



Enforcement Notice:

Prohibition of electronic cigarette “vaping” ads on social media

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 advertising regulator. You can read about the UK advertising regulatory system [on the ASA website](#).

Why are we contacting you?

Ads that have the direct or indirect effect of promoting nicotine-containing electronic-cigarette products (“vapes”) and their components that are not licensed as medicines by the MHRA (herein “e-cigarettes”) are **prohibited by law in most social media** (see the [Tobacco and Related Products Regulations 2016](#) (TRPRs)). CAP Code [rule 22.12](#) reflects this prohibition. As part of our sector compliance work, this Notice is being issued to advertisers of unlicensed, nicotine-containing electronic cigarettes and their components (herein “e-cigarette advertisers”) to give notice of this prohibition. After **28 March 2024** this prohibition will be enforced via CAP’s industry [sanctions](#) and [Trading Standards](#).

Scope: What social media is prohibited?

Electronic cigarette ads are prohibited in any online media where **content is shared to users who have not specifically sought it out**. This means paid-for display ads in all online space are prohibited, but it *also* means that regular, non-paid-for **posts and content in social media, which might get shared by an algorithm to users**, are prohibited too.

For the avoidance of doubt, prohibited ads include posts on e-cigarette advertisers’ social media accounts, including photos, images, text and videos on platforms including [Instagram](#), [Facebook](#) and [TikTok](#), where the accounts are administered such that their content is able to be algorithmically shared to other users on the platform (any platform that is functionally similar is also likely to be prohibited). E-cigarette advertisers include:

- retailers and manufacturers of e-cigarettes and their components
- accounts of employees of e-cigarette businesses that promote e-cigarettes
- other promotional / advertorial accounts under e-cigarette advertisers’ control

Enforcement

After **28 March 2024**, we will be deploying the ASA’s [AI-based Active Ad Monitoring system](#) to actively scan for social media accounts that breach this Enforcement Notice. This may result in [sanctions](#), including the removal of content and social media accounts.

Permitted media and content restrictions

The provision of **factual (non-promotional) information only** on advertisers’ own websites and, in certain circumstances, in other non-paid-for space online under advertisers’ control is permitted (i.e. it is not covered by the prohibition). This is on the basis that online users who visit such websites, and any other online spaces (including social media), that are deemed analogous to advertisers’ own websites, have actively and specifically sought out that information.

For example, social media accounts which are administered as “private”, such that they **demonstrably do not share their content to users who have not actively and specifically sought it out**, may be considered analogous to advertisers’ own websites and therefore be able to contain *factual claims* about e-cigarette products. This means the contents of such social media accounts must only be able to be found by users that actively seek it; for example, online users should not be alerted to such accounts because another user has ‘liked’ the account. The ASA has considered that a publicly open [Discord server](#) was not covered by the media prohibition on the basis that its content could only be found by those actively seeking it.

There are strict conditions on what constitutes factual claims (see *Guidance* section below).

Guidance

To ensure compliance with the Code, social media accounts must either be removed or changed to be privately administered, such that their content is not algorithmically shared to users who have not actively and specifically sought it out.

Websites and such privately-administered social media accounts are permitted to communicate **factual (non-promotional) information only**.

Claims that are likely to be considered factual, and therefore likely to be permitted if the prohibition on promotional content is observed, include:

- product names and descriptions of components (as long as they are not promotional)
- price claims (excluding promotional prices, which are prohibited)
- product ingredients, nicotine content
- factual descriptions of flavours
- instructions as to how products can be used and stored

Claims that the ASA has ruled are promotional and therefore in breach of the Code, include:

- promotional flavour descriptions [“golden tobacco notes”](#) and [“hint of floral notes”](#)
- descriptive promotional claims, such as [“mighty”](#), [“delicious”](#) and [“vaping rocks”](#)
- market-leading claims, such as [“most popular”](#), [“Voted #1”](#)
- references to testimonials, such as [“check out the great reviews”](#)
- [imagery of people](#) not directly related to the product
- [designs, stylised motifs and music](#), and [branding](#) not directly related to the product

What happens next?

Please immediately review your advertising with reference to the *Guidance* section above and make any changes required. After **28 March 2024**, the ASA’s [AI-based Active Ad Monitoring system](#) will be used to identify problem material, which could result in [sanctions](#), such as the removal of problem posts and accounts to ensure a level playing field.

What if I believe my competitor’s social media is breaking the rules?

Is the account under an e-cigarette advertiser’s control and directly connected to the trade and supply of e-cigarettes and their components? If so, please **send the account URL(s)** you believe to be in breach of this Notice to problemvapead@asa.org.uk. The content will be assessed, and action taken, if appropriate.

Appendix: Relevant Code rules, legislation and useful reading

Please refer to the following relevant [CAP Code](#) rule:

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](#).

Other useful reading

Please also refer to the following materials:

[Advertising Guidance: Electronic cigarette advertising prohibitions](#)

[Electronic cigarettes: Factual vs. promotional claims](#)

[Electronic cigarettes: Media prohibitions](#)

[Enforcement Notice – Vaping Products on TikTok](#)