

## Reserved actions to support a healthier and more sustainable food environment

### 1 Purpose of the paper

- 1.1 The purpose of the paper is to provide an overview of reserved areas of competence where action could be taken which would support a healthier and more sustainable food environment across the UK. The paper outlines the key areas that we believe a new UK Government should focus on.
- 1.2 The Board is asked to:
- **Discuss** the proposed reserved actions to support a healthier and more sustainable food environment and the timing of communication of these and to agree on whether the Board supports or re-affirms support for:
    - a) Further fiscal measures
    - b) Advertising restrictions of high fat sugar or salt (HFSS) products
    - c) Mandatory reporting of food and drink sales
    - d) Reformulation targets
  - **Agree that the Chair, Vice Chair and CEO** promote our views with politicians of all parties to outline our position, along with supporting evidence.

### 2 Strategic aims

- 2.1 This work contributes to the following strategic outcomes:
- Consumers have healthier diets
  - Consumers are empowered to make positive choices around food
  - FSS is trusted and influential
- 2.2 This work also supports the achievement of FSS' vision for a safe, healthy and sustainable food environment that benefits and protects the health and well-being of everyone in Scotland

### 3 Background

- 3.1 The Food (Scotland) Act 2015 gives FSS a statutory duty to improve the extent to which the Scottish population have diets conducive to good health. Our role is to advise Scottish Ministers regarding policy to improve diet and health. Collective action from government, manufacturers, retailers and the food and drink sector are all required to reverse the current trend of increasing dietary inequality, including rising levels of unhealthy weight. However, it is clear that devolved powers in Scotland alone cannot improve diet and health at the scale and pace of change

needed; many of the actions required are reserved and therefore any future UK Government would need to take action to drive improvements in the food environment to support consumers to have healthier diets. It is worth making the point that while our competence lies within Scotland, the ability to deliver our statutory obligations effectively relies on changes on areas that are reserved. On that basis engagement with Westminster politicians is appropriate.

- 3.2 Given that the food system operates across the UK, making improvements requires a joined-up approach, including UK Government, devolved administrations and the food industry. The UK currently produces around 60% of domestic food that is consumed, part of which is exported. In Scotland we export around 60% of food produce to the rest of the UK. Therefore, decisions on reserved areas of competence affect all parts of the country. In order to achieve long-term change, we need co-ordinated cross party action and commitment to prioritising health. Addressing inequalities is also fundamental and structural changes to the food environment should support this. The evidence base shows that addressing the key systemic issues within the food system and food environment are likely to be the most equitable and also have the greatest impact on diet, sustainability and ultimately health improvement. And it is likely to be the most cost-effective way of managing the interface between the UK's diet and its health.
- 3.3 There has been very little progress across the UK and specifically within Scotland towards achieving our dietary goals over the past 20+ years, with many policies failing due to over-reliance on individual responsibility for behavioural changes and many being delayed or not implemented sufficiently to be effective. There's also no doubt that accusations of "*nanny statism*" stifles sensible debate on a UK dietary health position that is costing the NHS billions, contributing to population ill-health and therefore requires a different approach to improve health. Furthermore, marked inequalities in healthy weight persist particularly in the percentage of [children at risk of obesity](#). The consequence of retreating from accusations of the "*nanny state*" is an over-reliance on personal responsibility encapsulated by the mantra of "*If people ate less and exercised more, the problem would be solved*" and which highlights the over-reliance on personal responsibility as a policy approach. Personal responsibility still has a part to play of course, but the reality is that in order to drive the required changes, a greater emphasis has to be placed on the availability of healthier options and action instead needs to be focused on improving the food environment as "what surrounds us, shapes us". Evidence also shows that reliance on voluntary approaches is insufficient to address the scale of the challenge and the level playing field that the food industry requires and calls for more debate on appropriate mandatory actions being necessary. This paper sets out feasible and evidence-based policy proposals, including fiscal measures and regulation, that should be considered by the next UK Government.
- 3.4 FSS has made a number of recommendations previously in Board papers pertaining to reserved actions, some of which are progressing. For example, in 2021 the UK Government committed to further restrictions on advertising of high fat, sugar and salt foods, but this has still not been implemented. Given the rising trajectory of unhealthy weight in the UK, pace must quicken and a broader range of

measures are needed for an overall improvement in diet and health to be realised. The priority areas which evidence demonstrates need to be progressed are outlined below.

## 4 Discussion

### a) Further fiscal measures

- 4.1 Cost is a barrier for many households to achieve a healthy balanced diet. [Data](#) shows that healthier food can cost around double that of less healthy food with those in the lowest income quintile currently having to spend around half of their disposable income to eat a diet as depicted by the [Eatwell Guide](#) compared with just 11% for the richest quintile.
- 4.2 Introduction of taxes or levies are often seen as policies that may disadvantage those on lower incomes, but this isn't necessarily the case. For example, the introduction of the soft drinks industry levy (SDIL) resulted in wide scale reformulation. In addition, [our data](#) shows that intakes of free sugars in Scotland have decreased since introduction of the levy. Further evidence shows that the levy has benefited diet related health through reduction in dental caries, a reduction in rates of obesity in teenage girls, as well as decreasing the volume of sugar purchased through soft drinks across all income groups. This has been achieved alongside [increasing sales of soft drinks](#) and no negative long-term financial impact on soft drinks companies.
- 4.3 The next UK Government should explore extending the SDIL to a broader range of sugar-containing food/drink categories, as well as exploring applying similar levies to other nutrients of public health concern such as saturated fat and salt to provide impetus for companies to reformulate and improve the nutritional composition of products purchased and consumed regularly. The purpose here is not to increase revenue generated from the tax, but to introduce fiscal measures to incentivise reformulation of products. In the long-term there would however be a gain for public finances through a reduction in expenditure on health costs for the many preventable illnesses stemming from a poor diet.
- 4.4 Reformulation benefits everyone without the need for conscious choice or decision making. It also influences consumer demand for healthier products by making those products high in sugar and/or salt less attractive because they are more expensive than their healthier counterparts. Lower socio-economic groups are those who have the most prevalent diet related health outcomes due to poor diet, and therefore may benefit most from the health gains of a tax or levy so this approach may contribute to reducing health inequalities.
- 4.5 FSS recommend that UK Government explore expansion of the SDIL, building on the success of the current scheme and encouraging businesses to reformulate a broader range of food and drink categories. This has the potential to drive reformulation beyond that which is possible with the SDIL. The revenue generated from such a fiscal measures could, if ring-fenced, be used to support further

initiatives to improve diet in all four UK nations. Consideration could also be given to developing levies for other commodities like salt and saturated fat.

## **b) Advertising restrictions high fat sugar or salt (HFSS) products**

- 4.6 Broadcast advertising is a reserved area of competence. In our 2016 Board paper, we recommended that advertising of high fat, sugar and salt (HFSS) products be limited to protect children and the population from these influences to support diet and health improvement.
- 4.7 [Data](#) shows that advertising of food and drink is skewed significantly towards HFSS products (32%), with very few adverts promoting healthy foods (1%). Adverts can have significant impact on preferences, especially in young people which can negatively impact diet and ultimately health outcomes.
- 4.8 There are existing restrictions for advertising HFSS products which have been in place since 2007 but these must be extended to have sufficient impact. Further restrictions on the advertising of HFSS products was originally planned to come into force in January 2023 but, as with proposals to improve dietary public health, have been delayed until October 2025. These new restrictions will include a 9pm TV watershed for all programmes for HFSS products. It will include all on-demand programme services (ODPS) under UK jurisdiction and regulated by Ofcom. It also includes restrictions on all HFSS paid-for advertising online.
- 4.9 FSS recommends that the UK Government expedite their commitment to implement the above measures to further protect children and consumers from HFSS food advertising on TV, on demand and paid for advertising online. Consideration should also be given to addressing product packaging that is marketed to children (for example cartoon characters). In addition to this, greater investment should go into advertising for healthy and sustainable food to rebalance and normalise healthy food consumption.

## **c) Mandatory reporting of food and drink sales data**

- 4.10 The Food Data Transparency Partnership (FDTP) was announced in the UK [Government Food Strategy](#) in June 2022, to bring stakeholders across the food system together in a partnership to work on solutions to support a healthier food environment. The scheme is designed to include all larger<sup>1</sup> UK food service (out of home) **and** retail and requires businesses to report sales weighted averages data of key food and drink categories.
- 4.11 The Food Foundation's [Plating Up Progress](#) analysis shows that the majority of supermarkets, restaurant chains and caterers do not voluntarily report quantifiable data for sales of healthy food or fruit & vegetables. Additionally, where data is

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<sup>1</sup> Large businesses are defined as those having 250 or more employees

reported, there are clear inconsistencies in the methodologies used across the industry making comparability between data sets difficult.

- 4.12 The purpose of the FDTP is to make data publicly available which, in turn, will improve the consistency and comparability of business reported data. This will drive progress more effectively as the data is required to drive improvements in their operations and the broader food system. However, despite the [National Food Strategy](#) recommendations that the scheme should be mandatory, as required for a level playing field, the current FDTP is voluntary meaning that business uptake will be variable and impact is likely to be limited. The scope for the requirements of the FDTP have also been curtailed and will now focus on developing two main workstreams: Environmental and Health data reporting requirements.
- 4.13 FSS recommends that the UKG introduces mandatory measures for food business sales data reporting. Mandatory reporting can improve minimum standards across the board by providing consistent data and improving transparency and accountability. It also avoids the inevitable inconsistent application, reporting and disparate approaches that are associated with voluntary reporting. It is worth noting that promoting the transparency of food industry data is not a novel approach in public health. While there was considerable industry challenge, the major retailers published their testing results for campylobacter in fresh chicken and this led to considerable effort to reduce campylobacter loads in poultry. FSA subsequently transferred responsibility to the industry for publicly demonstrating action against this major cause of foodborne illness. Transparency can be transformative.

#### **d) Reformulation targets**

- 4.14 Our recently published [PHN strategy](#) outlines the need to change the food environment to support the provision of healthy and sustainable foods. The food environment has a huge impact on what consumers buy and eat including the types and composition of products that are available.
- 4.15 As described in paragraph 4.2, reformulation of products has the potential to deliver equitable effects across the whole population and therefore have the potential to be a powerful lever in enabling healthier diets and improving health. Scottish Government has invested in supporting food businesses in Scotland to undertake reformulation through the Reformulation for Health Programme since 2019. The programme is managed by Food and Drink Federation Scotland and is focused on supporting SMEs to improve the nutritional profile of their products.
- 4.16 Government led voluntary reformulation programmes are long standing in the UK, with the introduction salt targets set by government in 2006 in response to the Scientific Advisory Committee on Nutrition (SACN) salt report, challenging the food industry to reduce salt in everyday foods. Following this the FSA set salt targets for achievement by 2010, with the most recent targets set for achievement by the end of 2024.

- 4.17 Further reformulation programmes have been introduced by UK Government to reduce sugar (2016) and more recently calories (2018) for certain foods. Unfortunately, although a little progress has been made in some product categories (e.g. reduction of sugar in yoghurts and breakfast cereals) the majority of these targets across the various reformulation programmes have not been achieved.
- 4.18 These voluntary reformulation targets are in contrast to the impact of the SDIL, which was announced in 2016, implemented by 2018 and has resulted in a reduction in [total sugar purchase over this time frame](#). However, no further significant reductions in overall sugar purchase have been [observed since 2019](#). This, along with the limited progress reported on through the calorie reduction targets in February this year, demonstrates the need to consider mandatory measures to require industry to put greater emphasis on more effectively reformulating their products and to quicken the pace and scale at which this is delivered.
- 4.19 Modelling undertaken by Nesta in 2023 found that by reformulating food categories that contribute most to calorie consumption by 10%, it could be possible to remove 38 calories per person, per day (the equivalent of 1 billion calories across the whole UK population), demonstrating the scale of the potential impact of collective action.
- 4.20 FSS recommends that mandatory reformulation targets are implemented as the evidence to date suggests that many manufacturers and retailers have not made sufficient progress and without this requirement they are unlikely to do so.

## 5 Identification of risks and issues

- 5.1 If these measures are not taken forward, it is unlikely we'll realise the scale of improvement required to improve dietary intake of the population in Scotland and the UK. A joined up approach with UK and devolved governments in reserved areas of competence is required to achieve this. This isn't an existing requirement for policy development and implementation, therefore is a risk that this may not occur.
- 5.2 The perception of "nanny-statism" is a barrier to political appetite to support these types of measures. This can be in some way mitigated by commitments to reinvesting revenue generated to improve access, availability and affordability of healthy food for people living in poverty.

## 6 Equality Impact Assessment and Fairer Scotland Duty

- 6.1 Completion of an Equality Impact Assessment and Fairer Scotland Duty was not required for preparation of this Board paper.



## 7 Recommendations

7.1 FSS recommend that the UK Government prioritise a number of actions within their reserved competence that are required to support a healthier food environment and a better diet across the UK. These actions should include exploration of expanding fiscal measures, advertising and marketing restrictions, mandatory reporting of data and legislation for reformulation targets.

1.1 The Board is asked to:

- **Discuss** the proposed reserved actions to support a healthier and more sustainable food environment and the timing of communication of these with UK Government.
- **Agree that the Chair, Vice Chair and CEO** promote our views with politicians of all parties to outline our position, along with supporting evidence.

Please direct queries to:

Author: Gillian Purdon

Contact details: [gillian.purdon@fss.scot](mailto:gillian.purdon@fss.scot)

SLT Sponsor: Garry Mournian

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