[GB] New Rules on the Marketing of E-Cigarettes

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The UK co-regulatory bodies, the Committee of Advertising Practice and the Broadcast Committee of Advertising Practice have introduced changes to their codes to regulate the marketing of e-cigarettes. The former covers general advertising, including non-broadcast electronic media, such as company websites and posts on social media directly connected with the supply of goods and services; the latter covers television services licensed by Ofcom. There were previously no specific restrictions on non-broadcast advertising of e-cigarettes. However, e-cigarettes could in practice not be advertised in television because of a general prohibition of indirect promotion of tobacco products. The effect of this change is to permit such advertising, but only subject to major restrictions.

The two codes (the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing and the UK Code of Broadcast Advertising) now contain a number of new rules. These rules provide that advertisements for e-cigarettes must be socially responsible, must not contain anything that might reasonably be associated in the audience's mind with a tobacco brand and must not promote or show the use of a tobacco product in a positive way (this will not prevent cigarette-like products from being shown). They must make it clear that the product is an e-cigarette and not a tobacco product. Advertisements must not contain health or medicinal claims, unless the product is authorised by the Medicines and Healthcare Products Regulatory Agency; e-cigarettes may be presented as an alternative to tobacco, but the advertisements must not undermine the message that giving up tobacco use is the best option for health. Health professionals must not be used to endorse e-cigarettes, advertisements must state clearly whether the product contains nicotine and must not encourage non-smokers to use e-cigarettes. They must not be likely to appeal particularly to people under 18 and people shown using e-cigarettes must neither be, nor seem to be, under 25. The non-broadcast code also specifies that no medium should be used to advertise e-cigarettes if more than 25% of its audience is below 18 years old. The broadcast code requires that advertisements for e-cigarettes must not be in or adjacent to programmes likely to appeal particularly to audiences below 18.

The new rules came into effect on 10 November 2014.

CAP and BCAP's Joint Regulatory Statement, New Rules for the Marketing of E-Cigarettes, 10 November 2014

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http://www.cap.org.uk/News-reports/Media-Centre/2014/~/media/Files/CAP/Consultations/ecig%20consultation/Regulatory%20Statement.ashx

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