

Response ID ANON-B1RJ-EEPA-A

Submitted to Restricting promotions on food and drink high in fat, sugar or salt
Submitted on 2022-09-23 15:49:07

Foods that would be subject to restrictions

1 Which food categories should foods promotion restrictions target?

Option 4: All categories included in the UK-wide reformulation programmes

Please explain your answer:

Price and location promotion encourage an unhelpful approach to food shopping – one that is based on ‘finding a bargain’ rather than making balanced choices based on healthy aspirations and genuine preferences. As such, a wide range of foods should be included.

2 Should nutrient profiling be used within all targeted food categories to identify non-HFSS foods?

Yes

Please explain your answer:

We support the use of the NMP model. It's a standard already widely used in the UK, including by other regulators (Ofcom). Using a measure consistent across the nations allows for easier reformulation of products.

3 If nutrient profiling were used, do you agree with the proposal to only target pre-packed products and non-pre-packed soft drinks with added sugar in respect of unlimited refills for a fixed charge?

No

Please explain your answer:

Price promotions should apply to all businesses. Location promotions should be extended to non-pre-packed foods in large businesses only (employing over 250 people). This would bring chain cafes, which often sell non-pre-packaged HFSS product at the check out. Businesses of that scale are able to easily provide a nutrition profile of these goods, due to the fact they are often produced in centralised kitchens and to a consistent recipe. Bringing them into the scope of legislation would lead to reformulation and / or smaller portion sizes.

Price promotions

4 What are your views on the proposal to include the following within the scope of multi-buy restrictions?

Question 4 - multi buy - Extra free?:

Agree

Question 4 - multi buy - Meal deals?:

Agree

Please explain your answer:

Meal deals in particular often lead people to buy and eat / drink HFSS products they would not have bought otherwise. At minimum, this policy would lead to reformulation. It may also nudge retailers to offer healthier options (fruit and veg snacks) as part of the deal.

5 What are your views on the proposal to restrict unlimited refills for a fixed charge on targeted soft drinks with added sugar?

Agree

Please explain your answer:

6 Should other targeted foods be included in restrictions on unlimited amounts for a fixed charge?

Not Answered

Please explain your answer:

7 What are your views on the proposal to restrict temporary price reductions (TPRs)?

Agree

Please explain your answer:

In general we are supportive of this measure. However, food reduced to clear, close to their sell-by date should be exempted to minimise potential food waste.

8 Are there any other forms of price promotion that should be within scope of this policy?

Yes

Please explain your answer:

Two other forms of price promotion should be included in the legislation: loss leaders and volume discounts. The latter in particular – such as family sized packs – encourage consumers to purchase extra. This is particularly relevant to single-person households, which are encouraged to purchase larger sized packets than they need.

Location and other non-price promotions

9 Should the location of targeted foods in-store be restricted at:

Question 9 - location - matrix choices - Checkout areas, including self-service:

Yes

Question 9 - location - matrix choices - End of aisle:

Yes

Question 9 - location - matrix choices - Front of store, including store entrances and covered areas connected to the main shopping area:

Yes

Question 9 - location - matrix choices - Island/bin displays:

Yes

Please explain your answers:

Location restrictions will be more difficult to implement in small establishments and cafes. Care should be given to not put undue regulatory burden on SMEs.

10 Should any other types of in-store locations be included in restrictions?

Not Answered

Please explain your answer:

11 If included, should the location of targeted foods online be restricted on:

Question 11 - online locations - matrix choices - Home page:

Yes

Question 11 - online locations - matrix choices - Favourite products page:

Yes

Question 11 - online locations - matrix choices - Pop-ups, and similar pages not intentionally opened by the user:

Yes

Question 11 - online locations - matrix choices - Shopping basket:

Yes

Question 11 - online locations - matrix choices - Checkout page:

Yes

Please explain your answers:

This should apply to favourite products automatically generated by algorithms. Consumers should retain the right to maintain their own preferred product list ('wish lists'), whether HFSS or not.

12 Should any other online locations be included in restrictions?

Yes (please specify)

Please explain your answer:

These locations should apply throughout the website, including: menus, landing pages etc.

13 Are there other types of promotions (in-store or online) not covered by our proposals for restricting price and location promotions that should be within scope?

Not Answered

Please explain your answer:

Places that would be subject to restrictions

14 Which places, where targeted foods are sold to the public, should promotions restrictions apply to:

Question 14 - places - matrix choices - Retail:

Yes

Question 14 - places - matrix choices - Out of home:

Yes

Question 14 - places - matrix choices - Wholesale (where sales are also made to the public):

Yes

Question 14 - places - matrix choices - Other outlets:

Yes

Please explain your answer:

15 Are there other places/ types of business to which the restrictions should apply?

Yes

Please explain your answer:

Cinemas, sports clubs and gyms, and petrol stations should be included in the scope – we presume they fall under 'other outlets' above. Vending machines should also be in scope.

Wholesale outlets (where sales are only to trade) should be included. These promotions are designed to increase sales of HFSS to end consumers. A concerted action across supply chain will help this policy be effective.

16 Are there other places/ types of business which should not be within the scope of the restrictions?

No

Please explain your answer:

Exemptions to restrictions

17 Do you agree with our proposal to exempt specialist businesses that mainly sell one type of food product category, such as chocolatiers and sweet shops, from location restrictions?

Not Answered

Please explain your answer:

18 If exemptions are extended beyond our proposal to exempt specialist businesses that mainly sell one type of food product category, should exemptions be applied on the basis of:

Question 18 - other exemptions - matrix choices - Number of employees:

Question 18 - other exemptions - matrix choices - Floor space:

Question 18 - other exemptions - matrix choices - Other (please specify):

Question 18 - other exemptions - matrix choices - None:

Question 18 - other exemptions - matrix choices - Don't know:

Please explain your answer:

19 If you agreed in question 18 that businesses should be exempt from location restrictions based on number of employees, what size of business should be exempt?

Not Answered

Please explain your answer. :

20 If you agreed in question 18 that businesses should be exempt from location restrictions based on floor space, what size of business should be exempt?

Not Answered

Please explain your answer:

21 Are there any other types of exemptions that should apply?

Not Answered

Please explain your answer.:

Enforcement and implementation

22 Do you agree with the proposal that local authorities are best placed to enforce the policy?

Yes

Please explain your answer. :

This would keep it consistent with current practice.

23 If local authorities were to enforce the policy, what resources (for example staffing/ funding) do you think would be required to support enforcement?

Please explain your answer.:

24 What do you think would be an appropriate lead-in time to allow preparation for enforcement and implementation of the policy?

24 months

Please explain your answer.:

A longer time scale would allow food producers to reformulate. Some of this reformulation is already underway, but extending the timescale would allow smaller / independent food producers to catch up with the big businesses.

25 Are there any further considerations, for example as a result of the coronavirus pandemic, EU exit or rise in cost of living, that need to be taken into account in relation to enforcement?

Please explain your answer:

Pandemic highlighted the obvious need to improve our collective dietary health. We also know that these promotions lead to excess consumer spending – this is particularly relevant to low-income households.

Legislative framework

26 Do you agree that Scottish Ministers should be able to make provision in secondary legislation, following consultation, to regulate in relation to specified less healthy food and drink and to arrange for enforcement (including the setting of offences and the issuing of compliance notices and fixed penalty notices)?

Yes

Please explain your answer.:

Impact Assessments

27 What impacts, if any, do you think the proposed policy would have on people on the basis of their: age, sex, race, religion, sexual orientation, pregnancy and maternity, disability, gender reassignment and marriage/civil partnership?

Comment:

Question 28 What impacts, if any, do you think the proposed policy would have on people living with socio-economic disadvantage? Please consider both potentially positive and negative impacts and provide evidence where available.

Comment:

29 Please use this space to identify other communities or population groups who you consider may be differentially impacted by this policy proposal. Please consider both potentially positive and negative impacts and provide evidence where available.

Comment:

30 Please tell us about any other potential unintended consequences (positive or negative) to businesses, consumers or others you consider may arise from the proposals set out in this consultation.

Comment:

The impact of this policy will be most felt by the convenience store sector. It's an opportunity for Scottish Government to take pro active action to support this sector in meeting our public health aspirations. This is important as part of the 20-minute neighbourhood drive. These shops provided vital service to local communities and people don't have cars. The Government could build on the success of 'Go Local' retailer strategy, allowing convenience stores to change their business model significantly.

Monitoring and Evaluation and other comments

31 Please outline any other comments you wish to make on this consultation.

Comment:

Food businesses have duty of care towards their customers to provide them with food that keep them healthy and well.

While this form of regulation is very helpful, we would like to see you wider regulation of the food sector to bring what is sold in line with actual dietary guidelines. The multiple retailer and caterer levy is an example of this.

We're keen to see parallel measures to support and encourage consumption of healthier foods, as well as discouraging the consumption of unhealthy ones.

About you

What is your name?

Name:

Anna Chworow

What is your email address?

Email:

anna@nourishscotland.org.uk

Are you responding as an individual or an organisation?

Organisation

If you are responding on behalf of an organisation, what type of organisation is it?

Third Sector

If you answered 'Other', please specify:

If you are responding on behalf of a retailer or out of home provider, please state the size of this business:

Micro (fewer than 10 employees)

What is your organisation?

Organisation:

Nourish Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very dissatisfied

Please enter comments here.: