

2. INTRODUCTION

1 To what degree do you agree or disagree that mandatory measures should be introduced to restrict the promotion and marketing of foods high in fat, sugar or salt to reduce health harms associated with their excessive consumption?

Strongly agree

Please explain your answer.:

There is considerable evidence from tobacco control that can be applied to changing other health behaviours. The classic approach in social marketing is to think about a combination of the product (e.g. food composition, portion size), the price (e.g. sugary drink taxation), placements (availability of junk products) and promotions (e.g. money off deals, upselling). The UK and Scottish Governments have clearly declared action on promotions, one regulatory action on price (taxation on sugary drinks) and guidance about product composition (sugar and salt content).

Voluntary action on any of these four domains have had limited success and there are no further options suggested than to consider mandatory approaches on all four areas including promotions.

It is unlikely that restricting promotions without also reducing availability and widespread pricing measures will have the required effect on food purchase and subsequent dietary intake. There is considerable evidence on the effects of pricing policy and decreased consumption which suggests that a combined approach of decreasing promotions coupled with pricing policy would have a greater impact.

3. FOODS THAT WOULD BE SUBJECT TO RESTRICTIONS

2 Should this policy only target discretionary foods?

No – there are additional categories that should also be targeted

Please specify.:

No there are other foods that should be targeted.

The rationale behind the approach of targeting categories of discretionary foods is evidence based, practical and has merit. However, there are many other foods that are heavily promoted within Scotland that contribute to excessive calorie intake and saturated fat (relevant to achieving the dietary goals) including savoury pies and other processed meat products which are undesirable due to their association with an increased risk of colorectal cancer. In addition, current government recommendations highlight the use of low fat dairy products and routes to effective reductions in cream, butter, spreading fats, high fat cheeses, yogurts, milks, and processed meats remain a challenge.

Using a nutrient profile (updated) would allow a more generic and systematic approach to targeting which is consistent with all dietary messages. The current emphasis on sugar rich foods detracts from the overall diet quality messages around excess fat (the most energy dense nutrient). Whilst action to reduce many of these discretionary foods will impact on fat, the visible message to the public re-enforces the dangers of sugar rather than sugar and fat.

Not Answered

Please specify.:

Not Answered

Please explain your answer.:

Not Answered

If other, please specify.:

3 Should this policy treat ice-cream and dairy desserts as discretionary foods?

Yes

Please explain your answer.:

Promotions of all ice-cream and all dairy desserts (frozen and non-frozen) should be included. Clear definitions are essential. These foods are high in calories and saturated fats (and sugar) and have little nutritional merit and need for promotion. Alternative low fat, low sugar desserts (including plant based options) which can meet agreed nutrient standards are desirable.

4 Please comment on our approach to defining categories and exclusions of particular foods/products from those definitions (paragraphs 9-11)?

Please comment on our approach to defining categories and exclusions of particular foods/products from those definitions (paragraphs 10-12)?:

It is important that all appropriate categories are defined including processed meats.

Exceptions run the danger of adding more complexity to work which is already quite ambitious. The possibility of promoting sugar free sweets implies these have potential for positive benefits. Promoting any foods which do not fit with the Scottish dietary goals seems inappropriate and prolong the cultural acceptability of a "sweet tooth". Additionally a recent review in the British Medical Journal reports no major impact of sugar substitutes on body weight (<https://www.bmj.com/content/364/bmj.k4718>).

4. PRICE PROMOTIONS THAT WOULD BE SUBJECT TO RESTRICTIONS

5 In relation to the foods being targeted, should this policy seek to:

5 - Restrict multi-buys:

Yes

5 - Restrict sales of unlimited amounts for a fixed charge:

Yes

5 - NOT restrict temporary price reductions:

No

5 - NOT restrict multi-packs?:

No

If other, please specify.:

Please explain your answers.:

Restrict sales of unlimited amounts for a fixed charge

Yes - these are aimed at encouraging a lack of awareness of portion size.

Not restrict temporary price reductions

Allowing temporary price reductions provides a perfect loop hole for the promotion of foods which we wish to decrease. Temporary price reductions are likely to be most notable for seasonal products. For example the FSS reported an increase in calorie purchase of around 10% each day for the 12 weeks up to the end of the festive period (https://www.foodstandards.gov.scot/downloads/Food_and_Drinks_Purchased_into_The_Home_in_Scotland_report.pdf).

Not restrict multi-packs?

It would be cautionary not to permit promotion of these without specific evidence to demonstrate they do not have an impact on excess purchase.

5. OTHER FORMS OF PROMOTION AND MARKETING THAT WOULD BE SUBJECT TO RESTRICTIONS

6 Please comment on the approach we are proposing to take to restricting forms of promotion and marketing outlined in section 5.

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Generally this is a useful list of the more obvious in-store promotions.

It is disappointing to exclude price marked packs and represents a clear way forward for promotions of food that we do not wish to see promoted. Within the HRS the criterion of less than 25% of front of pack is somewhat generous given that some vital details like quantity in pack takes up less than 10% of the pack.

A clear definition is needed on placement at check outs. It should be possible to give this within distance in metres in all retail settings but especially small newsagent type shops. This has been done well in tobacco control.

6. PLACES THAT WOULD BE SUBJECT TO RESTRICTIONS

7 Should the restrictions apply to any place where targeted foods are sold to the public, except where they are not sold in the course of business (e.g. charity bake sales)?

Yes

Please explain your answer.:

Yes – this should include catering establishments that provide take away services and all forms of transport.

As a group supported by a cancer charity we cannot agree with any promotion of bake sales for fund raising and every attempt should be made to reduce an emphasis on discretionary foods in these settings even if they are not covered by this proposed promotional restrictions. Our culture of promoting cake, biscuits and pastries needs to change.

8 Please comment on whether, and if so to what extent, restrictions should be applied online.

Please explain your answer.:

Yes – online shopping must be included in order to have a level playing field amongst retail outlets.

7. EXEMPTIONS

9 Should restrictions to displaying targeted foods at end of aisle, checkouts etc., not apply where there is no reasonable alternative to displaying them elsewhere?

No

Please explain your answer.:

Exemptions open the way for manipulation and should be avoided. Close monitoring is important.

10 Should food marked as discounted because it is close to expiry be exempt from:

10 - Positioning restrictions (end of aisle, checkouts etc.):

No

10 - 'Promotion of value' restrictions?:

No

Please explain your answer. :

Exemptions allow loopholes to be exploited. Many retail outlets offer shelf space to foods close to "use by dates" and shoppers seem to find these without specific promotion locations.

11 Please list any other exemptions we should consider and please explain your answer.

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None

8. ENFORCEMENT AND IMPLEMENTATION

12 Please comment on our proposals for enforcement and implementation outlined in section 8.

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These appear to be appropriate and it is important that monitoring findings are publicly available.

9. LEGISLATIVE FRAMEWORK

13 Please comment on the proposed flexible approach outlined in section 9.

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This seems appropriate.

10 MONITORING AND EVALUATION

11. IMPACT ASSESSMENTS

14 If you sell, distribute or manufacture discretionary foods, please comment on how the restrictions in this consultation paper would impact you.

Please explain your answer.:

N/A

15 What support do sellers, distributors and manufacturers need to implement the restrictions effectively?

Please explain your answer.:

N/A

16 How would the proposed restrictions impact on the people of Scotland, with respect to age, disability, gender reassignment, pregnancy and maternity, ethnicity, religion or belief, sex, sexual orientation or socioeconomic disadvantage?

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We do not see any negative consequences but it is important that the impact is monitored. This is particularly important with respect to foods which should not currently be increased (e.g. processed meat products).

12. ANY OTHER COMMENTS

17 Please outline any other comments you wish to make.

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Exemptions diminish the potential of the proposed actions. In particular, temporary and seasonal promotions offer considerable scope for undesirable promotions. A clear framework for monitoring is needed and dates for reporting and review.

Current legislation which forbids marketing of breast milk substitutes is crucial. Further action may be needed to avoid promotion of "follow on milks". The only baby milks which need to be promoted in Scotland is breast milk which is associated with appropriate growth trajectories in babies and infants and lower levels of (pre and post-menopausal) breast cancer and obesity in mothers (<https://www.ncbi.nlm.nih.gov/pubmed/26116994>).

ABOUT YOU

What is your name?

Name:

Prof Annie S. Anderson

What is your email address?

Email:

scpn@cancerpreventionscotland.org.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

The Scottish Cancer Prevention Network

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

Third Sector

If other, please specify.:

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 with other Scottish Government 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

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 satisfied

Please enter comments here.:

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

Very satisfied

Please enter comments here.: