

ASA Adjudication on Zandera Ltd

Zandera Ltd t/a E-Lites

18 Buntsford Park Road
Bromsgrove
Worcestershire
B60 3DX

Date:

12 February 2014

Media:

Magazine, Insert

Sector:

Leisure

Number of complaints:

1

Agency:

More This Way

Complaint Ref:

A13-251599

Background

Summary of Council decision:

Two issues were investigated, both of which were Not upheld.

Ad

A magazine ad for e-lites, electronic cigarettes, featured a penguin with various e-cigarette paraphernalia. The ad stated "Don't get left out in the cold this Christmas ... 'smoke' inside without worrying about nasty odours, passive smoke, harmful tar or carbon monoxide".

Issue

The complainant challenged whether the ad was irresponsible because it:

1. appeared in a magazine that appealed to children; and
2. included an image of a penguin and the word 'Christmas', which could appeal to children.

CAP Code (Edition 12)

[1.35.1](#)

Response

1. Zandera Ltd t/a E-Lites said the publisher assured them that the magazine was not targeted at children and it had a core audience of males over 40 years of age and a secondary audience of females over 35 years.

The publisher, Bauer Media Group, said that the magazine where the ad appeared was classified as a general magazine, was not placed near to the children's section and was likely to be sited alongside men's magazines. They said it contained articles on science, history, technology, psychology and current affairs and was therefore not the prerogative of children. They submitted various sample articles which they said demonstrated their editorial position and illustrated that the magazine was not child orientated. They said the magazine readership was not large enough to qualify for readership information status. However, they said that qualitative research indicated that the main target group was older males with a secondary audience of young males aged between 16 and 25 years.

2. E-Lites said they would not intentionally sell or promote their products to anyone under the age of 18 years. They said it was a well-known fact that, since the smoking ban, people had to smoke outdoors and because their product did not produce smoke, they said it was legal to smoke them indoors and that was why they had used the strap-line "Don't get left out in the cold ...". E-Lites said they used the 'penguin' metaphor because most people understood that they live out in the cold.

The publisher said that penguins and Christmas had a wide appeal which was not limited solely to children.

Assessment

1. & 2. Not upheld

The ASA noted the target audience cited by the advertiser and publisher and we also noted the articles submitted which consisted of reports on chemical weapons, drug trafficking and whistle-blowers. We considered those articles and did not deem them or the magazine generally, to be of particular interest to children.

We noted the ad contained a photograph of a penguin underneath the strap-line which included the word Christmas. However, it did not contain any additional visuals or wording that was likely to appeal particularly to children. Because we considered that the ad and the magazine in which it was published were unlikely to appeal to children, we concluded the ad was not irresponsible.

We investigated the ad under CAP Code (Edition 12) rules 1.3 (Responsible advertising) and 5.1 (Children) but did not find it in breach.