**Response ID ANON-BCD3-K9VE-U**

Submitted to **Restricting promotions of products high in fat, sugar and salt by location and by price** Submitted on **2019-04-05 13:35:09**

# Introduction

1. **What is your name?**

**Name:**

Toby Bevan

1. **What is your email address?**

**Email:** toby@mailpbconsulting.com

1. **Are you responding as an individual, on behalf of an organisation or as a business?**Organisation

# Organisation

1. **What is the name of your organisation?**

**organisation:**

The All-Party Parliamentary Group on Obesity

1. **Which sector does your organisation work in?**

Public sector

**If other, please state:**

# Businesses and products affected

**20 Do you think that the restrictions suggested in this consultation should apply to all retail businesses in England that sell food and drink products, including franchises?**

Yes

**Please explain your answer:**

The All-Party Parliamentary Group (APPG) on Obesity welcomes this important consultation and agrees that the restrictions suggested in this consultation should apply to all retail businesses in England that sell food and drink products, including franchises. This will help to ensure that there is an equal effect on both consumers and retailers across the country. The APPG believes that the proposals made in this consultation will be effective in reducing the sale and consumption of HFSS products, which are known to contribute to obesity.

In 2018, the APPG recommended a National Obesity Strategy, for adults and children, which covers both prevention and treatment of obesity. The restrictions suggested as part of this consultation gain the full support of the APPG in this regard. Furthermore, the APPG believes that serious steps to improve obesity prevention, such as these restrictions, must factor into a national obesity strategy for both children and adults. A national strategy should promote a whole system approach, of which prevention is an important part.

The APPG agrees with the Government and this consultation on the impact of obesity in the UK. As is now widely known, 63% of the adult population are already overweight, with roughly 27% of them defined as obese, which causes significant costs to the NHS and wider society. Therefore, the preventative measures proposed in this consultation must be coupled with an effective treatment pathway, to support those already living with obesity, if they are to be effective.

The APPG is interested in the impact the proposals made as part of this consultation will have on obesity prevention, those living with obesity, and obesity rates in the UK general. The APPG believes that they are likely to be effective in reducing the sale and consumption of HFSS products, which are known to contribute to obesity, although the link to obesity must be made more substantially.

1. **Do you think there are any other retailers that the restrictions suggested in this consultation should apply to?**

Yes

**If yes, please explain which retailers you are referring to and why. :**

The restrictions should also be applied to canteens of large employers, including those in the private sector, hospitals and schools.

1. **Do you think there are any retailers that the restrictions suggested in this consultation should not apply to?**

Not Answered

**If yes, please explain which retailers you are referring to and why.:**

1. **Do you think the restrictions should also apply to retailers that do not primarily sell food and drink, for example, clothes retailers andnewsagents?**

Yes

**Please explain your answer:**

Giving exemptions to certain types of retailers may lead to perverse incentives and may put the effectiveness of the restrictions in terms of reducing the sale of HFSS products at risk. It would also become incredibly difficult to define the criteria and boundaries for the retailers which would or would not be exempt from the restrictions and enforcing this would be burdensome and resource-heavy.

1. **Do you think that the restrictions should also apply to imported products within the specified product categories in scope?**

Yes

**Please explain your answer:**

Including imported products within the specified product categories will ensure that retailers’ buying behaviours do not change in favour of imported products in order to avoid the restrictions.

1. **Do you think that the restrictions should also apply to online shopping?**

Not Answered

**Please explain your answer:**

1. **If the restrictions applied to online retailers, how could this work in practice?**

**Please explain your answer:**

1. **Who should be responsible for making sure the price restrictions are followed: the retailer that sells the products or the manufacturerthat makes them?**

Not Answered

**Please explain your answer:**

The APPG believes that in principle both the retailer and manufacturer should be responsible for making sure the price restrictions are followed. This shared responsibility is likely to lead to a higher adherence to the restrictions. Adequate sanctions should be in place to take action against any retailer or manufacturer who contravenes the restrictions.

1. **Who should be responsible for making sure the location restrictions are followed: the retailer that sells the products or themanufacturer that makes them?**

Not Answered

**Please explain your answer:**

The APPG believes that in principle both the retailer and manufacturer should be responsible for making sure the location restrictions are followed. This shared responsibility is likely to lead to a higher adherence to the restrictions. Adequate sanctions should be in place to take action against any retailer or manufacturer who contravenes the restrictions.

# Price promotion restrictions

1. **Which of the following options do you think is the most appropriate for achieving the aims of this policy?**

Neither

**If you are proposing an alternative option, please explain how your preferred option would better deliver the aims of this policy, how it would be delivered and whether there would be any practical and/or implementation issues that we should be aware of. :**

1. **Do you think that the price restrictions should apply to ‘multi-buy’ promotions and ‘extra free’ promotions of pre-packaged productsthat are high in fat, sugar and salt?**

Yes

**If no, please explain your answer:**

Yes. The APPG on Obesity agrees with the consultation’s summary that the evidence shows that these types of volume promotions encourage overconsumption of HFSS products and cause a greater sales uplift compared to simple price reductions.

1. **Do you currently use or do you know about any official definitions of these types of volume price promotions?**

Not Answered

**If yes, please provide them below.:**

1. **Do you think there are any other types of price promotion that should be restricted that we have not mentioned?**

Not Answered

**If yes, please explain which promotions and why.:**

1. **Do you think that the price restrictions should apply to pre-packaged products which fall into the categories included in Public HealthEngland’s (PHE) sugar and calorie reduction programmes and in the Soft Drinks Industry Levy (SDIL), and are classed as high in fat, sugar or salt (HFSS)?**

Yes

**Please explain your answer:**

The APPG supports the principle of including price restrictions on pre-packaged products which will into the categories outlined. This would be another means of encouraging people to make healthier choices and removing an incentive to make unhealthy choices.

Smoothies and sugary milk drinks, which are often seen as healthy alternatives, should also be included in this. Although they are often times hailed as being healthy, this is not always the case. These drinks are high in sugar and do not contain the fibre that is found when eating fruit. In addition, what is found in these smoothies is not something that people would eat on its own, for example 2 apples, a punnet of blueberries, pears, bananas, etc.

1. **Do you think any other product categories should be included in these restrictions?**

Not Answered

**If yes, please explain which product categories and why. :**

1. **Do you think any of these categories should not be included?**

Not Answered

**If yes, please explain which product categories and why.:**

1. **Do you think that the price restrictions should also apply to free refills of sugar-sweetened beverages in the out-of-home sector, if theyare in scope of the SDIL, including where they could be a part of a meal deal?**

Not Answered

**Please explain your answer:**

The APPG supports the principle of including price restrictions on free refills of sugar sweetened beverages. This is another means of encouraging people to make healthier choices.

1. **For food and drink consumed outside of the home, are there other types of price promotion that should be restricted?**

Not Answered

**If yes, please explain which promotions we should consider and why.:**

# Location restrictions

1. **Which of the following options do you think is the most appropriate for achieving the aims of this policy?**

Neither

**If you are proposing an alternative option, please explain how your preferred option would better deliver the aims of this policy, how it would be delivered and whether there would be any practical and/or implementation issues that we should be aware of. :**

1. **Do you think that the location restrictions should apply to all of the following locations: store entrances, ends of aisles and checkoutareas?**

Yes

**Please explain your answer:**

1. **Do you currently use or do you know about any official definitions for these locations?**

Not Answered

**If yes, please provide them below. :**

1. **Do you think there are other locations inside stores that the restrictions should apply to?**

Not Answered

**If yes, please explain which locations and why.:**

The APPG believes that that promotions within all parts of the store should be for healthier products. Simply moving the location of the promotion of HFSS products to different parts of the store, whilst perhaps reducing to some extent the uptake, would still not remove the incentive for the retailers to apply these promotions within the store.

1. **Do you think that the location restrictions should apply to all products (whether pre-packaged or non pre-packaged) which fall into thecategories included in Public Health England’s (PHE) sugar and calorie reduction programmes and in the Soft Drinks Industry Levy (SDIL), and are classed as high in fat, sugar or salt (HFSS)?**

Yes

**Please explain your answer:**

1. **Do you think any other product categories should be included in these restrictions?**

Not Answered

**If yes, please explain which product categories and why.:**

1. **Do you think any of these product categories should not be included?**

Not Answered

**If yes, please explain which product categories and why. :**

# Definitions

1. **Do you think that the 2004/5 Nutrient profiling model (NPM) provides an appropriate way of defining HFSS products within the food anddrink categories proposed for inclusion in this policy?**

Not Answered

**If you answered no, what other ways could we use? Please explain your suggestions.:**

1. **Do you think that micro, small, medium and large businesses should be defined by how many employees they have, as defined in theEU recommendation 2003/361?**

Not Answered

1. **Do you think we should consider other ways to define businesses apart from the number of employees, such as floor space/size orturnover?**

Not Answered

**If yes, please explain which methods you think we should consider and why.:**

# Businesses and products out of scope

**48 Should the price restrictions apply to microbusinesses?**

Not Answered

**Please explain your answer:**

• Microbusinesses - we recognise it may be too difficult for micro businesses to apply the restrictions

**49 Should the price restrictions apply to specialist retailers who only sell one type of product such as chocolatiers?**

Not Answered

**Please explain your answer:** we recognise it may be impractical for retailers that only sell one type of product to apply the restrictions **50 Should the price restrictions apply to products that are non-pre-packaged?**

Not Answered

**Please explain your answer:** we recognise it may be impractical for retailers to apply the restrictions when nutritional information is not displayed on the pack for certain products that are sold loose

**51 Should the price restrictions apply to meal deals in the retail or out of home sector?**

Not Answered

**Please explain your answer:**

- we recognise they are generally aimed at adults and they aim to reduce the cost of a single meal

1. **Should the price restrictions apply to any other price promotion activity in the out of home sector?**

Not Answered

**Please explain your answer:**

Any other price promotion activity in the out of home sector - we recognise promotions in these settings serve a different purpose to supermarket multi-buy promotions and are generally aimed at groups of people eating out together Yes/no. Please explain your answer.

1. **Should the location restrictions apply to very small stores that do not have distinct checkout, front of store and aisle end areas, even ifthey are part of a chain?**

Not Answered

**Please explain your answer:**

Very small stores that do not have distinct checkout, front of store and aisle end areas, even if they are part of a chain – we recognise it may be impractical for small outlets to apply the restrictions because they may not have distinct areas

1. **Should the location restrictions apply to specialist retailers who only sell one type of product, for example chocolatiers?**

Not Answered

**Please explain your answer:** we recognise it may be impractical for retailers that only sell one type of product to apply the restrictions **55 Should the location restrictions apply to products that are non-pre-packaged?**

Not Answered

**Please explain your answer:** we recognise it may be impractical for retailers to apply the restrictions when nutritional information is not displayed on the pack for certain products that are sold loose Yes/no. Please explain your answer.

**56 Are there any other businesses and/or products that should be out of scope of the price and location restrictions?**

Not Answered

**If yes, please explain which businesses and/or products and why.:**

# Policy implementation

1. **How much time would businesses need to prepare for implementation?**

**Please explain your answer:**

1. **DHSC will provide guidance and methodology that will help businesses to know which products can or cannot be promoted. Whatadditional support is needed to put this policy into practice?**

**Please explain your answer:**

1. **Would these restrictions cause any implementation or other practical issues for particular businesses that we have not considered inthis consultation?**

Not Answered

**If yes, please explain what the likely issues are and provide evidence and suggestions of how the issues could be mitigated for these businesses.:**

1. **Do you have any suggestions for how we can enforce the restrictions in a way that is fair to businesses?**

**Please explain your answer:**

**Impact assessment questions**

# General impact assessment questions

1. **We have calculated illustrative transition costs in both impact assessments. Do these calculations reflect a fair assessment of thecosts that would be faced by your organisation/business?**

Not Answered

**If no, please provide any further evidence which could be used to improve our estimates.:**

**If you are referring to a specific calculation in one of the IAs, please state which one(s).:**

1. **Are you aware of any comprehensive data sources on sales in the out-of-home food market and the nutritional content of the productssold?**

Not Answered

**If yes, please provide details of the information contained in the data set and the provider.:**

1. **Are you aware of any other data sources available which would improve our estimates of the number of food retailers and out-of-homefood outlets?**

Not Answered

**If yes, please provide details of the information contained in the data set and the provider:**

1. **How will these proposals affect the relationships between manufacturers and retailers (e.g. sales agreements, sales targets, the futurerelationships and profitability)?**

**Please provide further evidence which could be used to improve our understanding.:**

1. **Is it reasonable to assume that retailers and out of home businesses are inspected by Trading Standards every 3.5 and 2 years,respectively?**

Not Answered

**If no, please provide further evidence which could be used to improve our estimates.:**

1. **Is there any additional evidence that would improve our understanding of the level of compensating behaviour which might occur?**

Not Answered

**If yes, please provide further evidence which could be used to improve our estimates.:**

1. **Do you have any further evidence or data you wish to submit for us to consider for our final impact assessment or any specificcomments on the methodology or assumptions made?**

Not Answered

**If yes, please provide further evidence which could be used to improve our estimates. :**

**If you are referring to a specific IA question or calculation, please state which one(s):**

# Location restrictions impact assessment

1. **Is our assessment of the major supermarkets' approach to placing HFSS food and drinks at checkouts accurate?**

Not Answered

**If no, please provide further evidence which could be used to improve our understanding.:**

1. **Is there evidence to suggest that smaller retailers are voluntarily restricting the placement of HFSS food and drinks in stores?**

Not Answered

**If yes, please provide further evidence which could be used to improve our understanding.:**

1. **Is there any additional evidence that would improve our estimates of the use of location promotions within the domestic retail or out ofhome markets, the sales uplift they provide and proportion of sales they represent?**

Not Answered

**If yes, please provide further evidence which could be used to improve our estimates.:**

# Price restrictions impact assessment

1. **Is it reasonable to assume that businesses will switch to using price cuts instead of volume offers to promote HFSS products?**

Not Answered

**If no, please provide further evidence which could be used to improve our understanding.:**

1. **To what extent are price promotions offered in the out of home sector?**

**Please provide evidence which could be used to improve our understanding.:**

1. **Do consumers respond in a similar way to price promotions offered in the out of home sector and those offered in supermarkets?**

Not Answered

**Please provide further evidence which could be used to improve our understanding.:**

1. **Is the approach used in the impact assessment suitable for assessing the impact on consumers and specifically for assessing theimpact on consumer surplus?**

Not Answered

**If no, please provide further evidence which could be used to improve our estimates.:**

1. **If you are responding to this consultation on behalf of a business, how would your business adjust their promotion strategies to meetthe 80/20 target?**

**80/20:**

# Equalities assessment questions

1. **Do you think that the proposed policy to restrict promotions of HFSS products by location and by price is likely to have an impact onpeople on the basis of their age, sex, race, religion, sexual orientation, pregnancy and maternity, disability, gender reassignment and marriage/civil partnership?**

Not Answered

**If yes, please explain your answer and provide relevant evidence. :**

1. **Do you think that any of the proposals in this consultation would help achieve any of the following aims: - Eliminating discrimination,harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 - Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it? - Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it?**

Not Answered

**If yes, please explain which aims it would help achieve and how.:**

Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it?

Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it?

1. **If you answered no to the previous question, could the proposals be changed so that they are more effective?**

Not Answered

**If yes, please explain what changes would be needed. :**

1. **Do you think that the proposed policy to restrict promotions of HFSS products by location and by price would be likely to have animpact on people from lower socio-economic backgrounds?**

Not Answered

**If yes, please explain your answer and provide relevant evidence.: Further points**

1. **Is there anything else that you would like to tell us or any more information that you would like to provide for this consultation?**

**Please provide any further information below:**

Potential proposals related to this consultation given by members include:

1. Providing vouchers for mothers and babies to obtain free healthy food at maternity hospitals and other relevant facilities.
2. Restricting fast food outlets.
3. Encouraging children to be active, the best example being the 10,000 children in Lewisham who run a mile every day.
4. Encouraging businesses and organisations to make pledges to reduce the amount of sugar they include in their products.
5. The Government should develop a national obesity strategy, as recommended by the All-Party Parliamentary Group on Obesity.

**Please upload any further data or evidence below. :**

No file was uploaded