

# HFSS policy briefing – Restricting promotion and marketing of foods high in fat sugar and salt



# Today's briefing will cover:



- **The proposals from Welsh and Scottish Governments**– Fiyin Makinwa, Diet and Health Executive
- **Key opportunities and threats, FDF positioning and Political engagement plan** – Scotland – Cat Hay, Head of Policy Scotland and Kirsty Tinsdale, Public Affairs Executive
- **Key opportunities and threats, FDF positioning and Political engagement plan** – Wales – Louise Allen, Senior Diet and Health Executive and Julie Byers, Public Affairs Manager
- **FDF member Q&A, ideas and feedback**

**Feel free to pop questions and comments in the chat box. We will record this session to share with FDF members who are unable to attend – if you want any comments removed from the recording before it is circulated, please let us know**

# Comparison of proposals



	England	Wales	Scotland
Entry into Force	1 October 2022 (location) 1 October 2023 (volume)	<i>By 2030</i>	Seeking views on an appropriate lead in time for enforcement and implementation  Unlikely to be before 2024
Qualifying Businesses	Retailers that sell pre-packed food and drink and OOH businesses that sell unlimited refills  Retailers that employ 50 or more people (medium and large) including symbol groups	Retailers that sell pre-packed food and drink and OOH businesses that sell unlimited refills  Businesses that employ 50 or more people (medium and large) including symbol groups	Retailers that sell pre-packed food and drink and unlimited refills. (Retail, OOH, online equivalents including online delivery)  Seeking views on exempting businesses from location restrictions on the basis of employee number and/ or floor space.

# Comparison of proposals



	England	Wales	Scotland
Price promotion Mechanisms	<p>Volume price promotions: multibuy e.g. 3 for the price of 2, buy 6 save 25%, buy one get one free, 50% extra free</p> <p>Free refill promotion in OOH</p>	<p><i>In addition to England mechanisms:</i></p> <p>Temporary price reductions</p> <p>Free items and meal deals</p> <p>Limits on drink size in OOH</p>	<p><i>In addition to England mechanisms:</i></p> <p>Temporary price reductions</p> <p>Meal deals</p>
Location promotion mechanisms	<p>Store entrance</p> <p>Checkout</p> <p>End of aisle</p> <p>Island bin/free standing display connected to /adjacent to an aisle end</p> <p>Plus equivalent online e.g. homepage, favourites, pop-up and checkout</p>	<p><i>In addition to England mechanisms:</i></p> <p>Free standing display units</p>	<p><i>In addition to England mechanisms:</i></p> <p>Island/bin displays</p> <p><i>Propose to be consistent definition of location where appropriate with UK regulations</i></p>

# Comparison of proposals

	England	Wales	Scotland
	<p>To determine if a product is HFSS within these categories the 2004/2005 NPM will be applies. A score of 4 or more for food and 1 or more for drink is classed as HFSS</p> <p><b>In both the Welsh and Scottish consultation there is mention of using the 2018 NPM if published in time. This is concerning as it is much stricter and less products are classes as HFSS</b></p>		
Categories	<p>Soft drinks</p> <p>Crisps and savoury snacks</p> <p>Breakfast cereals</p> <p>Confectionery</p> <p>Ice cream</p> <p>Cakes</p> <p>Sweet biscuits</p> <p>Morning goods</p> <p>Desserts and puddings</p> <p>Yogurts</p> <p>Pizza</p> <p>Chips and potato products</p> <p>Ready meals, meal centres, breaded and battered products</p>	<p><u>Option 1: England categories</u></p> <p><u>Option 2: Additional categories</u></p> <p>Garlic bread</p> <p>Pies and quiches</p> <p><b><i>*Bread with additions</i></b></p> <p><b><i>Savoury biscuits crackers and crispbreads</i></b></p> <p><b><i>Cooking sauces and pastes</i></b></p> <p><b><i>Table sauces and dressings</i></b></p> <p><b><i>Processed meat products</i></b></p> <p><b><i>Pasta /rice/ noodles with added ingredients and flavours</i></b></p> <p><b><i>Prepared dips and composite salads as meal accompaniments</i></b></p> <p><b><i>Egg products /dishes</i></b></p> <p><b><i>Sweet spreads</i></b></p> <p><b><i>*The categories in bold italics were originally consulted on for the calorie reduction programme but removed on final publication</i></b></p>	<p><u>Option 1 – discretionary categories</u></p> <p>Confectionery</p> <p>Sweet biscuits</p> <p>Crisps</p> <p>Savoury snacks</p> <p>Cakes</p> <p>Pastries</p> <p>Puddings</p> <p>Soft drinks with added sugar</p> <p><u>Option 2</u></p> <p>Option 1 plus ice cream and dairy desserts</p> <p><u>Option 3</u></p> <p><i>Matched to England categories</i></p> <p><u>Option 4 – all categories in UK-wide reformulation programmes</u></p>

# Comparison of proposals



	England	Wales	Scotland
Online purchasing	Online locations: homepage, pop-ups, favourites, checkout or searching/browsing	Online volume promotion restrictions and online location promotion restrictions (e.g. pop-up page)	Online retail, OOH, wholesale outlets including home delivery services
Store size	185.8 square metres (2000 square feet)	185.8 square metres (2000 square feet)	<i>Seeking views on exempting businesses from location restrictions on the basis of employee number and/ or floor space.</i>
Exemptions	Specialist retailers exempt from location restrictions  Non-prepacked products and OOH sector products	Specialist retailers exempt from location restrictions  Non-prepacked food  Close to use by date promotions	Specialist retailers exempt from location retailers  Non-prepacked food

# Key Differences



## Scotland

- Temporary Price Reductions
  - Meal Deals
  - Island/bin displays
  - Wider category scope
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- Online delivery platforms
  - No proposals for business size/floor space exemption

## Wales

- Temporary Price Reductions
  - Meal deals and free items
  - Free standing display units
  - Wider category scope
- 
- Close to use-by date promotions

# Key opportunities - Scotland



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- Willingness by SG to align with other nations where this makes sense
- “considering” TPRs – opportunity to make a compelling argument to exclude them (links with evidence base)
- Promote (SG-funded) Reformulation for Health programme
- Legitimate challenge to the evidence base – methodology, conclusions and old consumer data
- Design and feed into the Business Regulatory Impact Assessment (BRIA)
- Our industry offer – trialling effective interventions?



# Key threats - Scotland



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- “evidence base” – 613 kcal reduction?
- Options – the breadth of the categories in scope
- Malignment with other nations on breadth of categories, TPRs, locations
- 2018 NPM
- Powerful voice of health lobby - particularly Obesity Action Scotland (funded by Scottish gvt) and Food Standards Scotland
- Scottish Government wanting to have points of difference politically

# Our positioning Scotland



- By the Scottish Government's own admission, the proposals in today's consultation will make food more expensive. This comes on the same day as research published showing a third of Scots are having to make cuts to their weekly shop as the cost of living continues to spiral.
- Similar regulations in England and Wales exempt small businesses. The proposals in today's consultation will disproportionately harm small Scottish food producers if similar exemptions are not made.
- Through our voluntary Reformulation for Health Programme, hundreds of millions of calories and tonnes of salt are being removed from the Scottish diet. We urge the Scottish Government to continue to support practical initiatives. Promotions restrictions risk undermining voluntary reformulation in some categories.
- The proposals are based on theoretical modelling using data that is more than 9 years old. Shopping habits and the retail environment has since undergone monumental transformations in that time.

# Engagement plan



- Seeking meetings with key MSPs over the summer
- Contact clerk of Health and Sport Committee - July
- Letters to Public Health Minister and Rural Affairs Cabinet Secretary - August
- Share final consultation response with all MSPs after input from members
- Seeking a member to host a site visit with Public Health Minister Maree Todd
- Media plans: Press release, one to one meetings with journalists (trade, business, political, health) in August

# MSPs contacted



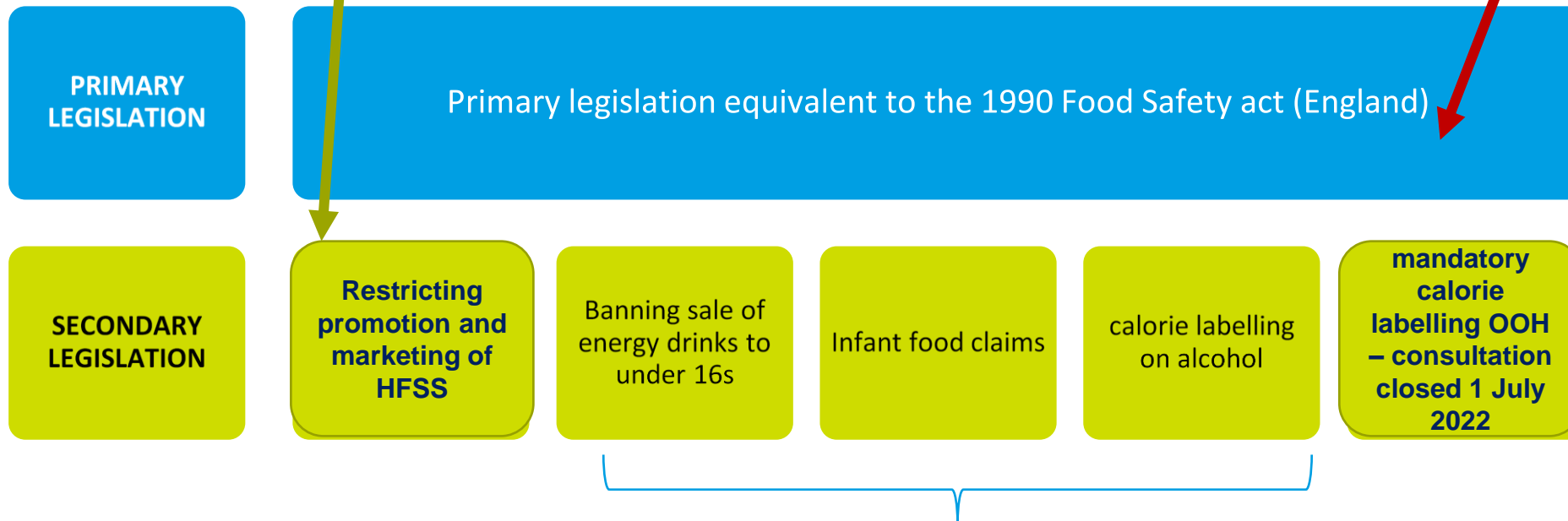
Finlay	Carson	Con	Convenor of the Rural Affairs Committee	
Sandesh	Gulhane	Con	Shadow Cabinet Secretary for Health and Social Care	
Rachael	Hamilton	Con	Shadow Cabinet Secretary for Rural Affairs and Islands	
Sue	Webber	Con	Shadow Minister for Public Health, Women's Health, Sport and Drugs Policy	
Ariane	Burgess	Green	Spokesperson for Communities, Land Reform, Housing and Rural Affairs	
Gillian	Mackay	Green	Spokesperson for Health and Social Care	Meeting set up for 25 July
Jackie	Baillie	Labour	Deputy Leader, Shadow Secretary for Covid Recovery & Shadow Cabinet Secretary for Health and Social Care	Was in touch to say her colleagues would like to meet with us
Carol	Mochan	Labour	Shadow Minister for Mental Wellbeing, Women's Health and Sport	Will be in touch to set up a meeting
Paul	O'Kane	Labour	Shadow Minister for Public Health and Social Care	Will be in touch to set up a meeting
Colin	Smyth	Labour	Shadow Cabinet Secretary for Economic Development and Rural Affairs and Net Zero, Energy and Transport	
Alex	Cole-Hamilton	LibDem	Party leader and spokesperson for Health and Social Care, Constitution and External Affairs	
Beatrice	Wishart	LibDem	Spokesperson for Rural Affairs & Connectivity	
Jim	Fairlie	SNP	Member of the Rural Affairs Committee	
Emma	Harper	SNP	Member of the Health Committee	
Gillian	Martin	SNP	Convener of the Health Committee	

# Timings Scotland



The current HFSS consultation  
**After** the primary legislation

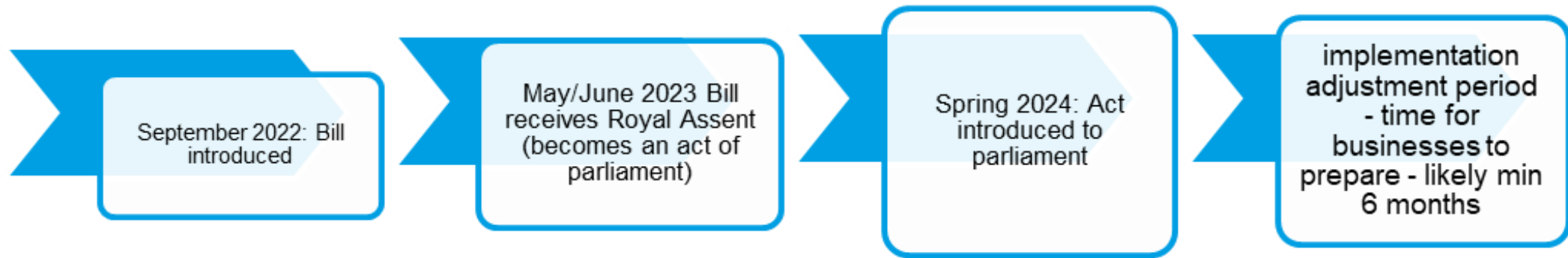
**First** - Requires a bill to go through parliamentary process – likely introduced to parliament in Autumn 2022, the secondary legislation on HFSS cannot be implemented until this becomes an act And BRIA will be part of this



Future consultations timings tbc

# Primary legislation timeline

- **01 July 2022** – Scottish Government launch a [consultation](#) on restricting the promotion and marketing of foods high in fat, salt and sugar (will be secondary legislation)
- A Bill to introduce the Scottish equivalent of the Food Safety Act 1990 will likely be introduced Scottish Government's Programme for government 2022/2023. The Scottish Government requires this primary legislation to be in place before they can introduce promotional and marketing restrictions on food and drink.
- Estimated timescale for the primary legislation below (at the earliest HFSS regs would come into force from Autumn 2024)



# Welsh Government Consultations



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**Welsh Government consultations follow on from [Healthy Weight Healthy Wales Delivery Plan](#)**

## Healthy Food Environment (closes 1 Sept)

- Restrictions on HFSS price promotions and locations in store and online
- Mandatory OOH calorie labelling at the point of choice
- OOH size (1 pint) and refill restrictions for sugary drinks
- Restrictions on takeaway outlets near schools and colleges

## Sale of energy drinks to children under 16 (closes 1 Sept)

- Other high caffeine items such as tea or coffee?
- FDF is working closely with British Soft Drinks Association on this issue.

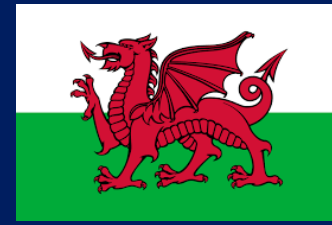
# Key Opportunities - Wales



- Potential to influence product categories in scope
  - strong practical case for alignment with England
  - some categories not included in England as not heavily promoted
  - many of the additional categories are now NOT in the calorie reduction programme
- WG want to 'encourage industry to use their vast experience and tools available to entice customers to buy healthier food and drink'
- Impact assessment lacks evidence on calorie reduction
- Policy will drive up food prices, and disproportionately impact LSE groups



# Key Threats - Wales

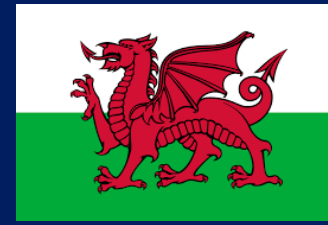


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- Adoption of 2018 nutrient profiling model
  - Very strict free sugars criteria
  - Practical difficulties with calculation
  - Still issues with using existing NP model
- Temporary price reductions – Consultation states a fifth of promotions are temporary price reductions
- Threat of taxation measures in future

*We will monitor their impact in parallel with a range of other measures which are set out in Healthy Weight: Healthy Wales and will review our actions accordingly. **Eg, we are exploring the future use of Welsh taxation powers on foods high in calories, fat, and sugar to consider further measures'***

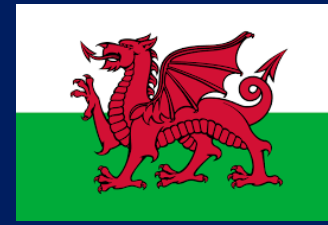
# Our Positioning - Wales



## Promotional restrictions

- If restrictions are taken forward, we urge for alignment with the Regulations in England to support ease of implementation and ensure that this does not bring added burden and costs to businesses
- We are concerned about the potential for this policy to further drive-up food prices due to the costs to businesses and removal of price promotions which can help people to save money.
- There is limited evidence to suggest that the proposed restrictions will result in reduced calorie intakes or reduced obesity rates.
- The proposals have the potential for this to disincentivise company investment in gradual reformulation efforts and developing smaller portion size options for some categories.
- The proposals will have a detrimental impact for small manufacturers who use pricing and promotions to encourage shoppers to switch brands within a category.
- If the proposals are taken forward it is imperative that a comprehensive, independent review of the policy is undertaken within 2- 3 years from implementation and that a sunset clause is included.

# Political Engagement plan - Wales



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## Engagement with Welsh Government

- Day consultation session on 19 July with Welsh Government Policy Directors and Deputy Minister Lynne Neagle MS
- Scheduling meeting with Health Officials - Nathan Jones and David Lloyd Thomas
- Exploring opportunities to meet with Economy Minister, Health Minister and Food Minister, e.g. writing with a summary of our consultation response

## Engagement with Senedd

- Plaid and Welsh Conservative Health Spokespeople & Economy spokespeople
- Members of Health Committee
- MSs with food and drink manufacturing sites/interest in food

## Other considerations

- Considering role of DHSC and holding off the publication of 2018 Nutrient Profile Model
- Interweaving messaging from the FDF Prices Report due to be published later in the year

- Q&A
- Positioning – is this right? Are we missing opportunities?
- Political Engagement – Site visits?
- Case studies, research into successful consumer behaviour change
- Pro-active public media?
- Anything else?