



Enforcement Notice:

Promotional Pricing of E-Cigarettes - Websites

Who we are

We are the [Committee of Advertising Practice](#) (CAP). We write the advertising rules, which are enforced by the Advertising Standards Authority (ASA), the UK's independent advertising regulator. You can read about the UK advertising regulatory system [on the ASA website](#).

The Medicines and Healthcare products Regulatory Agency regulates medicines, medical devices and blood components for transfusion in the UK.

Why are we contacting you?

Advertisers are permitted to present factual information about unlicensed nicotine-containing e-cigarettes and their components on their **websites**, including prices. However, when an advertiser places undue emphasis on savings and discounts, this is likely to go beyond what is allowed and breach the CAP Code.

It has come to our attention that some vendors are presenting prices on their **websites** in a way that amounts to promotion. We would like to remind advertisers of the clear prohibition on promoting unlicensed nicotine-containing e-cigarettes and their components outlined in CAP Code Rule [22.12](#).

Please take immediate action to ensure your advertising complies. We will be monitoring websites in the coming months. If we see continued problems in this area we will take targeted enforcement action to ensure a level playing-field. This may include – where advertisers are unwilling to comply – referral to our [legal backstop](#).

Guidance

Keep it strictly factual. Advertisers are entitled to reduce prices to clear stock and otherwise demonstrate discounts. Avoid placing undue emphasis on savings and discounts, which can have the effect of incentivising consumers. Such ads are likely to be considered promotional and therefore breach the Code.



Strikethrough discounts – strikethroughs can [have the effect of making the current price appear more attractive](#) - “~~£79.94~~ £64.95”. Instead, simply quote an accurate “previous price £79.94” for the product.



Limited time offers - [time-limited offers](#) will almost always be considered promotional as it prompts consumers to make a purchase sooner than they might otherwise have done in the absence of the promotion.



Clearance pricing – phrases like “**SALE!**”, “**HUGE CLEARANCE!**”, [particularly when prominently](#), for instance using large colourful banners, should be avoided as they are likely to be considered as promoting the clearance sale, rather than providing factual information about products and their pricing.

Scope

This guidance covers the presentation of pricing information for unlicensed nicotine-containing e-cigarettes and their components in the media permitted under the CAP Code i.e. *marketers' own websites and, in certain circumstances, in other non-paid-for space online under the marketer's control.*

There are strict prohibitions on direct and indirect promotion of unlicensed nicotine-containing e-cigarettes and their components in other media (see Appendix for details).



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Appendix: Code rules, legislation and useful reading

This guidance should be read in conjunction with the [Guidance on Electronic Cigarette Advertising Prohibitions](#).



Relevant CAP Code rule 22:12 -

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 are not licensed as medicines are not permitted in the following media:

- Newspapers, magazines and periodicals
- Online media and some other forms of electronic media

Factual claims about products are permitted on marketers' own websites and, in certain circumstances, in other non-paid-for space online under the marketer's control.

Please refer to the [Advertising Guidance](#).



Relevant Legislation:

[Part 7 \(Electronic cigarette advertising\) of The Tobacco and Related Products Regulations 2016](#) prohibits advertising of unlicensed nicotine-containing e-cigarettes and their components in certain media. The legislation does not prohibit the sale of unlicensed nicotine-containing e-cigarettes and their components, so vendors are permitted to provide purely factual information about the nature of the products in line with [Directive 2000/31/EC of the European Parliament](#) on electronic commerce.

The advertising of unlicensed, nicotine-containing e-cigarettes is not prohibited by law or by the CAP Code in the following media:

- outdoor advertising, including digital outdoor advertising
- posters on public transport (not leaving the UK)
- cinema
- direct hard copy mail
- leaflets
- media which are targeted exclusively to the trade
- private, bespoke correspondence between a marketer and a consumer

However, with the exception of private correspondence with a consumer, these media are subject to the CAP Code and associated relevant legislation, such as the [Consumer Protection from Unfair Trading Regulations 2008](#).

Want more?

See our [Advertising Guidance on Electronic cigarette advertising prohibitions](#) and our Advice Online entry on: [Electronic Cigarettes](#).

For guidance on whether your specific advertising approach is likely to comply with the CAP Code you can use the [Free Copy Advice service](#).