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## New food advertising rules

### Frequently Asked Questions

The new rules surrounding food advertising have thrown up some complex questions and issues. Here are answers to some of the most commonly asked questions surrounding the new rules:

#### Why the new rules?

On 1 December 2003, the Secretary of State for Culture, Media and Sport, Tessa Jowell, asked Ofcom to consider proposals to strengthen the rules on food and drink advertising to children. This was because of growing concerns about child obesity. In response, Ofcom undertook a comprehensive analysis of the available scientific and audience data to assess the extent to which television advertising influenced children's food preferences.

After conducting extensive research Ofcom concluded that targeted restrictions were warranted as part of a wide range of policy measures to be undertaken by Government and others, to tackle childhood obesity. As a result they launched a public consultation into proposed tightened restrictions for TV food advertising to children. The finalised scheduling and content rules written by Ofcom and the Broadcast Committee of Advertising Practice (BCAP) are now in place and will be administered by the Advertising Standards Authority.

#### When did the new rules come into effect?

The scheduling restrictions came into effect from 1 April. Dedicated children's channels will be allowed a graduated phase-in period to the end of December 2008 for full implementation. The revised content rules are already in force.

#### What is an HFSS product?

'HFSS' stands for high in fat, salt and sugar. An HFSS food product, which includes beverages, are those rated as being high in any of those ingredients by the Food Standards Agency (FSA) Nutrient Profiling scheme.

#### What is nutrient profiling and how is it measured?

Nutrient profiling applies both to the scheduling and content rules. The nutrient profiling model was drawn up by the Food Standards Agency and delivered to Ofcom in December 2005 to be used in the restriction of the promotion of HFSS food and drink to children on television. Nutrient profiling basically works by awarding points (up to 10 points for each component) for the amount of energy, saturated fat, sugar and sodium in a food product. The total 'high points' score determines how that product can be advertised. Foodstuffs with an overall score of 4 or more points and drinks with an overall score of 1 or more points are classified as 'less healthy'.

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## What are the content and scheduling rules?

The scheduling rules drawn up by Ofcom mean that ads for HFSS foods are not permitted in programmes made specifically for children or for programmes of a particular appeal to children. The content rules drawn up by BCAP prevent advertisers from using particular techniques and treatments in their ads e.g. celebrities with a particular appeal; promotional offers with HFSS products, encouraging children to pester their parents or adults for products. [[see the content rules for specific examples](#)]

## What is indexing?

Deciding whether a programme is of 'particular appeal' is assessed using an established tool that measures audience composition. The tool is known as the 120 index. This means that if the proportion of the audience watching a particular programme is more than 20% higher than the proportion of under-16s in the UK then the programme is defined as one which attracts a significantly higher than the average proportion of viewers in that age group i.e. it is of particular appeal. Broadcasters and regulators are familiar with the use of audience indexing. In the case of new programmes, broadcasters are expected to assess historical scheduling data to assess whether a programme that they intend to transmit is one that is likely to attract significantly more under-16s than average. If an ad is for a food that is HFSS, then it will be the responsibility of the broadcaster to ensure that the advertisement is scheduled appropriately.

## What about ads in non-broadcast media?

A similar approach has been taken with non-broadcast advertising. However, rather than just applying to ads for HFSS products they apply to all food and drink products except for fresh fruit and vegetables. As a result they do not use the FSA's Nutrient Profiling Scheme. The food rules are applicable to advertising targeted at children under 16 years of age and include the requirements that food ads should 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.

## Who does what?

Here is a who's who guide to the key organisations involved in the tightened TV food advertising rules:

### ASA

The Advertising Standards Authority is the independent body set up by the advertising industry to police the rules laid down in the advertising codes. It responds to complaints from the public and industry and works to keep advertising standards high. It does so in the interests of protecting consumers and establishing a level playing field amongst competitors. It is the one-stop-shop for advertising complaints and is responsible for regulating advertising

across all media.

### **BCAP**

The Broadcast Committee of Advertising Practice (BCAP) is contracted by the broadcast regulator, Ofcom, to write and enforce the codes of practice that govern TV and radio advertising. The Committee comprises representatives of broadcasters licensed by Ofcom, advertisers, agencies, direct marketers and interactive marketers. BCAP wrote the new content rules for food advertising in response to the tightened scheduling rules produced by Ofcom.

### **CAP**

CAP is the body responsible for writing and enforcing the non-broadcast advertising code. The Committee comprises representatives of advertisers, agencies, direct marketers and promoters.

### **Ofcom**

Ofcom is the regulator for the UK communications industries, with responsibilities across television, radio, telecommunications and wireless communications services. It contracted out day-to-day responsibility for upholding standards in broadcast advertising to the ASA in November 2004. However, Ofcom retain overall responsibility for broadcast advertising regulation and act as the ASA's statutory backstop with the power to fine broadcasters and revoke licences for non-compliance with ASA rulings.

### **FSA**

The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food. The FSA produced the Nutrient Profiling scheme that defines which products are HFSS.

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