

Changes to the BCAP TV and radio Codes as a result of the NHCR

Rate or amount – new wording

~~Rate or amount~~ – deleted wording

Amendments to the BCAP Television Advertising Standards Code

TV rule 8.4.3: predictions of weight loss

Advertisements must not promise or predict specific weight loss for products or services in this category. Advertisements which refer to specific amounts of weight that have been lost by individuals must also state the period over which that loss was achieved. The rate and amount of weight loss must be compatible with accepted good medical and dietary practice and must be representative of the capabilities of the product or service. ~~Food product claims that refer to a rate or amount of weight loss are not permitted.~~

TV rule 8.3.1: Accuracy in food advertising

(a) Nutrition claims (e.g. ~~“high in full of the goodness of vitamin C”~~) or health claims (e.g. “aids a healthy digestion”) must be supported by sound scientific evidence. Advertising must not give a misleading impression of the nutritional or health benefits of the product as a whole and factual nutrition statements should not imply a nutritional or health claim that cannot be supported. Ambiguous wording that could be understood as a ~~nutritional~~ health claim must be avoided. For example, “goodness” should not be used as a synonym for “wholesomeness” and, if a claim relates to taste, that should be made clear, e.g. “It tastes good”, not “It is good”. The scientific meaning of the word “energy”, i.e. calorific value, should not be confused with its colloquial meaning of physical vigour.

(b) Nutritional claims and health claims should relate to benefits that are significant ~~and relevant to groups likely to be strongly interested in the advertisement~~. Claims should be presented clearly and without exaggeration

Notes:

(1) Claims of nutritional or health benefits should be considered in the context of a balanced diet or lifestyle or both. For the avoidance of doubt, HFSS product advertisements may make nutritional or health claims in accordance with 8.3.1.

(2) ~~A wide range of guidelines that offers best practice advice for nutritional claims and healthy eating is available. For example, The Food Standards Agency’s Guidelines for the Use of Certain Nutrition Claims in Food Labelling and Advertising include a recommendation to avoid “% fat free” claims (issued November 1999). Appropriate consideration and uniform application of such guidelines is needed from the relevant pre-clearance and adjudicatory bodies.~~

TV rule 8.3.5 Dietary supplements

(a) ~~Advertisements~~ must ~~not~~ suggest that it is necessary ~~or therapeutic~~ for the average person to augment their diet or, ~~unless the claim is authorised by the European Commission,~~ that dietary supplements can enhance normal good physical or mental condition. ~~Claims about a higher vitamin or mineral intake for a specific function are permitted if authorised by the European Commission.~~

(b) ~~Advertisements~~ may offer vitamin and mineral supplements to certain groups as a safeguard to help maintain good health. ~~If the claim made for a~~

vitamin or mineral supplement is relevant only to a group that is at risk of inadequate intake, the advertisement must state clearly establish those the groups of people likely to benefit from a particular form of supplement.

Note to 8.3.5(b):

Only certain groups are likely to benefit from particular vitamin or mineral supplements. They might include people on a restricted dietary regimen, those eating, low-energy diets, women of child-bearing age (particularly if they are planning to have a baby, are pregnant or lactating), growing children and some individuals over 50.

TV rule 11.8.2 (f)

Advertisements for alcoholic drinks may contain factual statements about product contents, including comparisons, but must not make any other type of health claims, including fitness or weight control claims. The only permitted nutrition claims are “low alcohol”, “reduced alcohol” and “reduced energy” and any claim likely to have the same meaning for the audience.

TV Rule 8.4.6 Underweight

Advertisements for products and services in this category must not suggest that to be underweight is acceptable or desirable. Where testimonials or case histories are used, they must not refer to subjects who are or appear to be underweight

Notes (2)

(b) advertisements for such foods may not refer to the rate or amount of weight loss that may result from the use of the product. ~~or to a reduction in the sense of hunger or an increase in the sense of satiety.~~

Amendments to the BCAP Radio Advertising Standards Code

Radio rule 3:13(d)

Promises or predictions of specific weight loss are not acceptable for any slimming aid. Where specific amounts of weight are claimed to have been lost by individuals the period over which the loss was achieved must be stated. The amount of weight lost and the period over which it was lost should be compatible with generally accepted good medical and dietary practice and not unrepresentative of the capabilities of the product or service offered. **Food product claims that refer to a rate or amount of weight loss are not permitted.**

Radio rule 3.13.f

(ii) advertisements for such foods may not refer to the rate or amount of weight loss that may result from use of the product. ~~or to a reduction in the sense of hunger or an increase in the sense of satiety.~~

Radio rule 3.12.1: diet and lifestyle

Advertisements must not disparage good dietary practice and must avoid anything likely to encourage poor nutritional habits or an unhealthy lifestyle, especially in children. Advertisements must not discourage selection of foods, such as fresh fruit and vegetables, that generally accepted dietary opinion recommends should form a greater part of the average diet.

This rule does not preclude responsible advertising for any products including those that should be eaten only in moderation. Claims of nutritional or health benefits should be considered in the context of a balanced diet or lifestyle or both.

Nutrition or health claims must be supported by sound scientific evidence. ~~No nutrition or health claim may be used in food or soft drink product advertisements targeted directly at pre-school or primary school children; that prohibition does not apply to advertisements for fresh fruit or fresh vegetables.~~ Generalised claims such as 'goodness' or 'wholesome' must not exaggerate the nutritional or health benefit of a food product or an ingredient. Reference to the properties of an ingredient must not give a misleading impression of the properties of the whole product. The scientific meaning of the word "energy", calorific value, must not be confused with its colloquial meaning of physical vigour.

Advertisements must not encourage or condone excessive consumption of any food.

Notes

Particular attention should be paid to the requirements of the Food Labelling Regulations 1996, especially the prohibited and restricted claims set out in Schedule 6. ~~Guidelines that offer best practice advice for nutritional claims and healthy eating are available. For example, The Food Standard Agency's Guidelines for the Use of Certain Nutrition Claims in Food Labelling and Advertising include a recommendation to avoid "% fat free" claims (issued November 1999).~~

Radio rule 3.12.2: dietary supplements

a) Advertisements must not state or imply that dietary supplements, including vitamins or minerals, are necessary to avoid dietary deficiency **or, unless the claim is authorised by the European Commission, that dietary supplements can enhance normal good health.** Claims about a higher vitamin or mineral intake for a specific function are permitted if authorised by the European Commission.

b) Advertisements may offer vitamin and mineral supplements to certain groups as a safeguard to help maintain good health. If the claim made for a vitamin or mineral supplement is relevant only to a group that is at risk of inadequate intake, the advertisement must state clearly the group likely to benefit from the supplement. Groups that might benefit include: people on a restricted dietary regimen; those eating unsupplemented, low food-energy diets; women who are planning to become pregnant or are pregnant or lactating; growing children and some people over 50.

Radio rule 3.11.3.1

Advertisements for alcoholic drinks may contain factual statements about product contents, including comparisons, but must not make any ~~other type of~~ health claims, including fitness or weight control claims. The only permitted nutrition claims are "low alcohol", "reduced alcohol" and "reduced energy" and any claim likely to have the same meaning for the audience and any claim likely to have the same meaning for the audience.

Further amendment to the CAP Code following BCAP's consultation

56.10 Marketing communications may give factual information about:

a) product contents, including comparisons, but must not make any health claims, which include fitness or weight control claims. The only permitted nutrition claims are "low alcohol", "reduced alcohol" and "reduced energy" and any claim likely to have the same meaning for the audience.

b) the alcoholic strength of a drink or make factual strength comparisons with other products but must not otherwise suggest that a drink may be preferred because of its high alcohol content or intoxicating effect. Drinks may be presented as preferable because of low or lower strength.