

# 10

PROHIBITED CATEGORIES



## Principle

Broadcast advertisements for some products or services are not permitted either because those products may not legally be advertised or because of a clear potential for harm or serious or widespread offence to the audience or to society.

## Background

There are other unacceptable and restricted categories of advertising not listed in this Section, which can be found in these sections: [Political and Controversial Matters \(Section 7\)](#); [Children \(Section 5\)](#); [Medicines, Medical Devices, Treatments and Health \(Section 11\)](#); [Financial Products, Services and Investments \(Section 14\)](#); [Faith, Religion and Equivalent Systems of Belief \(Section 15\)](#); [Homeworking Schemes \(Section 24\)](#); [Instructional Courses \(Section 25\)](#) and [Pornography \(Section 30\)](#).

## Rules

- 10.1 Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:
- 10.1.1 breath-testing devices and products that are intended to mask the effects of alcohol
  - 10.1.2 betting systems and products that are intended to facilitate winning games of chance
  - 10.1.3 all tobacco products. Also non-tobacco products or services that share a name, emblem or other feature with a tobacco product (as provided for by rule 10.4), rolling papers and filters. This rule does not apply to advertisements for products which are regulated by section 33
  - 10.1.4 guns (including replica guns), gun clubs and offensive weapons. "Offensive weapons" are items made or adapted to cause injury. References to clay pigeon shoots are permitted only as part of a wider range of outdoor pursuits
  - 10.1.5 prostitution and sexual massage services
  - 10.1.6 obscene material. "Obscene material" is material that offends against the Obscene Publications Act 1959 (as amended)

- 10.1.7 products for the treatment of alcohol and illegal-substance dependence. Services offering treatment of alcohol and illegal-substance dependence are acceptable if they comply with rule 11.10
- 10.1.8 pyramid promotional schemes. "Pyramid promotional schemes" are those in which consumers pay or give other consideration for the opportunity to receive compensation that is derived primarily from the introduction of other consumers into the scheme, not the sale or consumption of products
- 10.1.9 the acquisition or disposal of units in collective investment schemes not authorised or recognised by the FCA, without the prior approval of BCAP.
- 10.1.10 **Television only** – Escort agencies
- 10.1.11 electronic cigarettes and refill containers or any advertisement which has the aim or direct or indirect effect of promoting such a product

For the purposes of this rule:

“Electronic cigarette” means a product that can be used for the consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank (regardless of whether it is disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges), but is not a medicinal product within the meaning of regulation 2 of the Human Medicines Regulations 2012 or medical device within the meaning of regulation 2 of the Medical Devices Regulations 2002.

“National public health bodies” means Public Health England, NHS Health Scotland, Public Health Wales and the Public Health Agency (Northern Ireland).

A “refill container” means a receptacle that contains a nicotine-containing liquid, which can be used to refill an electronic cigarette, but is not a medicinal product within the meaning of regulation 2 of the Human Medicines Regulations 2012 or medical device within the meaning of regulation 2 of the Medical Devices Regulations 2002.

A “stop smoking service” means a service commissioned by a local authority or the NHS to provide clinical services to support smokers with the reduction and cessation of smoking.

This rule is not intended to prohibit advertisements for (i) nicotine-containing electronic cigarettes which are licensed as medicines or medical devices [as described above], (ii) non-nicotine-containing liquids and refill containers, (iii) non-nicotine-containing disposable e-cigarettes and (iv) rechargeable e-

cigarettes which are designed to be fitted only with cartridges containing non-nicotine containing e-liquid. Such products may be advertised subject to all relevant rules in the BCAP Code, including those in Section 33.

This rule is also not intended to prohibit the promotion of electronic cigarettes and/or refill containers as a means of smoking cessation as part of a public health campaign by national government health departments, national public health bodies, stop smoking services, and charities that do not receive any funding from the tobacco or electronic cigarette industries. Such campaigns must not be conducted in the course of a business or seek to promote specific, unlicensed, nicotine-containing electronic cigarette products.

- 10.2** No advertisement may indirectly promote an unacceptable product or service. For example, advertisements must not refer the audience to a website or a publication if a significant part of that website or publication promotes a prohibited product or service.

## Tobacco

These rules do not apply to advertisements for products which are regulated by section 33.

- 10.3** Advertisements must not promote smoking or the use of tobacco products.
- 10.4** If it shares a name, emblem or other feature with a tobacco product, a non-tobacco product or service may be advertised only if the advertisement is obviously directly targeted at an adult audience, makes or implies no reference to smoking or to a tobacco product, does not promote tobacco or smoking and does not include a design, colour, imagery, logo style or the like that might be associated in the audience's mind with a tobacco product.
- 10.5** Advertisements that might be of particular interest to children or teenagers must not refer to tobacco or smoking, unless that reference obviously forms part of an anti-smoking or anti-drugs message.