

Horizon Scanner - Advertising Regulation

HFSS FOOD PROMOTIONS (UK)

Rules are being introduced that restrict price and location promotions of products high in fat, sugar and salt



**20
23**

ONLINE SAFETY BILL (UK)

Tackling illegal and harmful content and protecting online users, including from other users. It includes provisions to tackle paid-for fraudulent advertising in user to user and search services



**20
24**

ONLINE ADVERTISING PROGRAMME (UK)

The Online Advertising Programme is reviewing the regulatory framework of paid-for online advertising



HFSS ADVERTISING (UK)

The Health and Care Act amends the Communications Act 2003 to introduce new statutory controls on the advertising of products high in fat, sugar and salt from 2025



**20
25**

TELECOMS ADVERTISING (UK)

CAP and BCAP are consulting on guidance that would require information about mid-contract prices to be more prominently stated in telecoms ads across media, to avoid misleading consumers



ALCOHOL ADVERTISING (SCO)

Scottish Government seeks views on restricting the marketing of alcohol



DIGITAL SERVICES ACT (EU)

A new framework of obligations applied to all digital services that connect consumers to goods, services or content. Updating rules on illegal content, transparent advertising and disinformation

HFSS food promotions (UK)



WHAT IS IT?

New restrictions on the promotion of foods deemed to be high in fat, sugar or salt ('HFSS')



KEY FACTS



There are location and volume price restrictions:

- ▶ Location restrictions apply to store entrances, aisle ends and checkouts and their online equivalents (that is, entry pages, landing pages for other food categories, and checkout pages) (already in force)
- ▶ Volume price restrictions will prohibit medium and large businesses that sell food or drink in England from offering promotions such as "buy-one-get-one-free" or "three for two" offers on HFSS products

KEY DATES



October 2023

Partly already in force in 2022, final restrictions due to come into force in 2023

FIND OUT MORE



- ▶ [Cereal numbers: High Court rejects Kellogg's challenge to food promotion laws](#)
- ▶ [Government presses ahead with retail and online restrictions on HFSS promotions in England](#)
- ▶ [Piling on: More restrictions on HFSS promotions and advertising planned in Wales and Scotland](#)

TRAINING AND EVENTS



- ▶ Arrange bespoke training any time through [LSPresents](#)

WHICH BUSINESSES DOES IT AFFECT?

All businesses selling or marketing food products are in scope



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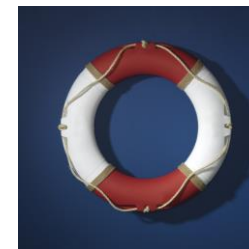
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Online Safety Bill (UK)



WHAT IS IT?

Aims to hold social media platforms and search engines to account if they do not deal adequately with illegal and otherwise 'harmful' content



KEY FACTS

- ▶ It imposes a duty of care on some companies to prevent the proliferation of illegal content and activity online, and to protect users against content that is illegal or breaches the platform's terms of use
- ▶ Affected companies will need to put in place systems and processes to improve user safety
- ▶ Ofcom will regulate and enforce the new regime. It can issue GDPR-style fines of up to £18 million or 10% of global annual turnover (whichever is higher)



KEY DATES



2023/2024

TBC but expected to come into force in late 2023 or early 2024

WHICH BUSINESSES DOES IT AFFECT?

Social media platforms and search engines



FIND OUT MORE



- ▶ [Online Safety Bill introduced in Parliament](#)
- ▶ [Harmful ads and scams to be included in Online Safety Bill](#)
- ▶ [UK Online Safety Bill a missed opportunity MPs claim](#)
- ▶ [I've heard lots of noise about the Online Safety Bill but is it relevant to sport](#)
- ▶ [What is your view on the Online Safety Bill](#)
- ▶ [Online Safety Bill: do no harm?](#)

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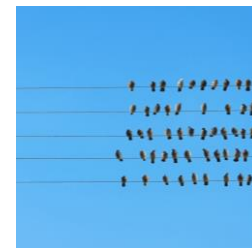
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CAP and BCAP Review of Telecoms Advertising



WHAT IS IT?

CAP and BCAP are consulting on principles for price advertising in the telecoms sector



KEY FACTS



The principles are:

- ▶ Information indicating presence or possibility of a price rise to be placed immediately adjacent to initial price claim.
- ▶ Nature of price rise must be featured **prominently**, and have regard to the timing of the next increase
- ▶ Descriptions of future price rises and terminology used must be clear and simple to understand
- ▶ Advertisers must take care to distinguish between discounts and the full contract price

KEY DATES



2023

Consultation has closed. CAP/BCAP expected to publish next steps

FIND OUT MORE



- ▶ [CAP and BCAP consult about mid-contract price increases in telecoms sector](#)
- ▶ [For more updates, see our Adlaw passle](#)

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WHICH BUSINESSES DOES IT AFFECT?

All consumer-facing telecoms businesses



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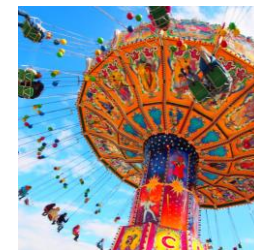
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Online Advertising Programme (UK)



WHAT IS IT?

The UK government is consulting on its regulatory approach to the regulation of online advertising



KEY FACTS

The government is reviewing the regulatory framework of paid-for online advertising. It says there is a lack of transparency and accountability and wants to consider how to build on the existing self-regulatory framework, by strengthening the mechanisms currently in place and those being developed, to equip regulators to meet the challenges of the online sphere, whilst facilitating a pro-innovation and proportionate approach to digital regulation



KEY DATES



2023

Consultation has closed, government expected to publish next steps

FIND OUT MORE



- ▶ [Future of online advertising: Will the UK government strengthen or strangle the ASA?](#)
- ▶ [For more updates, see our Adlaw passle](#)

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WHICH BUSINESSES DOES IT AFFECT?

All businesses in the online advertising space



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Digital Services Act (EU)



WHAT IS IT?

It creates a uniform framework for digital services across the EU



KEY FACTS

- ▶ It sets out new rules to govern e-commerce, and to tackle illegal online content, hidden advertising and disinformation at an EU level
- ▶ It aims to protect day to day internet users by improving content moderation and taking reduce the extensive immunity currently given to online intermediaries
- ▶ Obligations will be most stringent for organisations with more than 45 million users in the EU, with very substantial fines for non-compliance



KEY DATES



May 2023

Some provisions start to take effect

March 2024

Gatekeepers will have to comply with obligations from this time

FIND OUT MORE



- ▶ [Digital Services Act \(DSA\) gets the green light – is your business ready for this ambitious new framework?](#)
- ▶ [Another blow for Big Tech as political agreement is reached in record time on a new digital services framework](#)
- ▶ [EU plans changes to e-commerce and competition law](#)

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WHICH BUSINESSES DOES IT AFFECT?

Internet access providers, cloud and hosting services, online marketplaces, app stores and social media platforms if they operate in the EU and there is a “substantial connection” to the EU



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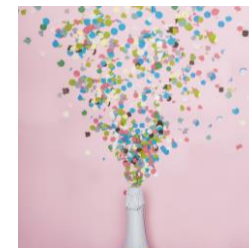
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Regulation of alcohol advertising (Scotland)



WHAT IS IT?



Proposals to introduce restrictions in relation to alcohol advertising and sponsorship

KEY FACTS



The Scottish government is seeking views on restrictions on role of alcohol marketing in:

- ▶ Sports sponsorship
- ▶ In-store marketing
- ▶ Print advertising
- ▶ Online, TV and radio advertising
- ▶ Brand sharing and merchandise
- ▶ Content of alcohol advertising

KEY DATES



March 2023
Consultation ends

FIND OUT MORE



- ▶ [Scottish government consults on tougher restrictions on alcohol advertising](#)
- ▶ [For more updates, see our Adlaw passle](#)

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WHICH BUSINESSES DOES IT AFFECT?



All businesses advertising alcohol to customers in Scotland, as well as those involved in event sponsorship and brand activation

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HFSS advertising – Health & Care Act (UK)



WHAT IS IT?

UK legislation restricting advertising of foods high in fat, sugar and salt online and on television



KEY FACTS

- ▶ Introduces a 5.30am to 9pm watershed for TV advertising of HFSS products. All On Demand Programme Services (ODPS) will be included in the TV watershed
- ▶ Bans paid-for advertising online of HFSS products. Other ODPS outside the jurisdiction of the UK will be subject to the online prohibition because they are not defined in the Communications Act 2003, so are considered to be "internet services"



KEY DATES



October 2025
Restrictions take effect.

FIND OUT MORE



- ▶ [Junk food ban delayed until after next election](#)
- ▶ [New HFSS restrictions shelved?](#)
- ▶ [HFSS restrictions a step nearer with the publication of the Health and Social Care Bill](#)

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WHICH BUSINESSES WILL BE AFFECTED?

Advertisers of HFSS foods, as well as the platforms and broadcasters carrying such ads



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