

ASA Adjudication on Vape Nation Ltd

Vape Nation Ltd

4 Beacon Road
Trafford Park
Manchester
M17 1AF

Date:

24 December 2014

Media:

Television

Sector:

Leisure

Number of complaints:

8

Agency:

Equinox Film & Television Prod

Complaint Ref:

A14-284845

Ad

A TV ad for KiK electronic cigarettes (“e-cigarettes”) showed a group of adults using and discussing the products in an outdoor restaurant. One man in the group said, “I used to smoke normal cigarettes, but after I quit, I tried these. I actually prefer them.”

Issue

Seven complainants challenged whether the ad breached the Code because it was likely to encourage non-smokers, and particularly former smokers, to use the product.

BCAP Code

Response

Vape Nation Ltd said the ad was based on a group of adults, over 25 years old, who were discussing their experiences with KiK e-cigarettes. They said the ad was aimed at current smokers and did not sell directly to viewers or encourage non-smokers to take up e-cigarettes. They said the ad made clear throughout that it was directed at over 18s and that the products contained nicotine. They believed the wording they used was very specific to the individuals featured in the ad and pointed out they had not stated that the products would help with smoking cessation. They said the ad was not overtly attractive to non-smokers because it included statements about the benefits of using e-cigarettes over tobacco products.

Clearcast said the ad was an availability story. The presentation in the style of testimonials by the characters merely highlighted the nature of the product and its available features. They said the ad did not include a strong sales message and was therefore not a direct exhortation to buy or use the products. Furthermore, the characters were portrayed using the product responsibly. Because of that, they said no direct or specific encouragement for nicotine users or non-smokers to use the product existed.

Assessment

Upheld

The ASA noted the ad featured a genial conversation amongst several adults about KIK e-cigarettes about the characters' experiences with the products. In line with the BCAP Code it included actors who appeared to be over 25 years of age and made clear throughout the ad with visuals and spoken comments that the advertised product was an e-cigarette.

We considered that the vast majority of the dialogue positioned the product as one of interest to current smokers. However, one of the first comments made was "I used to smoke normal cigarettes, but after I quit, I tried these". We considered that, had it portrayed the man who had exchanged his normal cigarettes for e-cigarettes, the content of the ad would have been acceptable. However, we believed consumers were likely to understand that the man who spoke that line had stopped smoking for a period of time and was therefore a non-smoker who had subsequently taken up using KiK e-cigarettes. We considered that the man's statement could encourage non-smokers to take up using e-cigarettes and we therefore concluded the ad was irresponsible.

The ad breached BCAP Code rules 33.1 and 33.8 (Electronic cigarettes).

Action

The ad must not appear again in its current form. We told Vape Nation Ltd not to encourage ex-smokers or non-nicotine-users to use e-cigarettes.

[Previous](#)