



Note to Broadcasters

Less healthy food and drink: Updates to the Broadcasting Code and the On-Demand Programme Service Rules and Guidance

From 5 January 2026, new restrictions on the advertising of less healthy food and drink products on TV, on-demand programme services (“ODPS”) and online come into force. These restrictions are set out in the Communications Act 2003.¹

Ofcom is the appropriate regulatory authority responsible for enforcing these restrictions. Under co-regulatory arrangements, the Advertising Standards Authority will enforce the advertising restrictions on a day-to-day basis, with Ofcom providing a statutory backstop.²

The restrictions also apply to sponsorship by less healthy food and drink products on TV and ODPS. Under the co-regulatory arrangements, Ofcom retains responsibility for enforcing these aspects of the restrictions.

In 2023, Ofcom consulted on proposals for implementing the restrictions. The consultation³ and statement⁴ set out the text of new rules to be added to the sponsorship sections of Section Nine of the Broadcasting Code (“the Code”) and the On-Demand Programme Service Rules and Guidance (“the ODPS Rules and Guidance”).

¹ See section 321A, Part 4B and Part 4C of the Communications Act 2003.

² See [Organisations we work with](#) for further detail.

³ [Consultation: Regulation of advertising of less healthy food and drink – Implementation of new statutory restrictions](#), Ofcom, 21 February 2023.

⁴ [Statement: Regulation of advertising for less healthy food and drink – Implementation of the new statutory restrictions](#), Ofcom, 10 July 2023.

These rules reflected the legislation that was in place at the time of the consultation process. Subsequently new regulations⁵ have been introduced that provide further clarification on the restrictions, including in relation to an exemption for ‘brand advertising’.

Consequently, Ofcom has made minor amendments to the text of the rules included in our consultation and statement in 2023. The final versions of these rules and associated definitions are set out below. Please note that these additions do not replace or supersede any existing rules. Broadcasters and Notified Service Providers are advised that the new rules will be added to the Code and the ODPS Rules and Guidance on 5 January 2026.

Broadcasting Code

9.17(a) Programming (including a channel) may not be sponsored by an identifiable less healthy food or drink product between 5.30 am and 9.00 pm.

Note 1: Rule 9.17(a) does not apply to sponsorship by or on behalf of a food or drink small or medium enterprise (“food or drink SME”), within the meaning given by the Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024.

Note 2: Brand sponsorship that does not depict a specific less healthy food or drink product, within the meaning given by the Advertising (Less Healthy Food and Drink) (Brand Advertising Exemption) Regulations 2025, is exempt from Rule 9.17(a).

Note 3: A less healthy food or drink product is identifiable, in relation to sponsorship, if persons in the UK (or any part of the UK) could reasonably be expected to be able to identify the sponsorship as being for that product.

Meaning of less healthy food and drink

A food or drink product is ‘less healthy’ if:

- it falls within a food or drink category specified in the Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024; and
- it is an HFSS product, as defined by the Department of Health and Social Care’s Nutrient Profiling Technical Guidance issued in 2011, which relates to the [nutrient profiling scheme](#) devised by the UK’s Food Standards Agency for use by Ofcom.

ODPS Rules and Guidance

2.52: An ODPS may not include sponsorship announcements for an identifiable less healthy food or drink product between 5.30am and 9.00pm.

Notes

A food or drink product is ‘less healthy’ if:

⁵ See [The Advertising \(Less Healthy Food Definitions and Exemptions\) Regulations 2024](#) and [The Advertising \(Less Healthy Food and Drink\) \(Brand Advertising Exemption\) Regulations 2025](#).

- it falls within a food and drink category specified in the Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024; and
- it is a food or drink product that is high in fat, salt or sugar (“HFSS”), as defined by the Department of Health and Social Care’s Nutrient Profiling Technical Guidance issued in 2011, which relates to the [nutrient profiling scheme](#) devised by the UK’s Food Standards Agency for use by Ofcom.

A less healthy food or drink product is identifiable, in relation to sponsorship, if persons in the UK (or any part of the UK) could reasonably be expected to be able to identify the sponsorship as being for that product.

Paragraph 2.52 (above) does not apply to sponsorship announcements by or behalf of a food or drink small or medium enterprise (“food or drink SME”), within the meaning given by the Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024. Brand sponsorship that does not depict a specific less healthy food or drink product, within the meaning given by the Advertising (Less Healthy Food and Drink) (Brand Advertising Exemption) Regulations 2025, is exempt from the restriction set out in paragraph 2.52.