

An update on the new advertising restrictions: Delays to guidance as brand advertising is re-considered

09 April 2025  Rachel Lyne

Scope of the new rules

As a reminder, under the new regulations discussed in our previous article [Navigating new advertising restrictions on junk food](#), advertisements for less healthy food and drink products will face restrictions across various platforms from October 2025. These include a prohibition on their inclusion in Ofcom-regulated TV and on-demand programme services during the hours from 5:30 am to 9:00 pm. These products will also not be allowed in paid-for spaces in online media at any time.

The criteria for determining which products fall under these restrictions involve a two-stage test. This includes compliance with the Department of Health and Social Care's nutrient profiling model from 2004-2005 and categorisation as per the schedule in the [Regulations](#).

Consultation and revisions in guidance

The Committee of Advertising Practice (CAP) released updated draft guidance in February 2025 for consultation concerning brand advertising. The original CAP guidance suggested that advertisements featuring only branding associated with less healthy products might not fall under the new restrictions if they did not explicitly depict or reference the products. However, further legal advice and consultation responses prompted a more cautious approach to this issue, and therefore a revision and delay of the guidance.

The consultation is now closed, and it is expected that CAP will published the revised guidance to clarify that advertisements, even if not directly featuring less healthy food and drink products, could still be restricted if they are reasonably identifiable as being for such products by viewers in the UK. Each ad will need to be individually considered both in terms of the content of the ad itself and in the context in which it is being placed. This interpretation aligns with the legal framework, which does not explicitly address brand advertising but focuses on the identifiability of the advertised products.

Looking forward: Finalising and implementing the guidance

The CAP consultation on the revised guidance closed on 18 March and the expectation is that they will issue the final version of the guidance over Spring. Although regulatory guidance is not the law organisations should consult the final version of the CAP guidance in planning any upcoming [advertising](#) campaigns.

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