LHF voluntary restrictions - Guidance for TV/BVOD advertisers and agencies from Clearcast, ITV, STV, Channel 4 and Sky – June 2025

The Government announced through a <u>written ministerial statement</u> that it intends to legislate to ensure that the forthcoming LHF restrictions are absolutely clear that brand advertising is not caught. It has now laid the <u>Secondary Legislation</u> to implement that commitment, which is going through Parliamentary process.

As this process will not be complete until January next year, ITV along with others in the industry has <u>voluntarily agreed</u> to act as though the regime will come into force from 1 October 2025 in the way it was intended. This means that from 1 October 2025 we will not run advertisements for specific identifiable less healthy food or drink products (i.e. adverts that explicitly feature or refer to specific less healthy food or drink products), on TV or on demand services between 5.30 am and 9 pm, or paid for advertisements for specific identifiable less healthy food and trink products online at any time. In relation to on demand services, the rules apply to both broadcaster-operated streaming services and any Ofcom-regulated ODPS hosted on third party platforms like YouTube.

A product is in scope of the restrictions if it is **both**:

- Deemed to be HFSS under the Nutrient Profiling Model (here); and
- Within one of the categories specified by Government (detailed list here):
 - o Soft drinks
 - Savoury snacks (e.g. crisps, popcorn, pretzels)
 - Breakfast cereals
 - Confectionary
 - Ice cream
 - Cakes
 - Sweet biscuits
 - Morning goods (e.g. pastries)
 - \circ Desserts
 - Sweetened yoghurt
 - Pizza
 - Potato products (e.g. chips, wedges, waffles etc)
 - Ready meals and similar (e.g. chicken nuggets, fish fingers)

Advertisers and agencies might also find it helpful to refer to the <u>Government's guidance</u>, which explains these categories further, alongside information on the various exemptions and definitions that apply. To further help advertisers and agencies understand what can and cannot be shown from 1 October, we intend to have regard to the ASA's <u>initial draft guidance</u> on which it first consulted in late 2023 / early 2024. Once the ASA has finalised its guidance we will transition to applying that guidance in due course.

We would encourage all advertisers planning to run TV campaigns from 1 October onwards (including rerunning previous campaigns) to read this draft guidance, and to discuss with us as soon as possible their proposed approach and content creative. Broadcasters and Clearcast are working closely together to ensure that advertisers and agencies are as clear as possible about what will and won't be possible from 1 October.