

Andrew Gwynne MP
Parliamentary Under-Secretary of State for Public Health and Prevention
Department for Health and Social Care
39 Victoria Street
London
SW1H 0EU

12 July 2024

Dear Minister,

Many congratulations on your appointment. We are writing to you on behalf of the four main trade bodies which represent all aspects of the advertising landscape – agencies, brands, media owners, advertising technology companies and online platforms.

As you will be aware, the previous Government legislated for restrictions on the advertising of Less Healthy Food and drink (LHF), including a 9pm broadcast watershed and a total ban on paid-for online advertising, to come into effect on 1st October 2025. We worked constructively with DHSC and DCMS officials in the last Parliament on this, and we are keen to work with you and your officials to ensure that our industry has the necessary information and guidance to enable it to comply with the restrictions from day one.

In order for this to happen, we urgently need the Advertising (Less Healthy Food Definitions and Exemptions) Regulations to be published as soon as possible. A draft version of these was consulted on in April 2023, but the previous administration failed to respond to the consultation or lay the final secondary legislation before the General Election. As a result, our members still do not have vital information which is necessary to make the restrictions work, including the list of products which will be covered and the media which will be in scope.

The lack of this secondary legislation is also preventing the Advertising Standards Authority (ASA) and Ofcom from publishing crucial industry-facing guidance on what can and cannot be included in adverts under the new rules. This is absolutely urgent. Many businesses are already planning advertising campaigns which will run from 1st October 2025, including the crucial Christmas period; such campaigns are planned, filmed and created many months in advance. It is therefore imperative that the secondary legislation is published as soon as possible – and ideally before summer recess in order to give regulators time to finalise and publish their additional guidance – to provide regulatory certainty to advertisers.

We welcome the new Government's focus on economic growth, and its commitment to working in partnership with business to tackle the socioeconomic challenges the UK faces. Advertising is key to this, not least as a sector which underpins and strengthens growth and which is a great UK success story in its own right. But in the absence of action by the last Government, our members are feeling the effects of this delay on their businesses and are delaying decisions and investment.

We do not wish to see a further delay in the implementation date for the LHF restrictions. Government action is urgently required in order to ensure that our industry can properly prepare.

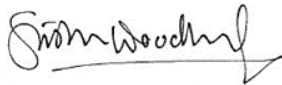
The Health and Care Act 2022 and the work undertaken by your officials in the last Parliament confirmed that the focus of the new restrictions is on identifiable products in ads, and that brand-only advertising would be permitted to continue. We strongly support this approach, and the regulator has carried out its pre-implementation work on this basis. Allowing brand advertising is important not least so that brands are encouraged to promote healthier,

reformulated versions of their LHF products which may share branding.

We would urge swift action by the new Government on this, ideally before the summer recess; and we would welcome a meeting with you at your earliest convenience to discuss these issues, and how the advertising industry can support your government's ambition for sustainable economic growth. We will follow up with your office to find a suitable date.

Our congratulations again on your appointment.

Yours sincerely,



Stephen Woodford
Chief Executive
Advertising Association



Phil Smith
Director General
Incorporated Society of British
Advertisers



Paul Bainsfair
Director General
Institute of Practitioners in
Advertising



Jon Mew
CEO
Internet Advertising Bureau

Cc: Secretary of State for Health and Social Care