



EDIBLE TANNING DROPS, ONLINE SAFETY AND ADVERTISING STANDARDS

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1. Channel 4 News recently investigated [the rise of edible tanning drops](#) which resemble flavoured vapes, promise a golden glow, and are trending on platforms like TikTok. Influencers are promoting these so-called tanning supplements as a shortcut to bronzed skin 'from the inside out'. But with little clarity on what is actually in them or how safe they really are, who is keeping an eye on what is being sold and what young people are exposed to online?

Online safety and content harmful to children

2. Under the Online Safety Act 2023 (OSA), services likely to be accessed by children have [duties](#) to carry out a children's risk assessment and use proportionate safety measures to keep children safe online. Ofcom's new [Protection of Children Code of Practice](#), which sets out a range of proposed safety measures that apply to user-to-user services, comes into force on 25 July and includes measures in several areas, including content moderation and how platforms recommend content to children. Provisions relating to content recommender systems apply to 'primary priority content' under s 61 of the OSA 2023 (namely, pornography, self-harm, eating disorders and suicide content) but it is unlikely that tanning drops are covered. Although not quite top priority, edible tanning drops could be brought into the regime through the duties linked to 'priority content harmful to children' under s 62(9) of the Act which covers among others 'harmful substances content', that is 'content which *encourages* a person to ingest, inject, inhale or in any other way self-administer: (a) a physically harmful substance; (b) a substance in such a quantity as to be physically harmful.'
3. Harmful substances are, according to Ofcom's [Guidance on Content Harmful to Children](#), those that 'would cause physical harm to a person if ingested, injected, inhaled or otherwise self-administered (regardless of whether or not it is legal to sell or buy the substance in the circumstances in question). This can include substances that may cause physical harm to a person if ingested, injected, inhaled or self-administered in any other way as a result of

consuming it in excessive quantities, or in ways which contravene legal or medical protocols for its safe consumption.’ Ofcom [considers](#), in particular (see Table 9.1, page 63), physically harmful substances (or substances that may be harmful when used to excess) to include:

- illegal drugs or psychoactive substances;
- alcohol, e-cigarettes or tobacco products (which it is not legal to sell to children in the UK due to the fact they could cause them harm);
- unregulated medicines, consuming prescription medicines without a prescription, and non-prescription medicines in excess;
- medical or cosmetic substances or treatments administered contrary to regulation;
- substances not intended for human consumption.

4. However, for content to be flagged, it must be seen to ‘encourage’ harmful use (see s 62(9) above). Such content does not need to intentionally encourage acts highly likely to result in serious injury or death, but it must be seen to ‘recommend, advise, incite, induce or instigate children to ingest, inject, inhale or in any way self-administer a physically harmful substance or a substance in such a quantity as to be harmful.’ For harmful substances specifically, ‘encourage’ is taken to mean ‘active or express encouragement’. Although it is unclear whether simple advertising counts or whether merely implying it with aesthetic branding (e.g., droplet bottles resembling beauty serums) and aspirational imagery (e.g., glowing skin and beachy vibes) is enough, questionable tanning drops glamorised by influencers on social media might well cross that line into full-on encouragement, as defined by Ofcom.
5. While Ofcom’s guidance under the OSA has not yet fully unpacked the concept of encouragement, analogous principles may be drawn from the regulator’s Broadcasting Code guidance (Section 2 on [harm and offence](#)) which identifies elevated risks of harm where health-related claims are made by authoritative or aspirational figures (such as influencers) in a persuasive tone for personal or commercial gain, targeted at vulnerable audiences, and delivered as definitive advice without warnings, counter-balance or contextual challenge. These instructive factors suggest that uncritical and stylised promotion of such products could in regulatory terms edge beyond mere suggestion and approach persuasive advocacy, namely the kind of active encouragement that Ofcom may be concerned with under the OSA.
6. If these edible tanning drops *are* harmful, like unregulated medicines or improperly used cosmetics, they might fall under ‘priority content’ rules, requiring – [among others](#) – social media platforms to protect children in age groups judged at risk of harm from encountering such content and take it down (see ss 12(3)(b) and 12(8) of the Act). Even if they are not outright harmful, the Channel 4 investigation reveals that such drops are hardly innocent fruit juice either. They can create the impression of an enhanced level of protection and lead to risky behaviours (e.g., implying sunscreen is optional or skipping it to boost the tan). On that basis, they could plausibly be considered ‘non-designated harmful content’ (NDC) under s 60(4) of the OSA (a fall-back category for content that is not listed as either primary priority or priority content but presents a material risk of significant harm to an appreciable number of children in

the UK). This, in essence, means that, if the threefold test of materiality, significance and appreciability in the baseline definition of content harmful to children is met, platforms are still on the hook and are required to have measures in place, including content moderation and removal. Ofcom has, however, not yet given general guidance on the NDC classification beyond [identifying](#) a couple of specific NCD categories (depression and body-stigma content). In the light of this silence, it remains for services to determine if this sort of content is sufficiently harmful. Services could, of course, have terms of service that preclude content such as influencer-promoted tanning drops. In that instance, services remain free to take action but the provisions applicable to Category 1 services – which oblige services to implement their terms of service – are not yet in force.

7. So, although edible tanning drops might not currently glow red on Ofcom’s radar, they might not be entirely in the clear either. However, until Ofcom clarifies the meaning of encouragement for the purposes of priority content or the scope of NDC further, their position remains rather uncertain. As awareness grows, platforms may face mounting pressure to adopt more responsive mechanisms for these drops.

Illegal content

8. Another question is whether user-generated content about edible tanning drops might come up in a risk assessment and trigger the [illegal content duties](#) under the OSA regime. The definition of ‘illegal content’ (s 59 of the Act) is the benchmark for these particular duties and is defined as content that amounts to a ‘priority’ or ‘relevant’ offence.
9. The Act sets out a list of priority offences, reflecting the most serious illegal content and activity, against which social media companies must take proactive measures. A type of content that seems potentially relevant here is content linked to [s 4\(3\) of the Misuse of Drugs Act 1971](#) (listed as ‘priority’ under [Sch 7 of the OSA](#)) which concerns unlawful supply, or offer to supply, of controlled drugs, though its relevance depends on the composition of the tanning drops and we do not have that information. This provision pertains to products that contain Class A, B, or C controlled drugs, such as synthetic chemicals (e.g., clenbuterol, a [listed](#) Class C drug which has been [linked](#) to aesthetic-enhancing trends). A drug is considered ‘controlled’ if listed in [Schedule 2 of the 1971 Act](#) and includes both named compounds and broad chemical families or derivatives (the [CPS guidance](#) offers further detail). Many such substances are added to the list as risks evolve, including via [Temporary Class Drug Orders](#) which allow the Home Secretary to impose short-term controls on emerging substances deemed harmful.
10. If edible tanning drops contain one of these controlled ingredients (e.g., certain stimulants or synthetic compounds), supplying or offering them for sale without authorisation would be illegal (this could apply even if the product is marketed as a cosmetic or supplement), triggering proactive removal obligations for platforms under the OSA’s illegal content duties.

11. Platforms must also remove (rather than prevent individuals from encountering) any other illegal content that amounts to a 'relevant' offence (i.e., where there is an individual victim, actual or intended), when such content is flagged to them by users or when services become aware of it through any other means; services are also under a general duty to mitigate. For example, influencers stockpiling edible tanning drops that contain controlled ingredients for resale could be caught by s 5(3) of the [Misuse of Drugs Act 1971](#) (possession with intent to supply a controlled drug). Even if the drops contain no controlled substance but make medicinal claims (e.g., changing skin colour through physiological action), they may be classified as medicinal products in which case selling them without a marketing authorisation is a criminal offence under Reg 46(1) of the [Human Medicines Regulations 2012](#). Although not priority offences under the OSA, there is a question as to whether these offences would qualify as 'relevant' for the purposes of triggering some of the illegal content duties. For an offence to be a relevant offence it must be for the protection of an individual. One suggestion is that they can be deemed relevant, particularly when the law is interpreted in terms of public protection. The s 5(3) offence targets the supplier, but the law is protecting potential recipients, i.e., individual victims at risk of harm. And Reg 46(1) protects individual consumers from unknowingly using unsafe or untested substances, with the 'victim' being anyone misled or endangered by taking the unlicensed product. So, if these *are* relevant offences for the purposes of the OSA, the main obligation would be having a system to take such content down once notified rather than prevention. Whether these offences qualify as 'relevant' may depend on future regulatory interpretation, but the logic underpinning the OSA, i.e., reducing risks to individuals, makes this categorisation tenable.

Consumer protection concerns

12. Moreover, falsely claiming a product can modify health or appearance is a prohibited practice under the Digital Markets, Competition and Consumers Act (DMCC) 2024 (see [Sch 20, para 19](#)). This means that falsely advertising edible tanning drops as capable of changing skin tone (modifying 'appearance' or 'physiological function') can be a criminal offence (by virtue of ss 237 and 255 of the 2024 Act) if the claim is untrue (of note, there is no need here to consider the likely effect of these practices on consumers to prove a breach of the law). Although such an offence is expressly excluded from the scope of the OSA (see s 59(6)(b) of the same), and therefore cannot trigger OSA safety duties, the Competitions and Markets Authority (CMA) is well-placed to intervene in this space. The CMA is now empowered under the DMCC to determine breaches of consumer protection law without recourse to the courts, enabling it to address infringements directly and proportionately, including by imposing fines and securing redress for consumers. Its published [Approach to Consumer Protection](#) (April 2025) sets out anticipated areas of enforcement priority, including practices involving the provision of information to consumers that is 'objectively false'. Any unverified claims about the efficacy or safety of edible tanning products may fall within this remit.

Oversight by the ASA

13. While the OSA primarily places platform-centric duties on platforms, content-level enforcement continues to be exercised through mechanisms such as the Advertising Standards Authority (ASA), which focuses on content originators (advertisers/influencers) and is the established means for handling advertising complaints in the non-broadcast world, including [influencer posts on social media](#). Tanning drops, marketed as ingestible, skin-tanning supplements, would likely be caught under several key rules of the Committee of Advertising Practice (CAP) Code, including those covering food supplements, beauty/health claims.
14. Specifically, unsubstantiated claims that the drops ‘tan skin’ from the inside would breach [Section 15](#) of the Code (food supplements and associated health or nutrition claims) unless the product is legally authorised for such an effect and supported by science. In addition, such drops are positioned as achieving a beauty outcome (a tan), so they potentially fall under the [Section 12](#) rules pertaining to health and beauty products which require, among others, that claims implying efficacy on skin condition must be supported by high-level proof (e.g., clinical trials). Allegations that people can ‘grow a tan’ from ingesting them risk breach of rules 12.1–12.3 unless robustly substantiated. Moreover, any claims or visual implications that the drops reliably induce a natural-looking tan are subject to the Code rules that forbid among others exaggeration or omission. So, for example, if the impression that is projected through influencer narratives (e.g., droplet-shaped liquid resembling flavoured vapes or beauty products) misleads followers, hides side-effects or exaggerates efficacy, breaches of [Section 3](#) (misleading advertising) are likely.
15. The ASA has built a body of experience in regulating tanning-related advertising, particularly across social media. While one previous ruling ([The Tanning Shop](#), 2023) found no breach in a TV ad for UV tanning, the overwhelming pattern is one of upheld complaints, with most involving irresponsible or misleading claims, undisclosed influencer promotions, or exaggerated effects achieved through digital filters. Notably, several rulings highlight attempts to link tanning products or sunbed use with health benefits, which the ASA found to be both misleading and medically irresponsible. This regulatory stance aligns with growing concern over unlicensed and dangerous tanning substances, such as melanotan-2. As [reported](#) by the BBC, these products (promoted widely by influencers) have been linked to severe health outcomes including skin cancer and hospitalisation, despite being illegal to sell in the UK.
16. While the ASA does not impose fines, it can work with social media companies to restrict visibility or remove non-compliant content. Platforms are not usually sanctioned directly, but under mechanisms such as the [Intermediary and Platform Principles](#), they may be drawn into the enforcement process. The ASA tends to act reactively though, as its interventions typically follow a reported or identified breach rather than preventing harmful advertising before it appears. Nevertheless, the reputational and commercial consequences of non-compliance, including

public listings and platform take-downs of non-compliant ads, can incentivise advertisers to cooperate. Of note, National Trading Standards acts as the legal backstop for the ASA.

Conclusion

17. Edible tanning drops, popularised by influencers on social media, illustrate the growing complexity around advertising standards, consumer protection and online safety regulation, especially where influencer marketing intersects with potentially harmful products. Currently, these products occupy an ambiguous regulatory space; they are neither clearly categorised under the most stringent content provisions of the OSA, nor clearly exempt. Though Ofcom's guidance under the OSA does not yet directly address products like tanning drops, their aesthetic appeal and subtle encouragement of risky behaviour open the possibility of triggering duties under broader harm prevention obligations. Greater clarity on their status is needed. It is also unlikely that the tanning drops will be the only instance of something that does not fit neatly into the existing categories of priority content – more general guidance on the approach to NDC (whether illegal or harmful to children) would be helpful in this regard. In this instance, if such drops contain controlled substances or unlicensed medicinal ingredients, their distribution could additionally engage regulated services' illegal content duties, prompting preventative or reactive take-down obligations on platforms. As the OSA regulatory framework matures and guidance evolves, established advertising oversight via the ASA continues to play an essential role in regulating influencer practice, albeit reactively and without direct sanctioning power over platforms themselves.