



The junk food'

digital advertising ban

A guide to food digital advertising without the fat (salt, or sugar).

A note from our founders

This is a guide produced by Pretty Pragmatic to help our clients in the food and drink industry to understand the upcoming legislation and what it means for advertisers. We're experts in hospitality marketing. Working with over 30 clients in sub-sectors such as cafes, restaurants, inns, hotels, and more, we're always looking to stay ahead of developments in this dynamic industry.



Alana



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Need help with a challenge related to the HFSS ad ban?
Or looking to take your brand to the next level? We're all ears.

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The Legislation:

Understanding the ban



What are the changes to the legislation?

The Advertising (Less Healthy Food Definitions and Exemptions) Regulations were laid before Parliament on December 3, 2024, and will come into force across the UK on January 5, 2026.

This was originally due to come into effect on October 1, 2025, but was delayed to give the government more time to define brand advertising in law. Despite this, 20 groups representing advertisers &

broadcasters have agreed to follow the restrictions voluntarily from October.

The legislation imposes a total restriction on paid-for online advertising of HFSS (high fat, salt, or sugar) products, along with a 9pm watershed for less healthy food or drink advertising on TV, including on-demand programme services.

The details of this regulation apply to England, Scotland, Wales & Northern Ireland.

↓ Save the date

05/01/26

Who is affected?

Restaurants, supermarkets, or any large business that is promoting products that are considered high in fat, salt, or sugar.

This encompasses all paid digital media channels including:

- ◆ Search engine text ads
- ◆ Social media ads
- ◆ Display and banner ads
- ◆ Sponsored listings on food delivery platforms



**So, how are products
defined as 'less healthy'
(HFSS)?**



Food and drink products are defined by using a two-stage process. They will fall within the definition of 'less healthy' if they meet one of the regulation's 13 categories, while also scoring over 4 on the Nutrient Profiling Model (NPM).

The NPM was launched by the Food Standards Agency in 2004-2005 as a tool to help Ofcom differentiate foods and improve the balance of television advertising to children. Ofcom introduced controls which restricted the advertising of HFSS food to encourage healthier alternatives.

The model assigns a score to food and drinks based on:



Negative nutrients:

Energy

Saturated Fat

Total Sugar

Sodium



Positive nutrients:

Fruit

Fibre

Nuts (FVN)

Protein

Vegetables

The score determines whether a product is considered 'less healthy' (HFSS):

4+

Food is considered to be HFSS if it scores 4 points or more and falls into one of designated product categories

1+

Drink is considered to be HFSS if it scores 1 point or more and falls into one of designated product categories

What are the changes to the legislation?

Under UK rules (e.g. for promotional and advertising restrictions), HFSS rules apply to products in certain categories, such as:

'Less healthy' (HFSS)

Food

- Crisps, savoury snacks
- Confectionery (chocolate and sugar-based)
- Cakes, biscuits
- Morning goods (pastries, muffins)
- Ice cream
- Pizza
- Burgers
- Ready meals
- Pasta sauces
- Breakfast cereals

- Yoghurts
- Puddings
- Desserts

Drinks

- Sugar-sweetened soft drinks
- Milkshakes with added sugar
- Flavoured water or sports drinks with sugar

For a full breakdown of product categories that fall under HFSS, click here to visit the [GOV.UK website](#).

Who's exempt from the HFSS ban?



SME exemption:

Businesses involved with the manufacture or sale of food and drink with fewer than 250 employees are set to be exempt from this regulation. This includes franchises and symbol groups, who pay to advertise less healthy food or drink products.

However, future government reviews could change this – so it's important to stay in the loop.



Please note that the exemption is determined by the total number of employees across the entire business, not by individual locations or local branches.



Businesses under 250 employees

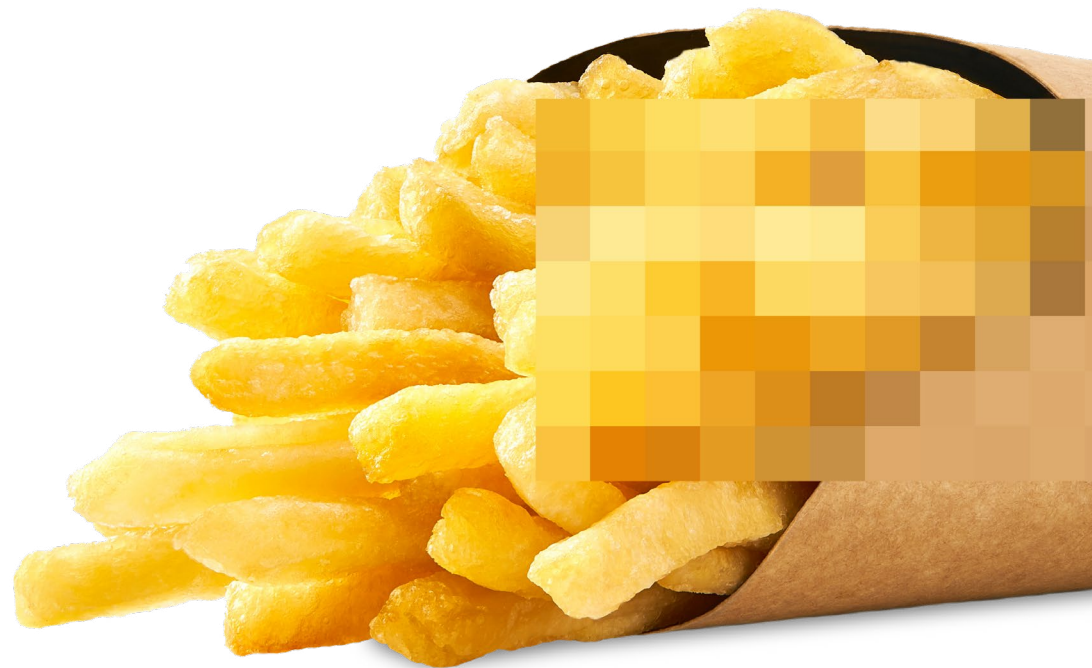
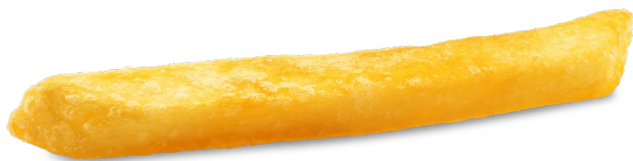


Businesses over 250 employees

Advertising outside of the UK:

This part of the legislation only applies to paid-for online advertising that is intended to be seen by UK consumers. So, UK businesses who are advertising outside of the UK (and excluding the UK as a target location), will be exempt from the legislation.

However, businesses outside of the UK who are advertising to UK consumers will still be affected (please note that other countries may have their own legislative frameworks to consider).



Brand-Only advertising:

On May 22, 2025, the UK Government confirmed that brand advertising will be legally exempt from these restrictions.

'Brand advertising' is permitted as long as it utilises brand elements that cannot be associated with a specific HFSS product. Brand mascots, logos, fonts, and experiences are all likely to be exempt, as long as they do not feature or depict HFSS products.

This means that in practice, advertisers will likely be able to run ads that promote their restaurant's brand in general (e.g., "Italian Kitchen – Friendly Local Dining") providing the ad doesn't directly or indirectly reference HFSS products like pizza.



This ad is likely to be exempt from the HFSS ban as it contains no references to HFSS products in the imagery or the copy.



This ad is likely to fall under the HFSS ban as it contains references to an HFSS product (pizza) in both the imagery and the copy.

How advertisers can prepare



Defining Identifiability

While this ban explicitly prohibits online ads that feature HFSS products, there are ways that advertisers can incorporate other brand elements into their paid activity.

We already see this with some large organisations, such as the famous McDonald's whistle – a brand element that people associate with the brand, without referencing any HFSS products directly.

Other non-product brand attributes (such as corporate responsibility and heritage) is also likely to fall outside of the scope of this regulation.

Illustration & Graphics

Many advertisers are confused about the role of using illustration or graphics within their advertising (as opposed to photography or video of HFSS products). This is an option, though with some important caveats.

The ban prohibits any representation of products that are HFSS, even if this is an illustration of one that can be clearly identified (such as an illustration of a burger).

This places even more importance on building distinctive brand assets, such as McDonalds' Golden Arches, or KFC's Colonel. These are examples of brand assets that can be used in digital advertising, without showing product and breaching the HFSS ban - but still connect the audience with the brand.



How can advertisers prepare?

Undergo an audit of your ad copy, imagery and keywords:

If HFSS items (such as pizzas, burgers or milkshakes) are directly referenced, they may be restricted.



Try shifting focus to brand reputation, stories, ambiance, or healthy offerings.

Reframe intent:

Target searches like "local restaurants" or "Italian restaurant near me" instead of "pizza restaurant".



How will the legislation be rolled out?

**1**

Product Classification

A food or drink product will be considered HFSS if it falls within the categories specified by the Department of Health and Social Care and exceeds the thresholds set by the Nutrient Profiling Model.

2

Identifiability

Even if an ad doesn't explicitly mention or depict an HFSS product, it may still be in scope if an average consumer can reasonably identify the product being promoted.

3

Brand vs. Product Advertising

Ads focusing solely on the brand without referencing specific HFSS products may be permissible. However, if the brand is strongly associated with HFSS items, even general brand promotions could fall under the ban.



We're all ears

Feel free to get in touch with the team
if you'd like to discuss anything at all.

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Please note that this guide is not exhaustive. For the full draft guidance
on the HFSS ban, visit the GOV.UK website [here](#).

