



Norman Lamb MP
House of Commons Science and Technology Committee Chair
House of Commons
London
SW1A 0AA

Advertising Standards Authority
Mid City Place, 71 High Holborn
London WC1V 6QT
Telephone 020 7492 2222
Textphone 020 7242 8159
Email enquiries@asa.org.uk
www.asa.org.uk

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By email & post

Email: norman.lamb.mp@parliament.uk

Dear Norman,

Congratulations on the publication of the Science and Technology Committee's report, 'Energy drinks and children'. We were delighted to be given the opportunity to contribute to the Committee's inquiry. Given the current wider public health concerns around childhood obesity and food and drink, it is right that the impact of energy drinks should be subject to careful scrutiny.

The majority of energy drinks are classified as products high in fat, salt or sugar (HFSS) under the nutrient model profile, and so are already subject to our current rules on HFSS advertising, which include robust advertising restrictions like ensuring such ads are not targeted at children. The ASA is currently undertaking a number of reviews into the HFSS advertising rules. These include a call for evidence on the broadcast HFSS rules and a review of the 2017 non-broadcast HFSS rules. We have also undertaken research into children's exposure to HFSS advertising, and are working on separate research using avatars to get a better understanding of what children are seeing online. Through all this work we welcome submissions from individuals, organisations and of course Parliamentary committees, and commit that the recommendations in your report will be considered as a part of those reviews.

I know that the Committee is concerned about the appearance of adverts within advergames. For the avoidance of doubt, advergames in paid-for space online are covered by the Advertising Code. Similarly, advergames that are made available on the advertiser's own website, as downloadable apps or in social media under the advertiser's control and that are directly connected with the supply or transfer of goods, services, opportunities and gifts must also comply with the Code. This is an area that we are closely monitoring. This year, we published a ruling against Kinder for the promotion of an

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Chairman Rt Hon Lord Currie of Marylebone Chief Executive Guy Parker
ASA Council David Hepworth, Tess Alps, Reg Bailey, Kate Bee, Wesley Henderson, Nita Patel, Aaqil Ahmed, Zaid Al-Qassab, Suzanne McCarthy, Shireen Peermohamed, Sam Younger, Tracey Follows and Neil Stevenson

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advergame which we felt was aimed at children, and Kinder have since shut down the site on which the advergame was hosted.

It will interest the Committee to know that last year CAP [published tough new standards](#) to protect children in relation to age-restricted ads online. The standards require advertisers to prove they've taken full advantage of the available range of social media targeting tools to make sure their ads are directed away from children. Simply filtering users according to age alone may well be insufficient, since some children register accounts using false dates of birth and/or share adults' devices. The burden of proof is on the advertiser to show they've used the available interest-based tools and filters to target their ad responsibly. As an example, these standards were enforced in a ruling on a Diageo ad for Captain Morgan's rum on Snapchat, where images were found to be likely to appeal particularly to children. Diageo's practice of filtering by self-reported age was held to be insufficient given Snapchat's large child audience. As a result of the ruling, which banned the ad, Diageo withdrew all ads from Snapchat globally. While this ruling concerned an alcohol ad, the same tough standards apply to energy drink ads.

In the report, you highlighted examples of prominent energy drink marketing in games – provided by the British Dietetic Association – and asked us to look into them. We will write to the British Dietetic Association about this issue and ask if they are able to provide us with further information. This will enable my colleagues to assess whether there has been a breach of our rules.

The Committee also proposed that CAP might conduct a review into whether there should be an age-restriction on adverts for energy drinks not classified as HFSS. I have asked my CAP colleagues to look into that request and respond separately to you.

If you would like to meet to discuss this further, please do not hesitate to get in touch.

Yours,
Guy

Guy Parker
Chief Executive