

# **ASA Adjudication on Department of Energy and Climate Change**

## **Department of Energy and Climate Change**

3 Whitehall Place  
London  
SW1A 2AW

### **Date:**

17 March 2010

### **Media:**

Television, National press

### **Sector:**

Non-commercial

### **Number of complaints:**

939

### **Agency:**

AMV BBDO Ltd

### **Complaint Ref:**

106458

## **Background**

The ASA received 939 complaints about the Department of Energy and Climate Change Act On CO2 "Bedtime Story" TV ad and/or four associated nursery rhyme themed press ads over the course of October, November and December 2009 and January and February 2010. The number of individuals objecting to the ads is likely to have been higher; we advised subsequent enquirers whose points of complaint were already being investigated that they need not register a new complaint unless they wanted to.

Because some viewers objected that the TV ad was political, the ASA referred those complaints to Ofcom according to procedure set out in the CAP (Broadcast) TV Advertising Standards Code rule 4 (Political and controversial issues).

The ASA Chairman, Lord Smith of Finsbury, declared an interest in this case and took no part from the outset because the Act On CO2 campaign is a cross-departmental Government initiative and he is also Chair of the Environment Agency which is sponsored by the Department for the Environment, Food and Rural Affairs (DEFRA). He was not present when the case was discussed by the ASA Council.

## Ad

a. A TV ad for the Government's "Act On CO<sub>2</sub>" campaign showed a young girl being read a bedtime story by her father. Gentle, sorrowful music played throughout. The voice-over stated "There was once a land where the weather was very very strange. There were awful heat waves in some parts and in others terrible storms and floods." Images in the storybook showed a cartoon horse, pig, sheep and other animals staring in dismay at a dried up river bed and a cartoon rabbit crying at the sight of it. The voice-over continued "Scientists said it was being caused by too much CO<sub>2</sub>, which went up into the sky when the grown-ups used energy." The storybook showed black smoke rising up from an urban scene, from cars on the road and people's houses, and forming a cloud of CO<sub>2</sub> in the shape of a monster in the sky. The camera panned to the father and daughter reading the story together. The voice-over continued "They said the CO<sub>2</sub> was getting dangerous, its effects were happening faster than they had thought. Some places could even disappear under the sea and it was the children of the land who would have to live with the horrible consequences." The storybook showed a flooded town with people clinging to the roofs of buildings and cars in the rain and a cartoon cat floating on an upturned table and a dog sinking under the water. The voice-over continued "The grown-ups realised they had to do something. They discovered that over 40% of the CO<sub>2</sub> was coming from ordinary every day things like keeping houses warm and driving cars, which meant if they made less CO<sub>2</sub> maybe they could save the land for the children." A child in the picture book switched off a light in her house. The little girl turned to her father and asked "Is there a happy ending?" A voice-over stated "It's up to us how the story ends. See what you can do. Search online for Act on CO<sub>2</sub>".

b. A press ad depicted a drawing of three men floating in a bath tub amidst scenes of flooding which included a floating half-submerged car and houses and a church part underwater. Headline text stated "Rub a dub dub three men in a tub, a necessary course of action due to flash flooding caused by climate change". Two of the men were dressed in the traditional outfits of a butcher and a baker, which recalled the children's nursery rhyme. Text continued "Climate change is happening. Temperatures and sea levels are rising. Extreme weather events such as storms, floods and heatwaves will become more frequent and intense. If we carry on at this rate, life in 25 years could be very different. IT'S OUR CHILDREN WHO'LL REALLY PAY THE PRICE. See what you can do: search online for ACT ON CO<sub>2</sub>".

c. Another press ad depicted a drawing of a young girl and boy looking for water at a well on a hill. Headline text stated "Jack and Jill went up the hill to fetch a pail of water. There was none, as extreme weather due to climate change had caused a drought". Text continued "Climate change has serious implications for our way of life. For example, extreme weather conditions such as flooding, heat waves and storms will become more frequent and intense. If we carry on at this rate, life in 25 years could be very different. IT'S OUR CHILDREN WHO'LL REALLY PAY THE PRICE. See what you can do: search online for ACT ON CO<sub>2</sub>".

d. A third press ad showed a drawing of a young girl sitting by her window looking up at the sky and in the top left a star with a sad face. Headline text stated "Twinkle twinkle little star; how I wonder what you are, looking down at dangerously high levels of CO<sub>2</sub> in the atmosphere." Text continued "The science shows that climate change is caused by heat-trapping gases such as CO<sub>2</sub>, which is created whenever we use energy like electricity made from gas, oil or coal. As CO<sub>2</sub> levels rise, more and more heat is trapped in the atmosphere, causing changes in our climate. IT'S OUR CHILDREN WHO'LL REALLY PAY THE PRICE. See what you can do: search online for ACT ON CO<sub>2</sub>".

e. A fourth press ad depicted a drawing of a cow leaping over a crescent moon whilst reading a booklet

labelled "ACT ON CO2". Text stated "Hey diddle diddle, the cat and the fiddle, the cow jumped over the moon on discovering just how easy it was to reduce our CO2 emissions". Text underneath stated "CO2 is produced by many things, but over 40% is caused simply by the way we heat and light our homes and drive our cars. Because we all cause it we can all do something about it. If we start to think about the ways we use energy, and act together, we can help tackle climate change. IT'S OUR CHILDREN WHO'LL REALLY PAY THE PRICE. See what you can do: search online for ACT ON CO2".

## **Issue**

Many viewers including an MEP, the New Party and the Federation of Environmental Trade Associations complained about the TV ad (a) because they believed:

1. the ad was political in nature and should not be broadcast;
2. the theme and content of the ad, for example the dog drowning in the storybook and the depiction of the young girl to whom the story was being read, could be distressing for children who saw it;
3. the ad should not have been shown when children were likely to be watching television;
4. the ad was misleading because it presented human induced climate change as a fact when that was not the case;
5. the claim "over 40% of the CO2 was coming from ordinary everyday things" was misleading;
6. the representation of CO2 as a rising cloud of black smog was misleading;
7. the claims about the possible advent of strange weather and flooding in the UK, and associated imagery, were exaggerated, distressing and misleading.

In addition there were objections to the press ads:

8. many complainants objected to the press ads (b), (c) and (d) in respect of (4) above because they believed there was a significant division of informed scientific opinion on the matter;
9. many complainants objected to the press ads (b), (c) and (d) in respect of (7) above;
10. one complainant objected to the press ad (e) in respect of (5) above.

The complaints on point 1 were referred to Ofcom under CAP (Broadcast) TV Advertising Standards Code rule 4 (Political and controversial issues). There is no specific prohibition in relation to ads which might be classed as political advertising in non-broadcast media.

## **CAP Code**

[3.13.27.19.19.249.149.3](#)

## **BCAP TV Code**

[5.1.15.1.25.2.15.2.66.16.47.4.17.4.67.4.7](#)

## **BCAP TV Scheduling Code**

[4.2.3](#)

## Response

The Department of Energy and Climate Change (DECC) said that previous Act On CO2 campaigns had been successful in building awareness of climate change and providing people with simple actions to take in order to reduce their carbon footprint. They said research had shown, however, that many were still uncertain about the causes and likely effects of climate change. They said this new series of ads aimed to get people to engage with the issue and seriously consider changing their behaviour in order to help contribute to a reduction of the UK's emissions overall.

Clearcast regretted that some viewers thought the themes and content of the TV ad could upset children and were also concerned that some viewers thought the claims and imagery were misleading and distressing. They said they had conducted an exceptional level of scrutiny with the script in pre-production and had requested a number of amendments.

2. & 3. DECC said there was no intention to shock or distress any viewer. They believed the science showed that climate change posed a significant risk to human well-being in the future and the level of potential discomfort evoked by the ad was proportionate to that risk. They said the creative treatment was thoroughly researched before production commenced and showed a positive response to the approach taken in "Bedtime Story". They said the Government faced the same challenge as any other advertiser in trying to raise awareness of difficult and sometimes emotive issues, such as knife crime or road safety. They said they had adhered to Clearcasts ex-kids restriction. They also said Key Stage One of the National Curriculum contained subject matter directly related to climate change and its effects on the environment. They therefore believed the subject matter of the ad would not be new to children aged five to seven and would be readily understood by that age group and above.

DECC said space for the TV ad had specifically been bought against an adult demographic, in order to reach as wide an audience as possible. They said some children would inevitably watch programming aimed at an adult audience, however, great care had been taken to minimise that overlap. They said figures showed that the child to adult ratio for the TV ad spots was almost half the national average.

Clearcast said they considered that very young viewers might be distressed or scared by the animated dog slipping under the water and also the depiction of CO2 in the sky as a ghoulish face and acknowledged that the ad, although gentle in tone, discussed issues that were not light-hearted. They said, for those reasons, the ad was awarded an ex-kids restriction to prevent very young children from seeing it. They believed that was sufficient because, although the ad mentioned uncomfortable issues, the delivery took place in a safe family environment and the child showed wonder rather than fear and distress.

4. DECC said there was an overwhelming consensus within the global community of climate scientists that rising CO2 levels, primarily caused by human activity, had been and would be responsible for changes in the global climate including more instances of extreme weather conditions. They said the world's leading source of global climate intelligence came from the Intergovernmental Panel on Climate Change (IPCC), which had been established by the United Nations Environment Programme (UNEP) and the World Meteorological Organisation (WMO) to provide the world with a clear scientific view on the current state of climate change and its potential environmental and socio-economic consequences. They said the IPCC was an independent scientific panel which reviewed and assessed the most recent scientific, technical and socio-economic information related to the understanding of climate change produced worldwide and thousands of scientists from all over the world contributed to the IPCC on a voluntary basis. They explained that review was an essential part of the IPCC process to ensure an objective and complete assessment of current information and differing viewpoints within the scientific community were reflected in the IPCC reports.

DECC also referred to information published by the Royal Society, the UK's independent national scientific academy, about the degree to which climate change scientists had reached a consensus that human induced activities had had a major impact on climate change in the last 50 years. They said the Royal Society referred to a survey of over 900 papers on climate change, published in peer reviewed journals between 1993 and 2003, which concluded that three-quarters of them either explicitly or implicitly accepted the view expressed in the IPCC report of 2001 and none rejected it. They pointed out that the Royal Society acknowledged there were some individuals and organisations that disagreed with IPCC findings, and also noted that some appeared to be funded by fossil fuel interests.

In relation to the claim in the TV ad "They said the CO<sub>2</sub> was getting dangerous, its effects were happening faster than they [scientists] had thought" and the claim in press ad (c) that "If we carry on at this rate, life in 25 years could be very different" DECC said scientists understood that the climate systems responses to CO<sub>2</sub> and other greenhouse gas (GHG) emissions were lagged and that over the coming decades, unavoidable climate changes would occur even if humans reduced their emissions now. They said the science told us to expect changes in the next few decades, not just in the distant future. They said a major scientific report published in 2009 by the Copenhagen Climate Change Congress reported that scientific observations suggested changes were occurring faster than the IPCC had reported only two years before. They said the IPCC report considered that, based on current trends, summer heat events such as that in 2003 (which led to 2,000 additional deaths in the UK and more than 35,000 across Europe) were expected to be considered normal by the 2040s and cool by the 2060s. Taking these two authoritative climate science synthesis reports together, DECC said they believed they were justified in suggesting climate change could significantly affect our lives in the UK as soon as 2035.

Clearcast said, whilst they understood there was no absolute scientific consensus on anthropogenic global warming, they had reviewed evidence which indicated there was a strong degree of international scientific consensus. They said the idea that increased CO<sub>2</sub> levels were "getting dangerous" was clearly presented as the opinion of scientists in the ad: "Scientists said it was being caused by too much CO<sub>2</sub>". They also said the TV ad presented the scenarios of extreme weather conditions as possibilities, for example through the use of the word "could": "Some places could even disappear under the sea". They said that they were satisfied the ad made clear, by using the word "maybe" in the claim ... if they made less CO<sub>2</sub>, maybe they could save the land for the children", that human-induced climate change was a theory with strong supporting evidence.

5. DECC said the claim "over 40% of the CO<sub>2</sub> was coming from ordinary everyday things" was based on data returned by the UK in its National Communications to the United Nations Framework Convention on Climate Change (UNFCCC), which was available on the DECC website. They sent a link to the relevant data sheet. They said that data was drawn from a variety of sources, including the National Grid Transco, DECC's Digest of UK Energy Statistics (DUKES) and data provided by energy suppliers such as British Gas. They said the detailed methodology for collection was described on the UK Greenhouse Gas Inventory National System website (GHGI), compiled on behalf of the UK Government by an independent scientific consultancy.

DECC said the UK's international GHG reporting obligations required that emissions were reported by "source sector", i.e. based on where the emissions actually occurred. They said, in the UK, they also published data on an "end user" basis, which effectively re-allocated emissions from their source to the point where the end-use occurred. They said the most significant implication of this was to re-allocate emissions occurring in relation to electricity generation at power stations to the users of that electricity (including homes and businesses) and emissions occurring in relation to the refining and distribution of fuels to the users of those fuels.

They said the over 40% figure in the TV ad and in press ad (e) was "end user" CO<sub>2</sub> only emissions

data, derived from the sum of the CO<sub>2</sub> emissions for passenger cars and the CO<sub>2</sub> emissions for homes, including emissions from the use of domestic electricity and from the supply chain for the fossil fuels involved in powering both cars and homes, in relation to total UK CO<sub>2</sub> emissions rounded down to the nearest 10%. They said end user data for passenger cars included direct CO<sub>2</sub> emissions from passenger car exhausts, as well as CO<sub>2</sub> emissions from the production of petroleum fuels, the exploration and production of crude oil, refinery combustion and process sources, oil storage and loading/unloading emissions, oil industry flaring, and emissions from the distribution and supply of motor vehicles. They said end user data for the residential sector included direct CO<sub>2</sub> emissions from domestic premises, for example from burning gas, coal and oil for heating and cooking, as well as CO<sub>2</sub> emissions from power stations generating the electricity used by domestic consumers, the production of oil-based fuels including refining, storage, flaring and crude oil extraction, coal mining sources including colliery fuel use, coal storage and transport, and emissions from the extraction, storage and distribution of mains gas.

DECC said they had included not only direct emissions from cars and homes and emissions from electricity generating power stations in proportion to their production of electricity for domestic use, but also including indirect emissions in the fossil fuel supply chain, for petrol used in cars and fossil fuels used in powering domestic premises, to ensure that the figure captured all emissions occurring as a result of passenger car use and home energy use. They said the underlying statistics were available to the public on the DECC website and were consistent with the published national statistics on an end user basis.

DECC said "passenger cars" were defined in accordance with EU Directive 2007/49/EC as vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.

DECC said the calculations for electricity used a grid average figure based on the emissions of the power stations from the generation of the UK's electricity for the year and the allocation of those emissions to the residential sector in proportion to the amount of electricity it had consumed.

Clearcast said they were presented with substantiation which seemed to show that 42% of UK CO<sub>2</sub> emissions were caused by gas for heating, hot water and cooking in homes plus electricity for running appliances, lighting, heating, cooking and hot water in homes and running all passenger cars in the UK. They said, because the figure was an estimate based on collected data they had asked their consultant statistician to comment on its robustness.

6. DECC said the illustrations within the TV ad used the creative vehicle of a childrens storybook. They said, because CO<sub>2</sub> was an invisible gas, many people did not link it with the things they did every day, and particularly beyond driving and flying. They believed it was essential to demonstrate visually the human effect of emissions and therefore there were streams of black gas bubbles emanating from various identifiable sources, such as hairdryers and computers, in the commercial, which reinforced the educative nature of the communication. They did not believe the creative treatment was likely to mislead, but would be understood by viewers to be representational.

Clearcast considered that the representation of CO<sub>2</sub> in the ad was reasonable. They accepted that, because CO<sub>2</sub> is not visible to the naked eye, some colour needed to be added in order to represent it and believed the use of black vapour was acceptable creative licence. They said, furthermore, CO<sub>2</sub> was produced by burning fossil fuels, many of which also created some sort of smoke (particulates) so they thought that black smoke was creatively relevant.

7. DECC said the science showed that, if there was more and more CO<sub>2</sub> in the atmosphere, irrespective of the agency, average world temperatures would rise, causing sea levels to rise, land loss, permafrost to melt and other climactic impacts. They said some of these impacts were already being observed by

scientists. They said published information from the UK Climate Predictions 2009 (UKCP09) suggested that the threats represented in the TV ad were clear and current for the UK. They said UKCP data was provided by the UK Met Office and showed that, based on current trends, the UK faced warmer, wetter winters and hotter, drier summers, with more drought, more intense heat waves, flooding and sea level rise. They said projections based on the data showed the UK was currently heading for a future with central estimates of average temperatures that could be up to four degrees hotter within our childrens lifetime (2080).

DECC said sea-level rises across the UK were projected to be between 20 cm and 80 cm by 2100 and the summer heat wave experienced in 2003 was projected to become a normal event by 2040, based on current continuing emissions levels. They pointed out that heat wave resulted in over 2,000 extra deaths in the UK and over 35,000 extra deaths across Europe. They said UKCP projections showed that future projected rainfall in the UK was likely to increase in the winter, particularly in the North West, and decrease in the summer, particularly in the South East. They said the Association of British Insurers (ABI) had launched a report in 2009 which examined the financial risks of climate change, using climate models and insurance catastrophe risk models, which estimated that a temperature rise of four degrees would lead to a 21% increase in annual flooding figures.

DECC said findings such as these demonstrated that individuals, businesses and other organisations all needed to play their part to help mitigate climate change and, under the circumstances, they did not believe the threats presented in the TV ad were exaggerated or misleading.

DECC said the press ads had been designed to complement the TV campaign and had the same objectives. They said the press ads sought to explain the causes, effects and consequences of climate change and the execution, using adapted nursery rhymes, had been selected to illustrate those without graphically demonstrating the distressing effects of these phenomena. They said the press campaign, through its placement in national newspapers, had sought to reach an adult audience and stimulate climate change awareness. They did not believe ads (b), (c) and (d) were unduly distressing.

Clearcast did not believe the imagery in the TV ad was misleading or exaggerated and considered that it would be clear to most viewers from the storybook treatment that what was being represented was a possible future "bad case scenario" which could happen in the event that no action was taken to reduce emissions.

8. 9. & 10. See above under points 4, 5 and 7.

## **Assessment**

2. & 3. Not upheld

The ASA acknowledged that some complainants were concerned that their children or grandchildren had been upset or worried by the ad. However, we also noted the ad had been given an "ex-kids" restriction by Clearcast, which meant that it should not be broadcast in or around programmes specifically made for children and should, as a consequence, avoid younger children watching television on their own. We acknowledged that the subject of climate change was routinely taught in schools and was already a matter of public discussion amongst all age groups, and considered that the animated storybook imagery in the ad was likely to indicate to adults and children alike that this was a narrative about what could happen rather than what would happen. We considered that, whilst the ad might be alarming for some young people who saw it, the storybook presentation, which featured line-drawn animals and showed the story being read by an adult, was likely to ameliorate that. We concluded that, when shown in the context of the timing restriction applied by Clearcast, the ad was unlikely to cause harm or undue distress to children.

On these points we investigated the ad under CAP Broadcast TV Advertising Standards Code rules 7.4.6 (Distress) and 7.4.7 (Use of scheduling restrictions) and CAP (Broadcast) TV Scheduling Code rule 4.2.3 (Treatments unsuitable for children) but did not find it in breach.

#### 4. Not upheld

The ASA's finding on this issue should not be read as pre-judging any conclusion which Ofcom may reach on the separate issue of whether the advertisement was caught by or in breach of the prohibition on political advertising.

We considered whether the claim "Scientists said it [climate change] was being caused by too much CO<sub>2</sub>, which went up into the sky when the grown-ups used energy" was misleading in the context of the TV ad as a whole.

The ASA understood that the IPCC established by the WMO and the UNEP was considered, through its work collating data from peer reviewed climate science papers internationally, to be the world's most authoritative source of information on climate science. We also considered statements, current at the time the ads appeared, by national and international bodies with expertise in climate change, including The Royal Society UK and the national science academies of 19 other countries, including China, India, Russia, Japan and the USA, The American Meteorological Society, The World Climate Research Programme and The International Geosphere Biosphere Programme, as well as the IPCC (2007) and Copenhagen (2009) reports. We found that all these bodies concurred that there was extremely strong evidence for human induced climate change whereas no national or international bodies with climate science expertise disagreed. We concluded it was reasonable, and not misleading, for DECC to have relied on that evidence at the time the ads appeared.

We noted the fourth IPCC Report (2007) contained a section on the scientific calculation of likely certainty regarding predicted changes in climate based on current trends, and that specific language was used in the report to indicate degrees of both quantitative and qualitative certainty. The report explained that, where the term "very high confidence" was used, that meant there was, based on statistical analysis of the data in aggregated papers by climate scientists world-wide, a nine out of ten probability that the finding was correct. The report stated "There is very high confidence that the global average net effect of human activities since 1750 has been one of warming ...". The IPCC report explained that "warming of the climate is unequivocal" and continued "Global GHG [greenhouse gas] emissions due to human activities have grown since pre-industrial times, with an increase of 70% between 1970 and 2004. Carbon dioxide (CO<sub>2</sub>) is the most important anthropogenic GHG ... Changes in the atmospheric concentrations of GHGs ... alter the energy balance of the climate system and are drivers of climate change., Global increases in CO<sub>2</sub> concentrations are primarily due to fossil fuel use ...". We considered that, based on the IPCC analysis, the claim "Scientists said it [climate change] was being caused by too much CO<sub>2</sub>, which went up into the sky when the grown-ups used energy" was unlikely to mislead.

On this point we investigated the TV ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1.1, 5.1.2 (Misleading advertising), 5.2.1 (Evidence) and 5.2.6 (Environmental claims) but did not find it in breach,

#### 5. Not upheld

We noted some complainants had objected that CO<sub>2</sub> was a gas naturally present in the earth's atmosphere and was essential for life because it was used by plants, in combination with sunlight, to produce nutrients. Those complainants objected that "over 40% of the CO<sub>2</sub>" in the earth's atmosphere did not come from human activity. We acknowledged that CO<sub>2</sub> was naturally present in the earth's atmosphere but also noted the TV ad referred to the effects of climate change being caused by "too much" CO<sub>2</sub> and also stated the CO<sub>2</sub> "was getting dangerous" as a result of human activity "when the

grown-ups used energy". Because the claim "over 40% of the CO2 was coming from ordinary every day things like keeping houses warm and driving cars" was preceded by those qualifications and was accompanied by images of human activity in a typical UK town, such as cars driving along streets and lighting in houses, we considered it would be clear to most viewers that the ad was discussing increasing levels of CO2 and that the claim "over 40% of the CO2 was coming from ordinary every day things like keeping houses warm and driving cars" referred not to total CO2 in the global atmosphere, but to CO2 produced by human activities in the UK.

We noted the claim "over 40% of the CO2 was coming from ordinary everyday things like keeping houses warm and driving cars" was based on published National Communication GHG statistics for CO2 emissions by "end user", which allocated emissions, including emissions in the supply chain, to the point at which fossil fuel was used. We considered that was a reasonable methodology for calculating the proportion of the UK's total CO2 emissions attributable to passenger cars and domestic energy use and noted emissions in the supply chain, such as those from the production of petroleum fuels and from the transport of coal, were linked to the purchase of petrol for personal car use and of electricity for use in the home. We concluded the claim "over 40% of the CO2 was coming from ordinary every day things like keeping houses warm and driving cars" was unlikely to mislead.

On this point we investigated the TV ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1.1, 5.1.2 (Misleading advertising), 5.2.1 (Evidence) and 5.2.6 (Environmental claims) but did not find it in breach.

#### 6. Not upheld

We acknowledged that CO2 was a colourless and odourless gas; however, we considered that, in the context of a storybook animation which involved other stylised images, such as crying rabbits and cartoon cats, whose purpose was to send a message about the potentially negative effects of rising CO2 levels on our environment, the representation of CO2 as a black cloud in the shape of a monster in the sky, was likely to be understood by most viewers to be visually imaginative and metaphorical rather than literal. We concluded the ad did not mislead on those grounds.

On this point we investigated the TV ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1.1 and 5.1.2 (Misleading advertising) but did not find it in breach.

#### 7. Not upheld

We considered that the imagery of flooding in the TV ad, together with the claim "There was once a land where the weather was very very strange. There were awful heat waves in some parts and in others terrible storms and floods was presented in a context which visually referenced a UK town and UK countryside.

We referred to the IPCC report (2007) which stated that climate predictions for the future for Europe, based on current trends, suggested that there would be an increased risk of inland flash floods and more frequent coastal flooding, as well as an increased risk of heat waves. We also noted the joint "UK Climate Science Statement" issued by the Meteorological Office (the UK's Weather Centre), the Natural Environment Research Council and the Royal Society (November 2009) based on the IPCC's review of published climate science together with further scientific evidence, available to Government, which had been collected since the last IPCC report. The joint statement said "Year on year the evidence is growing that damaging climate and weather events - potentially intensified by global warming - are already happening and beginning to affect society and ecosystems. This includes: In the UK, heavier daily rainfall leading to local flooding such as in the summer of 2007; increased risk of summer heat waves such as the summers of 2003 across the UK and Europe; around the world, increasing incidence of extreme weather events with unprecedented levels of damage to society and

infrastructure ... Sea level rises leading to dangerous exposure for populations ... These emerging signals are consistent with what we expect from our projections, giving us confidence in the science and models that underpin them. In the absence of action to mitigate climate change, we can expect much larger changes in the coming decades than we have seen so far".

We noted that the TV ad was presented in the form of a "once upon a time" storybook, using animation. We considered this form of presentation, coupled with the claim "See what you can do. Search online for ACT ON CO2" signalled to viewers that, based on the scientific evidence, human-induced climate change was very likely to be happening, and that the story-book images of a dried up UK river bed and a flooded UK town and the mention of "awful heat waves" and "terrible storms and floods" was a narrative about what could happen in the UK in the future, given the scientific projections based on current trends, if Governments and people did not "ACT ON CO2". We concluded the ad was unlikely to mislead on those grounds.

We acknowledged that many complainants objected that they, as adults, had found the TV ad upsetting and distressing, despite the "storybook" presentation, and acknowledged that climate change could be a frightening subject for many. However, we noted that the CAP (Broadcast) TV Advertising Standards Code contained provision for appeals to fear should they be "justified and proportionate". Given the IPCC report's statement that, based on their review of the science, it was a "robust finding" that "Most of the global average warming over the past 50 years is very likely due to anthropogenic GHG increases and it is likely that there is a discernable human-induced warming averaged over each continent (except Antarctica)" (where "very likely" meant greater than 90% statistical probability and "likely" meant greater than 66% statistical probability"), we considered that the story-book representation of the possible future UK effects of human induced CO2 emissions in ad (a) was justified and proportionate.

On this point we investigated the TV ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1.1, 5.1.2 (Misleading advertising), 5.2.1 (Evidence), 5.2.6 (Environmental claims) and 6.4 (Personal distress) but did not find it in breach.

## 8. Not upheld

See also point 4. above. We considered whether the claims "Climate change is happening" in press ad (b); "Climate change has serious implications for our way of life ... If we carry on at this rate, life in 25 years could be very different" in press ad (c); "dangerously high levels of CO2 in the atmosphere" and "The science shows that climate change is caused by heat-trapping gases such as CO2, which is created whenever we use energy like electricity made from gas, oil or coal. As CO2 levels rise, more and more heat is trapped in the atmosphere, causing changes in our climate" in press ad (d); and "If we start to think about the ways we use energy, and act together, we can help tackle climate change" in press ad (e) were likely to mislead. We also considered whether the claim "ITS OUR CHILDREN WHOLL REALLY PAY THE PRICE" in all four press ads was misleading.

As noted in relation to the TV ad, we considered it was reasonable for DECC to have relied on the IPCC report (2007) at the time the ads appeared, and in particular given the wider context of the statements made by national and international bodies with climate science expertise referred to under point 4 of our assessment (above). We noted the IPCC report stated "There is very high confidence that the global average net effect of human activities since 1750 has been one of warming ..." and considered that, based on the IPCC analysis, the claim "Climate change is happening" in ad (b), the claim "The science shows that climate change is caused by heat-trapping gases such as CO2, which is created whenever we use energy like electricity made from gas, oil or coal. As CO2 levels rise, more and more heat is trapped in the atmosphere, causing changes in our climate" in ad (d) and the claim "If we start to think about the ways we use energy, and act together, we can help tackle climate change" in

ad (e) did not mislead.

We noted the IPCC report contained a section of calculated projected scenarios about the future of the earth's climate based on current trends in human activity as well as altered trends in human activity such as reduction in fossil fuel use. The report stated that the impact of future climate changes, based on current human induced GHG emissions, would include impacts on "the health status of millions of people... through, for example, increases in malnutrition; increased deaths, diseases and injury due to extreme weather events; increased burden of diarrhoeal diseases ..." In light of that, and in particular given the nursery rhyme "what if" presentation of ad (d), we considered that the claim "Twinkle twinkle little star; how I wonder what you are, looking down at dangerously high levels of CO<sub>2</sub> in the atmosphere" was not likely to mislead.

We also considered the claim "Climate change has serious implications for our way of life ... If we carry on at this rate, life in 25 years could be very different" in ad (c). We noted the Copenhagen Climate Change report (June 2009) stated that "Since the production of the IPCC report, new knowledge has emerged that furthers understanding of the impacts of human influence on the climate", and also stated "Recent observations show that greenhouse gas emissions and many aspects of the climate are changing near the upper boundary of the IPCC range of projections". The report stated that "Since the last IPCC report, updated trends in surface ocean temperature and heat content have been published. These revised estimates show that the ocean has warmed significantly in recent years. Current estimates indicate that ocean warming is about 50% greater than had been previously reported by the IPCC". We understood that the Copenhagen report had been written by an international team of eminent climate scientists and had been reviewed by further independent university researchers as well as representatives from the Earth System Science Partnership, which was an umbrella organization comprised of a number of climate change research programmes including the World Climate Research Programme, the International Geosphere Biosphere Programme and others. We noted the IPCC report (2007) considered that "Continued GHG emissions at or above current rates would cause further warming and induce many changes in the global climate system in the 21st century" and stated "By the 2080s, many millions more people than today are projected to experience floods every year due to sea level rise" as well as explaining that the data indicated a 90% confidence that coasts would be exposed to increasing risks including erosion and sea level rise. As an island we considered the UK was particularly susceptible to coastal changes and considered that, given authoritative evidence that some observed climate changes were already 50% greater than IPCC predicted changes, the conditional claim "life in 25 years could be very different" was reasonable and unlikely to mislead.

We further noted the IPCC report contained a section on the actions, of Governments and of citizens, which could be taken to slow down and reduce climate change. That section stated "Societies can respond to climate change by adapting to its impacts and by reducing GHG emissions thereby reducing the rate and magnitude of change ... Future energy infrastructure investment decisions ... will have long-term impacts on GHG emissions ... There is high agreement and medium evidence that changes in lifestyle and behaviour patterns can contribute to climate change mitigation across all sectors". We concluded that, in that context, the claim "If we start to think about the ways we use energy, and act together, we can help tackle climate change" in ad (e) did not mislead.

The ASA understood that, amongst the majority of scientists who worked in the field of climate research globally, there was a consensus that human activity was contributing to upward temperature trends globally and would continue to do so unless steps were taken by the worlds' governments to reduce GHG emissions, including CO<sub>2</sub>. We concluded that, at the time the ads were published, there was not a significant division of informed scientific opinion on the issue amongst the world's climate scientists. We noted the statements about human-induced climate change in press ads (b), (c), (d) and (e), including reference to the severity of the consequences which climate scientists predicted could

take place were we, as a species, to do nothing to change our emissions behaviour at this juncture, were made in the context of Government advertisements asking citizens to help make a contribution to avert those consequences. We considered that the ads did not breach the CAP Code in this respect.

On this point we investigated the press ads under CAP Code clauses CAP Code clauses 3.1, 3.2 (Substantiation), 7.1 (Truthfulness), 49.1 and 49.3 (Environmental claims) but did not find them in breach.

## 9. Upheld

See also point 7 above. We considered whether the imagery of flooding in press ad (b), together with the claim "Temperatures and sea levels are rising. Extreme weather events such as storms, floods and heatwaves will become more frequent and intense" and the imagery of drought in press ad (c), together with the claim "extreme weather conditions such as flooding, heat waves and storms will become more frequent and intense" was likely to mislead. We also considered press ads (b), (c) and (d) in relation to distress.

We considered that the use of well-known UK nursery rhymes and their associated imagery in the press ads referenced a UK setting. We noted that the IPCC report, based on a number of different emissions scenarios and using modelled climate projections, stated that it was "very likely" that "hot extremes, heatwaves and heavy precipitation events" would increase globally, where "very likely" referred to a greater than 90% probability, although we also noted the report did not make direct predictions for future climate patterns in the UK. The report discussed likely regional changes and stated that, at present, it was "likely" that heat waves and heavy precipitation events had become more frequent over most land areas and that, in relation to Europe, based on current trends, there would be an increased risk of floods and heat waves. The report stated that the risk of summer drought was "likely" to increase in central Europe, that extremes of daily precipitation were "very likely" to increase in northern Europe and that it was "more likely than not" that there would be an increase in average and extreme wind speeds in northern Europe, where "very likely" referred to a greater than 90% probability, "likely" referred to a greater than 66% probability and "more likely than not" referred to a greater than 50% probability. We considered readers would understand storms to consist of a combination of rain and wind. Because, in a European context, there was a probability of greater than 90% for some events but a probability of greater than 50% for other events and because all statements about future climate conditions were based on modelled predictions, which the IPCC report itself stated still involved uncertainties in the magnitude and timing, as well as regional details, of predicted climate change, we concluded that the claim "Extreme weather events such as storms, floods and heatwaves will become more frequent and intense" in ad (b) and the claim "extreme weather conditions such as flooding, heat waves and storms will become more frequent and intense" in ad (c) should have been phrased more tentatively to reflect that. However, we considered that the imagery of UK flooding in ad (b) and of a drought in ad (c) were not themselves (and particularly not in the context of a nursery rhyme "what if" presentations) exaggerated or misleading.

We acknowledged that many complainants objected that they, as adults, had found press ads (b), (c) and (d) upsetting and distressing, despite the nursery rhyme presentations, and acknowledged that climate change could be a frightening subject for many. However, we noted that clause 9.2 of the CAP Code contained provision for marketers to "use an appeal to fear to encourage prudent behaviour" and stated that "the fear likely to be aroused should not be disproportionate to the risk". We considered that, based on the IPCC's analysis of the data and its projections based on trajectories plotted from that, the nursery rhyme presentations of the possible effects of climate change in press ads (b), (c) and (d) were not disproportionate to the risk and were not unduly distressing.

On this point press ads (b) and (c) breached CAP Code clauses 3.1 (Substantiation), 7.1 (Truthfulness)

and 49.1(Environmental claims).

We also investigated press ads (b), (c) and (d) under CAP Code clauses 9.1 and 9.2 (Fear and distress) but did not find them in breach.

10. Not upheld

See also point 5 above. In relation to press ad (e) we considered that the claim "CO2 is produced by many things, but over 40% is caused simply by the way we heat and light our homes and drive our cars", which was based on published "end user" National Communication GHG statistics, was unlikely to mislead.

On this point we investigated ad (e) under CAP Code clauses 7.1 (Truthfulness) and 49.1 (Environmental claims) but did not find it in breach.

### **Action**

Press ads (b) and (c) should not appear again in their current form.

Adjudication of the ASA Council (Broadcast)

Adjudication of the ASA Council (Non-broadcast)