

ASA Adjudication on 1111 EC Services Ltd

1111 EC Services Ltd t/a V2Cigs UK

54 BROADWAY
Peterborough
Cambridgeshire
PE1 1SB

Date:

12 February 2014

Media:

National press

Sector:

Leisure

Number of complaints:

1

Complaint Ref:

A13-250336

Background

Summary of Council decision:

Two issues were investigated, both of which were Upheld.

Ad

A national press ad for V2 electronic cigarettes stated "USA's #1 now in the UK. Feel the quality. Taste the difference ... For FREE ...". Halfway down the page, text stated "For Stoptober ... To get your Express Starter Kit, ... use promo-code 'STOPTOBER'...".

Issue

The complainant challenged whether the ad breached the Code, because:

1. it implied that the product was suitable for use as a smoking cessation device; and
2. it misleadingly implied that the product was associated with the NHS “Stoptober” campaign

CAP Code (Edition 12)

[12.13.50](#)

Response

V2Cigs UK said they were extremely careful not to contravene the CAP Code and they recognised and accepted that electronic cigarettes could not be advertised as a cessation device. They said the Daily Express approached them as they were running an editorial feature promoting the month of October as “Stoptober” and because the feature was targeting smokers, it made sense to support the feature with an ad. V2Cigs said as the main feature was about “Stoptober”, they used this word as they felt it would be memorable and nothing more.

V2Cigs said nothing in the ad was about cessation of smoking and nothing implied that V2Cigs was suitable as a smoking cessation device. They said as the ad was competing with other brands, they promoted what they felt was their product's primary unique selling point, which was its quality of manufacture and taste. They said they validated this by explaining how the quality could be checked through online batch number verification and they featured a link to a video about quality. They said the ad was entirely about quality and taste compared to other electronic cigarette brands and the promotion element of the ad required the reader to enter a discount code online.

V2Cigs pointed out that there was no mention of NHS anywhere in the ad and they supplied evidence that showed a Google search of the words "Stoptober" and "ECigs" returned around 122,000 results.

Assessment

1 & 2 Upheld

The ASA was concerned that, as the ad used the word “Stoptober”, consumers were likely to understand that the product was associated with or endorsed by the NHS campaign “Stoptober”, which we understood was not the case, and they were therefore likely to believe that the product was suitable for use as a smoking cessation device. We noted that most of the ad's content focused on quality, but because we considered the ad implied that consumers could use the product for smoking cessation and we understood that the product had not been licensed by the MHRA for that purpose, we concluded that the ad breached the Code in that regard.

The ad breached CAP Code (Edition 12) rules 3.50 (Endorsements and testimonials) and 12.1 and 12.11 (Medicines, medical devices, health-related products and beauty products).

Action

We told V2Cigs UK to ensure their advertising did not imply that their product was suitable for use as a smoking cessation device or that it was associated with any stop smoking campaigns.