

Full title of law and regulation	The Passenger Car (Fuel Consumption and CO2 emissions information) Regulations 2001 relates to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars.
	<p><u>Scope:</u></p> <p>The Regulations apply to all new passenger cars (as well as those cars that do not emit CO2, hydrocarbons or carbon monoxide – to include battery electric and hydrogen fuel cell electric cars) (Reg. 4 Regs 2001, Reg. 3, 2013 amendment)</p> <p>VCA Guidance:</p> <p>http://www.dft.gov.uk/vca/additional/files/fcb--co2/enforcement-on-advertising/vca061.pdf</p> <p>The note 'is intended as guidance for enforcement officers, car dealers and car manufacturers about a few key issues arising from the Regulations. It is not an exhaustive guide to the meaning and effect of the Regulations. The note sets out DfT's view of some of the requirements of the Regulations. It is not offered as an authoritative legal interpretation of the meaning of the Regulations; this can only be provided by a Court of Law.'</p>
Title of relevant section	Schedule 4 of the Regulations; all of Guidance
Definition	<p>Promotional Material:</p> <p>Regulations 2001 provides rules on using fuel consumption figures in 'promotional material', defined as 'all printed matter used in the marketing, advertising and promotion of a new passenger car for sale or lease to the general public'. This includes advertisements and guidebooks, as well as material that is 'largely graphical with limited textual content (such as billboard posters)'. However, websites, workshop manuals or owners' handbooks do not fall within the definition of promotional literature and therefore are not affected by the Regulations (VCA Guidance; link below)</p> <p>http://www.dft.gov.uk/vca/additional/files/fcb--co2/enforcement-on-advertising/vca061.pdf</p>
Clauses	<p>From the Passenger Car Fuel Consumption and CO2 Emissions Information Regulations 2001, Schedule 4 and Vehicle Certification Agency Guidance). Marcoms must:</p> <ul style="list-style-type: none"> • Include fuel consumption and CO2 emissions data which must be: <ul style="list-style-type: none"> Easy to read Easily understandable No less prominent than the main content (Sch. 4 (5) Regs 2001) • Fuel consumption and CO2 emissions information should not be in a smaller font size than other text giving information on the vehicle such as specification, performance, warranty. This does not extend to the data being given equal prominence to the manufacturer's logo, images of the car, advertising slogans etc. VCA Guidance emphasises that the size of the font containing the fuel consumption information should not be smaller than the size of the font used to print the main message about the vehicle. The underlying principle is that CO2 and fuel consumption figures are given equal prominence to the main information section (VCA Guidance) • In the case of primarily graphical billboard advertisements, the information on fuel economy and CO2 emissions should be easily legible by a person standing on the opposite side of the road (VCA Guidance) • If the promotional literature applies to more than one model of the same brand, the figures provided must be either the official fuel consumption and CO2 emissions for every model, or the fuel consumption and CO2 emissions of the model with the lowest values and the model with the highest values (Sch. 4 (2) Regs 2001) • The official fuel consumption must be expressed in miles per gallon (mpg) and either in litres per 100 kilometres (l/100km) or kilometres per litre (km/l) or an appropriate

combination of these (Sch. 4 (3) Regs 2001)

- Official specific CO₂ emissions must be quoted to the nearest whole number in grams per kilometre (g/km); all other numerical data must be quoted to one decimal place (Sch. 4(4) Regs 2001)
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Adjudication and qualification

Clauses

- An ASA ruling ([Volkswagen Group UK Ltd t/a Audi, 27 March 2013](#)), has led to advice from the [CAP Executive](#) which states that advertisers using miles per gallon (MPG) figures to make efficiency claims should ensure that they are sufficiently explained, for example, by using the following qualification, or similar: "MPG figures are obtained from laboratory testing and intended for comparisons between vehicles and may not reflect real driving results"
 - The ASA held that fuel consumption figures would have to be qualified to acknowledge the fact that official figures may not reflect the actual fuel consumption achievable in "real world" driving conditions and that they should be used more as a comparative guide
 - CAP Copy Advice team advises that the ASA Council are likely to conclude that unqualified MPG references, wherever they appear in advertisements, may materially mislead or be likely to do so
 - Official specific CO₂ emissions must be quoted to the nearest whole number in grams per kilometre (g/km); all other numerical data must be quoted to one decimal place (Sch. 4(4) Regs 2001)
 - Also relevant are the Best Practice Principles from LowCVP, SMMT and ISBA: key extracts available here: <http://www.g-regs.com/downloads/UKBPPIISBA.pdf>
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Alternatively Fuelled Vehicles

Clauses

Electric Vehicles: The (Amendment) Regulations 2013 No. 65 removed Regulation 4 (b), which restricted the scope of the legislation to cars that emitted CO₂, hydrocarbons or carbon monoxide. As a result, battery electric and hydrogen fuel cell electric cars are now included within the scope of this legislation. It is necessary therefore, to declare the CO₂ and fuel consumption figures within all promotional material, albeit that the results will be "0" for CO₂ emissions, and "N/A" (not applicable) for fuel consumption data.

Electric plug-in hybrid vehicles: The Regulations do not specifically refer to electric plug-in hybrid vehicles. The requirements however, are that the 'official fuel consumption' and 'official specific emissions of CO₂ (as determined during the type approval process, and recorded on the Certificate of Conformity) be displayed. In the case of electric plug-in hybrid vehicles, the only fuel consumption figures available will be those obtained during the combined cycle (weighted) of the test. As no Urban or Extra Urban figures will be available, those categories do not need to be listed on promotional material for this type of vehicle but, if the Urban and Extra Urban categories are listed (including on the fuel efficiency label, where the Regulations are clear that they must be listed) they should be shown as "N/A" (not applicable)

CAP GUIDANCE

In October 2013, CAP issued advice on energy efficiency claims for electric and plug-in hybrid vehicles:

<http://cap.org.uk/Advice-Training-on-the-rules/Advice-Online-Database/Motoring-Electric-Vehicles.aspx>

More recent (May 2016) guidance on MPG claims is here:

https://www.cap.org.uk/News-reports/Media-Centre/2016/Insight-Pit-Stop-fill-up-on-MPG-claims-advice.aspx?utm_source=ASA+and+CAP+Master+list&utm_campaign=8ee95e5150-Insight-MPG-claims-Repeat-offenders-12-05-

[2016&utm_medium=email&utm_term=0_436cabcb](#)

Electric vehicles and hybrids are again covered in this advice:

- Marcoms must state significant limitations and qualifications. Qualifications may clarify but must not contradict the claims that they qualify. Qualifications must be presented clearly (3.9 and 3.10 CAP/ 3.10 and 3.11 BCAP)
- Reference the bullet point above, qualifying claims should be clear and legible; they should be prominent enough both to capture a reader's attention and to counter-balance potentially misleading primary claims (point 4 CAP Help Note Claims that require qualification. See linked document below for more on qualifications:

<https://www.asa.org.uk/advice-online/claims-that-require-qualification.html>
