

Decision of the ADVERTISING REGULATORY BOARD

Advertiser	TotalEnergies Marketing South Africa Pty Ltd
Consumer/Competitor	Consumer organization
File reference	4535 – TotalEnergies – FossilFuel SA
Outcome	Upheld
Date	7 May 2026

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged against TotalEnergies advertising for Excellium Diesel D10.

Description of the advertising

The Advertising takes the form of a web page on the Advertiser's website:

Choose Excellium Diesel D10, choose quality.

Introducing an innovative diesel offering from TotalEnergies - **Excellium Diesel D10**

Excellium Diesel D10 is designed to provide our customers with more kilometers on each tank, allowing them to go the extra mile without worrying about refueling frequently. By using Excellium Diesel D10, our customers can experience increased fuel efficiency, ultimately resulting in cost savings. Furthermore, Excellium Diesel D10 not only benefits our customers, but it also extends the lifespan of their engines. By using this advanced diesel product, the wear and tear on the engine components are reduced, resulting in a longer and more reliable engine life.

Discover the 3 in 1 power of our premium diesel

- **More Kilometres:** Using Excellium Diesel D10 will result in more kilometres benefit as it is specifically engineered to provide superior fuel efficiency
- **Lower CO₂ emissions:** Reduce polluting emissions by improving the performance of your engine.
- **Longer Engine lifespan:** The fuel contains special additives and detergents that help to keep the engine cleaner and prevent the formation of engine deposits. This leads to better engine performance and reduced wear and tear, ultimately extending the life of the engine.

Complaint

The Complainant states that: “*TotalEnergies’ advertising claims that Excellium Diesel D10 provides ‘lower CO₂ emissions by improving engine performance and delivering environmental benefits.’*” The Complainant holds that these claims are presented to consumers without necessary context, limitations, or substantiation, and are therefore potentially misleading.

They state that the claims are made without qualification, including no reference to the baseline fuel for comparison, no mention of the vehicle type, driving conditions or geographic context, and no disclosure of the limited scope of supporting test data.

The Complainant believes these claims constitute greenwashing as diesel is a fossil fuel with inherent CO₂ emissions, and any claimed efficiency gains are marginal and test specific, “*not a fundamental change in environmental impact*”.

The Complainant further believes that there is a lack of independent substantiation in the marketing of the product, in that the Ecosolutions test upon which the Advertiser’s findings

is apparently based show a 3.6% CO₂ reduction in specific test conditions on a Volkswagen T-Roc Euro 6 vehicle.

“South African marketing materials do not mention these conditions, misleading consumers into overestimating environmental benefits,” the Complainant states.

The Complainant further believes that the marketing omits to mention the full lifecycle CO₂ emissions of fossil diesel, the variability by vehicle type, driving conditions, fuel baseline, and the overall limited scale of the claimed reduction.

Finally, the Complainant believes that by highlighting *“lower CO₂ emissions”* without context, the marketing implies a general environmental advantage. The Complainant fears that public perception of the Advertiser’s products may overestimate climate benefits, and that this uninformed decision-making could encourage reliance on fossil fuels under the impression of sustainability.

Response

The Advertiser responded, *inter alia*, that its webpage is clear and not misleading, containing clear explanations of the benefits of the Excellium Diesel D10 fuel for engine performance, including reference to *“more kilometers on each tank”*, *“increased fuel efficiency”* and *“more kilometers benefit”*. The Advertiser believes that within this context, the expression *“lower CO₂ emissions: Reduce polluting emissions by improving the performance of your engine”* is reasonably understood by an average consumer as the direct and inherent consequence of improved engine performance. *“As is widely recognised, when an engine operates more efficiently and consumers less fuel to deliver the same level of performance, the amount of CO₂ emitted per kilometer decreases accordingly. This is a basic correlation and does not depend on specific numerical values or technical data.”*

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The Advertiser further states that it holds documentary evidence, providing information on the context of the test conducted, which are – as acknowledged by the Complainant – publicly and easily accessible on the EcoSolutions webpage dedicated to Excellium Diesel.

The Advertiser points out that the Excellium Diesel product factsheet available on the EcoSolution website indicates that “*results [are] obtained from open road RDE (Real Driving Emissions) tests conducted by the independent APL laboratory (Germany) in 2021 on a Volkswagen T-Roc Euro 6 vehicle. The reference fuel consumption of the vehicle was determined in a first series of RDE tests with standard diesel fuel (not specifically additivated). The vehicle was then driven 500 km with Excellium Diesel before its consumption was characterized again during a second series of RDE tests*”.

The Advertiser states that it is explicitly noted that results may vary depending on the type of vehicle.

The Advertiser further points out that the Complainant’s referenced ScienceDirect study, entitled “*Impact of fuel additives on the performance, combustion and emission characteristics of diesel engine charged by waste plastic bio-diesel*” focuses on the use of plastic waste as a biofuel for diesel engines and neither measures nor discusses CO₂. The Advertiser notes that the study concludes that additives and blends lead to performance improvements, without characterising those gains as “marginal” and without any climate or life-cycle analysis. It therefore cannot be relied upon, the Advertiser asserts, either to contradict a claim relating to CO₂ or to qualify the gains as “insignificant.” “*Any reading that goes beyond these findings reflects an external interpretation rather than the scientific conclusions drawn by the authors.*”

The Advertiser concludes that its webpage does not convey, whether expressly or implicitly, any claim regarding the significance of emissions reduction, nor does it suggest that Excellium Diesel D10 would be in the absolute a low-carbon or environmentally beneficial fuel. “The

statements remain relative and descriptive, are clearly contextualised by the other performance-related expressions presented on the same page and are further supported by transparent, publicly available documentation on the EcoSolutions website.”

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

- Section II, Clause 4.2.1 – Misleading Claims
- Section II – Clause 4.1 – Substantiation
- Appendix G – Environmental Claims

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

Jurisdiction

The Advertiser has noted that it is not a member of the ARB.

For the purpose of clarity, the Directorate notes that Clause 3.3 of the Memorandum of Incorporation of the ARB states:

“3.3 The Company has no jurisdiction over any person or entity who is not a member and may not, in the absence of a submission to its jurisdiction, require non-members to participate in its processes, issue any instruction, order or ruling against the non-member or sanction it. However, the Company may consider and issue a ruling to its members (which is not binding on non-members) regarding any advertisement regardless of by whom it is published to determine, on behalf of its members, whether its members should accept any advertisement before it is published or should withdraw any advertisement if it has been published.”

This position has been confirmed by the Supreme Court of Appeal, in a judgement against which leave to appeal to the Constitutional Court was refused.

The ARB will rule on whatever is before it when making a decision for the guidance of its members.

Merits

Clause 4.2.1 of Section II of the Code, which deals with “misleading claims” states that, *“Advertisements should not contain any statement or visual presentation which, directly or by implication, omission, ambiguity, inaccuracy, exaggerated claim or otherwise, is likely to mislead the consumer.”*

Clause 4.1 of Section II of the Code, which deals with “substantiation” states: *“Before advertising is published, advertisers must hold in their possession documentary evidence as set out in Clause 4.1, to support all claims, whether direct or implied, that are capable of objective substantiation.”*

The Directorate considered this clause of the Code in relation to the claims raised by the Complainant:

- **Reduces CO₂ emissions** due to improved engine performance.
- **Optimizes fuel efficiency**, implying environmental benefit.

The Directorate notes that the Complainant’s submissions are not that the claims are not technically true, but rather center on the implied environmental impact of the claims. The Complainant states, *“The Ecosolutions test data show a 3.6% CO₂ reduction in specific test conditions on a Volkswagen T-Roc Euro 6 vehicle...South African marketing materials do not mention these conditions, misleading consumers into overestimating environmental benefits.”*

It therefore appears to be common cause that there is a CO₂ reduction in the specific test performed. The question before the Directorate is whether the claims are communicated in a manner that causes the consumer to overestimate the environmental benefit of the claims.

The claim on the website is:

“Lower CO₂ emissions: Reduce polluting emissions by improving the performance of your engine.”

The Directorate further notes that the Complainant’s concern is that the consumer might be misled into thinking that “*public perception of the Advertiser’s products may overestimate climate benefits, and that this uninformed decision-making could encourage reliance on fossil fuels under the impression of sustainability.*”

The Directorate has considered the claim on the relevant webpage. There is no asterisk or disclaimer indicating that the lower CO₂ emissions are based on a particular test on a particular vehicle. It would appear from both the complaint and response that the testing that was done was particular to the vehicle, showed only a 3,6% lower emission and there is nothing to suggest that these results can be extrapolated to other vehicles. In addition, in order to access the relevant tests, one needs to go to another website. There is no link or indication of this in the advertising. Consumers are not alerted in any way to the relevant tests, the limitations of the claim, or the relevance of the claim to their own vehicles.

While the Directorate recognises that the Advertiser is fully entitled to claim this benefit, that has been supported by independent tests, it is of the opinion that the wording implies that every consumer is likely to experience the benefit by using the advertised fuel in their vehicle, This has not been substantiated. The advertising therefore needs to carry the relevant asterisk and/or disclaimer and enable the consumer to access the relevant information easily.

Given this, the advertising is in breach of Clause 4.2.1 of Section II.

It is unnecessary to consider the other clauses of the Code at this time.

Sanction

Members of the ARB are instructed not to accept advertising with the claim “**Lower CO₂ emissions:** Reduce polluting emissions by improving the performance of your engine” that does not contain a disclaimer or other link or alert to the relevant testing.