

CAP Consultation: food and soft drink advertising to children

Annex 8

Online Food Advertising Survey 2015: ASA Compliance Survey



CAP Food and Soft drink consultation – Annex 8

This Annex includes an unpublished compliance survey carried out by the CAP Compliance team (on behalf of the ASA) on the compliance of food and soft drink advertising in online media with the existing CAP Code rules.

The monitoring work was carried out in mid-2015 and the report authored in late-2015. With CAP's decision to launch this consultation, the original purpose of the project was superseded. However, owing to its relevance to the issues under consideration in this consultation, the compliance survey is published as a supporting annex to the consultation document.

Online Food Advertising Survey 2015: ASA Compliance Survey

1. Objective

The impact of food and soft drink advertising is an important part of a wider public health debate about levels of obesity. We are committed to ensuring that advertisers stick to the rules on food and soft drink advertising to children.

In 2015, CAP published its response to a scoping literature review it commissioned from the consultancy Family Kids & Youth¹. The review was commissioned to gain an up-to-date picture of the available evidence on online advertising to children.

CAP noted online food and soft drink advertising is currently subject to a broad range of restrictions designed to safeguard children against potential harms and that evidence of the influence of online advertising identified did not support a case for new restrictions. However, CAP committed to undertake a number of initiatives in response to the findings of the literature review. One of these was a commitment to ask the ASA to assess the effectiveness of the present rules through a monitoring and compliance exercise.

All advertising must comply with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the CAP Code), which sets standards to prevent misleading, harmful and offensive advertising and includes specific rules on food and soft drink product marketing communications and children.

¹ [Literature Review of Research on Online Food and Beverage Marketing to Children](#)

2. Findings

2.1 Summary

The survey was conducted between March and May 2015. It assessed online food and drink advertising that was likely to be of appeal to children against the requirements of rules 15.11 to 15.17 of the CAP Code.

The key requirements of this section of the Code, in relation to food and soft drink marketing communications and children, are that marketers should not:

- use health and nutrition claims incorrectly;
- promote poor nutritional habits or unhealthy lifestyles;
- use licensed characters in content targeted at under-12s;
- feature sales promotions in content targeted at under-12s; and
- exploit children's credulity or encourage "pester power".

In common with past ASA surveys, we recorded only what are likely to be considered obvious breaches of the CAP Code. Obvious breaches are those that do not require an investigation, i.e. if the ad self-evidently does not comply with a reasonable interpretation of a rule or if the ASA has previously determined that the particular advertising claim or approach is in breach. The findings of the survey should be understood in this context.

The key findings were that:

- Based on data obtained to identify the most popular online brand/product presences, of the 680 web pages from 50 websites that we assessed, none included marketing material that was likely to be an obvious breach of the CAP Code.
- In terms of the type of content featured on the brand websites, 39% of the pages analysed contained standard brand marketing material (e.g. relating to product imagery, or general marketing information about the product – content unlikely to appeal particularly to children) and 46% of the pages contained general nutritional/product information.
- Of the 103 pieces of social media content that we assessed, none included marketing material that contained an obvious breach of the Code.
- Online audience data we assessed suggests that brand/product-oriented websites for food and soft drink brands aren't significantly popular with 6-14 year olds. Of the most popular 5,000 website domains we reviewed, only 24 were for food and soft drink brands. Websites for areas like clothing and retail and news outlets were far more popular.
- The food and soft drink brand online presences we examined did not appear to be utilising content with particular appeal to children on their own websites or in the accompanying brand social media. For example, only 4% of the webpages we examined included an advergame and 7% of the webpages examined featured interactive activities and content likely to appeal to children (such as craft and activities).

2.2 Marketers' own websites

We assessed a total of 816 webpages from the 50 brand websites against the relevant rules in the CAP Code. Of those 816 pages, 680 were in remit as they were directly connected with the sale or transfer of goods. The remaining 136 pages contained corporate information, such as privacy policies, legal notices and cookie collection, and were outside remit. The Code does not apply to website content, including (but not limited to) editorial content, news or public relations material, corporate reports and natural listings.

Of the 680 pages we assessed, there were no obvious breaches of the Code. In terms of content, we noted that of those 680 webpages:

- 310 consisted of pages that comprised general information about products, principally, nutritional or other product information e.g. calorific information;
- 268 pages featured standard brand marketing material (we classified this type of material as product imagery, links to other pages, information about the products and pages that did not feature either an interactive activity, e.g. an advergame, or a video clip or competitions);
- 50 pages featured interactive activities (activities, crafts etc);
- 24 pages featured an advergame;
- 16 pages featured competitions; and
- 12 pages featured video clips.

In terms of different types of ad content and marketing approaches, of the 50 websites:

- seven contained advergames;
- five contained brand equity characters;
- two contained licensed characters; and
- one had a separate section for children.

2.3 Social media

We also identified 200 separate pieces of accompanying social media content for the brands we had identified in our initial search. Of those brand presences in social media, 103 pieces were within the remit of the CAP Code and 97 were outside the remit of the CAP Code for reasons related to the domain of the material, i.e. not UK based – US or global web material. We identified no obvious breaches of the Code.

2.4 Discussion

This survey utilised an indicative sample of popular food and soft drink brand presences in online media under their control. The findings of the survey suggest that readily identifiable breaches of the CAP Code in these environments are rare.

Although this is encouraging, these findings must be understood by setting them against the limitations of this study (as set out below). There are significant ongoing debates around the food and soft drink advertising and the need to address issues related to childhood diet and obesity. The findings do not diminish the concerns in this area, but they do suggest a more nuanced understanding of online advertising might be necessary.

2.5 Explanations and Findings

The most notable finding is the limited extent to which popular online brands are publishing advertising content in spaces they control targeted at children. It is clear that this is a significant factor in the extremely high compliance rates of the material assessed in this survey.

Of the 5,000 websites that were identified as being visited by a sample of 6 to 14-year-olds in March 2015 in our research generated by ComScore, only 24 were for food brands. The overall top 50 websites identified by the data we examined are illustrative of children's online habits:

- 13 for general knowledge information websites.
- 11 for games-related material websites.
- 6 for news websites.
- 6 for retail websites.
- 5 for search engines websites.
- 4 for social media websites.
- 3 for download software websites
- 1 for broadband services.
- 1 for streaming services.

This appears to indicate that children generally are not significantly engaging with advertisers' own website marketing material for food products. However, this perspective cannot be readily applied to third-party online advertising media, as they were not covered in this survey of online advertising in space directly under the control of the advertiser.

It is worth noting that this high compliance rate takes place against a backdrop of the leading food and beverage advertisers making voluntary proactive efforts, since 2012, via an EU Pledge to limit their advertising to children under 12 for products that meet an agreed nutrient profile, in television, print, third party internet advertising and, importantly for this survey, on their own websites.

The EU Pledge is a voluntary initiative by 19 leading food and beverage companies to change the way they advertise to children. This is a response from industry leaders to calls made by the EU institutions for the food industry to use commercial communications to support parents in making the right diet and lifestyle choices for their children. EU Pledge members commit either to: only advertise products to children under the age of 12 years that meet the common EU Pledge Nutrition Criteria; or not to advertise their products at all to children under the age of 12 years.

The above policy covers marketing communications for food and beverage products that are primarily directed at this age group.

However, it is difficult to draw definitive conclusions and attribute an explicit cause-and-effect relationship between the impact of the EU Pledge and the fact that no obvious breaches were found in the survey given that the sample contained a mixture of different brands promoted by different sized companies. Nevertheless, it is likely that such a voluntary commitment by a very significant proportion of the market would have some effect on the advertising in the marketplace generally.

Finally, the findings of the survey can also be analysed against the level of complaints received by the ASA about food marketing and children. The ASA tends to receive very few complaints about this issue. Between 1 May 2014 and 1 May 2015, the ASA found only six breaches of the CAP Code in relation to the rules governing food and soft drink product advertising to children.

2.6 Limitations

The design of the survey was hindered by the limited availability of information related to the popularity of food and soft drink brands online. We approached the issue by using a composite of audience data on the leading 5,000 domains ranked by total unique visitors between the ages of 6-14 provided by ComScore's data on online publisher analytics to help us identify the brand websites that were among the most popular with children aged 6-14 years. This data indicated that a tiny percentage of children were engaging directly with marketers' own-brand food and soft drink websites. We therefore sought other sources to cross-reference against the popularity of online brands, using the results from a 2011 Brand Republic list Kids Brand Index 2011 to form a more complete list of brand websites and accompanying social media to examine.

By using data on popularity, the survey focused only on larger brands with more online presence. Whilst this captures a significant proportion of the marketplace, we cannot infer anything about the likely compliance status of advertising beyond this. Furthermore, the focus on websites and social media did not cover other advertising spaces, for example, banner advertising or material hosted on third party sites.

Moreover, the remit of the CAP Code extends only to online marketing communications targeting UK consumers. It does not cover global marketing that is not targeted at UK consumers. Looking at the social media presence of the 50 brands that we examined, 97 of the 200 accompanying social media sites were either part of a global or US-based presence and were not aimed at UK consumers and were therefore outside of remit.

2.7 Regulatory Implications

Despite the limitations of the available data and complications in producing a representative sample based on audience measurement, the findings of this survey indicate that the vast majority of marketers in this sector are taking significant steps to comply with the Code on their own brand websites and in accompanying social media. Given the findings of this survey, it might be useful for the ASA and CAP to undertake further research in this area.

3. Background

3.1 Introduction

The ASA is the UK's independent regulator of advertising across all media. It administers the UK Advertising Codes and actively monitors compliance with them.

The ASA has undertaken this survey to determine the compliance rate of ads that are popular with children in the online food and drink sector with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the CAP Code). This helps ensure that regulation of food and soft drink advertising continues to be effective and proportionate when it comes to protecting children. We can assess whether there are any problem areas, take action to bring advertising that breaks the Code into line, or use the basis of this survey for further research and studies.

The purpose of the survey was to:

- assess compliance rates for food and drink brand advertising popular with children in the following media: advertisers' own websites and their accompanying social media presence such as Facebook, Twitter, Instagram and YouTube;
- identify obvious breaches of the CAP Code;
- contact advertisers responsible for ads that contain obvious breaches of the Code and obtain an assurance that ads will fully comply with the relevant Code in future;
- act as a deterrent to bad practice and an encouragement to good practice; and
- assess patterns and trends and provide analysis that can inform future objectives of surveys for food and drink advertising that it is popular with children.

3.2 About the ASA and CAP

The ASA is the independent body that administers the UK Advertising Codes which set standards for the content, scheduling and placement of ads. It is responsible for ensuring that the advertising self-regulatory system works in the public interest and the interest of responsible businesses. It achieves this by investigating complaints, proactively identifying and resolving breaches of the Advertising Codes, using research to ensure its decisions take account of generally accepted standards and by promoting and enforcing high standards in ads generally.

The Committee of Advertising Practice (CAP) is the body that created and revises the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the CAP Code). Its members include trade and professional bodies representing advertisers, agencies, media owners and the sales promotion and direct marketing industries. CAP provides a pre-publication copy advice service and co-ordinates the activities of its members to achieve the highest degree of compliance with the CAP Code. The Compliance team works to ensure that ads comply with the Advertising Codes and with ASA adjudications.

The team follows up ASA adjudications, monitors both broadcast and non-broadcast ads and take immediate action to ensure ads that breach the Advertising Codes are removed or suitably amended. One of the team's key objectives is to help create a level-playing field for marketers in each sector; it achieves that by communicating ASA decisions with sector-wide ramifications.

The Compliance team conducts surveys to assess compliance rates for ads in particular industries, sectors or media. These surveys help to identify marketing trends and to anticipate subjects of concern that might need to be addressed by the ASA, in its interpretation of the UK Advertising Codes, or CAP in their setting of standards in the Codes.

3.3 The CAP Code

The purpose of the CAP Code is to maintain, in the best and most flexible way possible, the integrity of marketing communications in the interests of both consumers and the industry. All ads should be legal, decent, honest and truthful. They should be prepared with a sense of responsibility to consumers and society and be in line with the accepted principles of fair competition. Ads should not mislead or be likely to mislead, by inaccuracy, ambiguity, exaggeration, omission or otherwise.

3.4 Proactive Monitoring

The ASA conducts proactive surveys to identify breaches of the Advertising Codes and other trends or issues that might not be drawn to our attention by public or industry complaints.

When reading this survey, it is important to note that although we produce an overall compliance rate (a percentage of ads assessed in the survey that comply with the Advertising Codes) this relates to obvious Code breaches only. It would be impractical to enter into in-depth investigations to determine every potential breach of the Code but the overall intelligence we gain from this survey helps to inform and target other regulatory action. For example, a low compliance rate could indicate a problem that might need to be addressed by producing guidance or reconsidering rules. A high compliance rate could suggest that we should focus efforts on other areas of advertising.

4. Methodology

4.1 Detail

The objective of the survey was to establish a general compliance rate for online food and drink advertising aimed at children in online media or social media under the marketer's control. To realise this, we established a pool of websites for food products/brands that appealed to children. Once we had this pool, we also examined a range of social media for the same products/brands if they had a social media presence.

It was very difficult to find a data-source which could provide specific audience measurement information for online food and soft drink brands. In the absence of a readily-available source that solely identified online food brands and products that appealed to children, we set out to locate audience measurement information to identify brands for assessment. We therefore worked with ComScore, a provider of digital audience and advertising analytics, to commission a report relating to online audience measurement figures for children aged 6-14. ComScore utilise a data measurement system from a network of publishers implementing comScore code on their websites. All ComScore reporting is based on the geographic location of the use, rather than the domain name. If a UK-based person were to access a ".com", ".net" or ".ie" domain, for instance, it would be captured within UK parameters.

They provided a list of 5,000 websites popular with 6-14 year olds in the UK based on the number of total unique visitors between the ages of 6-14 for the month of March 2015. However, we found from this list was that food brands were significantly under-represented. In fact, of the 5000 websites, only 24 of those represented food brands (0.0048%). With this information in mind, and given that we noted that the traffic data for websites suggests that food brand websites were not popular with children, we had to incorporate other methods to increase the size of the sample for analysis.

We therefore combined the food brands identified in the ComScore results with the results of a 2011 Brand Republic list of kids favourite brands; the nature of the list meant that they included a combination of products, brands and sub-brands. We removed non-food brands and brands the appeal of which to children, by nature, could be ruled out (such as sliced bread and tinned tuna) and those results that duplicated those already obtained from the ComScore data.

This gave us a total of 50 brands for assessment. We analysed the brand presence across all of the pages of the marketers' UK websites, and any accompanying social media from the following list: Facebook, Twitter, Instagram and You Tube.

We recognise the limitations in the availability of data arising from our combining composite elements to form a sample. Nevertheless, the results generated by the mixture of ComScore results and brand index information provided a representative mix of food brands that are popular with an audience of children. When choosing which social media types we should examine, we utilised the previous results of an ASA survey from 2013, entitled [Children and advertising on social media websites](#).

Once we had developed the list of brands and online media, we examined the brand website and its accompanying presence on the social media platforms outlined above. If the brand had a presence on each of the different social media we had chosen to examine, we applied the same criteria to the brand presence on social media and assessed content under the relevant rules in the Code. More importantly, to be within the remit of the CAP Code, the social media had to represent UK presence as opposed to global presence.

We examined the social media material using the following approach:

- a) Facebook – We examined the following sections – the “about” page and any information posted by the advertiser between 1 March and 31 March 2015 in their “timeline”.
- b) Twitter – We examined posts between 1 March 2015 and 31 March 2015
- c) Instagram – Images uploaded between 1 March 2015 and 31 March 2015
- d) YouTube - Any content posted by the advertiser for that particular brand

We assessed the content of each website and each piece of social media under section 15 of the CAP Code but specifically rules 15.11 to 15.17 on Food and Soft Drink product marketing communications and children.

5. Data Tables

Table 1: Total number of webpage's assessed and compliance rate

<u>Page Type</u>	<u>Total pages identified</u>	<u>Expressed as a Percentage</u>	<u>Total Pages that included obvious breaches of the Code</u>
Pages featuring competitions	16	2%	0
Pages featuring product composition / nutritional information	310	46%	0
Pages featuring video clips	12	2%	0
Pages featuring activities(colouring sheets, recipes etc)	50	7%	0
Pages featuring advergAMES	24	4%	0
Pages featuring standard brand marketing material	268	39%	0
Total pages connected with the sale and supply of goods and services	680	100%	0

Table 2: Total number of social media assessed

<u>Social Media Type</u>	<u>Brand presence in remit</u>	<u>Brand Presence out of remit</u>	<u>Total breaches of the Code</u>
Facebook	37	13	0
Instagram	9	41	0
YouTube	24	26	0
Twitter	33	17	0
Total	103	97	0

Table 3: Top 50 websites by category most popular with 6-14 year olds – (comScore results)

General Knowledge / Information	13
Games	11
News	6
Retail	6
Download	3
Search Engine Results	5
Social Media	4
Broadband	1
Streaming	1
Total	50

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