



Committee of Advertising Practice
Mid City Place 71 High Holborn London WC1V 6QT
Telephone 020 7492 2200 Fax 020 7404 3404
Textphone 020 7242 8159 Email enquiries@cap.org.uk
Online www.cap.org.uk

Committee of Advertising Practice (Non-broadcast)

Help Note for food or soft drink product advertisements and children

CAP Help Notes offer guidance for non-broadcast marketing communications under the British Code of Advertising, Sales Promotions and Direct Marketing (the CAP Code).

These guidelines, drawn up by CAP, are intended to help marketers and their agencies interpret the rules in the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code). They neither constitute new rules nor bind the ASA Council in the event of a complaint about a marketing communication that follows them.

These guidelines should be read in conjunction with the other rules in the CAP Code. References to food apply also, where relevant, to beverages.

These definitions apply to the rules in this section:

- Children - persons below the age of 16, unless otherwise qualified as in “pre-school or primary-school children”.
- Licensed characters - those characters that are borrowed equities and have no historical association with the product.
- Equity brand characters - those characters that have been created by the advertiser and have no separate identity outside their associated product or brand.

47.6 Marketing communications should not condone or encourage poor nutritional habits or an unhealthy lifestyle in children.

Notes to 47.6:

(1) This rule does not preclude responsible advertising for any products including those that should be eaten only in moderation. An advertisement may show someone enjoying a chocolate bar but not someone eating whole boxes of chocolates in one sitting. Interpretation

of the rule should be by reference to generally accepted nutritional advice.

(2) Marketing communications should not encourage excessive consumption of any food or drink, frequent eating between meals or eating immediately before going to bed. The notion of excessive consumption relates to the frequency of consumption as well as the amount consumed.

(3) Marketing communications should not condone or encourage attitudes associated with poor diets, for example, a dislike of green vegetables.

(4) Portion sizes or quantities of food shown should be responsible and relevant to the scene depicted, especially if children are involved. No marketing communication should suggest that a portion intended for more than one person is to be consumed by a single individual or an adult's portion, by a small child.

(5) Marketing communications for food should not suggest that an inactive or sedentary lifestyle is preferable to physical activity.

(6) Marketing communications should not encourage frequent consumption throughout the day of potentially cariogenic products such as those containing sugar.

47.7

(a) Although children might be expected to exercise some preference over the food they eat or drink, marketing communications should be prepared with a due sense of responsibility and should not directly advise or ask children to buy or to ask their parents or other adults to make enquiries or purchases. (see 47.4a)

Notes to 47.7.a:

(1) This extends to behaviour; for example, a child should not be shown asking for a product or putting it into the parent's trolley in the supermarket.

(2) Phrases such as "Ask Mummy to buy you" are not acceptable.

(b) Marketing communications should neither try to sell to children by directly appealing to emotions such as pity, fear, or self-confidence nor suggest that having the advertised product somehow confers superiority, for example making a child more confident, clever, popular, or successful.

(c) Marketing communications addressed to children should avoid “high pressure” and “hard sell” techniques; they should neither directly urge children to buy or persuade others to buy nor suggest that children could be bullied, cajoled or otherwise put under pressure to acquire the advertised item.

(d) Products and prices should not be presented in marketing communications in a way that suggests children or their families can easily afford them.

Note to 47.7(d):

If an advertisement for a product to be bought or consumed by children contains a price, the price should not be minimised by words such as “only” or “just”.

(e) Marketing communications addressed to or targeted directly at children should not actively encourage them to eat or drink at or near bedtime, to eat frequently throughout the day or to replace main meals with confectionery or snack foods.

47.8 Marketing communications featuring a promotional offer should be prepared with a due sense of responsibility. Except those for fresh fruit or fresh vegetables, food or drink advertisements that are targeted directly at pre-school or primary school children through their content should not include promotional offers.

Notes to 47.8:

- (1) For the avoidance of doubt, this prohibition applies to food or drink *advertisements* only.
- (2) Fresh fruit or fresh vegetables means non-prepackaged fresh fruit or fresh vegetables put up for sale to the final consumer or fresh fruit or fresh vegetables packed at the point of sale or pre-packaged fresh fruit or fresh vegetables with a view to imminent sale.

(a) Marketing communications featuring a promotional offer linked to food products of interest to children should avoid creating a sense of urgency or encouraging the purchase of excessive quantities for irresponsible consumption.

(b) Marketing communications should not seem to encourage children to eat or drink a product only to take advantage of a promotional offer: the product should be offered on its merits, with the offer as an added incentive. Marketing communications featuring a promotional offer should ensure a significant presence for the product. Marketing communications for fresh fruit or fresh vegetable products are exempt from this restriction.

(c) Marketing communications for collection-based promotions should not seem to urge children or their parents to buy excessive quantities of food.

Note to 47.8(c):

They should not suggest “Hurry and buy”, not directly encourage children only to collect promotional items and not emphasise the number of items to be collected. If promotional offers can also be bought, that should be made clear. Closing dates for collection-based promotions should enable the whole set to be collected without having to buy excessive or irresponsible quantities of the product in a short time.

(d) Marketing communications should not encourage children to eat more than they otherwise would.

Notes to 47.8(d):

(1) The notion of responsible consumption relates to the frequency of consumption as well as the amount consumed.

(2) Marketers should be particularly mindful of this rule if the marketing communication features large pack sizes or promotional offers, for example “3 for the price of 2”.

47.9 Licensed characters and celebrities popular with children should be used with a due sense of responsibility. Except those for fresh fruit or fresh vegetables, food or drink advertisements that are targeted directly at pre-school or primary school

children through their content should not include licensed characters or celebrities popular with children.

Notes to 47.9:

(1) For the avoidance of doubt, this prohibition applies to food or drink *advertisements* only. The prohibition does not apply to advertiser-created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell.

(2) Marketing communications should not suggest that consuming the advertised product will enable children to resemble an admired figure or role-model or that by not doing so children will fail in loyalty or let someone down.

(3) Persons such as professional actors or announcers who are identified with characters in TV or radio programmes that appeal to children may not be used as presenters.

(4) Celebrities and characters well-known to children may present factual and relevant generic statements about nutrition, safety, education and the like.

(5) Fresh fruit or fresh vegetables means non-prepackaged fresh fruit or fresh vegetables put up for sale to the final consumer or fresh fruit or fresh vegetables packed at the point of sale or pre-packaged fresh fruit or fresh vegetables with a view to imminent sale.

47.10 Marketing communications should not give a misleading impression of the nutritional or health benefits of the product as a whole. Except those for fresh fruit or fresh vegetables, food or drink advertisements that are targeted directly at pre-school or primary school children through their content should not include nutrition or health claims.

Notes to 47.10:

(1) For the avoidance of doubt, this prohibition applies to food or drinks *advertisements* only.

(2) Nutritional claims (for example “full of the goodness of vitamin C”) or health claims (for example “aids a healthy digestion”) must be supported by sound scientific evidence. Factual nutrition statements should not imply a nutritional or health claim that cannot be supported. Ambiguous wording that could be understood as a nutritional claim should be avoided. For example, “goodness” should not be used as a synonym for “wholesomeness” and, if a claim relates to taste, that should be made clear, for example “It tastes good”, not “It is good”. The scientific meaning of the word “energy”, calorific value, should not be confused with its colloquial meaning of physical vigour. Nutritional claims and health claims should relate to benefits that are significant and relevant to groups likely to be strongly interested in or affected by the advertisement. Claims should be presented clearly and without exaggeration. The fact that a food product is a good source of certain nutrients does not justify generalised claims of a wider nutritional benefit.

(3) Claims of nutritional or health benefits should be considered in the context of a balanced diet or lifestyle or both.

(4) A wide range of guidelines that offers best-practice advice for nutritional claims and healthy eating is available. For example, The Food Standards Agency’s Guidelines for the Use of Certain Nutrition Claims in Food Labelling and Advertising include a recommendation to avoid “% fat-free” claims (issued November 1999). The ASA will give suitable consideration to and uniform application of, such guidelines.

(5) Fresh fruit or fresh vegetables means non-prepackaged fresh fruit or fresh vegetables put up for sale to the final consumer or fresh fruit or fresh vegetables packed at the point of sale or pre-packaged fresh fruit or fresh vegetables with a view to imminent sale.

47.11 Marketing communications should not disparage good dietary practice or the selection of options such as fresh fruit and vegetables that accepted dietary opinion recommends should form part of the average diet.

Notes to 47.11:

(1) Marketing communications should not seem to contradict or ignore good dietary practice.

(2) To reflect generally accepted good dietary practice, a reasonable variety of other foods should be shown if the advertised product is presented as part of a meal.

(3) Food products not intended as substitutes for meals should not be presented as such.

Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or by e-mail on copyadvice@cap.org.uk. The CAP website at www.cap.org.uk contains a full list of Help Notes as well as access to the AdviceOnline database, which has links through to relevant Code rules and ASA adjudications.

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