

COMPLAINT NUMBER	22/154
ADVERTISER	Nissan New Zealand Ltd
ADVERTISEMENT	Nissan, Digital Marketing
DATE OF MEETING	30 May 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Nissan NZ sponsored Facebook advertisement promotes the new Nissan LEAF e+. The image shows the vehicle parked in front of a suburban house, captioned, "The all new Nissan LEAF e+ with zero emissions, advanced tech and improved range, it's the 100% electric family car. Now available with \$8,625 clean car rebate". The advertisement includes a button to "learn more".

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: Nissan is advertising the leaf as " Zero Emissions" . I believe this is untrue and is misleading to the public.

The NZTA have released a document that shows the Non exhaust emissions of vehicles.

This proves that ALL vehicles even EV have emissions.

<https://www.nzta.govt.nz/assets/resources/research/reports/683/683-determining-the-ecological-and-air-quality-impacts-of-particulate-matter-from-brake-and-tyre-wear-and-road-surface-dust.pdf>

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b), Rule 2(h);

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.

The Chair noted the Complainant was concerned that the phrase "zero emissions" was misleading as it does not account for non-exhaust emissions.

The Chair considered the advertisement. While acknowledging that no vehicle is entirely free from emissions, as raised by the Complainant, she said the phrase "zero emissions" was unlikely to reach the threshold to be misleading.

The Chair said the term “emissions” is used commonly to describe the exhaust emissions of vehicles. She referred to official government guidance which uses “low emission” to describe plug-in hybrid vehicles and “zero emission” to describe battery electric vehicles¹. She said the likely consumer takeout of the advertisement is that the new Nissan LEAF e+ vehicle is a fully electric vehicle and did not believe the phrase amounted to a claim that the vehicle was free from all types of emissions.

The Chair confirmed the advertisement was not in breach of Principle 2, Rule 2(b) or Rule 2(h) of the Advertising Standards Code.

The Chair ruled there were no grounds to proceed with the complaint.

Chair’s Ruling: Complaint **No Grounds to Proceed**

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.

¹ <https://rightcar.govt.nz/clean-car-discount>