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Executive Summary

This response provides evidence and policy recommendations in relation to the Questions 1, 5, 6, 7, 8, 9, 10, 11 and 12. **Our policy recommendations include:**

- Regular review and modification of NPM is essential to ensure that UK food policy is aligned with the current dietary guidelines and the latest scientific evidence. We believe that this review should occur every 3 years in recognition of the need for time for industry to implement changes (likely 12-24 months).
- Labelling of HFSS would help with enforcement of existing regulations (i.e. Food (Placement and Promotion) (England) Regulations), however, should be introduced once the NPM is consistent with existing UK dietary guidelines. HFF or UPF labelling on foods form part of a beneficial suite of policies when implemented alongside necessary environmental and systems changes.
- We believe that the current Food (Promotions and Placement) regulations could be reviewed to go further by requiring large food stores >2000 square feet to sell fruit and vegetables at their store entrances and removing all food from check-outs and aisle-ends opposite.
- The proposal by the National Food Strategy for a sugar and salt tax at the commodity level should be seriously considered by government and a full pre-implementation assessment which adopts a systems approach should be conducted to assess the full benefits and potential unintended consequences of such a tax.
- We conducted a systematic qualitative literature review of stakeholder views on policies to improve diet (under review). Our review recommends when introducing diet-related policies there is a need to: i) communicate clear policy objectives and guidance to all stakeholders, ii) ensure equitable impact of policy across consumer groups, iii) build external and internal stakeholder support prior to implementation, iv) fund and hire personnel to increase regulatory capacity in advance of policy implementation, v) pitch the policies for protecting child and consumer/community health.
- It is essential that policy implementation is accompanied by tools, training, and funding to improve consistency in enforcement efforts across local authorities, level the playing field and ensure equitable outcomes for all.

- Regulatory guidance needs to be strengthened after policy implementation to address practical challenges and address loopholes such as brand restrictions and the inclusion of ultra-processed foods within regulatory frameworks.
- There is also need for a diverse range of policy tools and strategies to shape everyday food environments positively without imposing undue burden on citizens yet ensuring food industry are nudged to promote health and not externalise those costs to society.
- There is a need to increase business buy-in to food regulations, increase citizen awareness of pervasive marketing strategies and strengthen enforcement efforts to avoid false conclusions of legislation ineffectiveness. It is also necessary that obesity action takes a systems and comprehensive approach, indicating a roadmap that guides industry and is support across the political spectrum.
- Healthier options must be more financially attractive through economic measures such as taxation on unhealthy foods and subsidies for healthier options across various sectors, including agriculture, manufacturing, and retail. A whole systems approach is required to address obesity and must be aligned with sustainable food choices. Stricter regulations on marketing practices from various angles are required to promote healthier, sustainable choices such as establishing mandatory standards or incentives for compliance for food various settings.

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Response Data Sources:

1. Quantitative data

2. We have used data from qualitative studies undertaken by our research group at the MRC Lifecourse Epidemiology Centre, University of Southampton. As part of our WRAPPED pilot in-store placement study, we conducted semi-structured interviews (Sept 2017-April 2018) with women participants 18-45 years.¹ In another study that formed the process evaluation for the WRAPPED study, we conducted interviews and focus groups (May 2020- April 2022) with stakeholders

¹ Dhuria, P., Lawrence, W., Crozier, S. *et al.* Women's perceptions of factors influencing their food shopping choices and how supermarkets can support them to make healthier choices. *BMC Public Health* **21**, 1070 (2021). <https://doi.org/10.1186/s12889-021-11112-0>

to assess responses to the introduction of Food (promotion and placement) regulations.² A rapid analysis of these data was conducted and published to highlight that the regulations are a good first step in reducing impulse purchases but also have potential unintended consequences for disparities in health, implementation, and enforcement concerns.³ An in-depth analysis of data from each stakeholder has also been conducted. The responses below reflect both rapid and in-depth findings from consumer (n=34), business (n=24), enforcement (22), and health (28) stakeholders. The work on consumers has been published⁴ and manuscripts for the other stakeholder groups are under review or in draft.

3. We have used data from a qualitative systematic review of stakeholder views on policies to improve diet to answer question 9.

4. In addition, our response draws upon the broader scientific literature.

Response:

1. Key trends in food, diet and obesity, and the evidential base for identifying these trends.

1. The food environment in the UK presents formidable challenges to adopting healthy dietary practices, exacerbating health concerns among its population. Over recent decades, evidence has mounted on how the UK food system incentivises unhealthy dietary patterns while driving up the cost of nutritious options.⁵ This has led to the majority of adults and children exceeding recommended levels of sugar, salt, and saturated fat intake, with a significant proportion (three quarters and 90% respectively) failing to meet guidelines for fruit, vegetable, and fibre consumption.⁶ These trends contribute to escalating obesity rates and impose a harmful environmental footprint. Notably, a substantial proportion of UK adults, comprising 67% of men and 60% of women, grapple with obesity, alongside one in five children aged 10-12.⁷ These disparities in obesity prevalence are further worsening in socioeconomically disadvantaged communities, highlighting the

² Muir, S., Dhuria, P., Roe, E. *et al.* UK government's new placement legislation is a 'good first step': a rapid qualitative analysis of consumer, business, enforcement and health stakeholder perspectives. *BMC Med* **21**, 33 (2023). <https://doi.org/10.1186/s12916-023-02726-9>

³ Muir S, Dhuria P, Roe E, Lawrence W, Baird J, Vogel C. UK government's new placement legislation is a 'good first step': a rapid qualitative analysis of consumer, business, enforcement and health stakeholder perspectives. *BMC Med.* 2023;21(1):33.

⁴ Dhuria P, Muir S, Lawrence W, Roe E, Crozier S, Cooper C, Baird J, Vogel C. Women Consumers' Views on Legislation to Restrict Prominent Placement and Multibuy Promotions of High Fat, Sugar, and Salt Products in England: A Qualitative Perspective. *Int J Health Policy Manag.* 2023 Sep 10;12:7597. doi: 10.34172/ijhpm.2023.7597. PMID: PMC10590244.

⁵ Henry Dimbleby. The National Food Strategy: An independent review for Government, Part 1, <https://www.nationalfoodstrategy.org/part-one/> Accessed July 07, 2022. Published 2020.

Robinson E. Obesity and the cost of living crisis. *Int J Obes.* 2023;47(2):93-4.

⁶ The Food Foundation. Force-Fed Does the food system constrict healthy choices for typical British families? 2016.

⁷ NHS Digital. National Child Measurement Programme, England 2020/21 School Year; Available at: <https://digital.nhs.uk/data-and-information/publications/statistical/national-child-measurement-programme/2020-21-school-year>. 2021.

urgent need for targeted interventions to address the obesity epidemic and promote equitable access to healthy food options for all.⁸

5. The definition of a) ultra-processed food (UPF) and b) foods high in fat, sugar and salt (HFSS) and their usefulness as terminologies for describing and assessing such products.

2. In the UK, food is categorised as HFSS by scoring on the 2004/2005 Nutrient Profile Model (NPM). The NPM was developed by the Food Standards Agency and scores a food based on its nutritional composition by adding points related to its level of energy, sugar, fat, and salt and then removing points for the inclusion of fruit, vegetables and nuts, fibre and protein: a score of 4 or more for a food or 1 or more for a drink means the product cannot be promoted in a prominent location. The 2018 NPM is a revised version to reflect updated government and scientific dietary recommendations, but it has not been adopted by the government. No public rationale for the delayed use of the 2018 NPM has been issued. This leaves a situation where current food policy in the UK is being governed by an out-of-date measure of unhealthy foods because it aligns with the old national recommendation to consume no more than 10% of total energy intake from free sugars; the current recommendations stipulate no more than 5% of total energy intake from free sugars.

3. The usefulness of the 2004/2005 nutrient profile model is questionable. For example, Kellogg's coco pops cereal is marketed to young children and contains 386 calories and 17g sugar per 100g, as well as UPF ingredients such as glucose syrup, malt syrup and flavourings. However, due to low protein and fibre thresholds in the NPM, the reformulated version of coco pops' is no longer HFSS because its protein (6.3g) and fibre (3.8g) content means it only has an NPM score of 2 so is not classed as a 'less healthy' food.⁹ Similarly, Doritos loaded pepperoni pizza crisps are a savoury snack that includes UPF ingredients such as monosodium glutamate and other flavour enhancers. It contains 479 kcal, 2.1g of fat and 0.87 g of salt per 100g which would indicate a high HFSS score however, its fibre (6.4g/100g) and protein (7.0g/100g) significantly reduces its score to 1.¹⁰

4. Health group representatives that we interviewed expressed concerns that the current focus on scoring foods as HFSS in policy efforts overlooks the broader

⁸ Henry Dimbleby. The National Food Strategy: An independent review, The Plan, <https://www.nationalfoodstrategy.org/> Accessed July 01, 2022. Published 2021. The Food Foundation. 2023.

⁹ About Kellogg's Coco Pops Chocolate Breakfast Cereal, please see at <https://www.sainsburys.co.uk/gol-ui/product/kelloggs-coco-pops-800g> Also, Kellogg's spent 3.5 years reformulating them and reduced its sugar by 40% (used to be 30g sugar per 100g but now is 17g). It has also reduced its salt by 10%. Please see at <https://www.nature.com/articles/bdjteam2018156>

¹⁰ About Doritos Tortilla Chips Pepperoni Pizza Sharing Bag Crisps, please see at <https://www.tesco.com/groceries/en-GB/products/312363179>

issue of ultra-processed foods (UPFs), whilst reformulating in line with government legislation around HFSS foods may inadvertently promote the consumption of artificial sweeteners and additives:¹¹

The policy discourse and action are a lot about HFSS. And I'm finding it a bit disturbing that it (UPF) seems to be so slow to get traction in this country. There is enough evidence to show that consumption of UPFs is linked to poor health outcomes, and HFSS are a subset of UPFs, so you're missing out on other foods. So, an unintended effect, I would imagine, of these HFSS measures, is increased consumption of other UPFs. So, a good example would be increased consumption of artificially sweetened beverages over sugar sweetened beverages. Like if no-one's looking at process, and the population in effect is getting asked to switch one ultra-processed food for another ultra-processed food. - 12043, Health group

5.Regular review and modification of NPM is essential to ensure that UK food policy is aligned with the current dietary guidelines and the latest scientific evidence. We believe that this review should occur every 3 years in recognition of the need for time for industry to implement changes (likely 12-24 months). We believe that the current disconnect between the NPM being used in current UK food policies is confusing for citizens who may believe that reformulated coco pops mean that they are a healthy daily breakfast or snack choice for their children.

6.Of the Food (Placement and Promotion) (England) regulations' 13 categories of food that are in-scope a number of categories have exemptions and rules that renders the legislation as complex to enforce and ambiguous for citizens as well as local authority enforcers. ¹² For example, in the savoury snack category, savoury crackers marketed to be eaten in the same eating occasion as crisps are included but a larger packet to be eaten with cheese would be exempt. As part of our evaluation of legislation compliance in supermarket online marketplaces (manuscript in draft) we have calculated the NPM scores for a large number of products and identified that potato products and breaded/battered fish and chicken products rarely receive an NPM score that would classify them as less healthy products. Additionally, the baked products loophole, means that HFSS products remain being regularly promoted to citizens which undermines its potential to reduce obesity levels and improve population diet.

¹¹ Dhuria et al (*in draft*). Symbolic regulations shift the onus for making healthier choices solely from individuals to food manufacturers and retailers: In-depth perspectives from Health group.

¹² Muir et al., BMC, 2023.

6. How consumers can recognise UPF and HFSS foods, including the role of labelling, packaging and advertising.

7. Food labelling regulations in the UK are weak. Studies have indicated that citizens desire simple visual cues such as composite traffic light labels or warning labels on the front of food packs to facilitate healthier food choice rather than labels for individual nutrients.¹³ For example, strict law on the marketing and sale of unhealthy foods in Chile requires the use of warning labels to indicate healthfulness and qualitative evidence indicated that food labels are being increasingly used to direct citizens food choices¹¹. Yet, it is important to recognise that food labelling relies on individual action and cognitive decision making to influence behaviour change which are not only ineffective for changing behaviour but can also increase health inequalities. More recently, it is understood that to give everyone an equal chance of achieving and sustaining good health, policies must focus on changing food environments and systems.¹⁴ Labelling of HFSS would help with enforcement of existing regulations (i.e. Food (Placement and Promotion) (England) Regulations), however, should be introduced once the NPM is consistent with existing UK dietary guidelines. HFF or UPF labelling on foods form part of a beneficial suite of policies when implemented *alongside* necessary environmental and systems changes.

7. The cost and availability of a) UPF and b) HFSS foods and their impact on health outcomes.

8. Healthy food is twice as expensive per calorie than less healthy foods which means that the most deprived in the country would need to spend 50% of their disposable income to follow a health diet (Food Foundation, 2023). Our own research has demonstrated that supermarket chains which attract families living with lower income have less healthy in-store environments, including lower availability and promotion of healthy foods.¹⁵ Our product placement trials have shown that improving the environments of these stores by increasing the range and prominence of fruit and vegetables and reducing the prominence and availability of unhealthy foods by positioning non-food items in prominent in-store locations has a beneficial impact on population-level sales, household purchasing patterns and individual dietary patterns.¹⁶ We believe that current regulations

¹³ Correa T, Fierro C, Reyes M, Dillman Carpentier FR, Taillie LS, Corvalan C. "Responses to the Chilean law of food labeling and advertising: exploring knowledge, perceptions and behaviors of mothers of young children". *Int J Behav Nutr Phys Act*. 2019;16(1):21., Pulker CE, Chew Ching Li D, Scott JA, Pollard CM. The Impact of Voluntary Policies on Parents' Ability to Select Healthy Foods in Supermarkets: A Qualitative Study of Australian Parental Views. *Int J Environ Res Public Health*. 2019;16(18)

¹⁴ Theis & White., 2021; Dimpleby, 2021

¹⁵ Black, C., Ntani, G., Inskip, H. *et al.* Measuring the healthfulness of food retail stores: variations by store type and neighbourhood deprivation. *Int J Behav Nutr Phys Act* **11**, 69 (2014). <https://doi.org/10.1186/1479-5868-11-69>

¹⁶ Vogel C, Crozier S, Penn-Newman D, Ball K, Moon G, Lord J, et al. (2021) Altering product

could be reviewed to go further by requiring large food stores >2000 square feet to sell fruit and vegetables at their store entrances and removing all food from check-outs and aisle-ends opposite.

9. Women citizens are frustrated about the affordability of nutritious foods compared to HFSS foods, which reduces access by everyone to a balanced diet. Cheaper HFSS products have a longer shelf life and can be utilised as snacks throughout the week, whereas pricier healthier options often only suffice for a single family snack. Citizens want lower priced healthier food and more price promotions and permanent price reductions on fruits, vegetables, and healthier snacks to encourage long-lasting dietary change and healthier options for their children. Many women we heard from felt that supermarkets were responsible for ensuring healthy food was affordable and that governments could offer incentives/vouchers to guarantee healthy foods are accessible for all consumers.¹⁷

I do strongly believe the government should actually keep the price of higher sugar and fat foods higher and the healthier food should be lower in price, because at the moment it's the opposite and that's why a lot of people are finding it easier to just eat the bad food and that's how we have a lot of obesity cases because it is cheaper to be bigger than slimmer. - P6303, Consumer

10. The proposal by the National Food Strategy for a sugar and salt tax at the commodity level should be seriously considered by government and a full pre-implementation assessment which adopts a systems approach should be conducted to assess the full benefits and potential unintended consequences of such a tax.

8. The role of the food and drink industry in driving food and diet trends and on the policymaking process.

11. As eloquently described by Henry Dimbleby, the food industry and its customers are trapped in a 'junk food cycle' where unhealthy foods are cheap to make, profitable to market, appealing to eat and affordable to buy.¹⁸ The Food (Promotions and Placement) (England) regulations show some promise to shift diet trends (e.g. HFSS lines in the savoury snacks category dropped by 8% and confectionary sales dropped by 4-5% in the 40 weeks after the legislation was implemented.¹⁹ However, there is a propensity for some retailers to use loopholes

placement to create a healthier layout in supermarkets: Outcomes on store sales, customer purchasing, and diet in a prospective matched controlled cluster study. PLoS Med 18(9): e1003729. <https://doi.org/10.1371/journal.pmed.1003729>

¹⁷ Dhuria P, Muir S, Lawrence W, Roe E, Crozier S, Cooper C, et al. Women Consumers' Views on Legislation to Restrict Prominent Placement and Multibuy Promotions of High Fat, Sugar, and Salt Products in England: A Qualitative Perspective. Int J Health Policy Manag. 2023;12(Issue 1):1-9.

¹⁸ Dimbleby, 2021

in the legislation to maintain commercial profit.²⁰ The marketing of these foods has an important role to ensure implementation is right. For example, branded cardboard stands that are just within definitions of legislation compliance and branded signposting in-aisle are being utilised in many stores:

We've also got some enhanced point of sale options to try and make the fixture stand out more because ultimately, we need it to become more eye catching, because there aren't going to be the same number of disruption points around the store. - 11050, Non-food retailer

12. Furthermore, interview data from women citizens who mainly lived in deprived neighbourhoods highlights the role of supermarket placement and marketing in food purchasing choices (Dhuria et al., 2021):

"you see something that catches your eye and you think 'oh actually, I'll have that' or you smell the cakes in the bread department because there are some beautiful smells and you think 'oh one cake is not going to hurt' and then you buy it and when you get home you think, oh I really shouldn't have brought that but oh well never mind I've got it, I may as well eat it and it is just too late." – P 139 Consumer

9. Lessons learned from international policy and practice, and from the devolved administrations, on diet-related obesity prevention.

13. We conducted a systematic qualitative literature review of stakeholder views on policies to improve diet (under review). There were concerns among stakeholders that healthy eating policies may lead to unintended consequences such as shifting consumers towards other unhealthy behaviours, industry workarounds, financial concerns, and an uneven playing field especially for smaller businesses. Our review recommends when introducing diet-related policies there is a need to:

- i) communicate clear policy objectives and guidance to all stakeholders
- ii) ensure equitable impact of policy across consumer groups
- iii) build external and internal stakeholder support prior to implementation
- iv) fund and hire personnel to increase regulatory capacity in advance of policy implementation
- v) pitch the policies for protecting child and consumer/community health

¹⁹ Please see at <https://www.thegrocer.co.uk/health/one-year-on-have-hfss-rules-made-any-difference/683737.article>

²⁰ Muir S, Dhuria P, Roe E, Lawrence W, Baird J, Vogel C. UK government's new placement legislation is a 'good first step': a rapid qualitative analysis of consumer, business, enforcement and health stakeholder perspectives. BMC Med. 2023;21(1):33., Pulker CE, Chew Ching Li D, Scott JA, Pollard CM. The Impact of Voluntary Policies on Parents' Ability to Select Healthy Foods in Supermarkets: A Qualitative Study of Australian Parental Views. Int J Environ Res Public Health. 2019;16(18).

10. The effectiveness of Government planning and policymaking processes in relation to food and drink policy and tackling obesity.

14. Great promise was held when the UK government announced the suite of food policies to commence altering current food environments to be supportive of health. However, delays in guidance release and shifting implementation timelines has been detrimental for the health of the UK population. An area that has been almost entirely overlooked is essential enforcement infrastructure to ensure that a level playing field is created and sustained by UK government food policies. It is essential that policy implementation is accompanied with providing tools, training, and funding to improve consistent enforcement efforts across local authorities, level the playing field and ensure equitable outcomes for all.²¹

I'd like to see public health funding it (Food regulations). And that's the key driver really is money. The difficulty in the past was we also had lots of officers out there, so they funded it and there were offices there to deliver it. There is already a recruitment crisis in Trading Standards. – 13014, Trading Standards

15. Regulatory guidance needs to be strengthened after policy implementation to address practical challenges and address loopholes such as brand restrictions and the inclusion of ultra-processed foods within regulatory frameworks. Participants in our research studies have emphasised the need for incorporating an enabling clause into legislation, allowing ministers to review policy implementation and early impact after a designated period and make necessary adjustments without having to go through the entire legislative process again.²²

Yeah, and certainly one of the important things, desirable things is an enabling clause so that ministers can come back and review the impact after two or four years and then actively are given the powers to plug loopholes there and then without it going right through all the tedious legislative pathway all over again- 12013, FG6, Health group

16. There is also need for diverse range of policy tools and strategies to shape everyday food environments positively without imposing undue burdens on citizens yet ensuring food industry are nudged to promote health and not externalise those costs to society.²³

²¹ Dhuria et al (*in draft*). A light touch approach to enforce the Food Promotion and Placement regulations – An in-depth analysis of local authority officers' perspectives

²² Dhuria et al (*in draft*). Symbolic regulations shift the onus for making healthier choices solely from individuals to food manufacturers and retailers: In-depth perspectives from Health group.

²³ Muir S, Dhuria P, Roe E, Lawrence W, Baird J, Vogel C. UK government's new placement legislation is a 'good first step': a rapid qualitative analysis of consumer, business, enforcement and health stakeholder perspectives. *BMC Med.* 2023;21(1):33.

11. The impact of recent policy tools and legislative measures intended to prevent obesity.

17. Our pre-implementation evaluation of the Food (promotion and placement) regulations showed that many stakeholders, across the system, viewed this food policy as symbolic in its acknowledgement of commercial drivers of dietary choices and shifting the onus for making healthier choices solely from individuals to food manufacturers, retailers and the broader food system.²⁴ But the critical role of effective enforcement in enabling the effectiveness of regulations needs to be seriously considered by the government, particularly for place-based regulations. Enforcement stakeholders emphasised the necessity of funding and setting indicators to increase priority for obesity policies.²⁵

If you wanted to make this a priority, you'd have to have ring fenced funding, and then I guess there'd have to be some kind of return to show that activity had taken place. – 13011, Trading standards

18. Our expert opinion and anecdotal assessments while shopping indicate that while some positive changes have been made in retail outlets, the situation is far from consistent nor does it demonstrate responsible retailing practices wherein business comply with the spirit of the Food (Promotions and Placement) regulations. There is a need to increase business buy-in to the regulations, increase citizen awareness of pervasive marketing strategies and strengthen enforcement efforts to avoid false conclusions of legislation ineffectiveness. It is also necessary that obesity action takes a systems and comprehensive approach, indicating a roadmap that guides industry and is support across the political spectrum.

12. Policy tools that could prove effective in preventing obesity amongst the general population, including those focussed on the role of the food and drink industry in tackling obesity.

19. Healthier options must be more financially attractive through economic measures such as taxation on unhealthy foods and subsidies for healthier options across various sectors, including agriculture, manufacturing, and retail. A whole systems approach is required to address obesity and must be aligned with sustainable food choices. Stricter regulations on marketing practices from various angles are required to promote healthier, sustainable choices such as establishing mandatory standards or incentives for compliance for food various settings.²⁶

²⁴ Dhuria et al (*in draft*). Symbolic regulations shift the onus for making healthier choices solely from individuals to food manufacturers and retailers: In-depth perspectives from Health group.

²⁵ Dhuria et al (*in draft*). A light touch approach to enforce the Food Promotion and Placement regulations – An in-depth analysis of local authority officers' perspectives

²⁶ Dhuria et al (*in draft*). Symbolic regulations shift the onus for making healthier choices solely from individuals to food manufacturers and retailers: In-depth perspectives from Health group.

It is about a really thoughtful whole systems approach which that we need, and it's about sensible measures of success and it's about making sure that they are watertight and that exemptions are taken into account and are reviewed. - 12055, Health group

8 April 2024