

CAP LAUNCHES REVIEW OF RULES ON ADVERTISING HFSS FOOD AND DRINKS



The Committee of Advertising Practice (CAP) has begun a review into the effectiveness of the rules relating to the advertising of food and soft drinks high in fat, salt and sugar (HFSS) to children in non-broadcast media (the Rules).

Introduced in July last year, the Rules (contained in Section 15 of the CAP code) place specific placement restrictions on advertising HFSS products to children; with HFSS product ads not being permitted to appear in media directed at under -16s or where under-16s make up more than 25% of the audience. Here, the onus is on advertisers to show they have used targeted tools to direct ads away from users whose interests suggest they are under 16. Additionally, the Rules prohibit the use of promotions, licensed characters and celebrities popular with children in ads for HFSS products that are targeted at pre-school or primary school children.

In order to assess the effectiveness of the Rules, CAP's review will involve (i) media monitoring to assess key media environments popular with children; (ii) proactive enforcement work to address problems identified; (iii) an analysis of ASA complaints data, rulings and enforcement actions; (iv) an analysis of ASA and Ofcom enforcement activity in relation to TV ads for HFSS products; (v) an analysis of any stakeholder submissions on the regulatory effectiveness of the Rules; and (vi) an analysis of submissions from media owners and advertisers on the economic impact of the Rules.

The results of the review are expected to be published by CAP in the autumn, which may include additional guidelines being introduced if CAP considers it necessary in order to achieve the objectives of the Rules. However, CAP is keen to ensure that any changes it makes are meaningful, commenting recently that "the evidence shows that restrictions are reducing children's exposure to HFSS ads. So if this substantial reduction doesn't appear to have moved the needle much in terms of actual obesity rates (and it doesn't) we must question whether the tougher restrictions proposed will have the positive effect their advocates desire – restrictions which will, of course, come at a significant cost to the media or platforms affected".

In the meantime, any interested stakeholders may make a submission to CAP by 31 July 2018. For further information, [please see the ASA's website.](#)

Who to contact

HAYLEY ANDERSON

Associate

0161 934 6395

07802 719707



10-22428243-1

addleshawgoddard.com

Aberdeen, Doha, Dubai, Edinburgh, Glasgow, Hong Kong, Leeds, London, Manchester, Muscat, Singapore and Tokyo*

*a formal alliance with Hashidate Law Office

© 2018 Addleshaw Goddard LLP. All rights reserved. Extracts may be copied with prior permission and provided their source is acknowledged. This document is for general information only. It is not legal advice and should not be acted or relied on as being so, accordingly Addleshaw Goddard disclaims any responsibility. It does not create a solicitor-client relationship between Addleshaw Goddard and any other person. Legal advice should be taken before applying any information in this document to any facts and circumstances. Addleshaw Goddard is an international legal practice carried on by Addleshaw Goddard LLP (a limited liability partnership registered in England & Wales and authorised and regulated by the Solicitors Regulation Authority and the Law Society of Scotland) and its affiliated undertakings. Addleshaw Goddard operates in the Dubai International Financial Centre through Addleshaw Goddard (Middle East) LLP (registered with and regulated by the DFSA), in the Qatar Financial Centre through Addleshaw Goddard (GCC) LLP (licensed by the QFCA), in Oman through Addleshaw Goddard (Middle East) LLP in association with Nasser Al Habsi & Saif Al Mamari Law Firm (licensed by the Oman Ministry of Justice) and in Hong Kong through Addleshaw Goddard (Hong Kong) LLP, a Hong Kong limited liability partnership pursuant to the Legal Practitioners Ordinance and regulated by the Law Society of Hong Kong. In Tokyo, legal services are offered through Addleshaw Goddard's formal alliance with Hashidate Law Office. A list of members/principals for each firm will be provided upon request. The term partner refers to any individual who is a member of any Addleshaw Goddard entity or association or an employee or consultant with equivalent standing and qualifications. If you prefer not to receive promotional material from us, please email us at unsubscribe@addleshawgoddard.com. For further information please consult our website www.addleshawgoddard.com or www.aglaw.com.