



7 October 2015

Dear Australian Competition and Consumer Commission

**Outcomes of the Shonky Awards - suggested case for investigation and enforcement**

On Wednesday 7 October 2015, CHOICE announced the ‘winners’ of its 10<sup>th</sup> annual Shonky awards. These ignominious awards are developed based on CHOICE members’ complaints and CHOICE staff investigations conducted throughout the year. Awards are given to businesses that have caused significant consumer detriment or outrage due to factors such as faulty products, misleading advertising or poor customer service.

This year, one of our award winners appears likely to have breached provisions of the Australian Consumer Law (ACL). We encourage the ACCC to investigate Kleenex Cottonelle Flushable Cleansing Cloths for Kids.

**Kleenex flushable wipes**

Kleenex Cottonelle Flushable Cleansing Cloths For Kids are marketed as a cleaning product that can be conveniently and safely disposed of by flushing down the toilet. The product’s website states that the cleansing cloths “disintegrate like toilet paper”.

CHOICE tested these products using a water agitator chamber to simulate the process of wipes travelling through household plumbing and the sewage system. We found that the Kleenex wipes are not comparable with toilet paper. The toilet paper tested broke down in the agitator entirely within three minutes. The wipes were tested for 21 hours and remained largely intact. While they broke into smaller pieces, they did not disintegrate.

Waste water services across Australia are spending enormous amounts of money cleaning wipe blockages from the pipes - \$15m per year and rising as wipes popularity grows. Individual consumers are relying on these claims, and flushing wipes to their own detriment. A CHOICE survey found that 20% of flushable wipes users had experienced problems with wipes blocking their toilets and the sewage system. Sydney Water has informed CHOICE that one customer paid \$16,000 in plumbing bills to resolve a ‘flushable’ wipe blockage.

Broadly, the ‘flushable’ products available for purchase are not meeting consumer expectations. CHOICE tested 12 other wipe products, and none performed noticeably better than Kleenex Cottonelle Flushable Cleansing Cloths For Kids. Kleenex’s marketing is particularly misleading; saying that the product acts like toilet paper and disintegrates when flushed is untrue.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Matt Levey".

Matt Levey  
Director, Campaigns and Communications

## Attachment A: Kleenex flushable wipes

### Marketing claims

Kleenex Cottonelle Flushable Cleansing Cloths For Kids state on their website that they “disintegrate like toilet paper”. The website FAQ also states “they are made from a specially designed cloth-like material that will break up in both the sewerage and septic systems so they are flushable”.

Sorbent Clean and Fresh Toilet Hygiene Wipes are advertised as “safe to flush” and “specifically designed to be flushable and dispersible, meaning they will break up in the sewage process”.

White King Power Clean Flushable Wipes are advertised as “made from a specially designed material which disintegrates in the sewage system when flushed, just like toilet paper”.

There are a large number of other wet wipe products available labelled ‘flushable’.

### Test results

In August 2015, CHOICE tested 13 wipe products in an agitator provided by Sydney Water<sup>1</sup>. The agitator is a large vessel filled with water, separated into different compartments. When turned on, the water moves about and agitates the products inside the compartments, to simulate movement through household plumbing and the sewage system. The agitation speed was set to 100 rpm. The majority of wipes tested were marketed as ‘flushable’, but some non-flushable wipes were included in the test.

The minimum period of agitation for the wipe products was 6 hours, and the maximum was 15 hours. Toilet paper took less than 3 min (and in the case of 4ply paper, less than 30 sec) to disintegrate. The majority of the wipes tested showed little sign of breaking down, even after 15 hours. One product, Vagisil feminine wipes (labelled ‘flushable’ on the front of pack) did not break down at all. There was no significant difference between flushable and non-flushable wipes.

In September 2015, a follow-up test was conducted on these four products:

1. Kleenex Cottonelle Flushable Cleansing Cloths
2. Kleenex Cottonelle Flushable Cleansing Cloths For Kids
3. Quilton Gold 4-ply toilet paper
4. Curash Baby Wipes (non-flushable)

These products were selected for further testing due to Kleenex’s claim that their kids product “disintegrates like toilet paper”. The four products were tested simultaneously, each in a separate vessel, for 21 hours in the agitator device, with the agitation speed set at 100 rpm.

The Quilton toilet paper disintegrated entirely within a few minutes with no observable significant fragments remaining. The water became an opaque milky colour.

The two Kleenex products separated into two or three large fragments during agitation and the water remained essentially clear. On removal from the water after 21 hours, they were found to be easily pulled by hand into smaller fragments. However, the wipes had retained sufficient structural integrity and size to still potentially snag on any obstacle or form a blockage.

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<sup>1</sup> Kleenex Cottonelle Flushable Cleansing Cloths, Kleenex Cottonelle Flushable Cleansing Cloths for Kids, Sorbent Clean and Fresh Toilet Hygiene Wipes, Sorbent Kids Flushable Moist Toilet Wipes, Harpic White & Shine Flushable Toilet Wipes, White King Power Clean Flushable Wipe, White King Antibacterial Cleaning Wipes, Coles Bathroom and Toilet Wipes, Woolworths Select Toilet Cleaner Flushable Wipes, Naty Fragrance Free Eco Soft Baby Wipes, Aldi Flushable Toilet Wipes, Vagisil Feminine Wipes and Curash Baby Wipes.

The Curash non-flushable wipe was not significantly broken up during agitation and the water remained essentially clear. Compared to the Kleenex products, the Curash wipe was slightly more difficult to pull apart by hand after agitation. It retained sufficient structural integrity and size to potentially snag on any obstacle.

While the Kleenex flushable wipes broke apart slightly more readily than the Curash non-flushable wipe, none of these products are in any way comparable to toilet paper in terms of their disintegration and dispersal in water under agitation. If toilet paper is the standard of flushability to which a flushable wipe should conform, none of these wipes can be considered safely flushable.

### **Consumer expectations**

In late July 2015, CHOICE conducted a nationally representative survey of 1,679 Australians aged 18-75 years into consumer use of wet wipes and cleansing products. Questions were asked to determine what consumers expect of products marketed as 'flushable', what they perceive 'flushable' to mean, and how they are using these products.

Key findings include:

- In the last 12 months, over a quarter (26%) of Australians have used flushable toilet wipes.
- If a pack of disposable wet wipes is labelled 'flushable', the majority of Australians expect the wipes will not cause any blocking of the toilet (73%) or sewage system (72%).
- The majority of Australians expect that wet wipes labelled 'flushable' will disintegrate in water (67%).
- One in five (20%) Australians have flushed 'flushable' toilet wipes down the toilet - a much higher incidence than other wipes (e.g. baby wipes not labelled 'flushable' 6%, cleaning wipes not labelled 'flushable' 5%).
- A total of 21% of flushable wipe users have had blocking problems from using flushable toilet wipes (18% blocking of their own toilet and 16% blocking of the sewage system).

These findings indicate that consumers believe that 'flushable' labels on products indicate that they will not block their toilets or the overall sewage system and that they will break down in water. A significant proportion of consumers are relying on these claims and flushing the wipes, and a significant number of consumers have experienced plumbing problems due to using the wipes as advertised.

### **Australian Consumer Law**

CHOICE is of the view that Kleenex Cottonelle Flushable Cleansing Cloths For Kids may breach s29(1)(a) and (g) of the Australian Consumer Law with its claim that the product "disintegrates like toilet paper". CHOICE tests found that toilet paper disintegrates entirely within a three minute period of agitation, whereas the Kleenex product stays almost entirely intact after 13 hours of agitation, and largely intact after 21 hours.

Further, CHOICE is of the view that wet wipes generally marketed as 'flushable' may breach s18 of the Consumer Law. CHOICE tested a range of wipes labelled 'flushable' and none of them meet consumer expectations (i.e., that they will break down sufficiently and rapidly enough to ensure that home plumbing and sewage systems are not blocked).