



30 July 2008  
Mr Mark Pearson  
Executive General Manager  
Enforcement and Compliance Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2801

Dear Mr Pearson,

### **Complaint about environmental claims made by Coopers Brewery**

We write to draw your attention to certain marketing claims by Coopers Brewery (“Coopers”) that appear to breach section 52 of the Trade Practices Act and the Australian Competition and Consumer Commissions guidance on environmental claims. This complaint relates to two beer advertisements by Coopers (see Tab A).

CHOICE recently carried out an investigation into the environmental marketing claims being made by Australia’s three major brewers: Lion Nathan, Fosters and Coopers. The findings of this investigation have been published on our web site CHOICE Online<sup>1</sup> and will appear in the September 2008 issue of CHOICE magazine. I have enclosed a copy of the article for your information (see Tab B).

### **Context**

The print advertisements attached appeared as the rear cover to a series of issues of *G Magazine*: September/October 2007, January/February 2008, March 2008 and April 2008. *G Magazine* – ‘The Green Lifestyle Magazine’ – is an award-winning environmental publisher. In its July 2008 editorial, readers have even been assured there is ‘no green washing’ at G magazine (see Tab C). *G Magazine* claims to offer consumers accurate and reliable information about how to be a green consumer.<sup>2</sup> Therefore advertisements appearing in *G* magazine access a readership that trusts the environmental credibility of material appearing there.

The Coopers advertisements claim that Coopers has a tiny footprint, meets world’s best practice, and is the greenest beer in Australia. CHOICE investigated these claims and understands Coopers does not have sufficient evidence to support them. We request that the ACCC looks further into the claims, to ensure consumers are not being misled.

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<sup>1</sup> [www.choice.com.au/viewArticle.aspx?id=106444](http://www.choice.com.au/viewArticle.aspx?id=106444)

<sup>2</sup> [www.gmagazine.com.au/about](http://www.gmagazine.com.au/about) and Tab C.

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### **Specific Comments**

The first advertisement depicts a small footprint made from beer foam and a schooner of Coopers beer. The second advertisement assures readers that Coopers 'had your future in mind' and includes text explaining how the beer is the greenest in Australia (see Tab A for the advertisements).

*"Big beer. Tiny Footprint"* – Advertisement 1

From the context it would be reasonable for a consumer to think that the claim made in this advertisement either related to carbon footprint, or carbon emissions and water – the main environmental impacts of beer production. This conclusion would only be reinforced if the consumer was aware of the environmental claims made by the major beer companies Lion Nathan and Fosters.

From the advertisement it is also reasonable to think Coopers has measured its footprint. However, CHOICE has been advised that at the time the advertisements were run this was not the case. As at mid July 2008, Coopers advised us that it was only just in the process of measuring their carbon footprint, in conjunction with the Federal government's Greenhouse Challenge scheme. This would nearly be a year after the advertisements were designed. We suggest that it is misleading to make a claim about the environmental footprint of a company – to assert the performance characteristic of a 'tiny footprint' – when footprint size has not been measured.

*"We've adopted world's best practices in energy recovery, power generation, water usage, recycling and efficiency. That way, you can enjoy a Coopers and not regret it later."* – Advertisement 2

Admirably, Coopers do generate their own electricity on-site, have water recycling facilities, and avoid additives and preservatives. However, when interviewed Coopers' environmental manager and Coopers' advertising agency were unable to provide evidence of what world's best practice in these areas is.

Coopers told CHOICE that their water consumption was 4.5L water/L beer starter (wort). However, world's best practice for water consumption appears to be regarded as considerably lower than this: 2.2-2.3L water/L beer (final product), according to the NSW Nature Conservation Council<sup>3</sup> and another Australian brewer Lion Nathan.<sup>4</sup>

*"We take every step possible to ensure our beers have the least impact on the environment."* – Advertisement 1

*"The Cooper family believes that responsible brewing is just as important as responsible drinking. Which is why, when we make beer, we also make every effort not to impact the environment."* – Advertisement 2

The claims that Coopers take 'every step' possible and 'make every effort' suggest that Coopers take every action available to reduce their carbon impact and broader environmental impact.

<sup>3</sup> [http://nccnsw.org.au/index.php?option=com\\_content&task=view&id=1919&Itemid=946](http://nccnsw.org.au/index.php?option=com_content&task=view&id=1919&Itemid=946) regarding Tooheys Brewery upgrade.

<sup>4</sup> In correspondence with CHOICE 16/7/08.



However, our investigation revealed that Lion Nathan and Fosters are making efforts in other areas of the beer making which Coopers are not. These efforts include using 100% recycled cartons and vegetable-based inks, bottles with recycled content and purchasing Greenhouse Friendly certified carbon offsets for the carbon emissions associated with the beer's full product lifecycle. We suggest that the claim that Coopers is making 'every step' possible are not true and are thus misleading.

*"It's why we think Australia's greenest beer is hand-made by the Cooper family. Est. 1862."* – Advertisement 1

*"Australia's greenest beer is hand-made by the Cooper family. Est. 1862."* – Advertisement 2

In response to a request from CHOICE, Coopers were unable to provide comparable data on how they were performing in relation to other beer manufacturers in Australia. How then could Coopers know they are the greenest? CHOICE does not believe that Coopers has the evidence with which to substantiate this performance characteristic of 'greenest'.

CHOICE understands that two other Australian brewers are currently making environmental marketing claims with beers that have water performance on-par or better than Coopers: Barefoot Radler and Cascade Green, have water consumption of 4.5L and 2.87L water / L beer respectively.<sup>5</sup>

CHOICE requests that the ACCC looks further into Coopers' environmental claims to ensure that consumers are not misled by stated environmental benefits for which the company does not hold evidence. We are particularly concerned that Coopers placed these advertisements in a trusted environmental publication and targeted them at consumers whose environmental concerns may be prone to being exploited.

Should you wish to discuss the CHOICE investigation or any other matter relating to this issue, please contact me at (02) 9577 3265 or [knorris@choice.com.au](mailto:knorris@choice.com.au).

Yours sincerely,

Kate Norris  
Senior Project Officer, Sustainable Consumption

Enclosed: A. Coopers advertisements  
B. 'Green Beers Spread Roots' – CHOICE article  
C. 'No Greenwashing here' – G Magazine editorial

CC Dr Tim Cooper, Coopers Brewery  
Kylie Ahern, Publisher, G Magazine

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<sup>5</sup> Barefoot Radler figure from CHOICE correspondence with Lion Nathan 16/7/08. Cascade Green figure from [www.fosters.com.au/about/docs/FINALFebUpdate.pdf](http://www.fosters.com.au/about/docs/FINALFebUpdate.pdf)