmental Claims:

- Claim 1: “The Murray–Darling rivers pump life through our nation.”
- Claim 2: “Water’s being overused.”
- Claim 3: “The next drought is only a matter of time.”
- Claim 4: “We have to make sure there’s enough water, otherwise the rivers may run dry.”
- Claim 5: “If we don’t act, it could threaten our iconic Aussie plants and animals, our food supply, and affect the drinking water of more than 3 million Australians.”
- Claim 6: “The Australian Government’s plan will restore the Murray–Darling rivers.”

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 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.*
- *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.”*

- *Environmental claims relating to future matters or commitments should be based on reasonable grounds as at the time the claim was made, even if the future matter does not come to pass. The fact that a person may believe in a particular state of affairs does not necessarily mean that there are reasonable grounds for the belief.”*

Claims 1 and 2

The Panel considered that the target market for the advertisement would include most Australians, especially those who live in the rivers’ catchment areas.

The Panel considered that claim 1, though somewhat poetic, was unlikely to mislead or deceive as most Australians would understand the importance of the rivers to the ecosystem in the catchment areas.

The Panel noted the advertiser’s response that the information provided in the advertisement was supported by data from the Bureau of Meteorology, Murray–Darling Basin Authority, Department of Agriculture, Fisheries, and Forestry, and the Department of Climate Change, Energy, the Environment and Water.

The Panel considered that most members of the target audience would agree that these sources are appropriate authorities on water consumption and the environment, and would not be misled by claim 2.

Claims 3, 4, and 5

The Panel noted the advertiser’s response that the CSIRO’s most recent report on future climates for the Murray–Darling Basin states the future will be warmer and is likely to be drier with more severe droughts.

The Panel considered that this research was a reasonable basis for Claim 3 to be made.

The Panel considered that most members of the target audience would understand the negative impacts such a drought would have on the environment, and would not be misled by claims 4 and 5.

Claim 6

The Panel noted the advertiser’s response that the Australian Government’s plans to restore the Murray–Darling rivers are designed to address the threats identified in the advertisement.

The Panel considered that the plans are available on the advertiser's website, and considered that most members of the target audience would consider the advertiser to have reasonable grounds for the belief that the plan would have the positive intended impact on the river system.

Section 1 a) conclusion

The Panel found that the advertisement did not breach Section 1 a) of the Environmental Claims Code.

Conclusion

Finding that the advertisement did not breach the Environmental Code on any other grounds the Panel dismissed the complaints.