

Less healthy foods advertising restrictions: Delays and developments

01 July 2025  Katharine Mason

In our [Spring 2025 update](#) we covered the Committee of Advertising Practice's (CAP) second consultation on its guidance on the implementation of restrictions for advertising foods defined as less healthy foods.

The restrictions prohibiting advertising for identifiable less healthy foods at any time in paid for ads online and between 5am and 9pm during TV and on-demand programmes were to have applied from October 2025. You'd be forgiven for expecting this update to cover the finalised guidance.

However, the responses to the consultation, specifically around the interpretation of the exemption for brand advertising, mean that the guidance is now on ice whilst we await new legislation, and enforcement of the restrictions has been delayed to 5 January 2026.

What's happened now?

The policy behind the restrictions on less healthy foods is to reduce obesity and particularly child obesity. Successive governments have stated that the companies will be able to promote their brands, provided adverts do not identify a specific less healthy product.

When the draft laws were originally consulted on, some industry responses suggested including provisions expressly exclude general brand advertising. This route wasn't taken at the time, but in a ministerial announcement on 22 May, it was confirmed that a Statutory Instrument (SI) to explicitly exempt 'brand advertising' from the restrictions will be made. An SI delaying the enforcement date for the restrictions has already been laid and the restrictions will be in force from 5 January 2026.

In May a group of advertisers and media owners confirmed a voluntary agreement not to 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 5.30am and 9pm, or paid for advertisements for specific identifiable less healthy food and drink products online at any time.

On 11 June the ASA announced that it had asked CAP to pause the ongoing consultation on the implementation of rules and guidance. This is not a surprising move given that the Government will change the law and the CAP Code, BCAP Code and any supporting guidance must reflect the law.

The ASA stated it will not process any complaints it receives regarding ads which will be covered by the restrictions until the law is in place, essentially confirming that it will not police the voluntary agreement between advertisers and media owners not to run ads in restricted media for specific identifiable less healthy food or drink products from 1 October 2025.

What happens next?

Whilst enforcement of the restrictions has been delayed, the voluntary agreement means that from a practical perspective, many less healthy foods ads will be restricted from 1 October.

We now await the brand advertising exemption SI which will hopefully bring some clarity. It's likely that CAP will have to 'unpause' its consultation and update the guidance in light of the 'brand exemption' as defined in the anticipated law.

One thing you can be certain of is that we'll have more to say in the [Food for Thought: Food and drink regulatory update](#) in Autumn 2025.

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Contact

Katharine Mason
Principal Associate

katharine.mason@brownejacobson.com
+44 (0)330 045 1382

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