

Full title of law or regulation	CAP and BCAP Codes: Food, food supplements and associated health or nutrition claims CAP (Section 15): https://www.asa.org.uk/type/non_broadcast/code_section/15.html BCAP (section 13): https://www.asa.org.uk/type/broadcast/code_section/13.html
Title of relevant section	Food and soft drink product marketing communications/ advertising* and children * In general, BCAP uses the term 'advertising' as it describes paid-for/ third party provided media. The CAP Code applies to 'marketing communications'. This encompasses 'advertising' but also non-advertising channels, principally promotional marketing on pack or at point of sale. This is an important distinction because CAP specifically excluded these from the new HFSS rules (15.14, 15.15 and 15.18) applying them only to 'advertising' as it is understood by the CAP Code. The rest of the CAP Code refers to 'marketing communications'.
Background	
<p>"HFSS products" are those food or soft drink products that are assessed as High in Fat, Salt or Sugar in accordance with the Department of Health nutrient profiling model. Information on the nutrient profiling model is now available on the Department of Health website at: https://www.gov.uk/government/publications/the-nutrient-profiling-model</p> <p>See also the Help Note for food or soft drink product advertisements and children: https://www.asa.org.uk/resource/hfss-product-ads-and-brand-ads-identification.html</p> <p>These rules should be read in conjunction with the general rules in this section and other rules in this code, especially Section 5: Children and, for television only, Section 32: Scheduling: https://www.asa.org.uk/type/broadcast/code_section/32.html</p>	
Definitions	
<p>'Children': persons below the age of 16.</p> <p>'Advertisements targeted directly at pre-school or primary school children': advertisements that directly target pre-school or primary school children through their content as opposed to their scheduling. For rules on the scheduling of HFSS product advertisements, please see Section 32: Scheduling.</p> <p>'Equity brand characters': those characters that have been created by the advertiser and have no separate identity outside their associated product or brand.</p> <p>'Licensed characters': those characters that are borrowed equities and have no historical association with the product.</p>	
Diet and lifestyle	
CAP 15.11	Marketing communications must not condone or encourage poor nutritional habits or an unhealthy lifestyle in children.
BCAP 13.2	Advertisements must avoid anything likely to condone or encourage poor nutritional habits or an unhealthy lifestyle, especially in children.
CAP 15.12	Marketing communications must not disparage good dietary practice or the selection of options, such as fresh fruit and fresh vegetables, that accepted dietary opinion recommends should form part of the average diet
BCAP 13.5	Advertisements must not disparage good dietary practice. No advertisement should suggest that a balanced and varied diet cannot provide adequate nutrients in general
Promotional offers	
BCAP 13.9.3	Advertisements for collection-based promotions must not seem to urge children or their

	<p>parents to buy excessive quantities of food. They must not directly encourage children only to collect promotional items, emphasise the number of items to be collected or create a sense of urgency. If a promotional offer can also be bought, that must be made clear. Closing dates for collection-based promotions must enable the whole set to be collected without having to buy excessive or irresponsible quantities of the product in a short time</p>
CAP 15.13 & BCAP 13.9 (TV only)	Marketing communications featuring a promotional offer must be prepared with a due sense of responsibility.
CAP 15.14 & BCAP 13.9 (TV only)	<p>HFSS product advertisements that are targeted through their content directly at pre-school or primary school children must not include a promotional offer.</p> <p>Additionally, for Children under 16:</p>
CAP 15.14.1 & BCAP 13.9.2	Except those for fresh fruit or fresh vegetables (this preceding phrase CAP only), 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
CAP 15.14.2 & BCAP 13.9.1	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
CAP 15.14.3 & BCAP 13.9.4	<p>Marketing communications must not encourage children to eat more than they otherwise would.</p> <p>The notion of excessive or irresponsible consumption relates to the frequency of consumption as well as the amount consumed (BCAP only)</p>
CAP 15.14.4 & BCAP 13.9.3	Marketing communications for collection-based promotions must not seem to urge children or their parents to buy excessive quantities of food.
Licensed characters and celebrities	
CAP 15.15 & BCAP 13.10 (TV only)	<p>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, that prohibition applies to food or drink advertisements only.</p> <p>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.</p> <p>Licensed characters and celebrities popular with children may present factual and relevant generic statements about nutrition, safety, education or similar.</p>
Pressure to purchase	
CAP 15.16 & BCAP 13.12 (TV only)	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 rule 5.4.2).
BCAP 13.12.1	Nothing in an advertisement may seem to encourage children to pester or make a nuisance of themselves
CAP 15.16.1 & BCAP 13.12.3	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.
CAP 15.16.2 & BCAP 13.12.4	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.
CAP 15.16.3	Products or prices must not be presented in marketing communications in a way that suggests children or their families can easily afford them.
BCAP 13.12.5	If an advertisement for a children's product contains a price, the price must not be minimised by the use of words such as "only" or "just".
Nutrition claims and health claims	
CAP 15.17	Claims referring to children's development and health are acceptable if authorised by the European Commission.
BCAP 13.11 (TV only)	Television only – No nutrition or health claim may be used in HFSS product advertisements targeted directly at pre-school or primary school children. For the avoidance of doubt, claims referring to children's development or health are acceptable in non-HFSS product advertisements, if those claims are authorised by the European Commission.
HFSS PRODUCT AD PLACEMENT	
CAP 15.18	HFSS product advertisements must not be directed at people under 16 through the selection of media or the context in which they appear. No medium should be used to advertise HFSS products, if more than 25% of its audience is under 16 years of age.