



A Scottish Government Consultation

**Obesity and Reducing health harms of foods high
in fat, sugar or salt consultation
(HFSS)**

Obesity and Reducing health harms of foods high in fat, sugar or salt consultation

Scottish Government published “ *A Healthier Future – Scotland’s Diet & Healthy Weight Delivery Plan* on 2nd July. SWA responded to the consultation. The Plan includes proposals to restrict the promotion and marketing of foods which are high in fat, sugar and salt.

Reducing health harms of foods high in fat, sugar or salt Consultation

- Closes 9 Jan 2019
- Opened 2 Oct 2018

HFSS Consultation

In seeking to reduce population-level intakes of calories, fat, saturated fat, free sugar and salt, the SG are seeking views on restricting the promotion and marketing of food and drink high in fat, sugar or salt with little or no beneficial nutritional value where they are sold to the public.

As part of the consultation on a draft strategy for diet and healthy weight (October 2017- January 2018), views were sought on: (1) types of price promotion and (2) defining the foods (i.e. food and drink) to be targeted.

SG are now seeking views on more detailed proposals, including on (a) identified categories of food and drink that would be targeted; (b) forms of promotion and marketing that would be restricted; (c) places the restrictions would apply and (d) enforcement and implementation.

The SG note “ *Scotland deservedly has a burgeoning reputation for the quality and provenance of our food such as our seafood, red meat, soft fruit and oats. But at the same time we have one of the poorest public health records in Europe. That is why we have an aspiration to become a Good Food Nation, where we are not only renowned for what we produce and sell but also what we consume.*

In taking a multi-pronged approach, we recognise that no single measure will turn the situation around. A comprehensive suite of actions needs to be taken over the long term to make a real and lasting difference. One key component is ending our nation’s damaging relationship with junk food that is high in fat, sugar or salt, and reducing associated health harms. One of the ways we are seeking to do this is by restricting the promotion and marketing of some of the foods we need to eat less.

This is a ground-breaking policy. No country has yet introduced such measures, so we cannot use the experience of others to demonstrate likely success. We were the first in the UK to introduce a smoking ban in public places, and we recently became the first country in the world to introduce a minimum unit price on alcohol.”

Food

The food and drink categories listed in the next paragraph are typically high in fat, sugar or salt, and yet provide little or no nutritional benefit necessary for a healthy diet. These foods are optional and are therefore referred to as ‘discretionary foods’. In Scotland, discretionary foods are frequently consumed and have a significant negative impact on our diet, providing 20% of calories, 20% of fats and 50% of sugar.

They are considering targeting discretionary categories.

- Confectionery
- sweet biscuits
- crisps
- savoury snacks
- cakes
- pastries
- puddings
- soft drinks with added sugar.

Views are sought on whether they should treat ice-cream and dairy desserts as a category of discretionary foods. If the category were considered discretionary, the Scottish Government would include it in the above list of targeted categories.

In seeking to reduce population-level intakes of calories, fat, saturated fat, free sugar and salt, they are considering restricting the in-store promotion and marketing of discretionary foods.

Price Promotions

In relation to foods subject to the restrictions, where they are considering restricting, they are sold to the public:

- multi-buys
- sale of unlimited amounts for a fixed charge.

They are not considering restricting:

- temporary price reductions multi-packs.

Other Forms of Promotion and Marketing

In relation to the foods subject to restrictions, they are considering restricting other forms of promotion or marketing where they are sold to the public. The following illustrates such restrictions (it is not an exhaustive list):

- placement at checkouts, end-of-aisle, front of store, island/bin displays, etc.
- promotion of value (e.g. promotion of price, size or volume)
- shelf-edge displays and signage
- in-store advertising
- upselling (e.g. being asked if you want an additional product at the till or to increase the size of it)
- coupons (whether physical or electronic) being accepted (10p/20% off etc.) purchase rewards (e.g. toys, vouchers, loyalty card points, reduced price for another product, competition entry)
- free samples
- branded chillers and floor display units.

They are considering prohibiting:

- outlets from being able to sell or lease display spaces for foods subject to the restrictions
- manufacturers and distributors from providing promotional or marketing material and from making arrangements for the display of foods subject to the restrictions.

They are not considering restricting:

- packaging (except in relation to promotion of value)
- position on shelf/number of products on display (except in relation to selling/leasing space)
- number of aisles or location of aisles for foods within outlet (except for positioning restrictions)
- size/volume of foods.

Places

They are considering applying the restrictions to any place where targeted foods are sold to the public in the course of business. They would therefore apply, among other places, to retail and Out of Home outlets and wholesale outlets where there are also sales made to the public.

They would not apply to:

- other wholesale outlets (where sales are only to trade), because any promotion or marketing would not directly encourage the public to purchase the foods.
- activities such as charity 'bake sales', because they are not conducted in the course of business.

Views are sought on whether, and if so to what extent, restrictions should be applied online.

Exemptions

Views are sought on whether:

- positioning restrictions (e.g. in relation to display at checkouts) should be exempted where there is no reasonable alternative to displaying foods elsewhere
- food marked as discounted because it is close to expiry should be exempt from positioning and 'promotion of value' restrictions
- other exemptions to restrictions should be considered.

Enforcement and Implementation

They are considering giving local authorities the role of enforcing the proposed policy.

They do not anticipate a need for a new register.

They are considering giving Ministers powers to issue guidance to local authorities.

They are considering a guide to industry to support effective implementation.

Legislative Framework

In giving consideration to legislation needed to implement the policy, they aim to ensure that there is sufficient flexibility to future-proof the policy.

Monitoring and Evaluation

The implementation and impact of the policy would be monitored and evaluated.