

COMPLAINT NUMBER	21/287
ADVERTISER	Tui Products Ltd
ADVERTISEMENT	Roundup Naturals, Television
DATE OF MEETING	23 November 2021
OUTCOME	Not Upheld No Further Action Required

Summary of the Complaints Board Decision

The Complaints Board did not uphold complaints about a television advertisement for Tui's Roundup Naturals weedkiller. The Complaints Board said the Advertiser had provided sufficient substantiation to support the claim that its new product contains a 100% natural active ingredient.

Advertisement

The television advertisement for RoundUp Naturals weedkiller is narrated from the perspective of a pet dog. The advertisement begins with the dog in the garden, looking at children playing in a paddling pool and the father at the barbeque, thinking, "oh, splashing, and sausages, it wasn't this good the other day though". The advertisement rewinds to "24 hours earlier" and shows a person bending spraying weeds with RoundUp Naturals. The dog explains that the household use the new RoundUp natural weedkiller as it has "100% natural active ingredient" and "works in 1 day". Text on screen highlights these details. The advertisement goes back to present day as the dog says "oh, going for a splash" and runs into the paddling pool. The advertisement includes small print which says, "Use plant protection products safely" and "Accelerated demo. Always read label & product information before use."

Summary of the Complaints

Three Complainants were concerned the advertisement was misleading to claim the Roundup product contained "100% natural active ingredient", when Roundup contains isopropylamine salt of glyphosate which is not natural and has safety rules around its use and can be dangerous to humans.

Issues Raised:

- Truthful Presentation
- Environmental Claims

Summary of the Advertiser's Response

The Advertiser defended the advertisement saying it is referring to a new product, Roundup Naturals weedkiller which has a different active ingredient from standard products. The active ingredient is Natural Acetic Acid. The Advertiser provided a data safety sheet.

Summary of the Media's Response

CAB confirmed the advertised product does not contain Glyphosate and that the Complainants have not noticed the advertisement is promoting a new natural product range

Relevant ASA Codes of Practice

ADVERTISING STANDARDS CODE

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

Rule 2(h) Environmental Claims: Environmental claims must be accurate and able to be substantiated by evidence that reflects scientific and technological developments.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 15/032 which was ruled No Grounds to Proceed and 19/038 which was Upheld in Part and Not Upheld in Part.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 15/032 concerned a television advertisement for Raid Earth Options insect spray which claimed its product includes “100% natural plant extract as well as synthetic ingredients.” The Complainant was concerned the statement was misleading as it could not be natural and synthetic.

The Chair of the Complaints Board noted the Complainant had misquoted the wording in the advertisement and clarified the correct wording. The Chair said the 100% natural claim was referring to the plant extract that was a component of the spray and not a reference to the other ingredients in the spray.

Decision 19/038 concerned an advertising campaign by Living Green which described its products as “NZ’s most natural home cleaning range”, that they were “certified to be safer for you, your family and our planet”, and used recyclable packaging

The Complaints Board said it was misleading to describe Living Green home cleaning products as the most natural or safer than other products because the Advertiser did not provide sufficient evidence to support these claims. The Board said the Advertiser had substantiated its use of recyclable packaging for its products.

Complaints Board Discussion

The Chair noted that the Complaints Board’s role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and

- The context, medium, audience and the product or service being advertised, which in this case is:
 - Context: Litigation around the safety of the glyphosate compound in Roundup
 - Medium: Television
 - Audience: Television audience
 - Product: Ready to use weedkiller

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was it promoted a new weedkiller product with a natural active ingredient.

Does the advertisement contain any factual claims which require substantiation?

The Complaints Board noted the advertisement claims the new product Roundup Naturals weedkiller uses a “100% natural ingredient.” The Board said this required substantiation. The Complaints Board agreed the Advertiser had provided sufficient evidence via a data safety sheet and information on the product label to show the active ingredient is acetic acid rather than glyphosate as suggested by the Complainants. Acetic acid is an organic chemical.

Is the advertisement likely to mislead or confuse consumers?

The Complaints Board agreed the advertisement was not likely to mislead consumers as the voiceover states the product is a ‘new’ natural Roundup product. The Complaints Board noted the new product has a beige coloured bottle differentiating it from the original green product.

The Complaints Board ruled the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

Have any environmental claims made in the advertisement been substantiated?

The Complaints Board said the only environmental claim made in the advertisement was the “100% natural ingredient” statement. The Board said the Advertiser had provided sufficient substantiation that the active ingredient, acetic acid, was a naturally sourced acid.

The Complaints Board ruled the advertisement was not in breach of Rule 2(h) of the Advertising Standards Code.

The Complaints Board said taking into account context, medium, audience and product, the advertisement was not in breach of Principle 2 or Rules 2(b) or 2(h) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaints were **Not Upheld**.

No further action required.

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website, www.asa.co.nz. Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.

APPENDICES

1. Complaint
 2. Response from Advertiser
 3. Response from Media
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Appendix 1

COMPLAINT 1

Roundup is now advertising its herbicide as containing 'all natural active ingredients'. I do not know the scientific implication of the phrase 'all natural ACTIVE ingredients' but assume that the artificial chemical, glyphosate, which is in Roundup, is somehow being categorised as 'inactive'. I believe this is deliberately evasive and disingenuous, and an offensive breach of the company's duty to tell the truth about a chemical which even now has many safety rules around its use in NZ. It may not be a coincidence that this campaign appears just as the EPA is considering much stricter regime governing its use in NZ, and as glyphosate is about to be banned (in 2022) in many countries 2 (France, Germany and Italy among them) as a possible carcinogen.

COMPLAINT 2

The advertiser is claiming the product is 100% natural active ingredient. Implying that it is natural when in fact the active ingredient is actually: isopropylamine salt of glyphosate.

COMPLAIN 3

on Sat 23 Oct 2021, there was an advertisement on about 4.35pm TV1 for Roundup weedkiller, stating it contained 100% natural ingredients. this is incorrect, Roundup has glyphosate which is not natural and is in fact dangerous to humans.

Appendix 2

RESPONSE FROM ADVERTISER, TUI PRODUCTS LTD

I can confirm that the ad is no longer being used as the campaign concluded.

However, we would like to defend the complaint as follows:

- The advertisement is not stating that all Roundup products have a natural active ingredient.
- The advertisement is for a new Roundup product 'Roundup Naturals' which has a different active ingredient from standard Roundup products. The active ingredient of the product being advertised is Natural Acetic Acid. Please see attached safety data sheet and product back label to verify this.
- In the advertisement:
 - The voice over states: 'New Roundup Naturals weedkiller, with 100% natural active ingredient'
 - It pictures the new product being used during the add, and in the end frame. The new product is distinguishable from standard Roundup as it is a different colour bottle (beige) versus the standard Roundup bottle (green).

Appendix 3

RESPONSE FROM MEDIA,

Complaint: 21/287 **Advertiser: Roundup** **Key: EVE 015**
00001 **Classification: G**

Three complainants have suggested the chemical Glyphosate is included in this product.

This advertisement is actually for **Roundup NATURAL** and was first approved for airplay in February 2020. Unlike other Roundup weedkillers this Natural product contains no glyphosate. It contains 100% natural active ingredients including Pelargonic Acid. Pelargonic Acid occurs naturally in many plants and animals and is used to control the growth of weeds.

Regrettably, the complainants have assumed all Roundup brands contain glyphosate and have not taken cognisance of the fact that this is the company's first Natural product in its weedkiller range.

The complaints should not be upheld.