

# Food and soft drink advertising to children

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 and 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 help advertisers, agencies and media owners interpret the Codes as far as they relate to the subject discussed but it 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 ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or log a written enquiry via the [online request form](#).

For advice on specific radio advertisements, consult [Radiocentre](#), and for TV advertisements, [Clearcast](#).

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

## Background

Unless otherwise stated, a “child” is defined as someone under 16 years old. Section 5 of the CAP Code contains rules which apply to all marketing addressed to, or featuring children. Section 15 contains rules which specifically relate to the advertising of food to children.

References to food include, where relevant, beverages.

## Advertising to children

### Placement

The Code places specific placement restrictions on advertising for HFSS products. HFSS product advertisements must not be directed at under-16s through the selection of media or the context in which they appear and no medium with an audience that is more than 25% under-16s should be used to advertise HFSS products.

In simple terms, this means that HFSS product ads are not permitted to appear in media;

- specifically for under-16s (for example, a children’s magazine or on a website aimed at children);

OR

- where under-16s make up a significant proportion (more than 25%) of the audience (for example, advertorial content featuring an influencer who might have broad appeal but also a significant child audience).

Please see our Advertising Guidance notes on [‘Media placement restrictions: protecting children and young people’](#) and [‘Children and age-restricted ads online’](#) for detailed guidance on placement.

## General

Marketing communications should reflect the spirit of the Code. Section 5 of the Code outlines specific rules that apply when marketing any product to children. Marketers should ensure that marketing communications contain nothing that is likely to result in the physical, mental or moral harm of a child (Rule 5.1). For example, children should not be shown in hazardous situations or using dangerous substances.

Advertisements should not exploit the credulity of children or undermine parental authority. “High-pressure” or “hard-sell” techniques should be avoided. Nothing must suggest that children could be bullied, cajoled or otherwise put under pressure to

acquire the advertised item. Marketing communications must not take advantage of a child's vulnerability by appealing to emotions such as pity, fear, or self-confidence, or by suggesting that having the advertised product somehow confers superiority, for example making a child more confident, clever, popular, or successful (Rule 15.16.1).

## Pressure to purchase

The Code prohibits direct exhortations to children to buy an advertised product or to persuade others to do so for them (Rule 5.4.2). As well as direct calls to action, children should not, for example, be shown asking for a product or putting it into a parent's trolley in the supermarket.

Whilst accepting children might be expected to exercise some preference over the food they eat or drink, Rule 15.16 reminds marketers that marketing communications should be responsible and must not directly advise or ask children to buy or to ask their parents or other adults to make purchases for them.

## Context

The way in which children perceive and react to marketing communications is influenced by the age and experience of the child and the context in which the message is delivered.

## Prices

Prices for food products must not be presented in a way that suggests children or their families can easily afford them (Rule 15.16.3). If a marketing communication for a product directed at children contains a price, the price should not be downplayed by words such as "only" or "just".

## Nutrition and health claims

"Nutrition" claims refer to a nutritional benefit of a food, for example "low fat" or "high fibre". Rule 15.1.1 states that only nutrition claims listed in the Annex of EC Regulation 1924/2006 on Nutrition and Health Claims Made on Foods ('the Regulation'), or claims that would have the same meaning, may be used in marketing communications.

"Health" claims are those which refer to a relationship between a food or ingredient and health, for example "Calcium is needed for normal growth and development of bone in

children”. Only health claims listed as authorised on the EU Register, or claims that would have the same meaning to the consumer, may be used in marketing communications. Marketers seeking to make a specific claim in relation to children’s development and health may do so only if they have been listed as authorised on the EU Register.

References to general benefits of a nutrient or food for overall good health or health related well-being are acceptable only if accompanied by a specific authorised health claim.

Marketers must hold documentary evidence to show they meet the conditions of use associated with the relevant health or nutritional claim, as specified in the EU Register. Claims must be presented clearly and without exaggeration.

The Department of Health has produced guidance in relation to the application of the Regulation which underpins Section 15. The guidance is available [here](#). Marketers are urged to seek legal advice.

## Diet and lifestyle

Rule 15.11 states that marketing communications must not condone or encourage poor nutritional habits or an unhealthy lifestyle in children.

This rule does not preclude responsible advertising for any products including those that should be eaten only in moderation. An advertisement may show someone enjoying a chocolate bar but not someone eating whole boxes of chocolates in one sitting.

Marketing communications should not encourage frequent eating between meals, eating immediately before going to bed or excessive consumption (either in terms of quantity consumed or frequency of consumption). Portion sizes or quantities of food shown should be responsible and relevant to the scene depicted, especially if children are featured. For example, advergames should not condone children collecting large numbers of sweets. No marketing communication should suggest that a portion intended for more than one person is to be consumed by a single individual or an adult’s portion, by a small child.

Marketing communications should not condone or encourage attitudes associated with poor diets or unhealthy lifestyles; for example, skipping meals, a dislike of green vegetables, hiding consumption from parental figures, or suggesting that an inactive or sedentary lifestyle is preferable to physical activity. They should not encourage frequent consumption throughout the day of products that could potentially cause tooth decay, such as those containing sugar.

## Sales promotions

### General

Marketing communications featuring a promotional offer must be prepared with a due sense of responsibility. Section 5 includes specific rules about sales promotions addressed to or targeted directly at children through the choice of medium. Those rules, which apply to all products types, state that promotions must include a prominent closing date where applicable, must make clear that adult permission is required if a promotional item might cause conflict between a child's desire and parental authority and must not exaggerate the value of a prize or the chance of winning it (rule 5.6).

Promotions which require a purchase to participate cannot include a direct exhortation to buy if they are addressed to or targeted at children (rule 5.7).

As well as rules that apply to all promoters, the Code includes specific rules on promotions aimed at children. This includes the need to explain clearly the terms and conditions associated with the offer and to include a prominent closing date unless the promotional pack includes the item (rules 5.6 and 8.17.4.b).

### HFSS food and pre-school and primary school children

The Code specifically bans sales promotions in advertising for HFSS foods that is targeted through its content at pre-school and primary school children. Rule 15.14 states that "HFSS product advertisements that are targeted through their content directly at pre-school or primary school children must not include a promotional offer".

For the avoidance of doubt, this rule covers advertising on websites; website content regarding a promotional offer related to HFSS food cannot be targeted at pre-school or primary school children through its content. Marketers must take care to ensure that any promotions meant for parents of younger children are clearly targeted at parents through their content.

Promotional marketing on point of sale material and packaging is not covered by rule 15.14, or the other rules on HFSS product advertisements, but are still covered by the promotions rules in Sections 5 and 8 of the CAP Code.

### Rules that apply to non-HFSS ads and promotions to children who are not of pre-school or primary school age

Food product marketing communications (other than for fresh fruit or fresh vegetables) should not encourage children to eat or drink a product only to take advantage of the

promotional offer. The product should be offered on its merits and given a significant presence, with the promotional offer as an added incentive.

Marketing communications featuring a promotional offer for a food product of interest to children must avoid creating a sense of urgency for example they should not use claims such as “Hurry and buy...”. Marketers must avoid encouraging excessive purchase or irresponsible consumption, or encouraging children to eat more than they otherwise would (either in terms of quantity or frequency). Marketers should be particularly mindful if the marketing communication features large pack sizes or promotional offers, for example “3 for the price of 2”.

Marketing communications for collection-based promotions must not seem to urge children or their parents to buy excessive quantities of food. They should not unduly encourage children to collect promotional items and should not emphasise the number of items to be collected. If a promotion is based on token collection, care should be taken to ensure that closing dates are appropriate in order to enable the correct number of tokens to be collected without having to buy excessive or irresponsible quantities of the product in a short time. This is particularly the case where the collection based promotions have a set of promotional items to collect. If promotional items can also be bought, that should be made clear.

## Equity brand and licensed characters

Equity brand characters are characters that have been created by the advertiser and have no separate identity outside their associated product or brand. Licensed characters are characters that are borrowed equities and have no historical association with the product.

**15.15** “Licensed characters and celebrities popular with children must be used with a due sense of responsibility. HFSS product advertisements that are targeted directly at pre-school or primary school children through their content must not include licensed characters or celebrities popular with children.

For the avoidance of doubt, this prohibition does not apply to advertisements for non-food products. The prohibition does not apply to advertiser created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell. Licensed characters and celebrities popular with children may present factual and relevant generic statements about nutrition, safety education or similar.”

For example, using characters from a film that is popular with children in HFSS food advertising targeted through its content at pre- or primary school children is

unacceptable. Marketers should take particular care when it comes to online content, such as advergames.

Marketing communications should not suggest that consuming the advertised product will enable children to emulate or be like an admired figure or role-model or that by not doing so children will be disloyal or would let someone down.

Further guidance, including references to specific ASA rulings where available, can be found in the AdviceOnline database by searching “HFSS”.

Advice on specific non-broadcast marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404, or you can log a specific written enquiry via the [online request form](#).

The ASA/CAP website, [www.asa.org.uk](http://www.asa.org.uk), contains a full list of [Advertising Guidance](#) notes as well as access to the [AdviceOnline database](#), which links through to relevant Code rules and ASA rulings.

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