



## Restricting promotions of food and drink high in fat, sugar or salt – Consultation on the detail of proposed regulations

### Respondent information form

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:  
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

☐ Individual

If you are responding as an individual, do you have connections to the food and drink industry?

- ☐ No connection
- ☐ Work in food retail or hospitality
- ☐ Other (please specify)

☒ Organisation

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

- ☐ Industry representative body
- ☐ Manufacturer
- ☐ Retailer
- ☐ Out of home provider (e.g. fast food outlet, coffee shop, restaurant)
- ☐ Public sector
- ☒ Third Sector
- ☐ 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)
- ☐ Small (between 10 and 49 employees)
- ☐ Medium (between 50 and 249 employees)
- ☐ Large (more than 249 employees)

Full name or organisation's name

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**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report. The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name
- ☐ Publish response only (without name)
- ☐ Do not publish response

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
- ☐ No

## QUESTIONNAIRE

### Section 1: Foods subject to restriction

1. Do you agree with the proposal to be consistent with the category descriptors set out in Schedule 1 of the UK Government regulations for England?

☒ Yes  
☐ No  
☐ Don't know

Please explain your answer.

2. Do the food category descriptors set out in Schedule 1 [and included in Annex D] sufficiently describe the food categories within scope of regulations?

☒ Yes  
☐ No  
☐ Don't know

Please explain your answer.

3. Please provide any additional comments on the proposed approach to foods in scope of the policy?

## Section 2: Price promotions

4. Is the proposed description of the following sufficiently clear for the purpose of implementation and enforcement:

a. multibuy?

☒ Yes

☐ No

☐ Don't know

Please explain your answer.

IFST are not representing retailers who may be implementing or enforcement agencies, however the definitions appear to be clear.

b. extra free?

☒ Yes

☐ No

☐ Don't know

Please explain your answer.

See above.

5. Is the proposed timescale of 12 months at paragraph **Error! Reference source not found.** sufficient to allow price promotions on packaging to be phased out?

☐ Yes

☐ No

☒ Don't know

Please explain your answer.

IFST cannot comment on the practical difficulties involved in phasing out packaging.

6. What, if any, implications do you expect there would be for businesses if meal deals are included within scope of this policy? (please include evidence where available)

As England are not including meal deals in the current legislation, it would be difficult for a retailer working both sides of the border to operate where offers work in different ways. There are a number of retailers who operate in all the nations with well-known popular offers. It would be confusing to consumers where they can purchase a meal offer in one location, but not 10 miles away at the same retailer.

Offering a meal deal with only one option of a HFSS food would be difficult for a consumer to understand and for the checkout to operate. Some drinks and snacks ranges offer a reduced sugar or sugar free option which could make choices complex, for example a sandwich, crisps and a soft drink would not qualify for a meal deal, but a sandwich, crisps and a diet drink would.

7. If meal deals are included within scope of the policy, which would be your preferred option for targeting them?

- ☐ Option 1 - Meal deals cannot contain HFSS targeted foods.  
☐ Option 2 - Meal deals can contain up to one HFSS targeted food.  
☐ Option 3 - Meals deals cannot contain targeted HFSS discretionary foods.  
☒ Don't know

Please explain your answer, including any alternative suggestions for how promotion regulations could help improve meal deals to better support a healthy diet.

See above

8. If temporary price reductions (TPRs) are included within scope of the policy, is the proposed broad definition sufficient for implementation and enforcement?

- ☐ Yes  
☐ No  
☒ Don't know

Please explain your answer.

IFST are not involved in implementation or enforcement of these rules.

9. What, if any, implications do you expect there would there be for businesses if TPRs are included within scope of this policy? (please include evidence where available)

Temporary price reductions offer support to larger families where multi buys are useful for budget management and where the cost of living is challenging. The food may not be being eaten by the same person, so not driving over consumption.

Restriction on single portion products which increase portion size would be more impactful. Controlling the stocking of large size products in lunch sections – such as sharing bags could be helpful.

### Section 3: Location restrictions

10. Are the proposed descriptions of the following prominent in-store locations sufficiently clear for implementation and enforcement?:

- a. checkout

☐ Yes  
☐ No  
☒ Don't know

- b. end of aisle

☐ Yes  
☐ No  
☒ Don't know

- c. store entrances

☐ Yes  
☐ No  
☒ Don't know

- d. covered external area

☐ Yes  
☐ No  
☒ Don't know

- e. free standing displays

- ☐ Yes
- ☐ No
- ☒ Don't know

Please explain your answers.

IFST are not involved in implementation or enforcement of these rules.

11. Do you agree with the proposed approach to applying store entrance criteria to dedicated food areas within stores, as described at paragraphs **Error! Reference source not found.-Error! Reference source not found.?**

- ☐ Yes
- ☐ No
- ☒ Don't know

Please explain your answer.

IFST are not involved in implementation of these rules.

12. Do you agree with the proposed description for relevant floor area?

- ☒ Yes
- ☐ No
- ☐ Don't know

Please explain your answer.

These appear to be the same as those in England and Wales

13. Please provide any additional comments on the proposals for in-store locations within scope of the policy.

Consistency with other nations within UK is critical.

#### Online

14. Are the proposed descriptions of the following online equivalent in-store locations sufficiently clear for implementation and enforcement?:

a. home page

☐ Yes

☐ No

☒ Don't know

b. favourites page

☐ Yes

☐ No

☒ Don't know

c. pages not opened intentionally by the consumer

☐ Yes

☐ No

☒ Don't know

d. checkout pages

☐ Yes

☐ No

☒ Don't know

Please explain your answers

IFST are not involved in implementation or enforcement of these rules.



15. Are there any other equivalent online locations that should be within scope of the policy?

☐ Yes

☐ No

☒ Don't know

Please explain your answer

16. Please provide any additional comments on the proposals for online locations within scope of the policy.

#### Section 4: Businesses in scope

17. Are the types of business within the scope of the policy sufficiently described for the purpose of implementation and enforcement?

☐ Yes

☐ No

☒ Don't know

Please explain your answer.

IFST are not involved in implementation or enforcement of these rules.

18. Is the proposed extension of restrictions to online sales, including through online aggregator sites and apps, (see paragraph **Error! Reference source not found.**) sufficiently described for the purpose of implementation and enforcement?

☐ Yes

- ☐ No  
☒ Don't know

Please explain your answer.

IFST are not involved in implementation or enforcement of these rules.

19. Are the arrangements for franchises and symbol groups sufficiently described for the purpose of implementation and enforcement?

- ☐ Yes  
☐ No  
☒ Don't know

Please explain your answer.

IFST are not involved in implementation or enforcement of these rules.

20. Do you foresee any impacts on the ability of businesses to trade either within the UK market or internationally from any of the proposed measures?

- ☒ Yes  
☐ No  
☐ Don't know

Please explain your answer.

See answer to Q.6.

21. Please provide any additional comments on the businesses proposed to be within scope of the policy.

### Section 5: Exemptions from location restrictions

22. Are the proposed exemptions from location restrictions based on business type clear and sufficiently defined to enable implementation and enforcement?

- ☐ Yes  
☐ No  
☒ Don't know

Please explain your answer.

IFST are not involved in implementation or enforcement of these rules.

23. Are the exemptions from location restrictions based on individual store relevant floor area clear and sufficiently defined to enable implementation and enforcement?

- ☐ Yes  
☐ No  
☒ Don't know

Please explain your answer.

IFST are not involved in implementation or enforcement of these rules.

24. Please provide any additional comments on proposed exemptions from locations restrictions.

## Section 6: Enforcement and implementation

25. Do you agree with the proposed use of administrative sanctions for enforcement of the policy?

- ☐ Yes
- ☐ No
- ☒ Don't know

Please explain your answer.

IFST are not involved in implementation or enforcement of these rules.

26. Do you agree with the maximum penalties proposed for the offences in relation to enforcement of the policy?

- ☐ Yes
- ☐ No
- ☒ Don't know

Please explain your answer

IFST are not involved in implementation or enforcement of these rules. It is therefore difficult to determine whether or not these are proportionate.

27. Is the proposed 12 month period following the introduction of regulations sufficient to prepare for:

a. Implementation?

☐ Yes

☐ No

☒ Don't know

Please explain your answer.

IFST are not involved in implementation of these rules.

b. Enforcement?

☐ Yes

☐ No

☒ Don't know

Please explain your answer.

IFST are not involved in enforcement of these rules.

## Section 7. Other comments

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

