


ASA Ruling on Golden Vape UK Ltd t/a Golden Vape

 Upheld | Search (paid) | 14 May 2025

Background

This ruling forms part of a wider piece of work on the promotion of nicotine-containing e-cigarettes and their components in paid-for Google ads, identified for investigation following intelligence gathered by the ASA. See also the related ruling published on 14 May 2025.

Ad description

A paid-for Google ad for Golden Vape, provided by the aggregator website Shoparade.uk, seen on 22 November 2024. The ad contained an image of a vape product, with the text “POD X2 ... LEMON LIME” on the product box. Text in the ad stated “4 in 1 Pods, Replaceable ... £4.50 ... Free delivery, eBay ... Pods, Prefilled ... By Shoparad ... Shop now”.

Issue

The ASA challenged whether the ad breached the Code by promoting unlicensed, nicotine-containing e-cigarettes and their components through a sponsored link.

Response

Golden Vape UK Ltd said they had never run, approved or been involved in any advertising through Google or any other platform. They said the ad had been provided by Shoparade.uk, a third-party aggregator. Golden Vape said they had no relationship with Shoparade.uk; that they

had not been aware of their actions; and had not authorised them to advertise on their behalf. On becoming aware of the ad, they had contacted Shoparade.uk to request the removal of any unauthorised links or ads associated with Golden Vape.

Native Shopping Media UG t/a Shoparade.uk did not respond to the ASA's enquiries.

Assessment

Upheld

The ASA was concerned by Native Shopping Media UG's (Shoparade.uk) lack of response and apparent disregard for the Code, which was a breach of CAP Code (Edition 12) rule 1.7 (Unreasonable delay). We reminded them of their responsibility to provide a response to our enquiries and told them to do so in the future.

CAP Code rule 22.12 reflected a legislative ban contained in the Tobacco and Related Products Regulations 2016 (TRPR) on the advertising of unlicensed, nicotine-containing e-cigarettes in certain media. The rule stated that, except for media targeted exclusively to the trade, marketing communications with the direct or indirect effect of promoting nicotine-containing e-cigarettes and their components which were not licensed as medicines were not permitted in newspapers, magazines and periodicals or in online media and some other forms of electronic media. It further stated that factual claims about products were permitted on marketers' own websites and, in certain circumstances, in other non-paid-for space online under the marketer's control.

Golden Vape had originally listed their products for sale on eBay. We understood from eBay (UK) Ltd that, by using their site, sellers signed up to a User Agreement which required them to consent to third parties having access to seller listings for the purposes of advertising those listings, including on third-party advertising placements. There was no method of opting out of that requirement and there was no subsequent notification to sellers when their goods were promoted via one of eBay's third-party partners. When a purchase was made through one of the third-party partner's links, the third-party partner received a fee from eBay. We understood there was no additional cost to the consumer when buying through one of the third-party links.

The paid-for Google ad, which had been placed by one of eBay's third-party partners, was not targeted exclusively to the trade and prominently featured an image of the packaging of the vape product next to the product itself, which was not licensed as a medicine. The ad clicked through to a page where nicotine-containing replacement pods for e-cigarettes could be purchased. The page featured a larger version of the same image of the product's packaging next to the product itself, together with the text "Elf Bar 4 in 1 Pods – Replaceable Prefilled Pods

... 20mg – 3200puffs [sic] – New” and “£4.50 Free postage”. We considered the ad therefore had the effect of promoting e-cigarettes not licensed as medicines; consequently, the restriction that applied to online media under rule 22.12 was applicable.

We understood that the ad had been created solely by Shoparage.uk, the third-party partner, without any input from Golden Vape and that Golden Vape had been unaware of the ad. However, as the marketer, they were responsible under the CAP Code for ensuring that their ads complied.

We welcomed the action Golden Vape had taken to request the removal of any unauthorised links or ads associated with them. However, since the ad had the direct or indirect effect of promoting e-cigarettes that were not licensed as medicines in non-permitted media, we concluded that it breached the Code.

The ad breached CAP Code (Edition 12) rule 22.12 (Electronic cigarettes).

Action

The ad must not appear again in the form investigated. We told Golden Vape UK Ltd t/a Golden Vape and Native Shopping Media UG t/a Shoparade.uk to ensure that marketing communications with the direct or indirect effect of promoting nicotine-containing e-cigarettes and their components that were not licensed medicines should not appear in paid-for Google ads or in other non-permitted media. We referred the matter to CAP's Compliance team.

CAP Code (Edition 12)

1.7 22.12

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