


ASA Ruling on UK Electronic Cigarette Ltd t/a UKVAPINGSTORE

 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 UKVAPINGSTORE, provided by the aggregator website Falcongalaxy.com, seen on 22 November 2024. The ad contained a picture of multiple vape products with overlaying text which stated, “UK VAPING STORE ... Buy 3 Get 1 FREE ... Buy 7 get 3 FREE ... Buy 10 Get 4 FREE”. The caption below stated, “Pre Filled Replacement ... £6.99 ... eBay.co.uk ... By Falcon G ... 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

UK Electronic Cigarette Ltd t/a UKVAPINGSTORE did not respond to the ASA's enquiries. Falcongalaxy.com Ltd t/a Falcon Galaxy said that they took the matter seriously and the ad had been removed from their current and future advertising campaigns.

Assessment

Upheld

The ASA was concerned by UKVAPINGSTORE's 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.

UKVAPINGSTORE 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 that 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 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 an amount from eBay. There was no additional cost to the consumer when buying through one of the third-party links.

The paid-for Google ad, which was placed by one of eBay's third-party partners, was not targeted exclusively to the trade and prominently featured 12 nicotine-containing replacement pods for e-cigarettes, which were not licensed as medicines. The ad clicked through to a page where nicotine-containing replacement pods for e-cigarettes could be purchased and featured

the text “UKVAPINGSTORE” and “Buy 3 Get 1 FREE ... Buy 7 get 3 FREE ... Buty 10 Get 4 FREE”, with images of replacement pods, which we considered was both promotional and in non-permitted media.

While we understood that UKVAPINGSTORE might not have set out to promote e-cigarettes that were not licensed as medicines in non-permitted media, they as the marketer were nevertheless responsible under the CAP Code for ensuring that their ads complied, notwithstanding the fact that the ad may have been created solely by the third-party partner without any input from UKVAPINGSTORE themselves.

We welcomed Falcon Galaxy’s assurance that the ad had been removed from current and future advertising campaigns. However, since the ad had the direct or indirect effect of promoting e-cigarettes 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 UK Electronic Cigarette Ltd t/a UKVAPINGSTORE and Falcongalex.com Ltd t/a Falcon Galaxy 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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