

# CAP Consultation: food and soft drink advertising to children

## Annex 2

CAP Code rules on food and soft drink advertising to children



## CAP Code rules on food and soft drink advertising to children

Rule	Present wording
	<p><b>Background</b></p> <p>See also the <i>Help Note for food or soft drink product advertisements and children</i>.</p>
15.11	Marketing communications must not condone or encourage poor nutritional habits or an unhealthy lifestyle in children.
15.12	Marketing communications must not disparage good dietary practice or the selection of options, such as fresh fruit and fresh vegetables, that accepted dietary opinion recommends should form part of the average diet.
15.13	Marketing communications featuring a promotional offer must be prepared with a due sense of responsibility.
15.14	<p>Except those for fresh fruit and fresh vegetables, food product advertisements that are targeted through their content directly at pre-school or primary school children must not include a promotional offer.</p> <p>Additionally, for children under 16:</p>
15.14.1	Except those for fresh fruit or fresh vegetables, marketing communications must 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 must ensure a significant presence for the product
15.14.2	Marketing communications featuring a promotional offer linked to a food product of interest to children must avoid creating a sense of urgency or encouraging the purchase of an excessive quantity for irresponsible consumption
15.14.3	Marketing communications must not encourage children to eat more than they otherwise would
15.14.4	Marketing communications for collection-based promotions must not seem to urge children or their parents to buy excessive quantities of food.

15.15	<p>Licensed characters and celebrities popular with children must be used with a due sense of responsibility. Except those for fresh fruit or fresh vegetables, food advertisements that are targeted directly at pre-school or primary school children through their content must not include licensed characters or celebrities popular with children.</p> <p>For the avoidance of doubt, that 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.</p> <p>Licensed characters and celebrities popular with children may present factual and relevant generic statements about nutrition, safety, education or similar.</p>
15.16	<p>Although children might be expected to exercise some preference over the food they eat or drink, marketing communications must be prepared with a due sense of responsibility and must not directly advise or ask children to buy or to ask their parents or other adults to make enquiries or purchases for them (see rule 5.4.2).</p>
15.16.1	<p>Marketing communications must 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.</p>
15.16.2	<p>Marketing communications addressed to children must not urge children to buy or persuade others to buy and must avoid high-pressure or hard-sell techniques. Nothing must suggest that children could be bullied, cajoled or otherwise put under pressure to acquire the advertised item.</p>
15.16.3	<p>Products or prices must not be presented in marketing communications in a way that suggests children or their families can easily afford them.</p>
15.17	<p>Claims referring to children's development and health are acceptable if authorised by the European Commission.</p>

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