

COMPLAINT NUMBER	22/161
ADVERTISER	PepsiCo
ADVERTISEMENT	Pepsi, Poster
DATE OF MEETING	30 May 2022
OUTCOME	No Grounds to Proceed

Advertisement: The PepsiCo out of home advertisement is a set of three posters. The outer two posters show the same graphic: four Pepsi bottles arranged in a square connected by arrows, with text in the centre stating "nothing tastes better than a 100% recycled bottle". The middle poster has a large image of a 600ml Pepsi bottle divided in half, one side empty and the other full of Pepsi. Text beside the bottle says, "Nothing tastes better than a..." and the bottle's label says, "100% recycled plastic bottle". All three posters contain the disclaimer, "cap and label not recycled plastic".

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

Complaint: The ad implies two things. Firstly that Pepsi bottles are recycled into other Pepsi bottles, and secondly that Pepsi bottles can go around in a constant cycle of recycling, never to end up in a landfill (at least not because of a user).

On the first, its obvious that Pepsi, nor anyone, is engaged in a conscious effort to round up Pepsi bottles to be recycled into other Pepsi bottles.

On the second and more important point, what the average consumer does not know about recycling is that plastic (including the PET that Pepsi uses) can only be recycled 2-3 times before it becomes totally useless. This is something the average consumer obviously does not know. The average consumer would be totally willing to buy the idea that the plastic in a given Pepsi bottle cannot end up in a landfill because it can always just be recycled. That is simply not how recycling works.

Overall, Pepsi clearly shows a never ending loop of recycling, where Pepsi bottles become other Pepsi bottles in perpetuity. This is obviously greenwashing and false advertising.

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 the advertisement was misleading in its depiction of the concept of recycling.

The Chair carefully reviewed the three posters which make up the combined advertisement and said the likely consumer takeout would be that the Advertiser uses recycled plastic to make their 600ml drink bottles and that Pepsi bottles are recyclable.

While the Chair acknowledged the Complainant had a takeout the Pepsi bottles are recycled into new Pepsi bottles in a never-ending cycle, she did not consider this literal interpretation would be the general consumer view on the recycling process presented in the advertisement.

The Chair said the advertisement was showing an illustrative example of how plastic products can be remade into other plastic products. She said the generally accepted symbol of recycling is the triangle of continuous arrows and this was the likely intent and takeout of the Advertiser's imagery.

The Chair said the advertisement was unlikely to mislead, deceive or confuse most consumers and had not met the threshold to breach Principle 2, or Rules 2(b) and 2(h) of the Advertising Standards Code.

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

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.