



# Enforcement Notice:

## Vaping Products on Tiktok

### Who we are

We are the [Committee of Advertising Practice](#) (CAP). We write the advertising rules, which are enforced by the Advertising Standards Authority (ASA), the UK's independent regulator. You can read about the UK advertising regulatory system [on the ASA website](#).

### Why are we contacting you?

Our Code states that ads which have the direct or indirect effect of promoting nicotine-containing vaping products and their components, which are not licensed as medicines, are not allowed in most online media, including social (CAP Code 22.12). Our advertising rules reflect the Tobacco and Related Products Regulations (TRPRs)

We are aware that some brands are placing – or incentivising third parties to place – content on TikTok relating to vaping products and their components which are labelled as “paid partnership” or “#ad”. We consider this is sufficient to establish that the content is an ad, falling within the remit of the Code.

**Therefore, we consider any content tagged with a disclosure label - ‘paid partnership’, or “#ad” - which has the direct or indirect effect of promoting unlicensed vaping products and their components, to be an ad and in breach of the Code (22.12).**

Please take immediate action to ensure your advertising complies. If we see continued problems in this area after **the 17<sup>th</sup> July 2023** we will take targeted enforcement action to ensure a level-playing-field across the industry.

This may include – where advertisers are unwilling to comply – working with TikTok and Trading Standards to secure the removal of these ads.

### Scope

This Enforcement Notice applies to ads for unlicensed vaping products and their components on TikTok made from a public TikTok account – tagged as ‘paid partnership’, #ad - whether or not they appear in ‘paid-for’ space. In practice, this would include content appearing on influencer accounts for example.

For the avoidance of doubt, whilst factual claims about products are permitted on marketers’ own websites and, in certain circumstances, in other non-paid-for space online under the marketer’s control, we do not consider TikTok to be analogous to a website.

### Guidance

Ads which have the direct or indirect effect of promoting unlicensed vaping products and their components should simply not be appearing on a public TikTok account, in either ‘paid for’ or ‘non-paid for’ space. We understand this is also a violation of TikTok’s branded content policy and community guidelines.

In [this](#) ruling, the ASA established that advertising content from an influencer’s public TikTok account was in breach of the Code, citing the relationship between the parties and references to a “paid partnership” and #ad.

## Appendix: Code rules and legislation

Relevant [CAP Code](#) rules:

### 22.12

Except for media targeted exclusively to the trade, marketing communications with the direct or indirect effect of promoting nicotine containing e-cigarettes and their components which are not licensed as medicines are not permitted in the following media:

Newspapers, magazines and periodicals

Online media and some other forms of electronic media

Factual claims about products are permitted on marketers' own websites and, in certain circumstances, in other non-paid-for space online under the marketer's control. Please refer to the [Advertising Guidance](#).

### Relevant legislation:

The [Tobacco and Related Products Regulations 2016 \(TRPRs\)](#) prohibits the advertising of electronic cigarettes in information society services provided to a recipient in the United Kingdom.

**Want more?** See our advice on [Electronic Cigarettes](#). For free and confidential advice about specific non-broadcast ads, please contact the [CAP Copy Advice team](#).

Legal, decent, honest and truthful

