

# Misleading and incorrect advertisement of Shell

Friends of the Earth Europe Complaint to the JEP, May 8 2007

Friends of the Earth Europe<sup>1</sup> (FoEE) is filing a complaint to the JEP (Jury voor Ethische Praktijken) against oil and gas company Shell for its advertisement “**Don’t throw anything away there is no away**”. We believe the advertisement constitutes a violation of articles 1, 3, 4, 7 and 13 of the JEPs Milieureclamecode.

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## The Complaint

Our complaint is in four areas:

- the imagery of the advert;
- the headline message;
- and two specific claims in the advert:
  - the claim: "we use our waste CO2 to grow flowers"
  - the claim: "we use ... our waste sulphur to make super strong concrete"

We ask the JEP to order Shell to immediately stop the advert and publish - at the expense of Shell - corrections stating that the advert was misleading and incorrect. These corrections should be published on Shell’s website and in all media that have featured the Shell advert. They should have the same size, scope and significance as the original (disputed) advert.

The advert is part of a wider PR campaign of Shell, which includes 2 other adverts, short documentaries and other materials. This PR campaign has been launched recently and more info can be found at [http://www.shell.com/home/PlainPageServlet?FC=/aboutshell-en/html/iwgen/shell\\_real/app\\_shell\\_real\\_welcome.html](http://www.shell.com/home/PlainPageServlet?FC=/aboutshell-en/html/iwgen/shell_real/app_shell_real_welcome.html)

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<sup>1</sup> Friends of the Earth Europe campaigns for sustainable and just societies and for the protection of the environment, unites more than 30 national organisations with thousands of local groups and is part of the world's largest grassroots environmental network, Friends of the Earth International.

The specific advert FoEE is complaining about is available on the international website of Shell: [http://www.shell.com/home/PlainPageServlet?FC=/aboutshell-en/html/iwgen/shell\\_real/shell\\_solutions/stories/app\\_shell\\_stories.html](http://www.shell.com/home/PlainPageServlet?FC=/aboutshell-en/html/iwgen/shell_real/shell_solutions/stories/app_shell_stories.html)

It has been published in various newspapers and magazines, such as NRC (Dutch newspaper, April 12) and the Sunday Times Magazine (UK). The other 2 adverts in this serie have been published already in newspapers and magazines that are distributed in Belgium, such as the European Voice and the Financial Times. As the disputed advert is part of the wider campaign and given that it has been published already in the Netherlands and the UK, FoEE assumes that the disputed advert, next to being on the international website of Shell, has been or will soon be published in newspapers and magazines that are distributed in Belgium as well.

Simultaneous complaints are being filed in the Netherlands and the UK by Friends of the Earth member group in these countries.

## **1. The imagery of the advert**

The advert shows a classic refinery outline but with the chimneys producing flowers rather than smoke, giving the message that Shell's refineries are clean with a positive environmental impact. This is misleading. It is a violation of article 3 of the Milieureclamecode which says that “Reclame mag geen bewering, aanduiding, afbeelding of voorstelling bevatten die rechtsteeks of onrechtstreeks kan misleiden nopens de eigenschappen en de kenmerken van een product of dienst met betrekking tot zijn gevolgen voor het milieu”.

In reality, Shell's refineries in Nigeria, Durban, Texas, Louisiana, Manila and elsewhere emit dirty smoke containing a cocktail of chemicals that can include benzene, carbon monoxide, hydrogen sulphide, lead, nitrogen dioxide and oxide, particulate matter, pentane, propane, sulphur dioxide and many other toxins. Between them these chemicals are known to cause a wide range of health problems including respiratory diseases, polyneuropathy, developmental and reproductive problems and many forms of cancer. Instances of these diseases are often higher in the communities living next to the refineries.

It also violates article 13 of the Milieureclamecode which says that “Tekens of symbolen betreffende milieueffecten mogen niet misleiden noch verwarring stichten aangaande hun betekenis”. Flowers coming out of a chimney symbolise that refineries are not a source of pollution but have a positive environmental impact. This is incorrect and therefore misleading.

## **2. Headline message: “don't throw anything away there is no away”**

This statement may be true, but the implication that Shell carries out its operations in line with this statement is absolutely false and misleading. It violates article 3 of the

Milieureclamecode because it implies that the products and services of oil and gas company Shell do not create any waste. This is incorrect. Shell does create gas and oil related waste. The advert is therefore misleading.

i) Gas, a by-product of oil exploration, is a useful fuel in its own right. Yet in many places Shell throws this gas away by flaring (ie burning) it. For example Shell continues to constantly flare gas in Nigeria, despite it being illegal to do so and Shell has been ordered by the Nigerian High Court to stop. This flaring is a massive waste of energy resources in a country with severe energy shortages and therefore not at all in line with the advert's headline message.

ii) Oil and fuel spills occur often at Shell refineries, pipelines and oil depots, wasting the fuel and leaving long term pollution. Shell's track record regarding oil and fuel spills is not at all in line with the advert's headline message. For example, it has been estimated that in Nigeria 9-13 million barrels of oil have been spilt over 50 years.<sup>2</sup> Shell, being the biggest oil company in Nigeria, is responsible for a substantial part. Clean up is often non-existent or superficial: during a visit to the Niger Delta in 2005, Friends of the Earth encountered a Shell contractor involved in an oil "clean up" operation which involved little more than turning the land. In Curacao Shell operated a refinery for 70 years, closing it in 1982. Shell refuses to clean up its legacy of waste which contaminates the reef and the toxic lakes, filled with chemical waste, including "Asphalt lake", filled with 800,000 cubic metres of asphalt and tar.<sup>3</sup>

The message "don't throw anything away there is no away" also constitutes a violation of article 7 of the Milieureclamecode that says that "Uitdrukkingen, beweringen of absolute slogans .... die impliciet erop wijzen dat een product of dienst geen gevolgen heft voor het leefmilieu .... zijn verboden". The message suggests that Shell's products and services do not have an impact on the environment. This is incorrect, as illustrated above.

### **3. Specific claim: "we use our waste CO2 to grow flowers"**

This implies Shell uses all of its waste CO2 to grow flowers. Shell produced 100 million tonnes of CO2 in 2005<sup>4</sup> from its direct emissions. Indirectly, via the consumption of the oil and gas it produces, Shell is responsible for many times more CO2 emissions. In Shell's literature we have been able to find one case where Shell recycles CO2 into growing plants - at the Pernis refinery in the Netherlands CO2 is piped to greenhouses to

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<sup>2</sup> Niger Delta Natural Resource Damage Assessment and Restoration Project

<sup>3</sup> Use Your Profit to Clean Up Your Mess – Report on how Shell should fund local solutions for environmental and social destruction caused by its projects, Shell Accountability Coalition, 1<sup>st</sup> February 2007

<sup>4</sup>

aid plant growth, replacing gas heaters traditionally used.<sup>5</sup> According to Shell this saves 350,000 tonnes of CO<sub>2</sub> each year<sup>6</sup> - about 0.35% of Shell's total direct emissions.

Shell is making very exaggerated and therefore misleading claims. It violates article 4 of the Milieureclamecode which says that "Als een reclame gewag maakt van de bijdrage van een onderneming ... tot de bescherming van het milieu, dan mag de verwijzing naar producten, diensten of welbepaalde handelingen niet ongerechtvaardigd laten geloven dat ze representatief zijn voor de hele activiteit van de onderneming". The advert does not state anywhere that the use of CO<sub>2</sub> for growing flowers only relates to a very tiny part of its CO<sub>2</sub> emissions.

It also constitutes a violation of article 1 of the Milieureclamecode which says that "De reclame ... niet onrechtmatig inspeelt op de bekommernissen voor het milieu van de maatschappij in haar geheel noch een mogelijk gebrek aan kennis in deze materie uitbuit". The claim "we use our waste CO<sub>2</sub> to grow flowers" misuses the fact that the general public does not have sufficient information to know that Shell's claim is vastly exaggerated.

#### **4. Specific claim: "we use ... our waste sulphur to make super strong concrete"**

We have not been able to find any references to Shell using sulphur to make concrete and feel that this information should be easily available to the public as public claims are being made.

Whilst Shell does recover and sell on much of its waste sulphur, in 2005 Shell produced 323,000 tonnes of sulphur<sup>7</sup>. The advert, however, implies Shell uses all of its waste

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<sup>5</sup> Detailed here [http://www.shell.com/home/Framework?siteId=aboutshell-en&FC2=&FC3=/aboutshell-en/html/iwgen/the\\_energy\\_challenge/meeting\\_the\\_energy\\_challenge/innovative technologies/co2\\_capture\\_storage\\_06112006.html](http://www.shell.com/home/Framework?siteId=aboutshell-en&FC2=&FC3=/aboutshell-en/html/iwgen/the_energy_challenge/meeting_the_energy_challenge/innovative_technologies/co2_capture_storage_06112006.html)

and here

[http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/key\\_issues\\_and\\_topics/global\\_environmental\\_issues/climate\\_change/zzz\\_lhn.html&FC3=/envandsoc-en/html/iwgen/key\\_issues\\_and\\_topics/global\\_environmental\\_issues/climate\\_change/cchange\\_in\\_sust\\_report\\_2005\\_12042006.html](http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/key_issues_and_topics/global_environmental_issues/climate_change/zzz_lhn.html&FC3=/envandsoc-en/html/iwgen/key_issues_and_topics/global_environmental_issues/climate_change/cchange_in_sust_report_2005_12042006.html)

<sup>6</sup> Ibid

<sup>7</sup> [http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/performance\\_data/environmental/zzz\\_lhn.html&FC3=/envandsoc-en/html/iwgen/performance\\_data/environmental/acid\\_gasses\\_and\\_vocs\\_01052006.html](http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/performance_data/environmental/zzz_lhn.html&FC3=/envandsoc-en/html/iwgen/performance_data/environmental/acid_gasses_and_vocs_01052006.html)  
[http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/performance\\_data/environmental/zzz\\_lhn.html&FC3=/envandsoc-en/html/iwgen/performance\\_data/environmental/acid\\_gasses\\_and\\_vocs\\_01052006.html](http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/performance_data/environmental/zzz_lhn.html&FC3=/envandsoc-en/html/iwgen/performance_data/environmental/acid_gasses_and_vocs_01052006.html)

sulphur to make concrete. This is incorrect and therefore misleading. Shell's emission of sulphur into the atmosphere causes severe pollution. For example:

a) In Durban Shell emits 7,300 tonnes of sulphur dioxide a year. It could recover and reuse much of this - a similar refinery using more up to date technology in Denmark emits six times less. Shell's emission of sulphur is causing health problems for its neighbours. Sulphur dioxide is a severe respiratory irritant which can trigger asthma attacks. There is significant incidence of chronic asthma amongst Durban residents, especially children.<sup>8</sup>

b) Gas flaring is a major source of Shell's sulphur emissions and Shell states that after 2002 sulphur emissions rose sharply in part due to "increased flaring of gas with high amounts of hydrogen sulphide (H<sub>2</sub>S) in Oman and Nigeria."<sup>9</sup> In Nigeria Shell illegally flares constantly. Sulphur, emitted as sulphur dioxide, combines with atmospheric moisture to form sulphuric acid - one of the primary causes of acid rain. Acid rain has caused devastation in the Niger Delta, acidifying lakes and streams, damaging and killing vegetation and crops and corroding building roofs.

c) Shell says the Athabasca Oil Sands Project in Canada is a major new source of sulphur emissions.<sup>10</sup> In his February 2007 Strategy Update, Shells' CEO Van der Veer spoke of long-term projects such the Canadian oil sands as being "the foundations for Shell in the first half of the 21st century." The production of synthetic crude oil from oil sands produces almost 2.5 times the sulphur emissions than conventional oil production.<sup>11</sup>

Shell is making exaggerated and therefore misleading claims. It violates article 4 of the Milieureclamecode. The advert does not state anywhere that the use of sulphur for making concrete only relates to a part of its sulphur.

It also constitutes a violation of article 1 of the Milieureclamecode. The claim "we use ... our waste sulphur to make super strong concrete" misuses the fact that the general public does not have sufficient information to know that Shell's claim is exaggerated.

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<sup>8</sup> Robbins et al, The Settlers Primary School Health Study, Draft Final Report, University Faculty of Medicine, Durban Institute of Technology's Department of Environmental Health, University of Michigan (USA), 2002

<sup>9</sup> [http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/performance\\_data/environmental/zzz\\_lhn.html&FC3=/envandsoc-en/html/iwgen/performance\\_data/environmental/acid\\_gasses\\_and\\_vocs\\_01052006.html](http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/performance_data/environmental/zzz_lhn.html&FC3=/envandsoc-en/html/iwgen/performance_data/environmental/acid_gasses_and_vocs_01052006.html)  
[http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/performance\\_data/environmental/zzz\\_lhn.html&FC3=/envandsoc-en/html/iwgen/performance\\_data/environmental/acid\\_gasses\\_and\\_vocs\\_01052006.html](http://www.shell.com/home/Framework?siteId=envandsoc-en&FC2=/envandsoc-en/html/iwgen/performance_data/environmental/zzz_lhn.html&FC3=/envandsoc-en/html/iwgen/performance_data/environmental/acid_gasses_and_vocs_01052006.html)

<sup>10</sup> ibid

<sup>11</sup> Pembina Institute from Canada, Oil Sands Fever, p. 46,