

Age-restricted ads online

Advertising Guidance
(non-broadcast)

Legal, decent, honest and truthful



Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the [UK Code of non-Broadcast Advertising, Direct & Promotional Marketing](#) (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners on how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the Advertising Standards Authority (ASA) Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast marketing communications, consult the CAP Copy Advice team by telephone on 020 7492 2100 or you can log a written enquiry via our [online request form](#).

For advice on specific TV advertisements, please contact [Clearcast](#).

For clearance advice on specific radio advertisements, please contact [Radiocentre](#).

For the full list of Advertising Guidance, please visit our [website](#).

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1. Background

The popularity of digital media, including social media and video-sharing platforms and the specificity of the data available from their use, make them an obvious media channel for marketers looking to reach particular audiences. This includes marketers of ads that are subject to the CAP Code's media placement restrictions (referred to in this guidance as "age-restricted marketing communications").

CAP's media placement restrictions apply to particular categories of product irrespective of the content of a marketing communication. They place strict requirements on marketers to ensure that children (under-16s) and young people (aged 16 and 17 years) are not targeted directly with age-restricted marketing communications or allowed to form more than 25% of the audience for ads in one-to-many media.

2. Age-restricted marketing communications

Age-restricted marketing communications are those for products subject to legal restrictions on their sale or where there is another policy basis for limiting the protected age group's exposure. The CAP Code includes media placement restrictions protecting:

- children (under-16s) from being targeted with marketing communications for products such as food or soft drinks high in fat, salt or sugar (rule 15.18) and lotteries (rule [17.14](#)); and
- children and young people (under-18s) from being targeted with marketing communications for products such as gambling (rule [16.3.13](#)), alcohol, (rule [18.15](#)) and electronic-cigarettes (rule [22.11](#)).

3. Who should use this guidance?

This guidance is for marketers using online media; principally, for programmatic advertising, and paid advertising and organic content appearing on social media and video sharing platforms. It should also be used by [affiliates](#) and other third parties acting on a marketer's behalf in targeting ads (for example, influencers).

It supports them in demonstrating that they have taken adequate steps in targeting age-restricted marketing communications to limit children and young people's exposure to them satisfying the ASA that they have complied with the CAP Code. However, parts of this guidance may also be useful to others involved in targeting of non-broadcast marketing communications in digital media; for instance:

- digital media companies seeking to provide marketers using their platform with the necessary tools and audience information to satisfy the targeting requirements of the Code;
- marketers seeking to ensure that marketing communications with age-sensitive content or themes are appropriately targeted; or
- marketers of other products (e.g. slimming products, video games or movies) that might be inappropriate for certain audience age categories.

4. Online media and targeting

Online platforms offer marketers a range of placement and targeting approaches. For instance, many social media networks and video-sharing platforms allow marketers to:

- publish marketing in their own space on the network or platform;
- pay for other users of the network or platform to post organic content on their behalf (e.g. influencers); and
- target paid-for advertising to particular users of the network or platform.

Programmatic advertising allows marketers to serve ads to audiences based on users meeting a pre-determined set of criteria (e.g. a combination of factors known or inferred about groups of web users). Programmatic advertising is commonly used across a range of online media including websites and in specific environments like games and in-app.

To varying extents, these approaches to placement and targeting use sophisticated tools provided by digital media companies – including online publishers, advertising technology companies and social media platforms – allowing marketers to define their target audience for a digital campaign. Data underpinning these tools can come from a variety of sources. In some cases, it is actively provided by users. For instance, where platforms require or give the option for users to create an account or profile. In others, it is inferred from certain user behaviours or based on information collected from a user’s device. Sometimes it is a combination of all of these.

This wealth of data allows marketers to serve an ad that, for example, is only targeted at a group of individuals falling within a specific age range, residing in a set location and having specific interests. The central insight upon which this guidance is based is that audiences might also be excluded from a campaign using specified criteria in the same way in order to comply with CAP’s media placement restrictions.

Placement and targeting of online marketing present a variety of compliance challenges. Notwithstanding the many steps digital media companies put in place to ensure the integrity of their data, it is inevitable that some incorrect information may be submitted or inaccurately inferred, e.g. by younger users misreporting their age or different people sharing the same device. On some platforms, non-logged-in users can access content and be exposed to ads. Inherently, platforms have less data on the non-logged-in part of an audience than they do for signed-in users.

Selecting or deselecting interest-based factors, such as what leisure pursuits users are interested in, what they share on social media or the accounts with which they interact, can – in combination with age-targeting tools – help remove certain demographics, including children, from a target audience. For example, a child who misreports their age is still very likely to remain interested in content designed for their real age and less likely to be interacting with much content designed for adults.

Where children and young people do see age-restricted ads, CAP's strict content rules for gambling, alcohol etc. ensure that the creative content of the ads does not appeal unduly to them.

5. CAP's media placement restrictions

Approaches to complying with CAP's media placement restrictions vary according to the:

- type of online media used;
- targeting approaches made available by different platforms; and
- contextual circumstances of a particular ad placement.

However, the rules controlling the placement of age-restricted marketing communications promoting products such as ads for alcohol, electronic cigarettes, gambling, HFSS food and soft drinks, and lottery products are all based on common requirements.

The overarching principle is that age-restricted marketing communications should not be targeted at the protected age category (either under-16s or under-18s dependent on the specific rule) "through the selection of media or the context in which they appear". In one-to-many media, CAP's rules set a threshold that requires marketers to apply a placement restriction if more than 25% of the medium's audience is in the protected age category.

The rules have three key implications for different approaches to ad placement:

- No age-restricted ads should appear in or around media obviously directed at the protected age category irrespective of the method of targeting.

- Where marketing communications are directed at audiences based on data held by the marketer, media platform and/or other third party, targeting measures must be utilized to prevent the likelihood of those in the relevant protected age category from receiving them.
- In one-to-many media, marketers must not place ads where children or children and young people are likely to make up more than 25% of the audience.

Although online platforms can allow for more sophisticated methods of identifying and delivering ads to audiences, the core standards are consistent across all non-broadcast media. Marketers are encouraged to read this guidance in conjunction with CAP's general [guidance on media placement](#).

While this guidance is focused on ads which are age-restricted because of the nature of the advertised product, the principles are likely to be of use to any marketer wishing to restrict the reach of their ad because its content is not suitable for particular age groups (e.g. because it is scary or sexualized).

6. ASA approach to enforcement

In the event of a complaint about an ad being inappropriately targeted, the ASA will assess the marketer's placement and targeting decisions on the basis of the selection of media or the context in which a marketing communication appeared.

Marketers should be able to demonstrate to the ASA that they have taken into account the requirements of the relevant media placement restriction for each part of their campaign and that they have acted accordingly through their placement and targeting decisions to limit the exposure of a protected age group.

The ASA will assess targeting cases from the perspective of where web users are likely to have seen an ad. For example:

- a paid-for ad served to users on a video sharing platform will be assessed based on the audience for the specific video content and/or the specific video channel it appeared in or around; and
- a paid-for social media post by an influencer will be assessed based on that account's followers and/or subscribers.

It is important that marketers have a record of or can otherwise account for where ads appeared and their likely audience. Even if the targeting approach or platform chosen does not provide an exact record of the audience receiving an ad, marketers should be able to demonstrate how the steps they have taken

served to appropriately limit the likelihood of children or children and young people seeing the ad.

CAP strongly encourages marketers to utilize as many audience data sources and/or targeting tools as are available for a given platform. CAP cautions marketers of age-restricted products that failure to show the ASA they have considered the likely audience of a medium or piece of content and/or the need to employ available targeting tools appropriately is highly likely to result in a breach of the Code.

To facilitate this, CAP advises marketers to incorporate understanding of the requirements into their compliance processes and campaign planning. They should also ensure that other parties involved in developing and publishing a campaign – for instance, agencies, influencers and affiliates – are aware of and follow the requirements of the relevant media placement restrictions.

The sections below provide more scenario-specific guidance on the ASA's approach to assessing the compliance of different types of targeting.

7. Media for children and young people

Age-restricted marketing communications must not be placed in or around media or content that is obviously directed at a protected age category. This requirement applies irrespective of how a marketing communication is targeted; whether contextual or using more sophisticated data-driven targeting techniques. When considering complaints, the ASA will make an assessment on this point before considering further aspects of how the ad was targeted.

In most cases, such media are easy to identify through an assessment of their obvious themes or an obvious indication of their intended audience, for instance:

- a VSP channel with content obviously and primarily for children or children and young people (e.g. fairy tales or youth soccer skills);
- an influencer social media account when that individual has an obvious editorial orientation toward child audiences (e.g. toy reviews); or
- a website offering content explicitly to children (e.g. children's games or stories).

These examples can be contrasted with that of broader audience appeal, such as family viewing or content aimed at young adults. Both types of audience are likely to include children and young people but they are not obviously directed at those groups.

To meet the Code's requirements relating to media and content for children or children and young people, marketers are strongly advised to:

- exclude such media from their ad placements when they have direct control over where ads appear; and/or
- use the available tools provided by platforms or ad targeting systems to ensure age-restricted ads are not placed by in media or content for the age group protected by the relevant media placement restriction.

The ASA is likely to rule against marketers who have not demonstrated that they have satisfied these requirements.

8. Targeting paid-for and programmatic ads

Marketers should make good use of targeting options to help ensure that age-restricted ads are directed at adult audiences and limit exposure of the group protected by the relevant media placement restriction.

In most cases, targeting on the basis of age data alone – selecting a specific adult demographic and/or excluding younger age groups – is unlikely to satisfy the requirements of CAP's media placement restrictions. There are several reasons for this; some children and young people may have misreported their ages on platforms that allow users to set up an account and it is common for adults and children to share the same device. Inferred demographic data is available on many platforms, but this might not be exact for all users.

Marketers placing age-restricted ads should therefore take special care. This is even more important where ads are served to non-logged-in users (i.e. where no given data is available from a user account) or using programmatic targeting.

Marketers should seek to reinforce their use of demographic data with interest and behavioural data. Overall, the profile of interest-based factors selected or deselected should clearly favour adults over that group:

- The closer the age profile of the audience targeted by the advertiser is to the protected age group, the more care marketers should take. For example, an advertiser of age-restricted products who is targeting 18-23 year olds will likely need to exercise more care about their other targeting choices than would an advertiser targeting a 35-44 age profile.
- Where a platform facilitates it, marketers should not select and should actively deselect interests very strongly associated with a protected age group. For example, they might choose to actively deselect interest information relating to a clothing brand of particular appeal to teenagers (something likely to appeal more to that group than to adults) or a music festival aimed specifically at teenagers.

- Marketers should be cautious about targeting an ad on the basis of an interest that has a potentially broad age appeal (including a strong appeal to users in a protected age group). They should use additional interest factors, where their use has effect of excluding the restricted age group from the audience; for example, by targeting those interested in both ‘football’ (an interest factor with a very broad age appeal) and ‘house-buying’ (an interest that is biased strongly to adults).
- Where a platform facilitates it, marketers are encouraged to also use external data to further reinforce targeting decisions. For example, data on whether an individual holds a store or credit card is likely to be considered a robust indicator of their age owing to the age-restrictions and checking carried out on those applying for such financial products. For gambling services, marketing data derived from customers who have passed mandatory age checks at the point of sign-up for an account is similarly robust.
- Some ad placements will attract a low risk. For example, a marketer of an expensive whisky or financial market spread-betting product might target an age-group of much older adults using interest factors that naturally exclude children and young people, e.g. ‘insurance products’, ‘family holidays’ or readership of particular publications.

9. Limiting exposure to organic marketing communications

Organic ads generally fall into two categories:

- those published by marketers themselves in their own online spaces (e.g. their social media page); or
- paid-organic content published by third party users of a network or platform on behalf of a marketer (e.g. affiliates and [influencers](#)).

Such communications are considered ‘one-to-many’ and marketers are required to demonstrate to the ASA – primarily, through the audience data they hold – that the group protected by the relevant media placement restriction is not likely to comprise more than 25% of the total audience.

CAP acknowledges that the extent, nature (e.g. first vs third party data) and precision of the audience data available to marketers varies between media. Advertisers are nevertheless strongly encouraged to make best use of what data is available to them – either directly or through the publisher or media owner – to develop as clear a picture as possible of the likely audience of a medium or specific piece of content. This may, for instance, involve using data:

- related to the audience of significantly similar content (e.g. where an influencer uses multiple social media and/or video sharing platforms, follower or subscriber data is likely to be cross-applicable); or
- drawn from signed-in users where marketers can satisfy the ASA that it is likely to reflect the wider audience in media that can also be viewed without sign-in.

Where audience data is unavailable or is to a significant extent unreliable, marketers are cautioned that the ASA is likely to rely on other factors to assess likely appeal and therefore likely audience composition. Principally, this will involve an assessment of the media content in or around which an ad appeared – including themes, imagery and the like – and the context in which it appeared. If the ASA considers there is a reasonable risk that a significant proportion of the audience was comprised of children and young people, the marketer is likely to be found in breach of the Code.

The ASA will assess organic marketing communications on the basis that it is available to the whole audience for the social media account or video sharing channel in question. The ASA will have regard, for example, to whether an account is ‘public’ or private and only accessible to followers or subscribers. Where non-logged-in users can view content, the audience is likely to be wider than signed-in users. Marketers are encouraged to use the tools digital media companies provide to limit appropriately the extent to which signed-in and non-logged-in users in the age group protected by the relevant media placement restriction can view and interact with organic content.

Published: January 2021

Advice on specific non-broadcast marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, or you can log a specific written enquiry via the [online request form](#).

The [Advice and Training](#) section of the CAP website contains a full list of Advertising Guidance notes as well as access to the full AdviceOnline database, which links through to relevant Code rules and ASA rulings.

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