

Help Note

# Food and soft drink product advertisements and children



*Regular text CAP Help Notes offer guidance for non-broadcast marketing communications under the UK Code of Non-broadcast Advertising, Sales Promotions and Direct Marketing (the CAP Code).*

## **Background**

These guidelines, drawn up by CAP, are intended to help marketers and their agencies interpret the rules in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the CAP Code). They neither constitute new rules nor bind the ASA Council in the event of a complaint about a marketing communication that follows them.

## **CAP Code**

These guidelines should be read in conjunction with the other rules in the CAP Code for example Section 5 (Children). References to food apply also, where relevant, to beverages.

These definitions apply to the rules in this section:

- Children - persons below the age of 16, unless otherwise qualified as in “pre-school or primary-school children”.
- Licensed characters - those characters that are borrowed equities and have no historical association with the product.
- Equity brand characters - those characters that have been created by the advertiser and have no separate identity outside their associated product or brand.

Section 15 of the CAP Code includes a specific section setting out the rules on food and soft drink product marketing communications and children.

## **Rule 15.11**

Marketing communications must not condone or encourage poor nutritional habits or an unhealthy lifestyle in children.

### **Notes to rule 15.11:**

(1) 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. Interpretation of the rule should be by reference to generally accepted nutritional advice.

(2) Marketing communications should not encourage excessive consumption of any food or drink, frequent eating between meals or eating immediately before going to bed. The notion of excessive consumption relates to the frequency of consumption as well as the amount consumed.

(3) Marketing communications should not condone or encourage attitudes associated with poor diets, for example, a dislike of green vegetables.

(4) Portion sizes or quantities of food shown should be responsible and relevant to the scene depicted, especially if children are involved. 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.

(5) Marketing communications for food should not suggest that an inactive or sedentary lifestyle is preferable to physical activity.

(6) Marketing communications should not encourage frequent consumption throughout the day of potentially cariogenic products such as those containing sugar.

### **Rule 15.16**

Although children might be expected to exercise some preference over the food they eat or drink, marketing communications must be prepared with a due sense of responsibility and must not directly advise or ask children to buy or to ask their parents or other adults to make enquiries or purchases for them. (See 5.4.2).

#### **Notes to rule 15.16:**

(1) This extends to behaviour; for example, a child should not be shown asking for a product or putting it into the parent's trolley in the supermarket.

(2) Phrases such as "Ask Mummy to buy you" are not acceptable.

#### **Rule 15.16.1**

Marketing communications must neither try to sell to children by directly appealing to emotions such as pity, fear, or self-confidence nor suggest that having the advertised product somehow confers superiority, for example making a child more confident, clever, popular, or successful.

#### **Rule 15.16.2**

Marketing communications addressed to children must not urge children to buy or persuade others to buy and must avoid "high-pressure" or "hard-sell" techniques. Nothing must suggest that children could be bullied, cajoled or otherwise put under pressure to acquire the advertised item.

#### **Rule 15.16.3**

Products and prices must not be presented in marketing communications in a way that suggests children or their families can easily afford them.

#### **Note to rule 15.16.3:**

If an advertisement for a product to be bought or consumed by children contains a price, the price should not be minimised by words such as "only" or "just".

**Rule 15.13** Marketing communications featuring a promotional offer must be prepared with a due sense of responsibility.

#### **Rule 15.14**

Except those for fresh fruit or fresh vegetables, food or drink advertisements that are targeted through their content directly at pre-school or primary school children must not include a promotional offer.

#### **Notes to rule 15.14:**

(1) For the avoidance of doubt, this prohibition applies to food or drink advertisements only.

(2) Fresh fruit or fresh vegetables means non-prepackaged fresh fruit or fresh vegetables put up for sale to the final consumer or fresh fruit or fresh vegetables packed at the point of sale or pre-packaged fresh fruit or fresh vegetables with a view to imminent sale.

#### **Rule 15.14.1**

Except those for fresh fruit or fresh vegetables, marketing communications must not seem to encourage children to eat or drink a product only to take advantage of a promotional offer: the product should be offered on its merits, with the offer as an added incentive. Marketing communications featuring a promotional offer must ensure a significant presence for the product.

#### **Rule 15.14.2**

Marketing communications featuring a promotional offer linked to a food product of interest to children must avoid creating a sense of urgency or encouraging the purchase of an excessive quantity for irresponsible consumption.

#### **Rule 15.14.3**

Marketing communications must not encourage children to eat more than they otherwise would.

#### **Notes to rule 15.14.3:**

(1) The notion of responsible consumption relates to the frequency of consumption as well as the amount consumed.

(2) Marketers should be particularly mindful of this rule if the marketing communication features large pack sizes or promotional offers, for example “3 for the price of 2”.

#### **Rule 15.14.4**

Marketing communications for collection-based promotions must not seem to urge children or their parents to buy excessive quantities of food.

#### **Note to rule 15.14.3:**

They should not suggest “Hurry and buy”, not directly encourage children only to collect promotional items and not emphasise the number of items to be collected. If promotional offers

can also be bought, that should be made clear. Closing dates for collection-based promotions should enable the whole set to be collected without having to buy excessive or irresponsible quantities of the product in a short time.

### **Rule 5.7**

Promotions that require a purchase to participate and include a direct exhortation to make a purchase must not be addressed to or targeted at children.

As a general point, marketers should also be aware that rule 8.17.4.b of the Code states that, unless the promotional pack includes the promotional item or prize and the only limit is the availability of that pack, prize promotions and promotions addressed to or targeted at children always need a closing date.

### **Rule 15.15**

Licensed characters and celebrities popular with children must be used with a due sense of responsibility. Except those for fresh fruit or fresh vegetables, food 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, that prohibition applies to food or drink advertisements only. 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.

#### **Notes to 15.15:**

(1) Marketing communications should not suggest that consuming the advertised product will enable children to resemble an admired figure or role-model or that by not doing so children will fail in loyalty or let someone down.

(2) Persons such as professional actors or announcers who are identified with characters in TV or radio programmes that appeal to children may not be used as presenters.

(3) Fresh fruit or fresh vegetables means non-pre-packaged fresh fruit or fresh vegetables put up for sale to the final consumer or fresh fruit or fresh vegetables packed at the point of sale or pre-packaged fresh fruit or fresh vegetables with a view to imminent sale.

### **Rule 15.17**

Marketing communications must not give a misleading impression of the nutritional or health benefit of the product as a whole. Claims referring to children's development and health are acceptable if authorised by the European Commission.

#### **Note to 15.17:**

Ambiguous wording that could be understood as a nutritional claim should be avoided. For example, “goodness” should not be used as a synonym for “wholesomeness” and, if a claim relates to taste, that should be made clear, for example “It tastes good”, not “It is good”. The scientific meaning of the word “energy”, calorific value, should not be confused with its colloquial meaning of physical vigour.

Advice on specific 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 our online request form <http://www.copyadvice.org.uk/Ad-Advice/Bespoke-Copy-Advice.aspx>. The Copy Advice website at [www.copyadvice.org.uk](http://www.copyadvice.org.uk) contains a full list of Help Notes as well as access to the AdviceOnline database, which has links through to relevant Code rules and ASA adjudications.