

Case ID: 109**Decision****To** EU Pledge Secretariat

6 November 2025

From EASA Secretariat**Description**

PepsiCo Instagram Influencer / footballer

Complaint

The complainant filed a complaint regarding marketing practices by PepsiCo in Portugal, attaching screenshots of the advertising piece with additional comments:

Professional Portuguese footballer Jessica Silva is seen juggling a football, wearing a Pepsi jersey and holding a can of Pepsi and a packet of Lay's crisps in her hands. She encourages her audience to buy Pepsi and scan a QR code to enter a competition, using the informal "tu" in Portuguese, demonstrating the intent to appeal to a young child audience.

Use of influencers: The content is highly relatable and inspirational for children and teenagers, who are likely to identify with influencers of a similar age. As a female athlete with 709k followers, she is a role model for children and teenagers, especially those interested in football or women's sports and including those under the age of 12. Her endorsement provides credibility and aspirational influence: young fans may associate Pepsi with sporting success.

Cross-brand promotion (Pepsi + Lay's): The campaign links two unhealthy product categories (sugary soft drinks and salty snacks) in the same promotion. This doubles the exposure and encourages joint consumption of both brands. The ad uses emojis and dynamic sports imagery to connect with younger audiences.

Competition and rewards: The caption invites followers to buy Pepsi or Lay's, scan the QR code, and win prizes "every hour". The gamified competition element adds excitement and urgency, appealing to children's desire for instant gratification and rewards.

Advertiser's response

PepsiCo provided the following information as an answer:

PepsiCo was one of the founding members of the EU Pledge and has implemented the Pledge commitments across the EU 27 since their launch in January 2009. We have supported the development of the updates to those commitments, and apply the EU Pledge provisions in conjunction with our global responsible marketing policy which can be viewed [here](#). We have carefully examined the complaint and would like to provide the following context and explanation.

In 2025, the Pepsi brand in Portugal implemented a campaign with Jéssica Silva, a Portuguese football player, connected to the May 2025 Women's Champions League final in Lisbon. The objective of the campaign was to bring awareness to the final and included a promotional ticket giveaway for the game. The Instagram content was intended to target ages 18-54. Additionally, to participate in the promotion you had to be 18+, as outlined in the Terms and Conditions (*italicized below*).

"Any person residing in Portugal who is over 18 years old at the time of participation may enter the Contest, except employees of the Organizing company or participating companies, their first-degree relatives, employees of advertising and promotional agencies, and suppliers of both organizations who are connected to the Contest, or any person who is professionally and directly involved with this Contest."

The following section is intended to respond to direct criticisms outlined in the complaint:

- **Jéssica’s Audience Demographics/Influencer Use:** This campaign was exclusively promoted to 18+ and there was no promotion to children under 12 (Instagram’s age restrictions require users to be 13+). It is also worth noting that 93% of Jéssica’s audience is 18+.

Total Followers	<18 years old	18-25 years old	>25 years old
715,000	7%	45%	48%

- **The use of the Informal “tu”:** In line with these age requirements, the use of informal “tu” in Portuguese is intended to adopt the language style of a younger audience in the context of the promotion, which targets 18+ - the minimum age stated in the Terms and Conditions and in the digital content. Therefore, this usage does not imply that Jéssica is addressing a child audience.
- **Cross-Brand Promotion:** This campaign does not promote excessive consumption of products but rather promotes the “single serve” 330 ml can and exclusively highlights Pepsi Zero Sugar (shown by the font style and the color of the can). The Lay’s Originals also featured in the campaign communicates to an 18+ audience and in 2024 reduced the amount of salt in the product by 15%.
- **Use of Emojis and Dynamic Sports Imagery:** In the campaign execution, emojis and dynamic sports imagery were used to connect with an adult audience considering 93% of Jéssica’s audience is 18+.
- **Competition and Rewards:** Addressed by the promotion Terms and Conditions above.

Before PepsiCo executes any influencer campaign, the Company subjects all social media profiles to a rigorous and careful review to ensure that any campaign would not be in violation of the Marketing to Kids policy. Against the background of the info laid out, we respectfully disagree with the stated perception that the post constitutes advertising to kids.

EU Pledge commitment

EU Pledge members commit either to:

- Only advertise products to children under the age of 13 years that meet the common EU Pledge Nutrition Criteria; or
- Not to advertise their products at all to children under the age of 13 years.

The above policy covers marketing communications for food and beverage products that are primarily directed to children under 13 in covered media.

Marketing communications means paid advertising or commercial sales messages for food and beverage products, including marketing communications that use licensed characters, celebrities, influencers, and movie tie-ins primarily appealing to children under 13. Company- owned, brand equity characters are not covered by the policy.

Primarily directed to children under 13 means advertising in measured media where 30% or more of the audience is under 13 years of age. Where adequate data are unavailable, companies will consider other factors as appropriate, which may include the overall impression of the advertising, actions taken

to restrict child access and the target demographic based on the company's media plan.

Covered media means the following vehicles: TV, radio, print, cinema, online (including company-owned websites and company-owned social media profiles), DVD/CD-ROM, direct marketing, product placement, interactive games, outdoor marketing, mobile and SMS marketing. Packaging, in-store and point of sale as well as forms of marketing communications which are not under the direct control of the brand owner, such as user-generated content, are not covered by this policy.

Decision

The complainant informed us that they did not wish to proceed with the case. As a result, the matter is considered resolved and will be closed. It will not be submitted to the panel of experts for further review.