

# **ASA Adjudication on ZULU Ventures Ltd**

## **ZULU Ventures Ltd t/a SkyCig**

3rd Floor  
Playfair House  
6 Broughton Street Lane  
Edinburgh  
EH1 3LY

### **Date:**

20 November 2013

### **Media:**

Transport

### **Sector:**

Health and beauty

### **Number of complaints:**

1

### **Agency:**

None

### **Complaint Ref:**

A13-240201

### **Ad**

A poster on a train for electronic cigarettes was headlined "Feel the difference". The ad featured an image of three packs of the product, which resembled tobacco cigarettes. Further text stated "SKYCIG Combines industry-leading technology with a name you can trust to give you the most realistic smoking experience possible. SKYCIG customers also save up to 80% compared to smoking traditional cigarettes so why not give SKYCIG a try today? EQUIVALENT TO 40 CIGARETTES".

### **Issue**

The complainant objected that the untargeted poster ad was irresponsible because it was placed in a location where it was likely to be seen by children.

## **CAP Code (Edition 12)**

### [1.3](#)

## **Response**

ZULU Ventures Ltd t/a Skycig stated that the average commuter on the train where the ad appeared fell into the 25–34 years of age bracket and that this was the age group the ad was aimed at. They believed there was nothing within the advertisement that was likely to appeal to young children who happened to be on the train.

KBH said the Skycig's campaign ran on train cards on Southeastern train routes between 29 July 2013 and 25 August 2013, including trains serving Hastings and Sevenoaks (where the complainant saw the ad). They said they consulted with the train operating company prior to running the campaign and it was agreed that the advertising was suitable to appear on train cards as it was understood to be a product that was designed to help stop cigarette smoking, not promote it. They believed the campaign was aimed at the predominately commuter audience that travelled on these trains. They said that while train card posters were visible to any train passenger, the percentage of children in the frequent rail travelling audience was not significant and that 2012 data from the Department of Transport Statistics showed that the 0-16 age bracket made the fewest train trips (on trains in general in the UK) compared to other ages groups (other than those aged 70+).

## **Assessment**

Not upheld

The ASA noted the ad appeared on a commuter train, which we understood from the complainant was used by children as part of the school route. However, we noted that the ad appeared on the Southeastern trains network and not simply on this route, and that evidence suggested that trains were a mode of transport which were not likely to carry a high percentage of children. We therefore considered that the ad did not appear in a place where it was likely to be seen by a high percentage of children. We further noted the ad comprised mostly text and did not contain any image or content that was likely to be particularly attractive to children.

We noted the complainants' concerns about the ads promoting the use of e-cigarettes. However, electronic cigarettes could be sold legally in the UK, were not a prohibited category under the CAP Code and were therefore permitted to be advertised, within the confines of the CAP Code.

We noted the ad featured images of the e-cigarette and packets of Skycigs, which looked similar in style and design to a tobacco cigarette packet. However, we also noted text clearly stated "SKYCIG Combines industry-leading technology with a name you can trust to give you the most realistic smoking experience possible. SKYCIG customers also save up to 80% compared to

smoking traditional cigarettes so why not give SKYCIG a try today? EQUIVALENT TO 40 CIGARETTES" which made clear that the product was an alternative to tobacco products. We considered that, because the ad was clearly for a non-tobacco product, it was unlikely to be seen as encouraging or normalising tobacco smoking to children or adults. We therefore concluded that the ad did not breach the Code.

We investigated the ad under CAP Code (Edition 12) rule 1.3 (Social responsibility) but did not find it in breach.

## **Action**

No further action necessary