

# Background Briefing

The Advertising Standards Authority (ASA) works to maintain the highest standards in advertising by taking action to prevent ads from being misleading, harmful or offensive. Visit [www.asa.org.uk](http://www.asa.org.uk) for more information about our activities, to view the Advertising Codes or to access our database of adjudications.

## Food and children

### Healthy diets?

Concern about childhood obesity led to a tightening of the rules for advertising of food and soft drinks; on television, restrictions were placed specifically on foods high in fat, salt or sugar (HFSS). The Advertising Codes place significant restrictions on the content of ads and on the scheduling of television ads. It means that advertisers have to follow strict rules on, for example, the use of celebrities and promotional offers in ads aimed at children.

### The rules

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#### Ads for food and soft drinks must not:

- condone or encourage poor nutritional habits or an unhealthy lifestyle in children
  - encourage excessive consumption of food or drink products
  - use promotional offers in an irresponsible way
  - use 'high pressure' or 'hard sell' techniques
  - use licensed characters or celebrities popular with children if ads are targeted directly at pre-school or primary school children
  - give a misleading impression of the nutritional benefit of products.
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### On television

As well as rules governing what ads look like there are also rules on where and when ads can appear. Ads for HFSS foods and drinks can't appear around programmes that are commissioned for or are likely to be of particular appeal to children up to 16 years of age. No HFSS ads can appear on dedicated children's channels.

### In non-broadcast and radio ads

The rules for non-broadcast and radio ads apply to all foods except fresh fruit and vegetables and are applicable to advertising targeted at under 16's. Additionally, there are extra rules, for example relating to the responsible use of celebrities and licensed characters, which particularly protect children under 12.

### What makes a food HFSS?

Foods are categorised using the Food Standards Agency's Nutrient Profiling Scheme, which allocates points on the nutritional content of 100g of the food or drink. Points are gained or deducted depending on the levels of proteins and vitamins relative to the levels of sugar, salt or fat.

## How do you decide if a programme appeals to children?

As well as programmes that have been made specifically for children, broadcasters must also judge whether a programme has particular appeal to under 16s. They calculate this assessing the audience using figures supplied by the Broadcast Audience Research Board (BARB). To have 'particular appeal', the proportion of children watching a programme must be 20% greater than the proportion of children in society.

## Are the rules working?

We don't just wait to receive complaints. The ASA proactively monitors ads to make sure they comply with the Advertising Codes. A recent ASA survey<sup>1</sup> showed 99% of ads were compliant with the rules.

Evidence to date suggests that the current rules are a proportionate and reasonable response to concerns about food and soft drinks advertising to children. The ASA will continue to monitor ads pro-actively to ensure compliance rates remain high.

## ASA action

### Coca-Cola Great Britain (Vitaminwater) – January 2011

We considered that consumers would not expect a drink advertised as "nutritious" to have the equivalent of four or five teaspoons of added sugar. Because Vitaminwater contained about a quarter of a consumer's recommended daily intake of sugar, we considered that the description of Vitaminwater as "nutritious" was misleading.

### Nestlé UK Ltd – June 2010

In Nestlé's ad Father Christmas was heard saying, "Too many blooming mince pies this year ... those last few chimneys were a bit of a squeeze" before picking up a Kit Kat and saying, "107 calories just the ticket". We decided that the ad gave the misleading impression that a two-finger Kit Kat was a low energy food.

### Coca-Cola Great Britain (Oasis) - October 2008

This ad suggested Oasis, a drink that contained sugar, could be a replacement for water. We concluded that the ad was irresponsible and could discourage good dietary practice.

### Mars UK Ltd (Maltesers) – October 2008

The ASA upheld complaints about a TV advertisement for Maltesers chocolate on the grounds that the words "less than 11 calories each" gave the misleading impression that Maltesers were a low energy food.

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## Further reading

<sup>1</sup> [ASA Compliance Report 'Food and Soft Drink Advertising Survey 2009'](#)

[Ofcom Report - Changes in the nature and balance of television food advertising to children - A review of HFSS advertising restrictions – www.ofcom.org.uk](#)