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Advertising to children



Summary

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Summary

Advertisements are a feature of modern life. In the UK, the [Advertising Standards Authority \(ASA\) regulates the content of advertising, sales promotions and direct marketing across all media](#), including marketing on websites. It does this by enforcing the Advertising Codes; there are separate codes for non-broadcast and broadcast advertisements. All adverts are expected to be “legal, decent, honest and truthful”.

The Advertising Codes contain strict rules to protect children (and young people) from potentially misleading, harmful, or offensive material. This is because children are less likely to be able to understand and process commercial messages in advertisements than adults. Children are also more likely to be adversely affected by “inappropriate, scary or offensive images”. There are, for example, advertising rules to:

- prohibit advertisements from depicting children in hazardous situations or encouraging them to engage in dangerous behaviour; and
- prevent advertisements from undermining parental authority or placing unfair pressure on children to buy products.

The advertising rules are regularly reviewed and updated by the ASA.

The ASA is independent of both the government and the advertising industry. Its remit includes acting on and investigating complaints about advertisements as well as proactively monitoring and acting against “misleading, harmful or offensive” advertisements, sales promotions, and direct marketing. If a complaint about an advertisement is upheld, the advertiser must withdraw or amend the advertisement and not use the advertising approach again. If the advertiser does not comply, the ASA has other sanctions at its disposal. All ASA adjudications are published.

There has been an ongoing debate about the effect of advertising on children. In recent years, the focus has shifted to the impact of adverts for foods high in fat, salt or sugar (HFSS) on levels of childhood obesity. Various campaign groups and health bodies are calling for tighter restrictions, particularly in respect of television and online advertising.

The previous Conservative government consulted in March 2019 and in the autumn of 2020 on proposals to extend restrictions on the advertising of HFSS products. The aim being to reduce the amount of HFSS advertising children are exposed to. The government published its response to both consultations on 24 June 2021. [It announced that new advertising restrictions would be implemented as part of its ongoing commitment to tackle childhood obesity:](#)

- A 9pm watershed for advertisements of HFSS foods, applicable to television and UK on-demand programmes.
- A prohibition on paid-for advertising of HFSS foods online.

Both restrictions are legislated for in the [Health and Care Act 2022](#), which received Royal Assent on 28 April 2022 and inserted new sections into the [Communications Act 2003](#).

To implement the new advertising restrictions, the previous government planned to bring forward secondary legislation. The restrictions were expected to come into force in January 2023, but they were postponed for a year and were then further delayed until 1 October 2025.

In the King's Speech on 17 May 2024, [the new Labour government announced that it would legislate to restrict advertising of HFSS food to children along with the sale of high caffeine energy drinks to children](#).

The primary aim of the [Online Safety Act 2023](#) is to protect children and to tackle illegal and harmful content online. There are stand-alone provisions in the Act dealing with fraudulent adverts in 'user-to-user' and 'search' services. Specifically, a requirement for the service provider to put in place proportionate systems and processes to prevent the risk of users encountering fraudulent adverts. The government said these new provisions would increase the protection of children (and others) from fraudulent online advertising.

This briefing looks at the current advertising regulatory system in the UK, with specific reference to advertising to children. It draws heavily on online information provided by the ASA. It also considers specific issues on advertising to children including advertisements placed close to schools, the use of sexualised imagery, child safety, the advertising of HFSS foods and age restricted products (such as betting and gaming products and e-cigarettes).

1 Regulation of advertising

1.1 Framework

The UK advertising regulatory system is a mixture of:

- self-regulation for non-broadcast advertising, and
- co-regulation for broadcast advertising

The [ASA is the UK's single independent advertising regulator in all mediums](#). It does this by enforcing the Advertising Codes; there are separate codes for non-broadcast and broadcast advertisements.

The Codes are designed to ensure that all advertising is “legal, decent, honest and truthful”. However, they also include prescriptive rules for sensitive products such as medicines and alcohol, as well as specific rules for advertising to children.

The Advertising Codes are written and maintained by two industry bodies:

- The Committee of Advertising Practice (CAP) is responsible for the [UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing](#), known as the “CAP Code”.
- The Broadcast Committee of Advertising Practice (BCAP) is responsible for the [UK Code of Broadcast Advertising](#), known as the “BCAP Code”.

On 1 March 2011, the online remit of the ASA was extended significantly to cover marketing communications on companies’ own websites and in other third-party space under their control, such as social networking sites like Twitter and Facebook. The [CAP Code applies in full to this space](#) (see below).

Crucially, the ASA acts independently of both government and industry.

1.2 Funding

The advertising regulatory system is funded entirely by the advertising industry by a levy on advertising spend. According to the ASA, the levy is currently set at 0.1% on the cost of buying advertising space and 0.2% on some direct mail.¹ This is collected at ‘arm’s length’ on behalf of CAP, BCAP

¹ [Our funding](#), Advertising Standards Authority, undated, (accessed 19 July 2024)

and the ASA by two bodies: the [Advertising Standards Board of Finance](#) and the [Broadcast Advertising Standards Board of Finance](#).

1.3

Scope of the ASA's remit

Advertisements covered by the ASA

The ASA will deal with most types of broadcast and non-broadcast advertisements but not all. The types of advertisements that the ASA will deal with are set out in Box 1 below.

Box 1: Types of advertisements regulated by the ASA

The types of advertisements that the ASA will cover, include:

- Magazine and newspaper advertisements
- Radio and TV commercials (not programmes or programme sponsorship)
- Television Shopping Channels
- Advertisements on the Internet, including:
- Banner and display advertisements
- Paid-for (sponsored) search
- Marketing on companies' own websites and in other space they control like social networking sites (Twitter and Facebook)
- Commercial e-mail and SMS text message advertisements
- Posters on legitimate poster sites (not fly posters)
- Leaflets and brochures
- Cinema commercials
- Advertising within smartphone and tablet apps
- Direct mail (advertising sent through the post and addressed to the homeowner personally)
- Door drops and circulars (advertising posted through the letter box with the homeowner's name on)
- Advertisements on CD ROMs, DVD and video, and faxes
- Sales promotions, such as special offers, prize draws and competitions wherever they appear
- Online behavioural advertising

The ASA also regulates so-called "Online Behavioural Advertising" (OBA). This is the practice of collecting information from web browsers so that it can be used to present online advertisements that are more relevant to a computer user (i.e. a potential customer). The ASA oversees rules contained in the CAP Code which requires businesses to make it clear when they are collecting and

using information for OBA, and to provide a tool so that individuals can choose not to receive it.²

1.4 Advertisements not covered by ASA

As outlined in Box 2 (below), certain areas of complaint are outside the remit of the ASA.³

Box 2: Types of advertisements not covered by the ASA

- **Credit advertising** – The ASA has powers to investigate financial advertising on television and radio, but complaints about product-related claims in non-broadcast adverts for credit products (such as credit cards, store cards, personal loans and secured loans) should be made to the [Financial Conduct Authority](#).
- **Financial advertising** – Complaints about product-related claims in non-broadcast advertisements for mortgages, general insurance, investments, pensions, cash savings and bank accounts are dealt with by the [Financial Conduct Authority](#).
- **Data protection and freedom of information** – The ASA can investigate complaints about the use of personal data for marketing by mail, fax, and some e-mail as well as the content of advertising that uses those media. However, data protection and freedom of information legislation are enforced by the [Information Commissioner's Office](#).
- **Direct mail, telemarketing calls and fax marketing** – To reduce the amount of direct mail received, the recipient should contact the [Mailing Preference Service](#) (MPS).
- **Discrimination on the grounds of race, sex, age or disability** – Advice on discrimination in advertisements and equality law is available from the [Equality and Human Rights Commission](#).
- **Editorial content** – Complaints about the editorial content of newspapers and magazines should be properly addressed to the [Independent Press Standards Organisation](#) (IPSO); complaints about the editorial content of television and radio programmes (including on the BBC) should be addressed to [Ofcom](#); complaints about the editorial content of BBC programmes can also be sent to [BBC Complaints](#).

² [What we cover](#), Advertising Standards Authority, undated, (accessed 19 July 2024)

³ As above

- **Fly posting** – Since most fly posting is illegal complaints should be addressed to the relevant local council.
- **Fundraising** - The ASA regulates advertisements that refer to fundraising, but complaints about fundraising in general (for example on-street collections) should be addressed to the [Fundraising Regulator](#).
- **Misleading claims displayed on shop shelves or at till points** - This should be reported to the relevant local authority [Trading Standards](#) office. However, the ASA can investigate complaints about any leaflets or brochures that can be taken away from a store; it can also consider complaints about sales promotions that appear in-store.
- **Medicines** - The ASA can investigate complaints about most medicines advertising. However, depending on the nature of the complaint, it may refer the matter to the [Medicines and Healthcare products Regulatory Agency](#) (MHRA).
- **Phone-paid services** - [Phainopepla's](#) (not the ASA) is the organisation that regulates phone-paid services in the UK (the services and goods that can be bought by charging the cost to a phone bill and pre-pay accounts. These include helplines, competitions, downloads, TV voting, news alerts, charitable donations and interactive games).
- **Political advertising** - All complaints of political bias in television or radio advertising should be made to [Ofcom](#). On its website the ASA states that for reasons of freedom of speech, its remit does not extend to non-broadcast advertisements where the purpose of the advert is to persuade voters in a local, national or international electoral referendum. Complaints about political advertising should be made directly to the party responsible for that advertising.
- **Products, services and contractual disputes** - Companies' trading practices, contractual matters, the quality of goods and services, claims on packaging and trade names are all dealt with by local authority [Trading Standards](#).
- **Shop window displays** - Misleading claims in shop window displays should be reported to the relevant local authority [Trading Standards office](#). However, trading standards departments do not investigate complaints about taste and decency. If a member of the public finds a shop window display offensive, they are advised to take it up with the shop in the first instance.
- **Television and radio programme sponsorship** - Programme sponsorship (where the name of the programme sponsor is announced in a 'credit' at the beginning and end of a programme, and when breaks occur in the programme). Complaints of this nature should be properly addressed to [Ofcom](#).

2

British advertising Codes

A self-regulatory system operates in respect of non-broadcast advertising under the [UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing](#), known as the “CAP Code”. Non-broadcast advertising includes adverts published in the press, in leaflets, in magazines, in direct mail, or displayed on posters or billboards. It also includes commercial email and text messages and paid for space on the internet.

For broadcast advertising, a co-regulatory partnership exists between the ASA and [Ofcom](#). All broadcast advertising is subject to the [UK Code of Broadcast Advertising](#) (the ‘BCAP Code’). Broadcast advertising includes programme sponsorship credits on radio and television services licensed by Ofcom. It also includes teleshopping, content on self-promotional television channels, television text and interactive tv ads.

Compliance with the appropriate Advertising Code is mandatory.

2.1

Special rules for sensitive products

The Advertising Codes contain wide-ranging rules designed to ensure that advertising is socially responsible and conform with fair competition principles. These broad principles apply regardless of the product being advertised. In addition, the Codes contain special rules for specified ‘sensitive’ products, such as:

- alcohol
- tobacco
- electronic cigarettes (vapes)
- HFSS foods
- weight control and slimming products
- financial products
- gambling
- medicines
- medical devices
- health-related products
- beauty products

These special rules sit on top of the general Code provisions that all advertisements must not “mislead, harm or offend”. In effect, they add an extra layer of protection.

2.2

Special rules for children

Non-broadcast advertising

The underlying principle for non-broadcast advertising (under the [CAP Code](#)) is that care should be taken when featuring or addressing children in marketing communications. A child is deemed to be someone under 16.

The way in which children perceive and react to marketing communications is influenced by their age, experience, and the context in which the message is delivered. Marketing communications that are acceptable for young teenagers will not necessarily be acceptable for younger children. The ASA will take those factors into account when assessing whether a marketing communication complies with the Code.

Box 3 below sets out the main rules about advertising to children.

Box 3: CAP Code: rules on advertising to children**Harm**

5.1 Marketing communications addressed to, targeted directly at or featuring children must contain nothing that is likely to result in their physical, mental or moral harm.

5.1.1 Children must not be encouraged to enter strange places or talk to strangers.

5.1.2 Children must not be shown in hazardous situations or behaving dangerously except to promote safety. Children must not be shown unattended in street scenes unless they are old enough to take responsibility for their own safety. Pedestrians and cyclists must be seen to observe the Highway Code.

5.1.3 Children must not be shown using or in close proximity to dangerous substances or equipment without direct adult supervision.

5.1.4 Children must not be encouraged to copy practices that might be unsafe for a child.

5.1.5 Distance selling marketers must take care when using youth media not to promote products that are unsuitable for children.

Credulity and unfair pressure

5.2 Marketing communications addressed to, targeted directly at or featuring children must not exploit their credulity, loyalty, vulnerability or lack of experience.

5.2.1 Children must not be made to feel inferior or unpopular for not buying the advertised product.

5.2.2 Children must not be made to feel that they are lacking in courage, duty or loyalty if they do not buy or do not encourage others to buy a product.

5.2.3 It must be made easy for children to judge the size, characteristics and performance of advertised products and to distinguish between real-life situations and fantasy.

5.2.4 Adult permission must be obtained before children are committed to buying complex or costly products.

5.3 Marketing communications addressed to or targeted directly at children.

5.3.1 Must not exaggerate what is attainable by an ordinary child using the product being marketed.

5.3.2 Must not exploit children's susceptibility to charitable appeals and must explain the extent to which their participation will help in any charity-linked promotions.

Direct exhortation and parental authority

5.4 Marketing communications addressed to or targeted directly at children.

5.4.1 Must not actively encourage children to make a nuisance of themselves to parents or others and must not undermine parental authority.

5.4.2 Must not include a direct exhortation to children to buy an advertised product or persuade their parents or other adults to buy an advertised product for them.

5.5 Marketing communications that contain a direct exhortation to buy a product via a direct-response mechanism must not be directly targeted at children. Direct-response mechanisms are those that allow consumers to place orders without face-to-face contact with the marketer.

Promotions

5.6 Promotions addressed to or targeted directly at children.

5.6.1 Must make clear that adult permission is required if a prize or an incentive might cause conflict between a child's desire and a parent's or other adult's authority.

5.6.2 Must contain a prominent closing date if applicable (see rule 8.17.4).

5.6.3 Must not exaggerate the value of a prize or the chances of winning it.

5.7 Promotions that require a purchase to participate and include a direct exhortation to make a purchase must not be addressed to or targeted at children.

Broadcast advertising

The underlying principle for broadcast advertising (under the BCAP Code) is that children must be protected from advertisements that could cause physical, mental or moral harm. A child is deemed to be someone under 16.

The context in which an advertisement is likely to be broadcast, and the likely age of the audience, must be considered to avoid unsuitable scheduling. Advertisements that are suitable for older children and young persons but could distress younger children must be sensitively scheduled or placed.

In a nutshell, care must be taken when scheduling advertisements that could frighten or distress children or could otherwise be unsuitable for them: those advertisements should not be scheduled or placed in or around children's programmes or in or around programmes likely to be seen by significant numbers of children. Care must also be taken when featuring children in advertisements.

Box 4 below sets out the main rules about advertising to children.

Box 4: BCAP Code: rules on advertising to children

5.1 Advertisements that are suitable for older children but could distress younger children must be sensitively scheduled (see Section 32: Scheduling).

5.2 Advertisements must not condone, encourage or unreasonably feature behaviour that could be dangerous for children to emulate. Advertisements must not implicitly or explicitly discredit established safety guidelines. Advertisements must not condone, encourage or feature children going off alone or with strangers. (This rule is not intended to prevent advertisements that inform children about dangers or risks associated with potentially harmful behaviour.)

5.3 Advertisements must not condone or encourage practices that are detrimental to children's health.

5.4 Advertisements must not condone or encourage bullying.

5.6 Advertisements must not imply that children are likely to be ridiculed, inferior to others, less popular, disloyal or have let someone down if they or their family do not use a product or service.

5.7 Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead; for example, by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service.

5.8 Child actors may feature in advertisements, but care must be taken to ensure that those advertisements neither mislead nor exploit children's inexperience, credulity or sense of loyalty.

5.9 Advertisements must not include a direct exhortation to children to buy or hire a product or service or to persuade their parents, guardians or other persons to buy or hire a product or service for them.

5.10 Advertisements that promote a product or service and invite consumers to buy that product or service via a direct response mechanism must not be targeted

directly at children. Direct-response mechanisms are those that allow consumers to place orders without face-to-face contact with the supplier.

5.11 If it includes a price, an advertisement for a children's product or service must not use qualifiers such as "only" or "just" to make the price seem less expensive.

5.12 Television only – Advertisements for a toy, game or comparable children's product must include a statement of its price or, if it is not possible to include a precise price, an approximate price, if that product costs £30 or more.

5.13 Advertisements for promotions targeted directly at children:

5.13.1 Must include all significant qualifying conditions

5.13.2 Must make clear if adult permission is required for children to enter.

Advertisements for competitions targeted directly at children are acceptable only if the skill required is relevant to the age of likely participants and if the values of the prizes and the chances of winning are not exaggerated.

5.14 Promotions that require a purchase to participate and include a direct exhortation to make a purchase must not be targeted directly at children.

Advertisements for promotions directly targeted at children should comply with Section 28: Competitions.

3 Role of ASA

3.1 Monitoring and compliance

Compliance with the appropriate Advertising Code is mandatory. The ASA will investigate complaints from the public and industry about adverts that appear to be in breach of the rules. All upheld adjudications are strictly enforced by the ASA (see below).

In addition to dealing with complaints, the ASA is required to monitor the media to make sure that the Codes as well as its rulings are adhered to. If its compliance team find a breach, they will contact the company or broadcaster responsible and seek an assurance that the advertisement will be changed.

The ASA also conducts regular compliance surveys into specific media or industry sectors to ensure the Codes are being followed in those areas. Advertisements that appear to be in breach of the Codes are either amended or removed.⁴

3.2 Adjudications and sanctions

The ASA Council is the body that adjudicates on complaints. If a complaint is upheld, then the advertisement must be withdrawn or amended. Adjudications are published on the ASA website, where they remain for five years.

According to the ASA, most advertisers and broadcasters comply with its rulings. There are consequences for those who do not comply:

[...] for the small minority of advertisers who are either unable or unwilling to work with us, some of the sanctions at our disposal can have negative consequences.

One of our most persuasive sanctions is bad publicity – an advertiser's reputation can be badly damaged if it is seen to be ignoring the rules designed to protect consumers.⁵

⁴ [Our proactive work](#), Advertising Standards Authority, undated, (accessed 19 July 2024)

⁵ [Sanctions](#), Advertising Standards Authority, undated, (accessed 19 July 2024)

Sanctions: non-broadcast advertisements

In respect of non-broadcast advertisements, most sanctions are coordinated through CAP (whose members are trade associations representing advertisers, agencies, and media). As outlined in Box 5 below, there are several sanctions which can be employed in different circumstances.

Box 5: ASA sanctions for breach of CAP Code

If a non-broadcast advertisement is found to be in breach of the CAP Code, one or more of the following sanctions might be employed depending on the circumstances:

- **Ad Alerts** – CAP can issue alerts to its members, including the media, advising them to withhold services such as access to advertising space.
- **Withdrawal of trading privileges** – CAP members can revoke, withdraw or temporarily withhold recognition and trading privileges. (For instance, the Royal Mail can withdraw its bulk mail discount, which can make running direct marketing campaigns prohibitively expensive).
- **Pre-vetting** – The ASA can require persistent or serious offenders to have their marketing material vetted before publication. This pre-vetting can last for two years.
- **Sanctions in the digital space** – CAP has additional sanctions that can be invoked to help ensure marketers' claims on their own websites, or in other non-paid-for space under their control, comply with the Codes. Specifically, CAP can ask internet search websites to remove a marketer's paid-for search advertisements when those advertisements link to a page on the marketer's website that hosts non-compliant marketing communications. Marketers may face adverse publicity if they cannot or will not amend non-compliant marketing communications on their own websites or in other non-paid-for space online under their control. Their name and non-compliance may be featured on a dedicated section of the ASA website and, if necessary, in an ASA advertisement appearing on an appropriate page of an internet search website.

Importantly, for misleading or unfair advertising, the ASA can refer the matter to Trading Standards to take action under the [Consumer Protection from Unfair Trading Regulations 2008](#) (CPUTR 2008).⁶ For the ASA, Trading Standards acts as its “legal backstop”. It will normally make a referral in circumstances where ASA's sanctions have not deterred a marketer from

⁶ Trading Standards might also act under the [Business Protection from Misleading Marketing Regulations 2008](#), SI 2008 No.1276

continuing with misleading advertising. It is for Trading Standards to decide whether to investigate or take any enforcement action.

Sanctions: broadcast advertisements

In respect of broadcast advertisements, the responsibility to withdraw, change or reschedule a commercial, lies with the broadcasters. This is because broadcasters are obliged by a condition of their broadcast licences to enforce ASA rulings. If a broadcaster persistently runs an advertisement that is in breach of the BCAP Code, the ASA may refer the broadcaster to Ofcom. [Ofcom can impose fines and even withdraw a broadcaster's licence.](#)

Although the obligation to comply with the BCAP Code rests with the broadcaster, advertisers also suffer consequences if their advertisements breach the rules (see Box 6 below).

Box 6: Sanctions for breach of BCAP Code

If a broadcast advertisement is found to be in breach of the BCAP Code, one or more of the following sanctions might be employed depending on the circumstances:

- Broadcasters cannot show advertisements that breach the BCAP Code. If an ad is banned, advertisers might lose prime advertising slots.
- Advertisers will have wasted hundreds of thousands of pounds making the banned advertisement and have lost the revenue that the ad might have generated.
- **Advertisers and the brand** might be subjected to bad publicity generated by an upheld complaint to the ASA.

3.3

Challenging an ASA adjudication

In certain circumstances, advertisers or complainants (often a member of the public) can request a review of the ASA Council's adjudication. Both sides have 21 days in which to ask the [Independent Reviewer of ASA adjudications](#) to review the case, but they must be able to show a substantial flaw in the process or adjudication.⁷

If a request is accepted (in whole or in part), the Independent Reviewer will invite comments from all interested parties. At the end of the investigation, the Independent Reviewer may ask for the ASA Council to reconsider its

⁷ Full terms of reference of the independent review procedure are set out in the CAP and BCAP Codes

ruling. The Council's adjudication on reviewed cases is final. Adjudications that are revised following a review will be republished on the ASA website.

The ASA is recognised by the court as being a public organisation for the purposes of Judicial Review. However, there are strict time limits in which to bring Judicial Review proceedings.

4 Protecting children

4.1 ASA's position

The Advertising Codes contain rules specifically designed to protect children. For the purposes of both Codes, a child is defined as being under 16 years old. The Codes contain rules on targeting children and young people and reflect the [Consumer Protection from Unfair Trading Regulations 2008](#) which protect children (as well as adults) from unfair trading practices, including being misled, exploited, or harmed by advertising.

On its [website the ASA states that the protection of children sits at the heart of the Advertising Codes](#). Due to their lack of experience, children are less well equipped to understand and process commercial messages in adverts than adults, “they are also often more sensitive and likely to be adversely affected by inappropriate, scary or offensive images”.⁸ As such, there are strict rules in place to protect them.

Rules state that advertisements addressed to, or targeted directly at, or featuring children should not contain anything that is potentially misleading or likely to result in their physical, mental or moral harm. The ASA explains the regulatory position as follows:

Generally speaking, there is no blanket prohibition on advertising products to children, but marketers should not make a direct appeal to children to buy products or persuade their parents or other adults to buy for them. Similarly, you should not encourage children to make a nuisance of themselves nor undermine parental authority.

As well as this, you must clearly present the main characteristics of the offer/product, ensure you are clear about any commitments and include a clear statement if adult permission is necessary. It is always important to consider a child's age and experience in considering how they may understand marketing communications. Generally, ads targeting children must not exploit their credulity, loyalty, vulnerability or lack of experience.

While it is acceptable for ads to present products to children in a positive light, they should avoid suggesting that a child might be unpopular, disloyal, or lacking in courage by not owning or buying the featured product.⁹

The rules prohibit adverts from depicting children in hazardous situations or encouraging them to engage in dangerous behaviour. They prevent ads from

⁸ [Children and the vulnerable](#), Advertising Standards Authority, undated, (accessed 19 July 2024)

⁹ [Making advertising to children child's play](#), Advertising Standards Authority-CAP News, 25 November 2020

undermining parental authority or placing unfair pressure on children to buy products. The rules are regularly reviewed and updated taking into consideration latest research and advertising techniques.

Advertisements should be targeted responsibly and appropriately, with consideration being given to the likely effect the image or language used might have on children. In recent years, the advertising rules surrounding HFSS products and alcohol have been significantly tightened in response to public concerns about childhood obesity and underage drinking (see below).

When investigating whether advertisements that appear in print media are appropriate for children to see, the ASA will consider the context in which they appear. A risqué advertisement in an untargeted space, such as a billboard, is likely to raise more concerns than if it appears in a targeted medium, such as a women's magazine where children are less likely to see it.

Television and radio advertisements for certain products (e.g., age-restricted video games or alcohol) or those that contain "adult, scary or harmful" themes, must be scheduled away from programmes or times when children may be watching or listening.

As well as ensuring that advertisements targeted at, or of interest to, children are strictly regulated, the ASA ensure that advertisements aimed at adults do not cause harm or distress to children or young people. This would include, for example, ensuring that advertisements for films do not encourage or condone knife or gun use and that advertisements do not encourage young people to copy irresponsible behaviour.

Social responsibility

As outlined above, in March 2011, the online remit of the ASA was extended to cover marketing on companies' own websites and in other online space under their control – such as Twitter and Facebook. In extending the ASA's remit, the aim is to protect children and young people when interacting with the online commercial world.

The crucial point to note is the over-arching **social responsibility clause** in both the broadcast and non-broadcast Advertising Codes. On occasions, where an advertisement adheres to the letter of a code but runs contrary to the spirit in which it was intended and is, as a result, socially irresponsible, the ASA can have it withdrawn. In effect, the social responsibility clause provides a "catch-all" for the unexpected or unintended advertisement. It benefits all consumers but is especially important in providing greater scope to the ASA to protect children.

4.2

Children's recognition of advertising

The CAP Code states marketing communications must be obviously identifiable as such. However, it is recognised that this can "pose a challenge for advertisers when it comes to younger children whose cognitive

development is in its early ages”.¹⁰ In April 2017, the CAP published guidance on [Recognition of advertising: online marketing to children under 12](#) (PDF). This guidance took effect from 1 December 2017.¹¹

The guidance focuses on situations where online marketing directed at under-12s are likely to require “enhanced” disclosure to ensure recognition. The [introduction to the guidance states](#):

Where an ad is highly immersive or significantly integrated into the surrounding content and unlikely to be identified clearly from the context in which it appears, disclosures should be prominent, interruptive and adequately indicate the commercial intent.¹²

The CAP explained its approach as follows:

In 2016, CAP looked at the evidence of how children recognise online ads. Most of the time, even young children have a grasp of the signifiers that identify ads. Understanding that there is a commercial intent behind a communication allows children to assess the messages critically and respond appropriately. Evidence suggests that under-12s struggle to identify more embedded or immersive types of online ad.

The [guidance](#) requires marketers to take extra care when specifically targeting this group and take steps to help children to recognise that they’re seeing or hearing and engaging/interacting with an ad. Examples of where the guidance is likely to apply include:

- endorsements by vloggers or bloggers or other online ‘influencers’ where the endorsement is paid for and controlled by the advertiser
- video content on third-party sites where the video has the effect of promoting products or a brand
- marketing communications appearing in virtual online worlds and other games
- display advertising or other types of advertising that is, by its nature or design, not clearly separated from the surrounding content
- and advertiser-created games appearing on third-party websites.

The remedy is clearer disclosure.¹³

In effect, advertisers must take steps to disclose the commercial intent of a communication if it is not clear from the form of the advertisement or its wider context. According to the guidance, the exact approach will vary for different platforms or type of marketing communication. However, in principle, disclosure should

¹⁰ As above

¹¹ [Recognition of Advertising: Online Marketing to Children Under 12](#), Advertising Standards Authority, 28 April 2017

¹² As above

¹³ [Children’s recognition of advertising](#), CAP News, 30 November 2017

be “prominent, interruptive and sufficient” to identify the marketer and the commercial intent:

If children are unlikely to grasp the commercial intent because the usual signifiers are not there, marketers need to give them a helping hand.¹⁴

¹⁴ As above

5 Specific issues

5.1 Advertisements close to schools & play areas

Once planning consent has been granted for an advertising hoarding, local authorities generally have no control over the subject matter of advertisements. Complaints about the content of a billboard or poster advertisement falls under the remit of the CAP Code and are directed to the ASA.

The placement of an advertisement will have a direct bearing on whether the ASA will judge it to be acceptable. An advert might be acceptable to the ASA if it appears in a magazine intended to be read by an adult but might be unacceptable if it appears on a billboard.

The University of Glasgow has published work exploring children's exposure to unhealthy advertising at bus stops¹⁵ and tobacco retailers.¹⁶ Both studies used advanced methodologies by inviting children to wear GPS devices to measure real exposure.

5.2 Sexualised imagery

The Advertising Codes do not prevent marketers from using images of children, but such images must be used in a socially responsible manner.

In 2011, the Department for Education published a report, [Letting Children be Children](#), highlighting concerns about the sexualisation and commercialisation of children.¹⁷ In response to this report, 'sexually suggestive' billboard posters must carry a placement restriction, ensuring they do not appear within 100 metres of a school.

¹⁵ [Exposure to unhealthy product advertising: Spatial proximity analysis to schools and socio-economic inequalities in daily exposure measured using Scottish Children's individual-level GPS data](#), Jonathan R. Olsen, Chris Patterson, Fiona M. Caryl, Tony Robertson, Stephen J. Mooney, Andrew G. Rundle, Richard Mitchell, Shona Hilton, Science Direct, volume 68, March 2021, 102535

¹⁶ [Socioeconomic inequalities in children's exposure to tobacco retailing based on individual-level GPS data in Scotland](#), Fiona Caryl, Niamh K Shott, Jamie Pearce, Garth Reid, Richard Mitchell, Tobacco Control, (2020), BMJ, Volume 29, Issue 4

¹⁷ Department of Education, [Letting Children be Children – Report of an Independent Review of the Commercialisation and Sexualisation of Childhood](#) (PDF), Reg Bailey, Cm 8078, June 2011

On 2 January 2018, [rule 4.8](#) and [rule 4.13](#) were added to the CAP and BCAP Codes respectively. Under these rules, advertisements should not portray or represent anyone who is, or seems to be, under 18 years old in a sexual way.¹⁸ [In published guidance, the ASA said that when assessing advertisements, it would consider whether models “seem” to be younger than 18, as well as their real age](#), “It is not acceptable to present models in a sexual way if they could appear to be under 18, even if they are over 18”.¹⁹ In addition, symbols of youth, such as school uniforms, “strongly risk being unacceptable” in an advertisement “if used in a sexual context”.²⁰

5.3 Fear and distress

Marketers are expected to take care that their adverts are not likely to cause fear or distress to children. Specifically, [rule 5.1 of the CAP Code](#) prohibits advertisers from using anything in their advertising which is likely to result in children’s physical, mental or moral harm. This means that marketers must ensure that any adverts that do contain frightening or disturbing imagery are not targeted at children or in a medium where they are likely to be seen by children. Since children are regarded as being particularly at risk from online marketing, including social media and apps, marketers are expected to make use of age restriction tools where applicable.

Under [rule 5.1 of the BCAP Code](#), broadcast advertisements that are suitable for older children but could distress younger children must be sensitively scheduled.

5.4 Child safety

Under [rules 5.1.1 to 5.1.5](#) of the CAP Code, marketers must avoid advertising that encourages children to engage in unsafe activities (eg entering strange places or talking to strangers), or show children in hazardous situations or behaving dangerously.

Similarly, under [rule 5.2 of the BCAP Code](#), broadcast advertisements must not condone, encourage or unreasonably feature behaviour that could be dangerous for children to emulate. Advertisements must not implicitly or explicitly discredit established safety guidelines. Advertisements must not condone, encourage or feature children going off alone or with strangers.²¹

¹⁸ This does not apply to advertisements whose principal function is to promote the welfare of, or to prevent harm to, under 18s provided any sexual portrayal or representation is not excessive

¹⁹ [Children: sexual imagery](#), Advertising Standards Authority, 24 June 2024

²⁰ As above

²¹ This rule is not intended to prevent broadcast advertisements that inform children about dangers or risks associated with potentially harmful behaviour

Under [rule 5.3](#), advertisements must not condone or encourage practices that are detrimental to children's health.

In short, given the risk of emulation, advertisements in general (regardless of whether they are targeted at children) should not include children taking part in unsafe activities.

Online Safety Act

The primary aim of the [Online Safety Act 2023](#) is to protect children and to tackle illegal and harmful content online. Sections 38 to 40 deal with fraudulent adverts in 'user-to-user' services²² and search services.²³ There is a statutory duty on the service provider to put in place proportionate systems and processes to prevent the risk of users encountering fraudulent adverts.²⁴

Importantly, the Act extends to advertising content which takes the form of organic, 'user-generated content' (ie promotional content posted by a company on its social media page, or influencer content promoting products and services). The previous government said these new provisions will increase the protection of children (and others) from fraudulent online advertising.

Detail on the background to the Act is provided in a separate briefing prepared for second reading of the bill in the House of Commons, [Analysis of the Online Safety Bill](#).²⁵

5.5

Age restricted products

Various products are subject to a minimum legal age of purchase, for example, fireworks and sparklers, aerosol paint, corrosive substances, petrol and diesel, alcohol, tobacco, electronic cigarettes, lottery tickets, and knives, axes and blades. The ASA requires advertisers to take extra care with ads for age-restricted products and not to target children.

Those advertising age restricted products must ensure they are not directing their adverts at children and young people through the selection of media, style of presentation, content or context in which they appear. The ASA explains the rules as follows:

Generally, no medium with an audience that is more than 25% under 16 should be used to advertise HFSS products and not more than 25% under 18 for alcohol and gambling. It is, obviously, never acceptable to include an under-age consumer in a directly targeted audience/ mailing list for such products.

When it comes to social media, as well as taking audience composition-based steps to prevent users who are registered as under age from viewing age-

²² 'User-to-user' means an internet service that allows content generated directly on the service, or uploaded to or shared on the service, by a user, to be encountered by another user, or other users

²³ A 'search service' is a service that is or includes a search engine

²⁴ [Sections 38 & 39 of the Online Safety Act 2023](#)

²⁵ [Analysis of the Online Safety Bill](#) (PDF), House of Commons Library, CBP 9506, 8 April 2022

restricted ads, the ASA is likely to expect marketers to make full use of any tools available to them, such as [interest-based targeting](#) and any linked external data, to ensure that ads are targeted at age-appropriate users, particularly given that it is possible for younger users to misreport their age.

Where such tools are available, the ASA has ruled that the general 25% consideration in the targeting rule does not apply. As many social media ads can be (and usually are) targeted at a defined set of users, the ASA does not consider it relevant that less than 25% of the total platform audience is under-age and expect marketers to be taking all reasonable steps to exclude under-age consumers from the targeted audience.²⁶

In April 2017, the ASA published [Guidance on placing non-broadcast ads](#).²⁷ With children spending more time online, the ASA required advertisers of age-restricted products to target their ads towards appropriate audiences and away from protected age groups.

The ASA regularly monitors ads for age-restricted products to protect vulnerable audiences. Regarding broadcast ads, the ASA reports on children's television ad exposure biannually. The aim being to ensure that strict scheduling restrictions effectively limit children's exposure. [The latest monitoring report was published on 23 May 2024](#) and shows a continued decrease in children's exposure to gambling and alcohol ads on television.²⁸ The report also includes data on children's exposure to HFSS products.

The ASA also monitors non-broadcast ads. Between April and June 2020, the ASA used monitoring tools to capture ads for certain age-restricted products on a sample of over 50 websites and YouTube channels.²⁹ It found that:

- Overall, 159 age-restricted ads broke the advertising rules
- In total, 35 advertisers placed age-restricted ads in 34 websites and 5 YouTube channels media aimed at or attracting a disproportionately large child audience.³⁰

The ASA published its monitoring and enforcement report, [Protecting Children in Mixed-age Online Media](#) (PDF), on 29 July 2021.³¹ It called on advertisers to make better use of audience and media targeting tools to minimise children's exposure to age-restricted ads:

The findings of this Report suggest marketers of age-restricted products and third parties which play a part in distributing these ads online, could do more

²⁶ [Children: Targeting](#), Advertising Standards Authority, 14 March 2023

²⁷ [New guidance on placing non-broadcast ads](#), CAP News, 13 April 2017

²⁸ [Children's exposure to age-restricted TV ads: 2023 update](#) (PDF), Advertising Standards, 23 May 2024

²⁹ [Protecting children online – building a zero-tolerance culture to age-restricted ads in children's media](#), ASA News, 26 August 2020, see also [Protecting Children Online – Monitoring ad breaches that occurred on children's websites and YouTube channels in Q2 2020](#) (PDF), Advertising Standards Authority, undated, (accessed 19 July 2024)

³⁰ As above

³¹ [Protecting Children in Mixed-age Online Media – Targeting Age-restricted ads away from children – An ASA Monitoring and Enforcement Report](#) (PDF), Advertising Standards Authority, undated, (accessed 19 July 2024)

to demonstrably skew these ads away from child and age-unknown audiences, in line with [CAP Guidance on Age-Restricted Ads online](#).³²

The ASA said its goal was to “build a culture of zero tolerance for age-restricted ads appearing on websites aimed at children”.³³

In November 2022, the ASA published [Advertising Guidance: Age-restricted ads online](#).³⁴ This guidance outlines steps advertisers can take to avoid breaching the CAP Code, including “making best use of available tools in open online environments and on social media platforms to target their age-restricted ads responsibly”.³⁵ It replaced previous CAP guidance published on 19 January 2021.

5.6 Betting and gaming

The [Gambling Act 2005](#) came into effect fully on 1 September 2007. The [Gambling \(Licensing and advertising\) Act 2014](#) took effect on 1 November 2014. It contains provisions relating to the licensing of gambling operators advertising or offering remote gambling facilities to consumers in the UK. All gambling advertisements must comply with the law as well as the British Advertising Codes.

The Advertising Codes on gambling products make specific reference to the protection of children and young people. Box 7 below sets out the specific rules under both the CAP and BCAP Codes. For the purposes of the gambling rules, a person is defined as a ‘child’ if aged 15 and under, ‘young persons’ are those aged 16 or 17.

Under [rule 16 of the CAP Code](#), marketers should not exploit the young or vulnerable nor imply gambling can solve financial or personal problems or is indispensable, a rite of passage or linked with sexual success. In addition, under the CAP Code, advertisement for gambling products must be socially responsible; consideration is given to protecting children, young persons, and other vulnerable persons from being harmed or exploited. Various ASA formal rulings have established that adverts that are deemed to appeal particularly to children will be found in breach of the Code, even if they appear in contexts where children are unlikely to see them.

³² As above

³³ As above

³⁴ [Advertising Guidance – Age-restricted ads online](#), Advertising Standards Authority, November 2022

³⁵ As above

Box 7: Children & marketing of gambling products

The CAP Code states:

16.1 Marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited.

16.3 Marketing communications must not.

16.3.1 portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.

16.3.16 condone or encourage criminal or anti-social behaviour.

The BCAP Code states:

17.3 Advertisements must not:

17.3.1 portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.

17.4 Advertisements for gambling must not:

17.4.2 condone or encourage criminal or anti-social behaviour.

Advertising was one of the many issues that the government sought views on in its review of the Gambling Act.³⁶ This review ran from 8 December 2020 to 31 March 2021. A white paper, [High stakes: gambling reform for the digital age](#), was published on 27 April 2023.³⁷ This outlined how the government would work with the Gambling Commission and others to reform the regulation and legislation governing the gambling sector; chapter 2 deals specifically with marketing and advertising.

Two separate briefings provide further information:

- [Gambling advertising: how is it regulated?](#) (PDF).
- [Gambling white paper: A reading list](#) (PDF), 2 June 2023.

³⁶ Department for Culture, Media & Sport and Department for Digital, Culture, Media & Sport, [Policy Paper: Review of the Gambling Act 2005 Terms of Reference and Call for Evidence](#), 8 December 2020

³⁷ Department for Culture, Media & Sport, [High stakes: gambling reform for the digital age](#), CP835, 27 April 2023

5.7

Advergames

Advergames are typically electronic games that are used to advertise a product, brand or an organisation. They are accessible on social media sites, companies' own websites and as downloadable content or apps on mobile devices.

Advergames in paid-for space online are covered by the relevant rules of the CAP Code. Similarly, advergames that are made available on the advertiser's own website, as downloadable apps or in social media under the advertiser's control and that are directly connected with the supply or transfer of goods, services, opportunities and gifts must also comply with the CAP Code.

There is debate about the use of advergames by advertisers and their potential appeal to children and the perceived harm that that might have. The ASA has explained the regulatory position as follows:

The CAP Code has an overarching principle that marketers should take care when addressing children in marketing and should bear in mind that children's understanding of, and reaction to marketing communications will be affected by their age, experience and the context in which the message is delivered.

The CAP Code also requires that ads are obviously identifiable as such (Rule 2.1). In determining whether advergames conform to this rule, the ASA will likely consider the context in which the advergame is made available, any references to the product, brand or organisation in or around the game and the target audience.³⁸

5.8

Vaping products (e-cigarettes)

Currently, the [Tobacco and Related Products Regulations 2016](#) (the TRPRs) prohibit in certain media the advertising of nicotine vapes sold as consumer goods (ie those not licensed with the [Medicines and Healthcare Products Regulatory Agency](#)). Under these Regulations, advertising nicotine vapes on television, radio, online or in print is illegal. Advertising on outdoor posters and billboards is permitted, but [content is subject to specific rules in the CAP Code enforced by the ASA](#).

There have been calls for tighter controls on the advertising and marketing of vapes. There is concern about the number of children who vape and the unknown long-term harm to their health and the risk of addiction. The [Local Government Association](#) (LGA), health charities and others have raised concerns that vapes are being marketed in a way that makes them attractive to children. In particular, it is suggested that 'sweet' flavours such as gummi bear, popcorn and candy floss and the use of brightly coloured packaging

³⁸ [Advergames](#), Advertising Standards Authority CAP News, 17 May 2012

can make vaping products look like confectionary.³⁹ At the same time children are widely exposed to the promotion of vapes in shops and supermarkets.⁴⁰

It is an offence to sell nicotine vapes to children. However, [a survey by ASH on the use of e-cigarettes among young people in Great Britain](#) found that in March/April 2023, the proportion of children experimenting with vaping had grown by 50% year on year, from one in 13 to one in 9.⁴¹ Children’s awareness of the marketing of vapes has also grown, more than half of all children report seeing vapes promoted in shops, and nearly a third report seeing promotions online.⁴² According to ASH, only one in five children now say they have never seen vapes promoted, down from 31% in 2022.⁴³

On 4 October 2023, the government published a policy paper, [Stopping the start: our new plan to create a smokefree generation](#). This was followed by the publication of a consultation paper on 20 October 2023, [Creating a smokefree generation and tackling youth vaping: your views](#), in which the government sought views on a number of proposals to reduce the appeal of vapes to children.

Health policy is a devolved matter in Scotland, Wales and Northern Ireland. However, in its 2023 consultation document, the UK Government said it was committed to working closely with the devolved administrations, to align policy approaches where this would improve outcomes and “continuing ongoing collective action” to tackle youth vaping across all parts of the UK.⁴⁴

In the [King’s Speech](#) on 7 November 2023, the government announced its intention to introduce a bill to raise the minimum age of sale for tobacco products by one year each year, to phase out cigarette smoking. It would also restrict the marketing and sale of vapes.⁴⁵

The [Tobacco and Vapes Bill](#) [2023-24] was introduced to the Commons on 20 March 2024. It had its second reading on 16 April 2024 and was considered in committee over eight sittings during 30 April to 14 May 2024. With the calling of a general election and the dissolution of Parliament on 30 May 2024, the bill made no further progress.

The [Conservative Manifesto](#) contained a commitment to bring forward an identical bill in the first King’s Speech.⁴⁶ The [Labour Manifesto](#) also included a

³⁹ [Legislating to create a smokefree generation: LGA consultation response](#), Local Government Association, 1 December 2023

⁴⁰ As above

⁴¹ [Use of e-cigarettes among young people in Great Britain](#), Action on Smoking and Health (ASH), June 2023)

⁴² As above

⁴³ As above

⁴⁴ As above

⁴⁵ [The King’s Speech - Background Briefing Notes](#) (PDF), The Cabinet Office, 7 November 2023

⁴⁶ [Clear Plan, Bold action, Secure Future - Conservative and Unionist Party Manifesto 2024](#) (PDF), undated, (accessed 2 July 2024)

commitment to ban vapes from being branded and advertised to appeal to children.⁴⁷

In the King's Speech on 17 July 2024, [the Labour government announced it would introduce a new Tobacco and Vapes Bill](#). This bill would progressively increase the age at which people could buy cigarettes and impose limits on the sale and marketing of vapes:

The Bill will also stop vapes and other consumer nicotine products (such as nicotine pouches) from being deliberately branded and advertised to appeal to children. Together these measures will help stop the next generation from becoming hooked on nicotine.⁴⁸

Further information is provided in a Library briefing on the [Advertising, marketing and promotion of vaping products](#) (PDF).⁴⁹

5.9

Advertising of HFSS foods and childhood obesity

In recent years there has been a public debate about the impact of advertising of HFSS products on childhood obesity. An HFSS product is a food or soft drink that is high in fat, salt or sugar (as classified by the [Department of Health \(DH\) nutrient profiling model](#)⁵⁰).

Both the CAP and BCAP Codes place restrictions on the placement and content of HFSS product advertisements (see Box 8).

Box 8: Rules that govern advertising of HFSS products

HFSS products can be promoted both directly, by including them in an advertisement, and indirectly, through using brands or branding that is synonymous with a specific HFSS product. This can be through product-related branding or, more broadly, company or corporate branding.

Both the CAP Code and the BCAP Code include specific rules on HFSS product advertising restricting the placement and content. The relevant rules are as follows:

- **CAP Code section 15** includes rules 15.14 (promotional offers), 15.15 (use of licensed characters and celebrities) and 15.18 (placement of HFSS product advertising).

⁴⁷ [Change – Labour Party Manifesto 2024](#) (PDF), undated, (accessed 2 July 2024)

⁴⁸ Prime Minister's Office, [The King's Speech 2024: background briefing notes](#) (PDF), 17 July 2024

⁴⁹ [Advertising, marketing and promotion of vaping products](#) (PDF), House of Commons Library briefing, 15 July 2024

⁵⁰ Department of Health and Social Care, [The nutrient profiling model](#), 14 January 2011

- **BCAP Code Section 13** includes rules 13.9 (promotional offers) and 13.10 (use of licensed characters and celebrities). Section 32 includes rule 32.5 (scheduling of HFSS product advertising).

These restrictions do **not** apply to:

- Advertisements for non-HFSS products; or
- Brand advertising that does not have the effect of promoting a specific HFSS product.

CAP and BCAP acknowledge that differentiating an HFSS product advertisement from a brand advertisement is not always easy, it has therefore published guidance.⁵¹

In summary, non-broadcast advertising of HFSS products is subject to the following controls:

- Advertisements for HFSS products cannot appear in non-broadcast children's media or media where the audience is more than 25% under the age of 16.
- Additionally, where the content is likely to be seen as directly targeting under-12s, it cannot include promotions, or licensed characters or celebrities popular with under 16s. These restrictions apply to adverts that promote HFSS products directly and those that have the effect of promoting specific HFSS products by using 'branding' that is synonymous with a HFSS product or a range of products that is mainly HFSS.

Broadcast advertising for HFSS products is subject to the following controls:

- Advertisements for HFSS products are prohibited from appearing during or adjacent to television programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16.
- In effect, the BCAP Code imposes a total ban on the advertising of HFSS food and drink during children's TV programmes, on dedicated children's broadcast channels, and in programmes of particular appeal to children under the age of 16.

⁵¹ [Guidance on identifying brand advertising that has the effect of promoting an HFSS product](#), Advertising Standards Authority, 16 June 2017

Since it is not always easy to identify brand advertising that has the effect of promoting an HFSS product, the ASA has published guidance, [Identifying brand advertising that has the effect of promoting an HFSS product](#) (2017).⁵²

To protect children, [the government announced on 24 June 2021 that it would introduce new advertising restrictions](#):

- A 9pm watershed for advertisements of HFSS foods, applicable to television and UK on-demand programmes.
- A prohibition on paid-for advertising of unhealthy food and drink products online.⁵³

Both restrictions are legislated for in the [Health and Care Act 2022](#) (Schedule 18), which received Royal Assent on 28 April 2022 and inserted new sections into the [Communications Act 2003](#).

Implementation of the new advertising restrictions requires secondary legislation. The restrictions were originally planned to come into force in January 2023. However, they were postponed for a year and were then further delayed until 1 October 2025.⁵⁴

In the King's Speech on 17 May 2024, [the new Labour government announced that it would legislate to restrict advertising of HFSS food to children along with the sale of high caffeine energy drinks to children](#).

Further detail is provided in a Library briefing, [Advertising of HFSS products to children](#) (PDF).⁵⁵

⁵² As above

⁵³ Department of Health and Social Care, [New advertising rules to help tackle childhood obesity](#), 24 June 2021

⁵⁴ Department of Health and Social Care, [Government delays restrictions on multibuy deals and advertising on TV and online](#), 14 May 2022

⁵⁵ [Advertising of HFSS products to children](#), House of Commons Library briefing (CBP 10061), July 2024

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