

# Adfree Cities complaint to the Advertising Standards Authority

## Re: misleading adverts from Elf Bar



Submitted 21st August 2023

We are writing to lodge a complaint over advertisements seen on outdoor advertising screens and bus side posters in London advertising vaping products for popular vaping company Elf Bar.

The adverts were seen outside Waterloo station, London, on Wednesday, August 9, 2023. [1]

The advert (also seen on the side of a bus) shows two Elf Bar 600V2 vapes under the words “Elf Bar. Recycling for a greener future” and features the tagline “Green awareness” and a recycling ‘chasing arrows’ symbol.

The position and prominence of the claim “Recycling for a greener future”, which is more central and in larger text than the actual product information, leads us to conclude that these ads are primarily intended to promote Elf Bar’s ‘green credentials’ as a company that prioritises recycling of its products.

Thus, we argue that the adverts are in violation of the following CAP Codes:

**3.3, 3.7, 3.9, 3.10, 11.1, 11.3 and 11.7.**

In the case of CAP 11.7 we argue that the adverts are a matter for immediate enforcement action.

In the case of the remaining Codes we would like to see the ad taken down pending further investigation by the ASA.

The case for our claim is laid out in detail below.



## Environmental benefits from legal obligations

We hold that the Elf Bar ads are an immediate violation of CAP Code 11.7 by reason of the fact that recycling disposable vapes is a legal obligation under the Waste Electrical and Electronic Equipment Regulations 2013 [2], to which, as a producer of over 5 tonnes of electrical and electronic equipment per year, Elf Bar is subject.

The claim that Elf Bar recycles its vapes, or that its vapes are recyclable, is therefore not unique to Elf Bar but a general fact about the company and others like it.

## Substantiation

As noted, we hold that the recycling claim is the central claim of these adverts. This claim is not substantiated in the ads and has no clear basis.

On examination of the Elf Bar website, we found little information about recycling or the recyclability of the company's products. There is no data on what proportion of the company's products are recycled.

Across the UK, 138 million single-use vapes are sold every year,[3] of which 49% are thrown away i.e. not recycled. The 600V2 is listed on the Elf Bar website under “disposables”.[4]

Further, the claim “recycling for a greener future” is an absolute claim which under CAP Code 11.3 must be supported by a “high level of substantiation”. Such substantiation is not given in the ads, indeed it is not clear whether the basis of comparison is other Elf Bar products or other vape retailers.

In summary, Elf Bar misleads customers by omitting material information, lacking documentary evidence to support their claims, and making environmental claims without supporting evidence.

The ads are in violation of CAP Codes 3.3, 3.7, 11.1 and 11.3.

## Limitations

A significant qualification to the recyclability claim is that disposable vapes cannot be home recycled but must be taken to a designated drop-off point in a store or a council waste facility.[5]

This information is omitted from the advert. Moreover, the prominent use of the “chasing arrows” recycling symbol in the ad is, we argue, confusing for consumers as it is most commonly seen on home recyclable products and most recognised by consumers in that context. Whilst an existing customer of Elf Bar or a competitor may know about the recycling system for vapes, there is no reason to suppose a new customer would know, and these ads do not explain.

On investigation, we found that Elf Bar operates a recycling scheme [6] through which they provide over 180 recycling points across the country (as of June 2023). Due to the small number of such recycling points, a customer may well still find it difficult to return their used vapes for recycling.[7]

Whilst we accept that an outdoor ad affords little space to make lengthy qualifications, the prominence of the recycling claim in these ads and its significance (the fact that these vapes are ostensibly recyclable is clearly intended as a selling point) are clear reasons for qualification on the claim, for instance that these products are not home recyclable.

The ads are in violation of CAP Codes 3.9 and 3.10.

[1] <https://www.bbc.co.uk/news/uk-england-london-66502333>

[2] <https://www.gov.uk/guidance/regulations-waste-electrical-and-electronic-equipment>

[3] <https://www.theguardian.com/society/2023/may/13/single-use-vapes-sparking-surge-in-fires-at-uk-waste-plants>

[4] <https://www.elfbar.com/product-list/disposable-pod-device.html>

[5] <https://www.vapesuperstore.co.uk/pages/guide-to-recycling-your-vape>

[6] <https://eco-recycle.co.uk/recover-launches-nationwide-vape-collection-scheme-with-elfbar/>

[7] <https://www.theguardian.com/commentisfree/2023/may/03/recycle-disposable-vape-single-use-e-cigarettes-lithium>