

ASA Adjudication on UKVapes Ltd

UKVapes Ltd

10 Lord Street
Wrexham
LL11 1LG

Date:

20 November 2013

Media:

Radio

Sector:

Leisure

Number of complaints:

1

Complaint Ref:

A13-239752

Ad

A radio ad for electronic cigarettes featured a voice-over that stated, "Do you smoke? Want to save money? Well, with electronic cigarettes from UKVapes, save money and enjoy the sensation of smoking, without the anti-social side effects [a coughing sound effect was heard]. They don't contain tobacco and because they only create vapour, you can use them almost anywhere. Electronic cigarettes come in a variety of vapour flavours too - there's the 'fruities,' like cherry and banana or the 'yummies,' like cola or ice mint."

Issue

The complainant challenged whether the ad was irresponsible because the reference to the range of flavours, such as cola, could encourage children to use the product.

BCAP Code

[1.2](#)

Response

UKVapes Ltd said, because the ad had been pre-cleared, they considered that it complied with the necessary Code rules.

The RACC said because the ad started with "Do you smoke?" they considered that it targeted existing smokers who wanted to try e-cigarettes. They said because it is only legal for tobacco products to be sold to those aged 18 years and over, the ad clearly targeted that age range and not under 16-year-olds. They said that a factual reference to some of the product's flavours was unlikely to encourage children to use the product and therefore a scheduling restriction was not necessary.

Assessment

Not upheld

The ASA noted the ad started with the statement "Do you smoke?" which we considered clearly set out who the ad was targeted at. We also noted the ad contained a prominent cough and considered that emphasised that the target audience was existing smokers. We acknowledged the complainant's assertion that references to the various flavours could appeal to children. However, we considered that those flavours referenced were common to many products, and were not limited to those that would appeal only to children. We did not consider that the reference to the flavours in the ad would appeal to children and we concluded the ad was not irresponsible.

We investigated under BCAP Code rule 1.2 (Social responsibility) but did not find it in breach.

Action

No further action necessary.