

## Evaluation of responses to Question 3 – Existing prohibitions on the use of promotions and licensed characters and celebrities

There are existing rules in place relating to the creative content of food and soft drink advertising directed at children aged 11 and younger. Should these rules now be applied to advertising for HFSS products only?

CAP proposed to amend existing rules on the creative content of food and soft drink advertising – prohibiting licensed characters, celebrities popular with children and promotions directed at children aged 11 and younger – to apply only to HFSS product advertising allowing greater opportunities for healthier foods to be advertised to children.

	Respondent making points in favour of CAP's proposal	Summary of significant points	CAP's evaluation:
3.1.1	ISBA	Respondent said the proposal accorded with CAP's wider aim to introduce clear differentiation of HFSS products.	See Regulatory Statement section 4.4.2.
3.1.2	AA, ASDA, CAA/UKCA, Dairy UK, FDF, IPM, ISBA, McDonalds, PM, PPA	Respondents considered that the proposal would allow greater opportunities for healthier foods to be advertised to children.	See Regulatory Statement section 4.4.2.
3.1.3	Dairy UK, PepsiCo, FDF Danone	Respondents considered that the proposal would provide encouragement to food manufacturers to reformulate their products.	See Regulatory Statement section 4.4.2.

<b>3.1.4</b>	Dairy UK, ISBA	Respondents maintained that the measure would contribute to the promotion of healthier eating habits among children.	See Regulatory Statement section 4.4.2.
<b>3.1.5</b>	AA, CAA/UKCA, McDonalds, PM	Respondents considered that the proposal would contribute to reducing children's exposure to HFSS advertising.	See Regulatory Statement section 4.4.2.
<b>3.1.6</b>	CVUHB	Respondent cited evidence of the effectiveness of characters and celebrities in promoting products to children. They considered that it demonstrated the potential benefits of allowing healthier products more freedom to promote to children.	See Regulatory Statement section 4.4.2.
<b>3.1.7</b>	ASDA	Respondent agreed with the proposal subject to a robust evidence base and the process of consultation.	CAP's conclusion on the evidence supporting the case for change is in Regulatory Statement section 4.1.2. CAP is satisfied that it has carried out a thorough and robust consultation process in arriving at decision to introduce new rules
<b>3.1.8</b>	C4	Respondent believed CAP should seek to harmonise its approach with that in the BCAP Code.	See Regulatory Statement section 4.4.2.
<b>3.1.9</b>	IAB	Respondent considered that, if differentiation of HFSS products was introduced, it would be consistent to apply the content rules to HFSS products only.	See Regulatory Statement section 4.4.2.
<b>3.1.10</b>	IPA	Respondent believed that advertisers should be able to promote non-HFSS products using the techniques prohibited by the present content restrictions. They considered that it was important given the need to limit the detrimental economic impacts of any placement restriction.	CAP notes this additional benefit to pursuing the underlying objective of altering the nature and balance of food advertising seen by children.

	<b>Respondent making points against CAP's proposal</b>	<b>Summary of significant points</b>	<b>CAP's evaluation:</b>
<b>3.2.1</b>	ABGPHT, AoS/CASH, BGCBC, CEDAR, CFC, CFT, DPPW, FF, HoM, HF, JOFF, LBH, LBL, MoL, OGDBA, OHA, PHD, PHK, NHS (Sco), NS, TCBC, WCRF	Respondents expressed concerns that CAP's proposal would allow non-HFSS products that scored just under the HFSS threshold in the nutrient profiling model to advertise using promotions, licensed characters and celebrities. They said many such products still contained significant amounts of sugar, salt or fat. They maintained that it was common to find products that had been reformulated or newly introduced that scored 9 or 10 on the nutrient profiling model before positive points for fibre and protein were taken into account. Several respondents considered that such products were not recommended for children as part of a healthy diet.	See Regulatory Statement section 4.4.3.
<b>3.2.2</b>	CFT, HF, LBL, OHA, PHK	Respondents acknowledged the potential benefits of allowing more scope to advertise healthier food, but considered that they were outweighed by the problems associated with borderline HFSS products.	See Regulatory Statement section 4.4.3.
<b>3.2.3</b>	NHS (Sco)	Respondent maintained that the DH nutrient profiling model was not sufficient in identifying 'less healthy' products.	See Regulatory Statement section 4.4.3.
<b>3.2.4</b>	BC, BASCD, BDA (Dental), BDA (Dietetic), DUK, HF,	Respondents considered that only demonstrably healthy products, like fresh fruit and vegetables, should be allowed to take advantage of relaxations to the existing content rules.	See Regulatory Statement section 4.4.3.

	OAS, OHA, UKHF, WCRF		
<b>3.2.5</b>	FSS	Respondent considered that permitting use of the promotional techniques covered by the content rules should be based on positive dietary value and not a nutrient profile.	See Regulatory Statement section 4.4.3.
<b>3.2.6</b>	SG	Respondent agreed in principle. They cited the Scottish Dietary Goals showed a lack of consumption in certain areas. However, they considered that non-HFSS products were not necessarily ones that should be promoted as they could have very little nutritional benefit.	See Regulatory Statement section 4.4.3.
<b>3.2.7</b>	NHS (Sco)	Respondent said risks included “borderline” products being promoted that did not support the improvement of the Scottish Dietary Goals. They called for wider consideration of how healthier foods could be effectively promoted. They wanted to see the reduction in advertising of discretionary foods and an increase for foods such as fruit and vegetables.	See Regulatory Statement section 4.4.3.
<b>3.2.8</b>	PHDW	Respondent said they agreed with concerns noted in section 46.4 of the consultation; that the proposal would most likely result in industry taking advantage of any such change to promote foods and drinks that were “borderline” HFSS. They believed that would undermine efforts to promote healthier habits amongst children. The respondent was concerned that such products may be perceived by parents as being a much better choice.	See Regulatory Statement section 4.4.3.
<b>3.2.9</b>	PHDW	Respondent pointed out that fresh fruit and vegetables were already exempted from the existing rules. They considered that there should be greater encouragement of the advertising of healthy foods. However, they considered that there was no evidence that other categories of foods or soft drinks should be given an exemption.	See Regulatory Statement section 4.4.3.

3.2.10	SPHSU	Respondent said the relaxation of the rule on licensed characters should only apply to unprocessed food and vegetable products. It should not apply to companies that sold HFSS products as their main sales. They said the research they carried out suggested young people were concerned about the use of licensed characters as they believed that that was likely to influence younger children. In some groups, young people argued that brand characters should also be included in the rules. The respondent said, whilst young people recognised that few healthy products were advertised in comparison with products HFSS, and that this balance should be redressed, they also expressed concern over advertising for healthier products by brands known for selling a product range that was predominantly HFSS.	See Regulatory Statement section 4.4.2. CAP's response to the points raised around brand equity characters is included in the evaluation of point 3.3.2 (below). As outlined in Regulatory Statement section 4.2, CAP has introduced guidance on brand advertising to accompany the new non-broadcast rules. Its purpose is to identify advertisements that do not feature an HFSS product but have the effect of promoting one.
3.2.11	CEDAR	Respondent pointed out that the present restrictions on the creative content of advertising were based on evidence of the effect of the marketing techniques covered.	This was why the present rules were introduced into the CAP Code in 2007. CAP's decision to adopt the proposal recognises the potential benefits of allowing more freedom for healthier foods to be promoted using such techniques.
3.2.12	ACAD2	Respondent was concerned that evidence suggested that children responded to the brand and brand category advertising driving desire for food from that brand or other brands in the same category. They said relaxing the rules would pave the way for more advertising of 'intermediate' foods featuring promotional techniques to engage children. They believed there were too few truly healthy foods are advertised and are ever likely to be advertised (lack of commercial imperative and budget constraints for public health campaigns) to make this a positive step for health.	CAP notes the respondent and others cited the recent study Boyland, Kavanagh-Safran and Halford (2015), <i>Exposure to 'healthy' fast food meal bundles in television advertisements promotes liking for fast food but not healthier choices in children</i> . This found evidence that suggested advertisements for a brand's healthy foods could result in an increased liking for the brand's HFSS products (the study used McDonalds Happy Meals advertisements and McDonalds' wider range of products). The study was small in scale and used one of the most widespread and recognisable food brands in the UK. It is difficult to draw any conclusions as to the effect identified without further research on this issue. It should be noted, however, that CAP has introduced guidance on brand advertising to identify advertisements that do not feature an HFSS product but have the effect of promoting one (see the Regulatory Statement section 4.2).

3.2.13	PHE	Respondent expressed concern that, although changing the content rules to apply to HFSS product advertising only would allow more creative ways for healthier foods to be advertised to children, it may also have unintended consequences. They also cited Boyland, Kavanagh-Safran and Halford (2015) in support of their concerns.	See the evaluation of point 3.2.12 (above).
3.2.14	SG	Respondent expressed concern over the commercialisation of children, especially the under-12s. They pointed out that that was already accepted by most of the food industry as they had signed up to the EU Pledge and did not market any of their products to under-12s.	The issue of commercialisation of children is an important one, but goes beyond the sectoral matter considered in this consultation. It should be noted, alongside the new restrictions on HFSS products advertising, the CAP Code has long included extensive protections for children to prevent advertising that might lead to harm.
3.2.15	BDA (Dental), OAS	Respondents considered that any relaxation should not extend to brands that included prominent HFSS products.	CAP considers that this would be disproportionate and very difficult to implement in practice. There is no scientific means of identifying an “HFSS brand”. Such judgements are to a large extent subjective and arbitrary. CAP has chosen to adopt guidance that identifies individual instances where use of brands or branding including characters in advertising has the effect of promoting a specific HFSS product. Such advertisements will not be able to use the marketing techniques in question here. CAP considers that this approach is consistent with the evidence of advertising’s influence and the wider objective of changing the nature and balance of food advertising seen by children (see Regulatory Statement section 4.2 for more details on the brand guidance).
3.2.16	CEDAR	Respondent urged CAP to extend the rules to cover brands generally associated with HFSS products.	
3.2.17	CRUK	Respondent said the rules should continue to apply to all food and soft drink advertising to children. They were concerned about brands that produced a multitude of HFSS products, who advertised fruit and vegetables, or fruit and vegetable products to enhance their brand recognition and perceptions. The respondent said there was evidence showing children perceived unhealthy food brands positively. They said evidence also showed “healthy” fast food meal bundle advertisements increased liking for HFSS products. They also said research showed the influence of a celebrity	See the evaluation of point 3.2.12 (above). Additionally, CAP notes the findings of Boyland et al (2013) <i>Food choice and overconsumption: effect of a premium sports celebrity endorser</i> . It is in line with CAP’s understanding of the evidence for the effect of celebrity endorsement. It is for this reason that CAP’s amended rule 15.14 will prohibit their use in HFSS advertising directed at children through its content.

		endorser on food intake in children extended “beyond his or her role in the specific endorsed food commercial, prompting increased consumption of the endorsed brand even when the endorser has been viewed in a non-food context”.	
<b>3.2.18</b>	IPH	Respondent welcomed the approach but expressed concerns that HFSS products could still be advertised through “loopholes”. They pointed out that marketing was no longer restricted to product awareness as marketers sought to build brand awareness, customer relationships and co-product advertising. They considered there was a potential for more healthy foods and drinks that met the criteria for the wider creative content to be used to promote HFSS products. They cited the example of diet versions of sugar sweetened soft drinks as products that were non-HFSS under the DH nutrient profiling model, but presented concerns. They maintained that limiting sugary drink consumption was clearly a government priority as identified in the March 2016 Budget with the commitment to introduce a levy.	CAP has introduced guidance on brand advertising that has the effect of promoting an HFSS product (see Regulatory Statement section 4.2 for more details). Additionally, the DH nutrient profiling model is presently under review by PHE. This process will address concerns over how the model classifies different products (see Regulatory Statement section 4.3 for more details).
<b>3.2.19</b>	NS	Respondent believed that it was not for food and drink companies to tell children what they should be eating. They believed mass promotion of healthy foods, such as fruits and vegetables and minimally processed products, should be left to the government, if at all.	The consultation’s aim was to place appropriate restrictions on advertising to protect the health and well-being of children. Part of this was to explore how the nature and balance of advertising could be changed; it is commonly accepted that healthier foods are not advertised as much as HFSS products. Limiting opportunities for healthier foods to be promoted is not in accordance with this aim.
<b>3.2.20</b>	FF	Respondent believed their environmental policy index demonstrated a strong consensus among experts that the rules were not strong enough. They said the proposal was a significant relaxation and would send the wrong signal to businesses and consumers, and harm consumers’ confidence in businesses’ ability to work in the public interest.	See Regulatory Statement section 4.4.2.

<b>3.2.21</b>	ASDA	Respondent believed it would create a loophole that was not in the interest of the public or businesses.	See Regulatory Statement section 4.4.2.
<b>3.2.22</b>	BSDA	Respondent noted the rules had been in place since 2007 and considered it a backward step for them to be relaxed.	See Regulatory Statement section 4.4.2.
<b>3.2.23</b>	Mars	Respondent did not agree with the proposal. They believed that advertising to children under 12 should not be permitted, regardless of what product was being advertised. The respondent said their own research, along with wider evidence, suggested that the influence of characters and celebrities on children's food consumption varied, depending on their characteristics and the type of product they are associated with. They considered that marketing activities using licensed characters and celebrities were of particular concern as they borrowed their equity and memory structure for the purposes of selling a product.	This is beyond the scope of the consultation, which concerns a specific sectoral issue. The CAP Code, in general, includes a broad range of rules to protect different age groups of children as appropriate. CAP is satisfied that its approach responds to the evidence around the techniques in question.
<b>3.2.24</b>	PAST	Respondent believed the proposal would be discriminatory against companies producing HFSS products. They said restrictions on the use of children's characters and celebrities either had to apply all children's foods or none at all.	CAP is satisfied that it is pursuing a legitimate policy aim; placing appropriate restrictions on advertising to protect the health and well-being of children. In meeting that aim, CAP has set out a clear, evidence-based rationale for the changes adopted, including the application of the existing content restrictions to HFSS products only. CAP considers that relatively greater restrictions on HFSS product advertising are proportionate and necessary.



	<b>Respondent making other relevant points</b>	<b>Summary of significant points</b>	<b>CAP's evaluation:</b>
<b>3.3.1</b>	SG	Respondent called for implementation to be delayed until after the DH nutrient profiling model had been reviewed by PHE. They were concerned that products that might in future be classified as HFSS could be advertised in the interim. They considered that was detrimental to both children and the industry. .	As outlined in Regulatory Statement section 4.3.3, CAP has a duty to assess regulatory and economic impact to ensure its rules remain proportionate. It has committed to consider any revised model against criteria set out in the consultation document: proportionality, usability and credibility. In doing so, CAP will consider if the model is suitable for the purposes of advertising regulation. A decision to postpone derestriction until such time as a new model is in place assumes that CAP will accept the new model, when that is not necessarily the case. Irrespective of this, no substantive case has been made to suggest that the present version of the nutrient profiling model is so fundamentally flawed as to cause tangible harm. The rules for TV advertising mirror the approach CAP has decided to adopt. CAP is not aware that this has undermined progress towards achieving the underlying objective of reducing exposure to HFSS product advertising and rebalancing the types of food advertising seen by children.
<b>3.3.2.</b>	AoS/CASH, ABGPHT, BGCBC, BC, CFC, CFT, DUK, DPPW, FF, JOFF, LNCDU, PHE, NS, SW, TCBC, Which?	Respondents called for a new content restriction to prohibit the use of brand equity characters.	This is outside the scope of consultation but CAP acknowledges that respondents have made significant points. It has therefore evaluated them and considered whether additional work – including, potentially, further consultation – is necessary. In response, CAP considers that a case for further action on brand equity characters has not been adequately made. The evidence base on the effect of brand equity characters is not clear-cut and is not significant enough to suggest that intervention is warranted. Although it is reasonable to assume that such characters have some impact, studies suggest that it is not of a comparable level to

3.3.3	PHE	Respondent cited evidence from their review. They said CAP should take action address what they considered to be a significant loophole in the existing rules.	familiar celebrities or licensed characters. The CAP Code already has content restrictions on the use of celebrities and licensed characters. Irrespective of this, the media placement restriction CAP has decided to introduce will significantly reduce children's exposure to HFSS equity brand characters. The associated brand guidance (see Regulatory Statement section 4.2) imposes further limitations on brand equity characters. For example, advertising that does not feature an HFSS product will be subject to the HFSS restrictions if it features branding or associated brand marks synonymous with a specific HFSS product; this includes brand equity characters.
3.3.4	CFT	Respondent noted the argument made by some in industry that brand equity characters had no existence outside advertising and were therefore less appealing to children. Respondent maintained the ASA had argued that brand equity characters had 'no existence' outside advertising, and that they were less emotionally appealing to children. They said a 2014 study published in the Journal of Consumer Research concluded that brand characters in advertising to children could have very long-term pay-offs for the brand. A 2015 study also found that children's food choices were influenced by brand equity characters, when choosing between two types of the same food. The respondent believed that, while that could be hugely beneficial for healthy products, the findings questioned the role of brand characters in the wider context of supporting and encouraging healthy decision-making in tomorrow's adults. They also cited the PHE review, which, they considered, highlighted the lack of restrictions on the use of marketing forms such as brand characters.	<p>Additionally, CAP notes that, in 2007, Ofcom did not introduce restrictions on brand equity characters appearing on TV. It considered that the evidence for their likely influence on children was outweighed by the often significant economic investment in their development and the fact that the then envisaged placement restrictions would inherently reduce children's exposure to them. CAP shares this view and considers that without clear evidence of a highly significant and distinct effect, further action would not be proportionate.</p> <p>CAP notes several respondents have cited evidence of the impact of brand equity characters on children. In particular, CAP notes the findings of a recent study, McGale, Halford, Harrold and Boyland (2016), <i>The Influence of Brand Equity Characters on Children's Food Preferences and Choices</i>. It concluded that displaying brand equity characters promoted unhealthy food choices in children and that the findings were consistent with those of studies exploring other types of promotional characters. PHE's evidence review, Ells et al (2015), also found evidence of brand equity characters' potential effect. For instance, De Droog (2011) found that 4-6 year olds were influenced to the same extent by familiar and unfamiliar characters. Smits (2012) found that characters on packaging increased consumption and purchase requests in 6 and 7 year olds, but that celebrity endorsement was more effective. However,</p>
3.3.5	DUK	Respondent said evidence demonstrated the use of characters or 'spokes characters' increased preference for, choice and consumption of HFSS by young children. They considered that such characters should be subject to the same restrictions as licensed characters.	
3.3.6	LNCDU	Respondents said leaving brand equity characters outside the scope of the rules provided a strong incentive for industry operators to use such characters instead of licensed characters risking an increase in their use. They considered the loophole difficult to justify from a public health point of view. The respondent said it went against the obligation to ensure that the best interests of the child were a primary	

		consideration.	studies identified in Ells et al (2015) suggested that the impact of characters and celebrities children were familiar with was notably greater. For example, Kotler (2012) found that 2-6 year olds responded more favourably to media characters on packaging that they were familiar with (i.e. licensed characters). Wansink (2012) found that 8-11 year olds were more likely to choose a healthy food option when it featured a known licensed character as opposed to an unknown character. CAP also notes the findings of another recent systematic review, Kraak and Story (2014), Influence of food companies' brand mascots and entertainment companies' cartoon media characters on children's diet and health: a systematic review and research needs. It identified the effect of popular media (in other words licensed) characters, but found no studies exploring the impact of brand mascots (i.e. brand equity characters).
<b>3.3.7</b>	PHDW	Respondent said brand equity characters were just as recognisable and influential as licensed characters. They said an expansion of the rules to include brand characters should be extended to all advertising directed at children.	
<b>3.3.8</b>	RCPCH	Respondent called for further research into the impact of brand equity characters in advertising on children.	
<b>3.3.9</b>	LBH	Respondent said they welcomed encouragements to advertise healthy foods, such as fruit and vegetables.	See Regulatory Statement section 4.4.2.
<b>3.3.10</b>	Britvic	Respondent said any changes should ensure that products with added benefits, for instance, increasing water consumption or vitamins, could continue to be marketed freely.	See Regulatory Statement section 4.3 for further detail of CAP's approach.
<b>3.3.11</b>	CFT	Respondent considered that CAP should either continue to apply the content restrictions to all products, except fresh fruit and vegetables, or create new criteria to identify borderline products that, whilst comparatively healthy, were not recommended as part of a healthy diet. They suggested PHE might consider the point as part of its review.	See Regulatory Statement section 4.4.3.
<b>3.3.12</b>	FF	Respondent expressed concerns about the level of processing products underwent. They said CAP should consider using the NOVA classification for processed and ultra-processed foods (or an equivalent) in parallel to the DH nutrient profiling model. The respondent believed the creative approaches should only be used to promote minimally processed products.	CAP does not agree that additional categorisation of products is warranted or proportionate. The scope of the consultation was to explore what further regulatory interventions were warranted in relation to HFSS products as defined under a nutrient profiling model. PHE's on-going review process is the appropriate route to address concerns with the coverage of the DH model.

3.3.13	PHK	Respondent said only products scoring minimally on the nutrient profile should be allowed to take advantage of the relaxed rules.	See Regulatory Statement section 4.4.3.
3.3.14	BASCD, CFT, FSS, LBL, SPHSU, Which?	Respondents called on CAP to extend the scope of the content rules from pre- and primary school children to under-16s. Respondents cited several reasons: older children had more independence in their food choices consumption of high sugar products, like energy drinks was high among older children. They also said there was no evidence to support an age category that deviated from the Code's general definition of a child.	This is outside the scope of consultation but CAP acknowledges that respondents have made significant points. It has therefore considered whether additional work – including, potentially, further consultation – is necessary. In response, CAP considers that a case for extending the age range of the content rules in question has not been adequately made.
3.3.15	SPHSU	Respondent said the age category should be extended to cover 12-15 year olds and beyond. They said, in the focus group study they had carried out, young people readily named famous actors, singers, sport personalities and vloggers that they admired and followed. The respondent said many young people admitted that they would deliberately choose a product that appeared to be endorsed by a favourite celebrity and that they would need to pay a premium for such products.	As is made clear in other parts of this evaluation, CAP's rules target restrictions the vulnerabilities of different age groups. They are not based on one definition of a child. CAP notes the evidence for the techniques' effect on younger children. There is little corresponding evidence relating to 12-15 year olds. CAP notes the PHE literature review, Ell et al (2015), identified studies covering these techniques based on under-12s. Similarly, another recent systematic review, Kraak and Story (2014), looking at the influence of characters on children's preferences identified no studies that examined the influence in older children. Although the original research carried out by SPHSU to support their response to the consultation provides insights into older children's views, CAP considers that it is not sufficient to warrant further action.
3.3.16	NEDPH	Respondent called for an end to all advertising of HFSS products aimed at or appealing to children aged 15 or younger.	In terms of proportionality, it is important to note the new media placement restriction will inherently reduce the number of HFSS advertisements under-16s see, irrespective of the content.
3.3.17	McDonalds	Respondent called for a consistent approach to all the age categories used for the food and soft drink rules.	Moreover, the Code's existing food and soft drink rules also include general content restrictions that prohibit various irresponsible approaches or encouragements (for example "pester power") for the wider age category. CAP's amended rules will also be in line with the position in the BCAP Code for TV advertising. Better regulation principles encourage consistency unless circumstances present a strong case for a differentiated approach. CAP is satisfied that that is not the case.
3.3.18	LBH	Respondent called for the age category for the content restrictions to be extended to under-18s.	

<b>3.3.19</b>	SG	Respondent noted the CAP Code defined a child as under 16. They asked CAP to consider extending it to under 18, in line with legal definitions in Scotland and the UK.	See the evaluation of point 3.3.14 (above).
<b>3.3.20</b>	PepsiCo	Respondent said, with the commercialisation of childhood in mind, they believed that there should be no advertising of any products directed at the under-8s.	This is beyond the scope of the consultation, which concerns a specific sectoral issue. The CAP Code includes a broad range of rules to protect different age groups of children in general and for specific advertising sectors. CAP considers that there is no case for an outright ban on all advertising to particular age groups.
<b>3.3.21</b>	WCRF	Respondent said evidence showed that younger children were vulnerable to marketing; they often found it difficult to distinguish commercial messaging from factual information. They also said the techniques in question were found to be effective in influencing children. The respondent believed no marketing of any sort should be directed at under-12s.	See the evaluation of point 3.3.20 (above).
<b>3.3.22</b>	Which?	Respondent called on CAP to more clearly define the terms “celebrities” and “popular with children”. They were concerned about celebrities who were popular both with children and adults. Also, the respondent noted the rise of celebrity online bloggers and asked whether they would be covered.	The term “celebrities” is self-explanatory and it is for the ASA to determine whether a celebrity is sufficiently popular with children to warrant applying the amended rule 15.15.
<b>3.3.23</b>	Mars	Respondent called on CAP to consider restrictions on the use of toys and incentives. They said the evidence showed this technique was the most effective in influencing children’s consumption.	The amended rule 15.14 prohibits promotions in advertising directed through its content at under-12s. This includes promotions involving an item such as a toy.
<b>3.3.24</b>	LHHS	Respondent said the restriction should be extended to in-store and street visible promotion.	See Regulatory Statement section 4.8 on the scope of application of the rules.
<b>3.3.25</b>	FEC	Respondent believed only fresh fruit and vegetables should be advertised to children under 12. They cited a report by the Food Foundation, which suggested only 3% of food product advertising spend was spent on fruit and vegetables and 58%	See Regulatory Statement sections 4.4.2 and 4.4.3.

		on confectionary and convenience foods.	
<b>3.3.26</b>	FSS	Respondent said advertisers should not be allowed to use a licensed character or celebrity to promote any product (including fresh or minimally processed non-HFSS products), if they were sold under a readily-identifiable brand-name which also features HFSS products.	See the evaluation of point 3.2.15 (above).
<b>3.3.27</b>	FDF	Respondent said the proposal should also apply only to brand advertising where that brand was inherently associated with a non-HFSS product.	CAP has adopted new guidance that identifies individual instances where use of brands or branding, such as characters, in advertising has the effect of promoting a specific HFSS product. Such advertisements will not be able to use the marketing techniques in question here (see Regulatory Statement section 4.2).
<b>3.3.28</b>	FSS	Respondent said CAP should work with BCAP to align the guidance in order to minimise burdens on advertisers promoting products across media.	The approach CAP has largely mirrored that of BCAP's rules; CAP notes the benefits to consistency across media.
<b>3.3.29</b>	IPM	Respondent called for clarity on how corporate and social responsibility-style promotions would be covered by the new rules.	The amended rule 15.14 states: "HFSS advertisements that are targeted through their content directly at pre-school or primary school children must not include a promotional offer". This would include corporate and social responsibility-related promotions.
<b>3.3.30</b>	Which?	Respondent was concerned about indirect celebrity endorsement via social media. They believed the commercial relationship was not always clear.	Such endorsements are covered by the CAP Code and general Code rules require that they be identifiable as such. If the endorsement is an advertisement for an HFSS product and it is directed at children by the selection of media, the new and amended rules would apply.
<b>3.3.31</b>	Which?	Respondent said recent research they carried out highlighted how companies had encouraged children to develop or promote user-generated characters themselves. Such characters could be shared across social media.	User-generated content is covered under the Code's online remit; see <a href="#">Extending the Digital Remit of the CAP Code</a> (3.9 and 30.10).
<b>3.3.32</b>	Bel UK	Respondent was not in favour of the proposal on the basis of concerns over how dairy products would be affected. They expressed various concerns about the DH nutrient profiling	See Regulatory Statement section 4.3.

		model's classification of such products.	
<b>3.3.33</b>	SW	Respondent called for more guidance and information on sugars. They called for products low in free sugars, in line with the Sugarwise kite-marking scheme or other compliant products, to be advertised to children using celebrities and licensed characters. They said it would encourage reformulation in an area where there were virtually no choices low in free sugars.	See the evaluation of point 2.2.19 (Question 2).
<b>3.3.34</b>	SW	Respondent said any restrictions on the use of media characters, mascots and celebrities should extend to point-of-sale/purchase, packaging, in-store promotion, toy giveaways and competitions.	See Regulatory Statement section 4.8.