

**To be filled in by advertiser not agency**

The [Health and Care Act 2022](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fukpga%2F2022%2F31%2Fcontents%2Fenacted&data=05%7C02%7CCatherine.Leyland%40clearcast.co.uk%7C7da0f42984cd4cf8be5a08dd71f2d0e4%7C4f9f1088996d40debe75daec7f1926e0%7C0%7C0%7C638792009909822588%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=6MHSANfO9aDprsRHmAnt9EfSafq7ZjlK628YkIZQoTg%3D&reserved=0), which amended the [Communications Act 2003](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fukpga%2F2003%2F21%2Fcontents&data=05%7C02%7CCatherine.Leyland%40clearcast.co.uk%7C7da0f42984cd4cf8be5a08dd71f2d0e4%7C4f9f1088996d40debe75daec7f1926e0%7C0%7C0%7C638792009909835588%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=KIeqsv7xtgdXlzjrrP9UMc%2FIhgoGvh%2B2QtOr%2BPF1kis%3D&reserved=0), made provision for a 9pm watershed restriction on the advertising of less healthy food or drink products on broadcast TV. The Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024 give practical effect to these provisions.  There is an exemption from the restriction for businesses involved with the manufacture or sale of food and drink with fewer than 250 employees, including franchises and symbol groups, who pay to advertise less healthy food or drink products.

 Further information can be found here [Restricting advertising of less healthy food or drink on TV and online: products in scope - GOV.UK](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Frestricting-advertising-of-less-healthy-food-or-drink-on-tv-and-online-products-in-scope%2Frestricting-advertising-of-less-healthy-food-or-drink-on-tv-and-online-products-in-scope%23summary-of-the-advertising-and-promotions-regulations&data=05%7C02%7CCatherine.Leyland%40clearcast.co.uk%7C7da0f42984cd4cf8be5a08dd71f2d0e4%7C4f9f1088996d40debe75daec7f1926e0%7C0%7C0%7C638792009909848456%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=iaH2I4rxQTf8RuJnt%2Bm77DielRaEXkf5hM8VJXtbKag%3D&reserved=0)

 It is ultimately the responsibility of individual businesses to ensure their compliance with the law.

 I ……………………………………………….. (insert name) of …………………………………………………. (insert position/company) confirm that I have read the above note and understand it is my responsibility to ensure legal compliance.  I am in the position to certify that my business, including franchise staff, has fewer than 250 employees as of 6th April ……..(insert current year).

You will need to resubmit this form to reconfirm SME status annually on/after 1st April each year, if your ad remains on air, or you submit a new ad.