

Non-broadcast food advertising rules: 12 month review

A review of the rules

The Committee of Advertising Practice (CAP) has announced the terms of reference for its review of the rules introduced last year on the advertising of food and soft drinks high in fat, salt and sugar (HFSS) in non-broadcast media.

CAP's rules ban the inclusion of HFSS product ads in children's media and other media where children make up 25% or more of the audience. The rules provide comprehensive coverage of non-broadcast media environments, from social media and TV-like services online to poster sites located near schools and cinema advertising.

The rules also ban HFSS product ads, targeted through their content at younger children, from including licensed characters and celebrities popular with children, as well as promotions of any kind irrespective of where an ad appears.

Background and evidence

The rules, announced in December 2016, entered into force in July last year following extensive consultation with the public health community, the advertising industry and other key stakeholder groups. The rules respond to continuing concerns over children's diets and the significant changes in media habits brought about by the growth of online environments.

Although the evidence suggests that advertising – even in online media – is likely to have no more than a modest direct effect on children's immediate food preferences, CAP concluded that it was appropriate to bring its rules broadly into line with the rules for TV advertising, administered by the Broadcast Committee of Advertising Practice.

Terms of reference

The review will begin on 1 July 2018, one year after the rules came into force. CAP will publish its conclusions in autumn, which may include additional steps that CAP considers necessary to achieve the rules' objectives. In broad terms, they are to place restrictions on HFSS product advertising, proportionate to the evidence of their influence on children's food preferences, to support wider measures to protect the health and well-being of children, including by not undermining progress towards national dietary improvement.

The review will assess advertisers' compliance with the new rules; the regulators' success in securing amendments to or removal of ads that are found to be in breach of the rules; and the economic and other impacts of the rules, including to children's media and advertisers. Specifically, the review will include:

- media monitoring to assess key media environments popular with children;
- proactive enforcement work to address problems identified through monitoring;
- an analysis of ASA complaints data, rulings and any subsequent enforcement actions;
- an analysis of ASA and Ofcom enforcement activity in relation to TV ads for HFSS products, with a view to considering their implications for non-broadcast regulation



- an invitation for and analysis of stakeholder submissions on the regulatory effectiveness of the rules; and
- an invitation for and analysis of submissions from media owners and advertisers on the rules' economic impact, with particular reference to the regulatory and economic impact assessment published in CAP's public consultation document.

Related activities of interest to readers

Public Health England is consulting on a new nutrient profiling model. On completion of this work, CAP and BCAP have committed to reviewing the suitability of the new model for classifying HFSS product advertising and non-HFSS product advertising.

BCAP has announced a call for evidence to assist in its regulation of TV advertising for HFSS products