



Policy Name: **The Royal Borough of Kingston upon Thames (RBK) Healthier Advertising Policy Guidance**

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# The Royal Borough of Kingston upon Thames (RBK) Healthier Advertising Policy

## 1. Context

- 1.1. The purpose of this policy is to give guidance on the principles and procedures relating to any advertising carried by, or on behalf of, Kingston Council (hereby referred to as: RBK) in the Royal Borough of Kingston Upon Thames (hereby referred to as: Kingston) including on Council-owned estates, assets and through procured advertising service contracts.
- 1.2. The policy aims to ensure that advertising supports the council's corporate aims and commitments outlined in the **Council Plan**, including the priority to promote public health and wellbeing and improve healthy life expectancy.
- 1.3. The advertising policy reflects both the UK's Code of Broadcast Advertising Section on Prohibited Categories<sup>1</sup> as well as Transport for London's (TfL) guidelines on advertising food and non-alcoholic drink products that are high in fat, salt, and/or sugar (HFSS)<sup>2</sup>.
- 1.4. The regulation of advertising in the UK is the responsibility of the Advertising Standards Authority (ASA) which applies the Advertising Codes. Any requirements listed herein are to be regarded as in addition to those required by the ASA UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code)<sup>3</sup>. RBK retains the right to decline advertisements from any organisation, individual, event or campaign that it considers inappropriate.

## 2. Advertising policy

- 2.1. This policy and attached guidance clarifies the standards for approval of advertisements.
- 2.2. For the purpose of this policy, advertising is defined as the following: 'an agreement between RBK and the advertiser where the Council receives money for the placing of an announcement in publications (including those produced by the Mayor in relation to their civic, ceremonial and fundraising role), on the website, intranet and other physical sites (including but not limited to: billboards, hoarding, printed materials and vehicles), from an organisation or individual for the act or practice of calling public attention to one's product or service to raise awareness.'
- 2.3. Subject to any existing contractual provision to the contrary, this policy is applicable to all advertising opportunities through the council, including through any third party letting or leasing arrangements and by services commissioned through the council. The policy will restrict advertising on all Council-owned estates, assets and through procured advertising service contracts.

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<sup>1</sup> "Broadcast Code - ASA | CAP." [link](#). Accessed 24 May 2024.

<sup>2</sup> "TfL Advertising Policy." 25 Feb. 2019, [link](#). Accessed 24 May 2024.

<sup>3</sup> "Non-broadcast Code - ASA | CAP." [link](#). Accessed 24 May 2024.

**2.4. Advertisements carried by RBK will not conflict with**

- Relevant ASA Advertising Codes<sup>4</sup>
- Consumer Protection from Unfair Trading Regulations 2008<sup>5</sup>
- Equality Act 2010<sup>6</sup>
- The Code of Recommended Practice on Local Authority Publicity<sup>7</sup>
- The council's policies, core values, or the stated aims and priorities as set out in the Council Plan<sup>8</sup>
- Additional required standards as outlined below

**2.5. Advertisements for the following products will not be permitted by RBK. Detailed guidance on the advertising of these products is available in the appendices of this document.**

- Food and non-alcoholic drink which is high in fat, sugar and salt (HFSS products), according to the Nutrient Profiling Model managed by the Department of Health and Social Care (further details available [here](#) and in Appendix 1).
- Alcohol (further details available in Appendix 2).
- Gambling products, services or organisations (further details available in Appendix 3).
- Tobacco and related products, including e-cigarettes/vapes (further details available in Appendix 4).

**2.6. RBK values advertising revenue and will work to maximise this income stream. For the most part, the policy does not restrict whole brands or organisations from advertising, as they are able to promote healthier alternatives.**

**2.7 The decision on whether an advert is compliant with this policy will be made at the discretion of the Council and such decision will be binding.**

### **3. Policy implementation**

**3.1. This policy will come into effect for all new leases from 1st July 2025 and for all current leases and contracts as they come up for renewal.**

**3.2. All current advertisers within the borough will be contacted and encouraged to adopt this policy as a voluntary arrangement, in advance of their contract renewal date.**

**3.3. Contracts for corporate advertising will be managed by various teams across council with care to ensure the best terms are negotiated, that standing orders are not breached, and to ensure continuity should the person originally party to the agreement change jobs or leave.**

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<sup>4</sup> "Advertising codes - ASA | CAP." [link](#). Accessed 24 May 2024.

<sup>5</sup> "The Consumer Protection from Unfair Trading Regulations 2008." [link](#). Accessed 24 May 2024.

<sup>6</sup> "Equality Act 2010." [link](#). Accessed 24 May 2024.

<sup>7</sup> "Code of Recommended Practice on Local Authority Publicity." 2010, [link](#). Accessed 24 May 2024.

<sup>8</sup> "The Council Plan - RBK." [link](#). Accessed 24 May 2024.

- 3.4. The Public Health Team will work in partnership with advertising contract holders to ensure advertising content adheres to the healthier advertising policy.
- 3.5. By advertising in Kingston, the advertiser is agreeing to comply with the RBK Healthier Advertising Policy. It is the responsibility of the advertiser to ensure that all advertising requirements are met.
- 3.6. To facilitate monitoring by RBK, anyone who advertises using council assets is required to maintain accurate and detailed records of all advertisements disseminated through the council's advertising spaces. These records must be submitted to the council upon request, in a format specified by the council, and should include, but not be limited to, copies of the advertisements, dissemination dates, and platforms used.
- 3.7. In the event of advertisement of any harmful products as listed above, RBK reserves the right to require the immediate cessation of such advertisement. The determination of whether a product is classified as harmful shall be at the sole discretion of the council, whose decision shall be final and binding.
- 3.8. In the event of non-compliance with this policy, RBK shall issue a formal written notice to the relevant advertiser requiring the immediate cessation of the non-compliant advertisement.
- 3.9. An advertiser acknowledges that damages would not be a sufficient remedy in any legal action brought by Kingston Council. Accordingly, the council will be entitled to apply for (and the advertiser won't contest) an application for a court order to enforce compliance with this policy.
- 3.10. The appearance of advertisement on any council publication or asset is not an endorsement by RBK of that company, product or service. In order to make this clear all publications with advertising should carry the 'Disclaimer Notice' (Appendix 5).
- 3.11. The RBK Healthier Advertising Policy will be reviewed annually to reflect current and emerging health risks to residents.

#### **4. Alignment Council-wide**

- 4.1. RBK Public Health will make comments on any planning application which includes advertising, where the proposed planning or development activity takes place on council owned estates and assets.
- 4.2. RBK will consider the potential impact of advertising when looking at planning applications which include advertising sites. Unhealthy marketing is an important consideration upon healthy town centres and is therefore considered in planning applications.

## Appendix 1: Guidance for the restriction of food and non-alcoholic drink advertising

### 1. Background

- 1.1. Evidence shows that advertisements for unhealthy food and drink products directly and indirectly impact what we eat<sup>9</sup>. Young people who recall seeing junk food adverts every day are more likely to be obese<sup>10</sup>. In Kingston, the number of obese children more than doubles between reception (7.7%) and Year 6 (16.9%). Additionally, 15.5% of adults in Kingston were reported as being obese in 2022/23<sup>11</sup>.
- 1.2. There are significant inequalities in child excess weight levels with higher rates reported for children living in disadvantaged households, children with disabilities and children from specific ethnic backgrounds. Both children and adults from lower socio-economic groups are 50% more likely to be exposed to such advertisements for high fat, salt, or sugar (HFSS) foods<sup>12</sup>.
- 1.3. In February 2019, Transport for London (TfL) introduced an advertising restriction on all food and non-alcoholic drink products that are high in fat, salt and/or sugar (HFSS). This restriction is across all advertising opportunities on the TfL estate (including bus stops, taxi wraps and stations).

### 2. General Principles for HFSS regulation

- 2.1. Consistent with similar advertising policies implemented by other local authorities across Greater London and England, the UK Nutrient Profiling Model (NPM) has been adopted by RBK to identify HFSS products.
- 2.2. The UK NPM is widely used and has been subject to rigorous scientific scrutiny, extensive stakeholder consultation, and review<sup>13</sup>. Furthermore, the scoring system it uses balances the contribution made by beneficial nutrients that are particularly important in children's<sup>14</sup> diets with components in the food that children should eat less of. It has therefore been concluded that the NPM model is the best way of identifying food that contributes to child obesity. Such food and drink is not only purchased directly by children but is bought for them by others.

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<sup>9</sup> "Awareness of marketing for high fat, salt or sugar foods, and the association with higher weekly consumption among adolescents: a rejoinder to the UK government's consultations on marketing regulation." Oct. 2020, [link](#). Accessed 24 May 2024.

<sup>10</sup> "Obesity risk doubles for teens bombarded with junk food adverts - Cancer Research UK." 15 Mar. 2018, [link](#). Accessed 24 May 2024.

<sup>11</sup> "Obesity— public health profiles." [link](#). Accessed 17 May 2024.

<sup>12</sup> "Sociodemographic differences in self-reported exposure to high fat, salt and sugar food and drink advertising: A cross-sectional analysis of 2019 UK panel data." 7 Apr. 2021, [link](#). Accessed 24 May 2024.

<sup>13</sup> "Nutrient Profiling Technical Guidance." Jan. 2011, [link](#). Accessed 24 May 2024.

<sup>14</sup> "Convention of the Rights of the Child." 18 Nov. 2002, [link](#). Accessed 24 May 2024.

- 2.3. Unhealthy foods and drinks will include commercial baby foods as defined by the World Health Organization's Nutrient and Promotion Profile Model (NPPM). The World Health Organization created its baby foods Nutrient Promotion Profile Model (NPPM) to set out nutrient and promotional requirements to address gaps in existing regulation. The WHO NPPM is aligned with internationally recognised diet and health goals for babies and children aged 6–36 months and has been tested in Denmark, Spain and the UK.
- 2.4. Guidance on how to identify whether a product is considered HFSS under the NPM is available [here](#). Guidance on identifying restricted commercial baby foods under NPPM is available [here](#). All potential advertisers should familiarise themselves with the NPM's technical guidance on how to identify whether a product is considered HFSS under the NPM. In any case of doubt, it is for the advertiser to show that the featured product is not HFSS.
- 2.5. Any revisions to the NPM will be reflected in the advertisement decisions made by the council.
- 2.6. It is the responsibility of advertisers and their agents to verify the status of the products featured using the NPM.
- 2.7. RBK or its representatives may request evidence of nutrition information of food and drink products advertised, and in line with the Food Standards Agency recommendations, RBK expects any laboratory used for nutrition analysis to have ISO 17025 accreditation and this should be by the United Kingdom Accreditation Service (UKAS).

### **3. Content featuring only non-HFSS products**

- 3.1. These would normally be approved but would still need to comply with existing principles and procedures relating to any advertising carried by RBK.

### **4. Content featuring only HFSS products**

- 4.1. Where proposed content features only food and/or drink which is rated HFSS, such copy would be rejected.
- 4.2. It is therefore recommended that, before committing to advertising production agreements, advertisers should discuss their eligibility with the council or its agents.

### **5. Content where there is a range of food/drink featured, some of which is HFSS**

- 5.1. The advertising or promotion of HFSS products is unacceptable under the policy, so a range or meal could not feature them (e.g. fish, chips and peas could only be advertised if all products were non-HFSS). This would also apply to any meal settings being shown, including those for restaurants, aggregator platforms and delivery services.

- 5.2. It is the responsibility of advertisers and their agents to verify the status of the products featured using the NPM.
- 6. Content where no food or drink is featured directly but the advertisement is from or features a food and/or non-alcoholic drink brand**
- 6.1. This may include:
- Advertisements where the brand's logo is included but no products, such as a brand values campaign,
  - Directional signage to a store, app or website,
  - Promotional advertising which is price-led but features no products such as '50% off everything' or similar,
  - Advertising about a business or its performance
- 6.2. Food and drink brands (including food and drink service companies or ordering services) will only be able to place such advertisements if the advertisement promotes healthier options (i.e. non-HFSS products) as the basis of the copy.
- 6.3. Where advertisers are uncertain about the classification of proposed copy under these guidelines, they should discuss this with the council or its agents.
- 7. Advertisements where food and drink is shown 'incidentally' i.e. it is not the subject of the advertisement but is included (or implied) by visual or copy**
- 7.1. HFSS products should not be promoted by being featured in advertisements for other products. It is the responsibility of advertisers and their agents to verify the HFSS status of the products featured using the NPM.
- 7.2. Where a food or drink item is featured incidentally and does not relate to a specific identifiable product which can be assessed for its HFSS status, advertising copy may be rejected by the council or its agents on the basis that the advertisement promotes the consumption of HFSS products.
- 8. Advertisements where food and drink is referenced in text, through graphical representations or other visual representation**
- 8.1. HFSS products should not be promoted through references in text, graphical images or other visual representations of food and drink. Where a food or drink item is featured in this way and does not relate to a specific identifiable product which can be assessed for its HFSS status, copy may be rejected by the council or its agents on the basis that it promotes the consumption of HFSS products.
- 9. Indirect promotion of HFSS food and/or drink**
- 9.1. Where a product is non-HFSS but falls within a category covered by the Office for Health Improvement and Disparities (OHID)'s recommendations for sugar or calorie reduction, the product should always carry a prominent product descriptor

to help differentiate it from noncompliant products (e.g. where an advertisement features a non-HFSS pizza or burger, the image should be accompanied by prominent text that names the specific product and retailer).

- 9.2.** Children should not usually be shown in advertisements for products which are compliant in a category which is covered by OHID's recommendations for sugar or calorie reduction.

## **10. Portion sizes**

- 10.1.** The NPM model is based on nutrients per 100g of a product, rather than recommended portion size. Advertisers should always ensure that they promote products in portion sizes which encourage healthy eating. For products that are non-HFSS but fall within a category covered by OHID's recommendations for sugar or calorie reduction, the product should be displayed as a single portion.

- 10.2.** If advertisers and/or agencies are unsure about how to interpret this, or any other aspect of these guidelines, they are encouraged to get in touch with the council or its agents and work together on a solution to avoid submitted copy requiring changes or being rejected.

## **11. Exceptions**

- 11.1.** There are no standard exceptions to how the policy applies to HFSS food and drinks.

## **12. Guidance for decisions regarding food and drink advertising including high fat, salt, or sugar food and non-alcoholic drinks**

### **12.1 Example Decision Table**

12.1.1 The table below, adapted from Barnsley Council's Advertising policy, outlines examples of a range of advertisements and what the policy outcome would likely be.

| <b>Advertisement Content</b>   | <b>Outcome</b> | <b>Example(s)</b>   | <b>Notes</b>   |
|--|----------------|---|--|
| Only non-HFSS products featured  | Approved       | An advertisement for fresh fruit and vegetables   | Subject to compliance with the RBK overall Advertising Policy. |
| Only HFSS products features  | Rejected       | An advertisement for sweet pastries   |  |
| A range of products, some of which are HFSS and some of which are non-HFSS | Rejected       | An advertisement for a meal deal that includes a chocolate bar (HFSS) as well as fruit (non-HFSS) | All food/drink items being advertised must be non-HFSS.        |



|  |  |   |  |
|--|--|---|--|
| No food or drink directly displayed but the advertisement is from (or features) a food/drink brand   | Possibly approved – only if healthier options (non-HFSS) are being promoted                      | A fast-food business advertising only non-HFSS products (approved)  | Many brands and their logos have strong HFSS product associations. Some HFSS products also share the same name as the actual brand name, making it difficult to separate the brand name from the associated product. |
|  |  | A fast-food business advertising a competition or an affiliation to an event (rejected).  |  |
| Food and drink is shown 'incidentally' i.e., it is not the subject of the advertisement but is included (or implied) by visual or copy           | Possibly approved – only if healthy products (non-HFSS) are being displayed                      | A travel firm advertising holiday offers which happens to contain images of oranges (approved)  | If the advertisement can be reasonably considered to promote HFSS products it will be rejected regardless of whether the food is the intended focus of the advertisement.  |
|  |  | A travel firm advertising holiday offers which happens to contain images of ice creams (rejected)   |  |
| Food and drink is referenced in the text, through graphical representations or other visual representation (not a real product being advertised) | Possibly approved – only if healthy products (non-HFSS) are being promoted                       | An advertisement that contains a cartoon image of carrots (accepted)  | If the advertisement can be reasonably considered to promote HFSS products it will be rejected regardless of whether the food is an actual product.  |
|  |  | An advertisement that contains a cartoon image of chocolate (rejected)  |  |
| Indirect promotion of HFSS food and/or drink   | Possibly approved – only if prominent text accompanies the image naming the product and retailer | An advertisement featuring a non-HFSS ice cream that includes prominent text that accompanies the image naming the specific product and retailer (accepted) | A prominent product descriptor helps to differentiate it from non-compliant products. This is necessary where the product falls into a category typically associated with HFSS products (such as ice cream).         |
|  |  | An advertisement featuring a non-HFSS ice cream but with no accompanying explanatory text (rejected)  |  |

|               |                                      |  |   |
|---------------|--------------------------------------|--|---|
| Portion sizes | Possibly approved – see Notes column | An advertisement for a non-HFSS 16-inch pizza that displays a portion (e.g., 3 slices) and that also displays clear text naming the product and retailer as per the row above (accepted) | Advertisers should always ensure that they promote products in portion sizes which encourage healthy eating. For products that are non-HFSS but fall within a category covered by OHID’s recommendations for sugar or calorie reduction, the product should be displayed as a single portion. |
|               |                                      | An advertisement for a non-HFSS 16-inch pizza that displays an image of the full pizza (rejected)  |   |

## Appendix 2: Guidance for the Restriction of Alcohol Advertising

### 1. Background

- 1.1. Evidence shows that exposure to alcohol advertising has a causal relationship with increased immediate, short- and medium- term alcohol consumption, especially among young people<sup>15</sup>. In a 2017 report, the World Health Organisation identified restrictions on alcohol advertising as one of the three most effective interventions for reducing alcohol-related risks<sup>16</sup>.
- 1.2. In Kingston, alcohol use is the second most common risk factor for ill-health in adults, aged 20-69 years old. Kingston also has the third highest rate in London of hospital admissions due to alcohol-related ill-health for residents under 40 years old<sup>17</sup>.
- 1.3. There are significant inequalities in the impacts of alcohol advertising for lower socioeconomic groups. Those living in more deprived areas suffer greater alcohol-related harms compared to those living in less deprived areas, even when alcohol consumption is the same<sup>18</sup>. Both young people and adults living in more deprived areas experience greater exposure to alcohol advertising which evidence shows is a contributing factor to the inequalities seen in alcohol-related harms<sup>19 20</sup>.
- 1.4. The Advertising Standards Authority (ASA) regulates the advertising of alcohol across the UK, with a focus on protecting audiences below the age of 18, however they do not prevent advertising of alcohol products<sup>21</sup>.
- 1.5. Many governments have exceeded these requirements and restricted alcohol advertising more generally to support community wellbeing. On the global scale, Norway<sup>22</sup>, Lithuania<sup>23</sup> and South Africa<sup>24</sup> have been leaders in passing total bans on alcohol advertising. In the UK, several local authorities have banned alcohol advertising on council-owned estates as part of their healthier advertising strategies.

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<sup>15</sup> "Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008." Jan. 2017, [link](#). Accessed 19 Sep. 2024.

<sup>16</sup> "Tackling NCDs: 'best buys' and other recommended interventions for the prevention and control of noncommunicable diseases." 26 Oct. 2017, [link](#). Accessed 19 Sep. 2024.

<sup>17</sup> "Kingston JSNA 2023: Themed Sections: Alcohol. [link](#). Accessed 15 Apr. 2024.

<sup>18</sup> "Data intelligence summary: Alcohol consumption and harm among under 18 year olds." Jul. 2016, [link](#). Accessed 19 Sep. 2024.

<sup>19</sup> "Do Changes to the Alcohol Retail Environment Reduce Interpersonal Violence?." 18 Nov. 2022, [link](#). Accessed 19 Sep. 2024.

<sup>20</sup> "A deep learning approach to identify unhealthy advertisements in street view images." 1 Mar. 2021, [link](#). Accessed 19 Sep. 2024.

<sup>21</sup> "Alcohol: General" [link](#). Accessed 6 Apr. 2024

<sup>22</sup> "Act on the Sale of Alcoholic Beverages (Alcohol Act)." 1 Jul. 1975, [link](#). Accessed 19 Sep. 2024.

<sup>23</sup> "I-857 Republic of Lithuania Law on Alcohol Control." 26 Apr. 2024, [link](#). Accessed 19 Sep. 2024.

<sup>24</sup> "Alcohol Industry Code of Conduct - Marketing and Communications." 2023, [link](#). Accessed 19 Sep. 2024.

## 2. General Principles

2.1. The advertising of alcoholic products will not be permitted on council owned estates, assets, and procured advertising services, under this policy. Additional guidance on permitted advertising is provided below.

2.2. Consistent with the UK's Licensing Act 2003, RBK uses the following definition of alcohol to identify which products are restricted by this policy:

*“Alcohol” means: spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor. It does not include*

- *Any liquor of 0.5% strength or below at the time of the sale or supply in question,*
- *Perfume,*
- *Flavouring essence,*
- *Alcohol which is, or is included in, any medicine,*
- *Denatured alcohol (methylated spirits),*
- *Alcohol contained in liqueur confectionery<sup>25</sup>.*

2.3. It is the responsibility of advertisers and their agents to verify the status of the products featured using the definition provided in the Licensing Act 2003.

## 3. Content featuring only non-alcoholic products

3.1. These would normally be approved but would still need to comply with existing principles and procedures relating to any advertising carried by RBK, including other restrictions enforced by this policy.

## 4. Content featuring only alcoholic products

4.1. Where proposed content features only products which contain alcohol, such copy would be rejected.

4.2. It is therefore recommended that, before committing to advertising production agreements, advertisers should discuss their eligibility with the council or its agents.

## 5. Content where there is a range of products featured, some of which contains alcohol

5.1. The advertising or promotion of alcohol products is unacceptable under the policy, so a range could not feature them (e.g. copy showing a selection of drinks could only be advertised if all drinks were non-alcoholic). This would also apply to any meal or drink settings being shown, including those for restaurants, aggregator platforms and delivery services (e.g. a meal deal containing a main, drink, and dessert could only be advertised if the drink was non-alcoholic and the food components met the HFSS guidance in this policy).

5.2. It is the responsibility of advertisers and their agents to verify the status of the products featured using the definition given above.

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<sup>25</sup> “Licensing Act 2003 - Meaning of ‘alcohol.’” 2003, [link](#). Accessed 19 Sep. 2024.

## **6. Content where no product containing alcohol is featured directly but the advertisement is from or features an alcohol brand**

### **6.1. This may include:**

- advertisements where the brand's logo is included but no products, such as a brand values campaign,
- directional signage to a store, app or website,
- promotional advertising which is price-led but features no products such as '50% off everything' or similar,
- advertising about a business or its performance.

### **6.2. Alcohol brands (including food and drink service companies or ordering services) will only be able to place such advertisements if the advertisement promotes healthier options (i.e. non-alcoholic products) as the basis of the copy.**

### **6.3. Where advertisers are uncertain about the classification of proposed copy under these guidelines, they should discuss this with the council or its agents.**

## **7. Advertisements where an alcoholic product is shown 'incidentally' i.e. it is not the subject of the advertisement but is included (or implied) by visual or copy**

### **7.1. Alcohol products should not be promoted by being featured in advertisements for other products. It is the responsibility of advertisers and their agents to verify the alcohol status of the products featured using the given definition.**

### **7.2. Where an alcoholic product is featured incidentally and does not relate to a specific identifiable product which can be assessed for its alcoholic status, advertising copy may be rejected by the council or its agents on the basis that the advertisement promotes the consumption of alcohol products.**

## **8. Advertisements where a drink is referenced in text, through graphical representations or other visual representation**

### **8.1. Alcohol products should not be promoted through references in text, graphical images or other visual representations of a drink. Where a drink item is featured in this way and does not relate to a specific identifiable product which can be assessed for its alcoholic status, copy may be rejected by the council or its agents on the basis that it promotes the consumption of alcohol products.**

## **9. Indirect promotion of an alcohol product**

### **9.1. Where a product is non-alcoholic but falls within a category covered by UKHSA's recommendations for alcohol reduction,<sup>26</sup> the product should always carry a prominent product descriptor to help differentiate it from noncompliant products (e.g. where an advertisement features a non-alcoholic beer, the image should be accompanied by prominent text that names the specific product and retailer, as well as its alcohol content).**

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<sup>26</sup> "Chapter 12: Alcohol - GOV.UK." 9 Nov. 2021, [link](#). Accessed 19 Sep. 2024.

## 10. Non-alcoholic products, including no and low alcohol drink varieties

**10.1.** Food and drink products that do not fall under the definition of alcohol provided in section 2.2 of this policy guidance, including low (<0.5% ABV) and alcohol free (0%) drink alternatives, will be subject to the food and drink guidance for non-alcoholic drinks provided in Appendix 1 of this policy.

**10.2.** Advertisements for non-alcoholic drinks which are compliant with this policy still need to adhere to the ASA's guidance for alcohol alternative products <sup>27</sup>

## 11. Exceptions

**11.1.** There are no standard exceptions to how the policy applies to an alcohol product.

## 12. Guidance for decisions regarding alcohol advertising

### 12.1. Example Decision Table

**12.1.1.** The table below, adapted from the HFSS table in Appendix 1, outlines examples of a range of advertisements and what the policy outcome would likely be.

| Advertisement Content  | Outcome  | Example(s)   | Notes  |
|--|----------|--|--|
| Only non-alcohol products featured   | Approved | An advertisement for non-alcoholic drinks such as water.   | Subject to compliance with our overall Advertising Policy. No-alcohol versions of alcoholic drinks will need to comply with the HFSS guidance included in Appendix 1 of this policy. |
| Only alcohol products features   | Rejected | An advertisement for a can of beer   |  |
| A range of products, some of which are alcoholic and some of which are non-alcoholic | Rejected | An advertisement for an alcohol brand that includes its alcoholic and non-alcoholic options, or an advertisement for a meal deal from a restaurant that includes food products (non-HFSS) and a can of beer. | All drink items being advertised must be non-alcoholic.  |

<sup>27</sup> "Regulatory Statement: New rules and guidance for alcohol alternative products" [link](#). Accessed 4 October 2024.

|   |  |  |  |
|---|--|--|--|
| No drink directly displayed but the advertisement is from (or features) an alcohol brand  | Possibly approved – only if healthier options (non-alcoholic) are being promoted                 | An alcohol business advertising only non-alcoholic products (approved)   | Many brands and their logos have strong alcohol product associations. Some alcohol products also share the same brand name as the actual brand name, making it difficult to separate the brand name from the associated product. |
|   |  | An alcohol business advertising a competition or an affiliation to an event (rejected).  |  |
| Drink is shown 'incidentally' i.e., it is not the subject of the advertisement but is included (or implied) by visual or copy           | Possibly approved – only if non-alcoholic products are being displayed                           | A travel firm advertising holiday offers which happens to contain images of fruit smoothie (approved)  | If the advertisement can be reasonably considered to promote alcohol products it will be rejected regardless of whether the drink is the intended focus of the advertisement.  |
|   |  | A travel firm advertising holiday offers which happens to contain images of a cocktail (rejected)  |  |
| Drink is referenced in the text, through graphical representations or other visual representation (not a real product being advertised) | Possibly approved – only if non-alcohol products are being promoted                              | An advertisement that contains a cartoon image of milk (accepted)  | If the advertisement can be reasonably considered to promote alcohol products it will be rejected regardless of whether the drink is an actual product.  |
|   |  | An advertisement that contains a cartoon image of wine (rejected)  |  |
| Indirect promotion of alcoholic drinks  | Possibly approved – only if prominent text accompanies the image naming the product and retailer | An advertisement featuring a non-alcoholic beer that includes prominent text that accompanies the image naming the specific product, retailer and alcohol content (accepted) | A prominent product descriptor helps to differentiate it from non-compliant products. This is necessary where the product falls into a category typically associated with alcohol products (such as beer).                       |
|   |  | An advertisement featuring a non-alcoholic beer but with no accompanying explanatory text (rejected)   |  |



## Appendix 3: Guidance for the Restriction of Gambling Advertising

### 1. Background

- 1.1. Research shows that there is a dose-dependent correlation between exposure to gambling advertising and ‘positive attitudes to gambling, greater intentions to gamble, and increased gambling activity,’ with a greater impact on children and vulnerable people<sup>28</sup>.
- 1.2. Although no local data local for Kingston currently exists, a 2024 survey indicated that nationally, 48% of adults had participated in gambling activities in the past month<sup>29</sup>. Gambling is a public health concern due to its known negative impact on work life, relationships and mental health<sup>30</sup>. A 2020 survey revealed that 13% of the English population experienced gambling harms, including 7% who are negatively impacted by another person’s gambling. A 2023 economic analysis estimated that the annual excess direct financial cost to the government associated with harmful gambling is equivalent to £412.9 million<sup>31</sup>.
- 1.3. There are significant inequalities in gambling harms. Evidence shows that those living in the most deprived areas are nearly three times more likely to experience gambling harms compared to the least deprived areas. Young people are also vulnerable with one in five of young people (four times the UK average) who gamble experiencing gambling harms<sup>32</sup>.
- 1.4. Many governments have taken the approach of banning gambling advertising to support community wellbeing. On the global scale, Moldova, Kosovo, Azerbaijan and Albania have been leaders in passing total bans on gambling advertising<sup>33</sup>. In the UK, several local authorities have banned gambling advertising on council-owned estates as part of their healthier advertising strategies.

### 2. General Principles

- 2.1. The advertising of gambling activities and products will not be permitted on council owned estates, assets, and procured advertising services, under this policy. Additional guidance on permitted advertising is provided below.
- 2.2. Consistent with the UK’s Gambling Act 2005, RBK uses the following definition of alcohol to identify which products are restricted by this policy:

*“Gambling” means:*

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<sup>28</sup> “What is the evidence that advertising policies could have an impact on gambling-related harms? A systematic umbrella review of the literature.” Feb. 2023, [link](#). Accessed 22 Mar. 2024.

<sup>29</sup> “Statistics on gambling participation - Year 2 (2024)” [link](#). Accessed 21 October 2024.

<sup>30</sup> “GambleAware calls for health warnings on gambling ads, as major research highlights need for improved safer gambling messaging.” [link](#). Accessed 20 Sep. 2024.

<sup>31</sup> “Gambling-related harms evidence review: summary - GOV.UK.” 11 Jan. 2023, [link](#). Accessed 3 Oct. 2024.

<sup>32</sup> See reference from 2.

<sup>33</sup> “Regulation of Gambling Advertising in Europe.” [link](#). Accessed 20 Sep. 2024.



1. *Gaming– playing a game of chance for a prize– which includes*
  - a. *A game that involves both an element of chance and an element of skill,*
  - b. *A game that involves an element of chance that can be eliminated by superlative skill,*
  - c. *A game that is presented as involving an element of chance,*
  - d. *Does not include a sport.*
2. *Betting– making or accepting a bet on– which includes*
  - a. *The outcome of a race, competition or other event or process,*
  - b. *The likelihood of anything occurring or not occurring,*
  - c. *Whether anything is or is not true.*
3. *Participating in a lottery (see Clause 9 for explanation around National Lottery)*
  - a. *An arrangement is a simple lottery if*
    - i. *Persons are required to pay in order to participate in the arrangement,*
    - ii. *In the course of the arrangement one or more prizes are allocated to one or more members of a class,*
    - iii. *The prizes are allocated by a process which relies wholly on chance.*
  - b. *An arrangement is a complex lottery if*
    - i. *Persons are required to pay in order to participate in the arrangement,*
    - ii. *In the course of the arrangement one or more prizes are allocated to one or more members of a class,*
    - iii. *The prizes are allocated by a series of processes,*
    - iv. *The first of those processes relies wholly on chance<sup>34</sup>.*

2.3. It is the responsibility of advertisers and their agents to verify the status of the products featured using the definition provided in the Gambling Act 2005.

### **3. Content featuring only non-gambling activities or products**

3.1. These would normally be approved but would still need to comply with existing principles and procedures relating to any advertising carried by RBK, including other restrictions enforced by this policy.

### **4. Content featuring only gambling activities or products**

4.1. Where proposed content features only gambling activities or products, such copy would be rejected.

4.2. It is therefore recommended that, before committing to advertising production agreements, advertisers should discuss their eligibility with the council or its agents.

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<sup>34</sup> "Gambling Act 2005." [link](#)

**5. Content where there is a range of products featured, some of which includes gambling**

5.1. The advertising or promotion of gambling products is unacceptable under the policy, so a range could not feature them (e.g. a gift hamper containing a lottery ticket amongst other products would not be permitted).

5.2. It is the responsibility of advertisers and their agents to verify the status of the products featured using the definition provided by the Gambling Act 2005.

**6. Content where no gambling is featured directly but the advertisement is from or features a gambling brand**

6.1. This may include:

- Advertisements where the brand's logo is included but no products, such as a brand values campaign,
- Directional signage to a store, app or website,
- Promotional advertising which is price-led but features no products such as '50% off everything' or similar,
- Advertising about a business or its performance.

6.2. Gambling brands will only be able to place such advertisements if the advertisement promotes healthier options (i.e. non-gambling products) as the basis of the copy. If no healthier alternative is available, the copy will be rejected.

6.3. Where advertisers are uncertain about the classification of proposed copy under these guidelines, they should discuss this with the council or its agents.

**7. Advertisements where gambling activity or product is shown 'incidentally' i.e. it is not the subject of the advertisement but is included (or implied) by visual or copy.**

7.1. Gambling activities or products should not be promoted by being featured in advertisements for other products. It is the responsibility of advertisers and their agents to verify the gambling status of the products featured using the definition provided by the Gambling Act 2005.

7.2. Where a gambling activity or product is featured incidentally and does not relate to a specific identifiable activity or product which can be assessed for its gambling status, advertising copy may be rejected by the council or its agents on the basis that the advertisement promotes the use of gambling products.

**8. Advertisements where gambling is referenced in text, through graphical representations or other visual representation**

8.1. Gambling should not be promoted through references in text, graphical images or other visual representations of gambling. Where a gambling activity or product is featured in this way and does not relate to a specific identifiable activity or product which can be assessed for its gambling status, copy may be rejected by the council or its agents on the basis that it promotes the consumption of gambling products.

## 9. Exceptions

**9.1.** Based on UK Gambling Act 2005, section 15, the National Lottery is **excluded** from the definition of gambling under this specific legislation. Therefore, this policy does not apply to the National Lottery.

**9.2.** RBK excludes society lotteries and local government lotteries from the products restricted, because of the benefit they can have to local organisations and communities.

**9.2.1.** According to the UK Gambling Commission<sup>35</sup>, society lotteries are conducted:

- for charitable purposes
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

**9.2.2.** Local authority lotteries are lotteries promoted by local authorities themselves. Authorities may use the net proceeds of such lotteries for any purpose for which they have power to incur expenditure.

## 10. Guidance for decisions regarding gambling advertising

### 10.1. Example Decision Table

**10.1.1.** The table below, adapted from the HFSS table in Appendix 1, outlines examples of a range of advertisements and what the policy outcome would likely be.

| Advertisement Content   | Outcome  | Example(s)  | Notes  |
|---|----------|---|--|
| Only non-gambling products featured   | Approved | Any product not associated with the definition of gambling used in this policy.   | Subject to compliance with the RBK overall Advertising Policy.   |
| Only gambling products features   | Rejected | An advertisement for a game of chance   |  |
| A range of products, some of which are gambling and some of which are not gambling                    | Rejected | An advertisement for a gift hamper that includes tickets for a standard lottery and other non-gambling products like flowers. | All products being advertised must be non-gambling.  |
| Gambling is shown 'incidentally' i.e., it is not the subject of the advertisement but is included (or | Rejected | An entertainment firm advertising event offers which happens to contain images of betting (rejected)                          | If the advertisement can be reasonably considered to promote gambling products it will be rejected regardless of whether the gambling is |

<sup>35</sup> "Meaning of society and local authority lottery", [link](#). Accessed 4 October 2024.

|  |          |   |   |
|--|----------|---|---|
| implied) by visual or copy   |          |   | the intended focus of the advertisement.  |
| Gambling is referenced in the text, through graphical representations or other visual representation (not a real product being advertised) | Rejected | An advertisement that contains text about needing to win the lotto. | If the advertisement can be reasonably considered to promote gambling products it will be rejected regardless of whether the gambling is an actual product. |

## Appendix 4: Guidance for the Restriction of Tobacco, Electronic Cigarettes and Vape Product Advertising

### 1. Background

- 1.1. The Tobacco Advertising and Promotion Act 2002 bans advertising and promotion (including sponsorship) of tobacco products, with certain limited exceptions, within

England, Scotland and Wales<sup>36</sup>. These regulations have successfully caused a reduction in smoking rates from approximately 50% in the 1970s to 11.9% in 2023<sup>37</sup>.

- 1.2. Despite the strong evidence establishing a correlation between advertising and tobacco use, only a partial ban for e-cigarettes and vapes has been issued. Specifically, regulations from the Tobacco Products Directive in 2016 banned advertising and promoting nicotine-containing e-cigarettes that are not licensed as medicine on on-demand television, in newspapers and magazines, on the internet, and in emails or text messages. However, advertisement is permitted on out-of-home spaces, including posters, buses, leaflets, mail, and in the cinema<sup>38</sup>.
- 1.3. Evidence shows that exposure to electronic cigarette (e-cigarette) and vape advertising has the second greatest effect on susceptibility, after current or past tobacco use. Young people are particularly susceptible with 62% of non-vape users in the UK, aged 15-30, susceptible to taking up vaping in the future<sup>39</sup>.
- 1.4. In Kingston, vaping is increasingly popular among children and young people in recent years. In 2023, 28% of Year 10 pupils reported that they had at least tried vaping and 10% reported vaping occasionally or regularly<sup>40</sup>.
- 1.5. There are inequalities in the impacts of e-cigarette and vape advertising for minority ethnic groups with research indicating that more racially diverse neighbourhoods experience greater exposure to e-cigarette and vape advertisements compared to less racially diverse neighbourhoods<sup>41</sup>.
- 1.6. Many local authorities have banned e-cigarettes and vape advertising in public places to support community wellbeing.

## 2. General Principles

- 2.1. The advertising of tobacco products is not permitted on council owned estates, assets, and procured advertising services, in line with the Tobacco Advertising and Promotion Act 2022.
- 2.2. The advertising of electronic cigarettes and vapes will not be permitted on council owned estates, assets, and procured advertising services, under this policy. Additional guidance on permitted advertising is provided below.
- 2.3. Consistent with the UK Advertising Standards Association's (ASA) regulations on e-cigarette advertising, The Royal Borough of Kingston upon Thames Council

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<sup>36</sup> "Tobacco Advertising and Promotions Act 2002", [link](#). Accessed 21 March 2024.

<sup>37</sup> "Adult smoking habits in the UK: 2023", [link](#). Accessed 3 October 2024.

<sup>38</sup> "Vaping, smoking, and drugs - ASA / CAP." [link](#). Accessed 21 Mar. 2024.

<sup>39</sup> "Many young people who've never vaped may be susceptible to starting, study suggests." 13 Jun. 2023, [link](#). Accessed 27 Sep. 2024.

<sup>40</sup> "Kingston Young People's Health and Wellbeing Survey 2023: A themed report for drug education and substances." 2023, [link](#). Accessed 2 Oct. 2024.

<sup>41</sup> "A scoping review on disparities in exposure to advertising for e-cigarettes and heated tobacco products and implications for advancing a health equity research agenda." 30 Oct. 2021, [link](#). Accessed 27 Sep. 2024.

(hereby referred to as: RBK) uses the following definition of e-cigarette and vape to identify which products are restricted by this policy:

*“Electronic cigarette” means a product that is intended for inhalation of vapour via a mouth piece, or any component of that product, including but not limited to cartridges, tanks or e-liquids<sup>42</sup>.*

- 2.4. It is the responsibility of advertisers and their agents to verify the status of the products featured using the definition provided by the ASA.

### **3. Content featuring tobacco products**

- 3.1. The advertising of tobacco products will be regulated according to the Tobacco Advertising and Promotion Act 2022. Further details on the scope of permitted tobacco advertising can be found in this [policy](#).

### **4. Content featuring only non e-cigarette/vape products**

- 4.1. These would normally be approved but would still need to comply with existing principles and procedures relating to any advertising carried by RBK, including other restrictions enforced by this policy.

### **5. Content featuring only e-cigarette/vape products**

- 5.1. Where proposed content features only e-cigarette/vape products, including nicotine-free varieties, such copy would be rejected.
- 5.2. It is therefore recommended that, before committing to advertising production agreements, advertisers should discuss their eligibility with the council or its agents.

### **6. Content where there is a range of products featured, some of which contains e-cigarettes/vapes**

- 6.1. The advertising or promotion of e-cigarette/vape products is unacceptable under the policy, so a range could not feature them.
- 6.2. It is the responsibility of advertisers and their agents to verify the status of the products featured using the definition provided by the ASA.

### **7. Content where no e-cigarette/vape is featured directly but the advertisement is from or features a e-cigarette/vape brand**

- 7.1. This may include:
- advertisements where the brand’s logo is included but no products, such as a brand values campaign,
  - directional signage to a store, app or website,

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<sup>42</sup> “33 Electronic cigarettes - ASA | CAP.” [link](#). Accessed 27 Sep. 2024.

- promotional advertising which is price-led but features no products such as '50% off everything' or similar,
  - advertising about a business or its performance.
- 7.2.** E-cigarette/vape brands will only be able to place such advertisements if the advertisement promotes healthier options (i.e. non-e-cigarette/vape products) as the basis of the copy. Where no healthier alternative is available, this copy will be rejected.
- 7.3.** Where advertisers are uncertain about the classification of proposed copy under these guidelines, they should discuss this with the council or its agents.
- 8. Advertisements where an e-cigarette/vape product is shown 'incidentally' i.e. it is not the subject of the advertisement but is included (or implied) by visual or copy**
- 8.1.** E-cigarette/vape products should not be promoted by being featured in advertisements for other products. It is the responsibility of advertisers and their agents to verify the status of the products featured using the given definition.
- 8.2.** Where an e-cigarette/vape item is featured incidentally and does not relate to a specific identifiable product which can be assessed for its status, advertising copy may be rejected by the council or its agents on the basis that the advertisement promotes the consumption of e-cigarette/vape products.
- 9. Advertisements where an e-cigarette/vape is referenced in text, through graphical representations or other visual representation**
- 9.1.** E-cigarette/vape products should not be promoted through references in text, graphical images or other visual representations of a product. Where an e-cigarette/vape item is featured in this way and does not relate to a specific identifiable product which can be assessed for its status, copy may be rejected by the council or its agents on the basis that it promotes the consumption of e-cigarette/vape products.
- 10. Exceptions**
- 10.1.** Exceptions to this policy will be made for public health campaigns following the NHS recommendations for smoking adults to use e-cigarettes and vapes to stop smoking (e.g. RBK Public Health, NHS, and commissioned stop smoking services, such as KickIt)<sup>43</sup>.
- 10.2.** This includes nicotine replacement therapy (NRT) medicines, when advertised by public health campaigns for the purpose of supporting smoking cessation.

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<sup>43</sup> "Using e-cigarettes to stop smoking - NHS." [link](#). Accessed 27 Sep. 2024.

## 11. Guidance for decisions regarding alcohol advertising

### 11.1. Example Decision Table

11.1.1. The table below, adapted from the HFSS table in Appendix 1, outlines examples of a range of advertisements and what the policy outcome would likely be.

| Advertisement Content  | Outcome  | Example(s)  | Notes   |
|--|----------|---|---|
| Only non tobacco/e-cigarette e/vape products feature   | Approved | Any product not associated with the definition of tobacco/e-cigarette/vaping products used in this policy   | Subject to compliance with the RBK overall Advertising Policy.  |
| Any advertising of tobacco products  | Rejected | An advertisement featuring tobacco product in any form  | Tobacco advertising is prohibited nationally by the <a href="#">Tobacco Advertising and Promotion Act 2002</a> .  |
| Only e-cigarette/vape products, including nicotine free varieties, features  | Rejected | An advertisement for a vape   |   |
| A range of products, some of which are e-cigarette/vaping products and some of which are non-e-cigarette/vape                                      | Rejected | An advertisement for an e-cigarette brand that includes its e-cigarette and non-e-cigarette/vape options    | All items being advertised must be non-e-cigarette/vape.  |
| E-cigarette/vape is shown 'incidentally' i.e., it is not the subject of the advertisement but is included (or implied) by visual or copy           | Rejected | An entertainment company advertising an event, which happens to include an image of an e-cigarette or vape. | If the advertisement can be reasonably considered to promote e-cigarette/vape products it will be rejected regardless of whether the e-cigarette/vape is the intended focus of the advertisement. |
| E-cigarette/vape is referenced in the text, through graphical representations or other visual representation (not a real product being advertised) | Rejected | An advertisement that includes an image of a person exhaling smoke.   | If the advertisement can be reasonably considered to promote E-cigarette/vape products it will be rejected regardless of whether the drink is an actual product.                                  |



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#### Appendix 5: Disclaimer Notice

'Whilst every effort has been made to ensure the accuracy of advertisements contained in the publication, Kingston Council cannot accept any liability for errors and omissions. Kingston Council cannot accept any responsibility for claims made by advertisers and their inclusion in [name of publication] should not be taken as an endorsement by Kingston Council.'