

# High Fat, Salt and Sugar (HFSS) Food and Non-alcoholic beverages marketing communications

---

This Guidance Note must be read in conjunction with the Code of Standards for Advertising and Marketing Communications (7th Edition). The Guidance Note is intended to provide interpretative assistance to the industry and consumers on Sections of the Food and Non-Alcoholic Beverages Section of the Code that relate to High Fat, Salt and Sugar (HFSS) product marketing communications. Confidential Copy Advice on a free and non-binding basis is available from the ASAI, [www.asai.ie](http://www.asai.ie).

## Context

The ASAI Code sets out rules which restrict the advertising of HFSS foods to children under the age of 15. HFSS marketing communications should not be placed in media which has an audience of children greater than 50%. Marketing communications for HFSS food should not be directed or targeted at children under 15 through the selection of media or the context in which they appear.

Where marketing communications for HFSS are placed in media that does not have a child audience of greater than 50%, and where they are targeted at children (under 15), there are restrictions on the use of promotions/competitions, and on the use of licensed characters.

In addition, there are restrictions on the % by media of HFSS marketing communications that can be carried by each media format.

Finally, there are restrictions on the sponsorship of activities and events by HFSS foods and non-alcoholic beverages.

## These Rules state:

**8.1d** HFSS Food is a sub-category of food that is deemed high in fat, sugar and/or salt by the application of the Nutrient Profile model detailed in Appendix I to this Section of the Code.

**8.2** References to food apply also to non-alcoholic beverages and food supplements.

## *Placement of marketing communications for HFSS products in non-broadcast media*

**8.19** Marketing communications for HFSS food should not be directed or targeted at children under 15 through the selection of media or the context in which they appear.

**8.20** No medium should be used to advertise HFSS products if more than 50% of its audience is under 15 years of age.

---

---

### *Media specific rules*

- 8.21** Where a marketing communication for HFSS is permissible, it shall be subject to media specific placement rules, including maximum thresholds for each medium. The details for each media are set out in the Guidance Note on High Fat, Salt and Sugar (HFSS) Food and Non-Alcoholic Beverages on [www.asai.ie](http://www.asai.ie).

### *Locations*

- 8.22:** Locations primarily used by children shall be free from all forms of marketing communication for HFSS foods. Examples of such settings include registered crèches, pre-schools, nurseries, family and child clinics, paediatric services, schools, dedicated school transport, playgrounds and youth centres.

### *Promotional offers*

- 8.23** Marketing communications featuring a promotional offer should be prepared with a due sense of responsibility.
- 8.24** Marketing communications, in non-broadcast media for HFSS food products, that are targeted at children should not include promotional offers or a competition, subject to the exception listed below:
- (i) Point of sale displays, packages, wrappers, labels, tickets, timetables and menus.

### *Licensed Characters and Celebrities*

- 8.26** (a) Licensed characters and celebrities popular with children should always be used with a due sense of responsibility.

(b) Marketing communications, in non-broadcast media for HFSS food products, that are targeted at children should not include licensed characters or celebrities popular with children, subject to the exceptions listed below:

- (i) Point of sale displays, packages, wrappers, labels, tickets, timetables and menus;
- (ii) The prohibition does not apply to advertiser-created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell.
- (iii) Licensed characters and celebrities popular with children may present factual and relevant generic statements about nutrition, safety, education or similar.

### *HFSS Sponsorship arrangements*

- 8.28** These rules apply to all forms of commercial sponsorship, involving HFSS food, of activities or events of any kind.
- 8.29** The restrictions will not extend to corporate identities, trading names, or masterbrands.
- 8.30** No sponsorship involving HFSS food will be permitted for any other setting dedicated to use by children of primary school age.
- 8.31** No sponsorship involving HFSS food will be permitted of events of particular appeal to children of primary school age.
- 8.32** Existing sponsorship contracts and agreements which otherwise would be in breach of the code will be permitted to continue until they expire.

(See Effective Date for implementation date of rules 8.28 – 8.32)

### **Placement of marketing communications for HFSS products in non-broadcast media**

- 8.35** Where a marketing communication for HFSS is permissible, it shall be subject to media specific placement rules, including maximum thresholds for each medium. The details for each media are set out in the Guidance Note on High Fat, Salt and Sugar (HFSS) Food and Non-Alcoholic Beverages on [www.asai.ie](http://www.asai.ie).
-

---

# DEFINITIONS AND INTERPRETATIONS

## Definitions (in addition to Section 1 of the ASAI Code)

**HFSS Food** is a sub-category of food that is deemed high in fat, sugar and/or salt by the application of the Nutrient Profile model detailed in Appendix 1, Section 8, of the Code.

**Non-Broadcast Media** includes all forms of digital media, out of home media, print media and cinema.

**Sponsor** is any corporation or legal person providing financial or other sponsorship support.

**Sponsorship** is a commercial agreement by which a sponsor, for the mutual benefit of the sponsor and sponsored party, contractually provides financing or other support in order to establish an association between the sponsor's image, brands or products and a sponsorship property in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits.

**Takeovers** are defined as where 100% of the available advertising space in any given location is given to advertising for a single product.

**Wraparounds** are defined as where 100% of the available advertising space of a public transport vehicle is given over to advertising for a single product.

## Distinction between marketing communications and advertising/advertisement

1 (b) A marketing communication includes, but is not limited to, advertising, as well as other techniques such as promotions, sponsorships and direct marketing, and should be interpreted broadly to mean any form of communication produced directly by, or on behalf of, advertisers intended primarily to promote products, to influence the behaviour of and/or to inform those to whom it is addressed.

1 (c) Advertising or advertisement includes, but is not limited to, a form of marketing communication carried by the media, usually in return for payment or other valuable consideration or in a space that would generally be provided for in return for payment.

## Meaning of 'Fresh Fruit or Vegetables' and 'Point of Sale displays'

**Fresh Fruit or Vegetables** Fresh fruit or fresh vegetables means fresh fruit or fresh vegetables put up for sale to the final consumer or fresh fruit or fresh vegetables packed at the point of sale or pre-packaged fresh fruit or fresh vegetables with a view to imminent sale.

**Point of Sale displays** Point of Sale displays for the purposes of the Code refer to displays within a retail environment, for example, shelf-edge stickers, on floor advertising and displays at aisle ends. For the avoidance of doubt it does not include out of home marketing communications, unless they are within a specific identifiable shop.

## Guidance on determining whether a food is an HFSS food product

Technical guidance on how to assess foods for the purpose of this Code is provided in a document entitled 'Nutrient Profiling Model – Technical Guidance'. This is available on the website of the Broadcasting Authority of Ireland ([www.bai.ie](http://www.bai.ie)) <https://www.bai.ie/en/download/128558/> whose Nutrient Profile Model the ASAI has adopted for the purposes of Section 8 of the ASAI Code.

For the avoidance of doubt, HFSS foods include both food and non-alcoholic beverages.

Advertisers, agencies and media should note that the general rules of the Code also apply to marketing communications for these products/services.

**Cheese products** e.g. block of cheddar, brie etc, are exempted and do not have to be scored using the model. Marketing communications for cheese products must comply with the rules set out in Section 8 (other than those applying to HFSS food) and with the general rules of this Code. This exemption does not apply to products where cheese is an ingredient e.g. pizza, sandwich.

---

---

## Responsibilities for compliance with the Media Specific Placement Rules

All parties in the advertising chain have a responsibility to ensure compliance with the ASAI rules.

Advertisers should ensure that when seeking to place an advertisement for a food product<sup>1</sup> that

- they have completed an assessment against the Nutrient Profile Model (Code Section 8, Appendix I) to determine if the food/drink they wish to advertise is a High Fat Salt Sugar product and that they have completed a Nutrition Profile Certificate - this is the HFSS self-declaration Certificate. (See here for the Technical Guidance Document and the HFSS self-declaration Certificate: <https://www.asai.ie/npm/>)
- that they have considered the choice of media for marketing communications for HFSS products
- they have provided a copy of the HFSS self-declaration Certificate to media
- they have clearly communicated to their partners the importance of compliance with these rules

Media should ensure for all food advertisements presented to them for publication

- They have received a HFSS self-declaration Certificate; where an advertiser has not provided a self-declaration certificate the marketing communication should be considered as an HFSS product marketing communication.
- That their systems can differentiate between HFSS and non-HFSS foods so that placement of advertising will be compliant with the Code provisions and any associated Guidance.

## Guidance on specific rules

### Locations

The Code requires that:

- 8.22** Locations primarily used by children shall be free from all forms of marketing communication for HFSS foods. Examples of such settings include registered crèches, pre-schools, nurseries, family and child clinics, paediatric services, schools, dedicated school transport, playgrounds and youth centres.

#### Guidance:

For the purposes of this rule, “Primarily” will be interpreted as relating to a service that is primarily used by children or a dedicated space for them.

### Licensed Characters and Celebrities

The Code requires that:

- 8.26 (b)** Marketing communications, in non-broadcast media for HFSS food products, that are targeted at children should not include licensed characters or celebrities popular with children, subject to the exceptions listed below:

#### Guidance:

Celebrities popular with children: Advertisers should have regard to the following non-exhaustive areas when considering whether a celebrity is popular with children

- What is the demographic of their social media following across all platforms they have profile on?
- What is their current role?
  - o Is it one that is associated with children (children’s tv presenter) or
  - o one that is likely to be of interest to children (particular sporting or music personalities)

It is advertisers’ responsibility to demonstrate that a celebrity they have used is NOT popular with children.

### ‘Targeted at children’ interpretation

Marketing communications can be targeted through the selection of media, the selection of audience and/or the content.

**Audience/media:** Targeting children under 15 is not permitted under media specific rules for Digital, Out of Home, Print and Cinema. For children aged 15 – 17, care should be taken to assess the audience data of the media/platform being proposed to ensure that the audience is an adult audience.

---

<sup>1</sup>Note: The ASAI Code defines a product as  
“A product can encompass goods, services, facilities, opportunities, fundraising, prizes and gifts.” Section 1.1e

---

---

**Targeting through content:** As children are individuals under 18 years of age, there is a broad range of content that could fall to be considered under this category.

If the content is such that the marketing communication would not be considered targeted through content at children, then licensed characters and celebrities popular with children may be used. Advertisers and agencies must take care to ensure that when using such characters and celebrities, the content is clearly adult in tone and design.

Depending on the treatment, characters from popular entertainment that may appeal to children and adult audiences alike might not be considered as content targeting children.

#### **Content targeted at pre-school and primary school children (under 13)**

- Certain characters, such as those associated with children's movies, stories or programmes, would be considered as content targeting the pre-school and primary school children. For example, Toy Story, Dora the Explorer, Frozen.
- Use of simple language, bubble text, strong primary colours, etc., are likely to be considered content directly targeted at the pre-school and primary school children. In addition, where characters are associated with children's toys, such as Lego® Star Wars, the content would be considered as directed to children.
- The use of animation and storylines could also be such that they would be considered content targeted at pre and primary school children, for example if animation or the tone is childish.
- Promotions involving mechanics that in themselves are likely to interest children (for example collecting stickers).

#### **Content targeted at post-primary children (13+)**

- Care should be taken to ensure that characters or content associated with youth culture are not used. The use of metrics including social media metrics will be informative in deciding whether a certain character or celebrity is likely to result in advertising content being targeted at children.

## **Additional Rules for specific media**

The Code states that where a marketing communication for HFSS is permissible, it shall be subject to media specific placement rules, including maximum thresholds for each medium.

### **Additional Rules for Non-Broadcast Digital Media**

1. Where appropriate age-filters exist on websites and social media apps, marketing communications for HFSS foods are not permitted to target children under the age of 15.
2. Marketing Communications for HFSS food by means of e-mail and Short Message Service (SMS) shall not target children under the age of 15.
3. Marketing Communications for HFSS food by means of social media shall not target children under the age of 15.
4. Where Marketing Communications for HFSS food is permissible, it shall not exceed a maximum of 25% of total advertising space.
5. The websites of food businesses should not carry content that is designed to engage children under the age of 15 with HFSS food brands e.g., children's area, videos, 'webisodes', branded education and interactive features.

### **Guidance for Non-Broadcast digital media**

- A. The Code provides at 8.19 that HFSS food should not be directed or targeted at children under 15 through the selection of media or the context in which they appear.
  - B. Where age verification, filters and targeting tools exist, they should be employed to ensure that HFSS digital advertising is not targeted at children under the age of 15.
  - C. For age verification systems/filters on digital media:
    - (a) Verification shall be by way of input of the visitor's or registrant's date of birth.
-

---

(b) Pre-population of data is not acceptable. The visitor/user must select or type in the date, month and year themselves.

(c) It is acceptable to provide a list of dates, months, years but these must be set to a neutral value rather than to a value which would equate to being under the age of 15 years at the date of visit.

- D. Where Marketing Communications for HFSS food is permissible, it shall not exceed a maximum of 25% of total advertising space. This rule applies to marketing communications placed on paid-for space on third-party sites/apps and similar, not to non-paid for space online under the control of the advertiser or their agents.

### Additional Rules for Out of Home Media

Out of Home Media includes all out of home advertising and marketing communications delivered via such formats as billboards or hoardings, public transport stops or shelters, interiors and exteriors of buses or trains, or building banners, both on printed formats and digital display screens.

1. Space limitation across the various HFSS product categories will be a total of 33% of the available space by cycle and by format;
2. Displays of HFSS foods will be restricted from 100 metres of school gate for large roadside billboard formats which include but is not limited to 48 sheet sizes and larger for example and 60 metres for 6 sheet sizes or smaller and particular attention will be given to HFSS foods that particularly appeal to children;
3. Marketing Communications for HFSS food is not allowed on building banners;
4. Marketing Communications utilising wraparounds or takeovers for HFSS foods will account for less than 5% of the total available advertising space.

### Guidance for Out of Home media

- A. 'Available space' means the total universe for the particular format in the cycle concerned.
- B. Cycles are usually defined in the Out of Home Media sector as two weeks.

### Additional Rules for Print Media

1. Marketing Communications for HFSS foods will only be carried in consumer publications where the adult readership is 75% or greater. A consumer publication or issue is taken to mean the complete edition published that day to include any supplements or advertising inserts.
2. Where Marketing Communications for HFSS food is permissible, it shall not, in ordinary circumstances, exceed a maximum of 25% of total advertising space.
3. HFSS food sponsorship of sports pages or sports supplements is not allowed.

### Guidance for Print Media

- A. The tight publication deadlines that can apply to newspapers may leave little time to fully assess the total volume of HFSS advertising contained in a particular publication and to take the necessary remedial action to avoid a breach of the Code. If the maximum limit on HFSS advertising space is exceeded in any newspaper, the ASAI will take into account the volume of HFSS advertising contained in the edition immediately preceding and the edition immediately following that publication. The volume of HFSS advertising in all three editions will be part of the assessment criteria used in deciding compliance with the Code. Notwithstanding this provision, under no circumstances should HFSS advertising exceed 50% of sold advertising space in any publication.

### Additional Rule for Cinema

1. Where Marketing Communications for HFSS food is permissible, it shall not exceed a maximum of 25% of total advertising space by screening.
-