

## **Response of The Royal College of Physicians of Edinburgh to the Scottish Government's consultation on Restricting promotions of food and drink high in fat, sugar or salt.**

### **QUESTIONNAIRE**

#### **Section 1. Foods that would be subject to restrictions**

##### **Question 1**

Which food categories should foods promotion restrictions target?

- Option 1: Discretionary food categories (paragraph 61)
- Option 2: Discretionary foods + ice-cream and dairy desserts (paragraph 62)
- Option 3: Categories that are of most concern to childhood obesity (paragraphs 63-64)
- Option 4: All the categories included in the UK-wide reformulation programmes (paragraph 65)



Other (please specify)

Don't know

The Royal College of Physicians of Edinburgh (RCPE) agrees with the Scottish Government that obesity is a major and increasing public health challenge that requires to be tackled on a cross-portfolio basis. The RCPE is proud to be a founding member of the Scottish Obesity Alliance, a forum for organisations to collaborate to influence policy and practice on obesity prevention in Scotland. It is composed of leading national health charities, medical royal colleges, campaign groups and professional bodies with an interest in health and public health.

We consider that all aspects of the obesogenic environment need to be considered, including access to foods high in fat, salt or sugar and the relative cost and promotion of these products.

The RCPE has consistently supported the restriction of the promotion of foods high in fat, salt or sugar as these foods contribute so much to over consumption, obesity levels and other negative health impacts including the development of diabetes and hypertension.

We believe that in order to have maximum impact, it is essential that these restrictions should target as wide a range of unhealthier food products as possible.

In addition to restricting the promotion of unhealthy food, the RCPE would wish to see significant emphasis given to the positive facilitation of promotions of healthy food product choices, both unprocessed foods (eg. fruit and vegetables) and healthier processed foods. The RCPE looks to the Scottish Government to work constructively with retail, food sector and other industry and relevant stakeholders to put in place support for the promotion of healthier foods.

## Question 2

Should nutrient profiling be used within all targeted food categories to identify non-HFSS foods? (see paragraphs 68-72 for information on nutrient profiling)

Yes

No

Don't know



Other (please specify)

The RCPE considers that it is appropriate to use nutrient profiling here. With regard to the use of the 2004/05 Nutrient profiling model (NPM), we are aware that some consider that it is now outdated and should be replaced. We therefore welcome the Scottish Government's commitment to consider the use of the new NPM if it is published in time and hope that this will prove to be the case.

### Question 3

If nutrient profiling were used, do you agree with the proposal to only target pre-packed products and non-pre-packed soft drinks with added sugar in respect of unlimited refills for a fixed charge? (see paragraphs 73-74 for further information):

- Yes  
 No  
 Don't know  
 Other (please specify)

We consider that these proposals are realistic and appropriate.

## Section 2. Price promotions

### Question 4

What are your views on the proposal to include the following within the scope of multi-buy restrictions:

#### Extra Free:

- Agree  
 Disagree  
 Don't know

#### Meal Deals:

- Agree  
 Disagree  
 Don't know



Please explain your answers.

The RCPE considers that extra free and meal deals in relation to HFSS foods encourage significant over consumption and are therefore a key driver of obesity. It is vital these types of promotions are restricted.

In addition we would wish to see the Scottish Government encourage retailers to offer effective promotions on a far greater number of healthier food products.

### Question 5

What are your views on the proposal to restrict unlimited refills for a fixed charge on targeted soft drinks with added sugar?

- Agree  
 Disagree  
 Don't know  
 Other (please specify)

Please explain your answer.

Sugary soft drinks can contain significant calories and unlimited refills encourage over consumption.

We would wish to see positive work done to support the promotion of healthier drinks.

### Question 6

Should other targeted foods be included in restrictions on unlimited amounts for a fixed charge?

- Yes  
 No  
 Don't know



Please explain your answer.

The RCPE has no additional comments on this specific question.

### Question 7

What are your views on the proposal to restrict temporary price reductions (TPRs)?

- Agree  
 Disagree  
 Don't know  
 Other (please specify)

Please explain your answer.

We would also want to see restrictions on temporary price reductions in relation to HFSS foods as temporary price reductions can encourage over consumption.

### Question 8

Are there any other forms of price promotion that should be within scope of this policy?

- Yes  
 No  
 Don't know

Please explain your answer.

As we have indicated previously, we would welcome action by the Scottish Government to explore the greater promotion of healthier foods so that more consumers can access these products, particularly during the cost of living crisis.



**Section 3. Location and other non-price promotions**

**Question 9**

Should the location of targeted foods in-store be restricted at:

Checkout areas, including self-service:

- Yes
- No
- Don't know

End of aisle:

- Yes
- No
- Don't know

Front of store, including store entrances and covered outside areas connected to the main shopping area:

- Yes
- No
- Don't know

Island/ bin displays:

- Yes
- No
- Don't know

Please explain your answers.

The RCPE considers that the placement of HFSS foods relative to other foods for sale should be addressed comprehensively so that unhealthier foods are not prioritised in terms of strategic placement by retailers.

Again, we would want to see the Scottish Government work with stakeholders to ensure healthier foods can benefit from better and more prominent placement in retail settings. We would like to see it become standard practice for healthier food products to be displayed in prime placement locations, with the retail sector incentivised to do this.

#### Question 10

Should any other types of in-store locations be included in restrictions?

- Yes (please specify)
- No
- Don't know

Please explain your answer.

The RCPE has no additional comments on this specific question.

#### Question 11

If included, should the location of targeted foods online be restricted on:

Home page:

- Yes
- No
- Don't know

Favourite products page:

- Yes
- No
- Don't know



Pop ups and similar pages not intentionally opened by the user:

- Yes  
 No  
 Don't know

Shopping basket:

- Yes  
 No  
 Don't know

Checkout page:

- Yes  
 No  
 Don't know

Please explain your answers.

In order to make the proposals comprehensive and cover as many retail settings as possible it is important that they apply equally to online purchasing. With more food being purchased online and this trend likely to continue, it is vital that HFSS foods cannot be promoted online if these promotions are not allowed in equivalent physical retail settings.

**Question 12**

Should any other online locations be included in restrictions?

- Yes (please specify)  
 No  
 Don't know

Please explain your answer.

The RCPE has no additional comments on this specific question.





### Question 13

Are there other types of promotions (in-store or online) not covered by our proposals for restricting price and location promotions that should be within scope?

- Yes  
 No  
 Don't know

Please explain your answer.

The RCPE has no additional comments on this specific question.

### Section 4. Places that would be subject to restrictions

It is proposed that promotions would apply to any place, both physical premises and online, where pre-packed targeted foods are sold to the public. This would include:

- Retail such as supermarkets, convenience stores, discounters and bargain stores (including online sales)
- Out of home such as takeaway, home delivery services, restaurants, cafes, coffee shops, bakeries, sandwich shops and workplace canteens (including online sales)
- Wholesale outlets where there are also sales made to the public (including online sales)
- Other outlets such as clothes shops, tourist shops and pharmacies (including online sales)

### Question 14

Which places, where targeted foods are sold to the public, should promotions restrictions apply to?

Retail:

- Yes  
 No  
 Don't know

Out of home:

- Yes  
 No  
 Don't know



Wholesale (where sales are also made to the public):

- Yes  
 No  
 Don't know

Other outlets:

- Yes  
 No  
 Don't know

- Don't know

Please explain your answers.

In order to have the greatest impact on reducing the over consumption of HFSS foods, the College considers that it is important for the restrictions to be applied across the retail, out of home and wholesale sectors.

**Question 15**

Are there other places/ types of business to which the restrictions should apply?

- Yes  
 No  
 Don't know

Please explain your answer.

The RCPE has no additional comments on this specific question.

It is

proposed that the restrictions would not apply to: other wholesale outlets (where sales are only to trade); and where sales are not in the course of business, for example food provided through charitable activities, for example bake sales.



### Question 16

Are there other places/ types of business which should not be within the scope of the restrictions?

- Yes
- No
- Don't know

Please explain your answer.

The RCPE has no additional comments on this specific question.

### Section 5. Exemptions to restrictions

### Question 17

Do you agree with our proposal to exempt specialist businesses that mainly sell one type of food product category, such as chocolatiers and sweet shops, from location restrictions?

- Yes
- No
- Don't know

Please explain your answer.

Although our preference is obviously for the number of physical retailers to be covered by these proposals to be as extensive as possible, we accept that they could not be reasonably applied in the specialist retail sector.

### Question 18

If exemptions are extended beyond our proposal to exempt specialist businesses that mainly sell one type of food product category, should exemptions be applied on the basis of:

Yes

No

Don't know



Number of employees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floor space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Don't know	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your answer.

Our preference is for the maximum number of retailers to be included but we understand that there are greater challenges for micro businesses and that the number of employees and floor space are reasonable factors to base category decisions. If micro and/or small retailers are exempted we would wish to see the Scottish Government look at supporting smaller retailers to reduce the number of location promotions on foods high in fat, salt and/or sugar and increase the number healthier promotions within their shops.

### Question 19

If you agreed in question 18 that businesses should be exempt from location restrictions based on number of employees, what size of business should be exempt?

- All businesses in scope of restrictions (i.e. no exemptions based on employee number)
- All in scope except businesses with fewer than 10 employees (micro)
- All in scope except businesses with fewer than 50 employees (small and micro)
- All in scope except businesses with fewer than 250 employees (medium, small and micro)
- Other (please specify)

Please explain your answer.

We understand that the Scottish Government will want to discuss possible exemptions based on employee numbers with the appropriate industry representatives. Again, if small and micro businesses with fewer than 10 or 50 employees are exempted we would wish the Scottish Government to work proactively with these small retailers and offer them support and incentives to reduce the number of unhealthy food promotions in their shops.



### Question 20

If you agreed in question 18 that businesses should be exempt from location restrictions based on floor space, what size of business should be exempt?

- Less than 93 square metres (1000 square feet)
- Less than 186 square metres (2000 square feet)
- Less than 279 square metres (3000 square feet)
- Other (please specify)

Please explain your answer.

Again, retailers offered exemption on the basis of floor space should be actively supported by the Scottish Government to reduce the number of unhealthy food promotions in their shops and incentivised to increase the number of promotions on healthier food products.

### Question 21

Are there any other types of exemptions that should apply?

- Yes
- No
- Don't know

Please explain your answer.

The RCPE has no additional comments on this specific question.

## Section 6. Enforcement and implementation

### Question 22

Do you agree with the proposal that local authorities are best placed to enforce the policy?



- Yes  
 No  
 Other (please specify who)  
 Don't know

Please explain your answer.

Local authority staff members will in many cases have the appropriate training and experience to enforce these type of regulations and many will have existing relationships with retailers in their area.

### Question 23

If local authorities were to enforce the policy, what resources (for example staffing/ funding) do you think would be required to support enforcement?

Please explain your answer.

The RCPE would expect that the Scottish Government would work with local authority partners to ensure adequate resources were available to ensure the successful operation and implementation of this significant public health intervention.

### Question 24

What do you think would be an appropriate lead-in time to allow preparation for enforcement and implementation of the policy?



- 6 months
- 12 months
- 18 months
- 24 months
- Other (please specify)
- Don't know

Please explain your answer.

The RCPE considers one year is an appropriate and reasonable period but understands that the Scottish Government will want to engage fully with relevant stakeholders and representative organisations on this.

#### Question 25

Are there any further considerations, for example as a result of the coronavirus pandemic, EU exit or rise in cost of living, that need to be taken into account in relation to enforcement?

Please explain your answer.

The RCPE has no additional comments on this specific question.

#### Section 7: Legislative framework

#### Question 26

Do you agree that Scottish Ministers should be able to make provision in secondary legislation, following consultation, to regulate in relation to specified less healthy food and drink and to arrange for enforcement (including the setting of offences and the issuing of compliance notices and fixed penalty notices)?

- Yes
- No
- Don't know



Please explain your answer.

The RCPE is content with this approach on the basis that there is full consultation.

## Section 8. Impact Assessments

### Question 27

What impacts, if any, do you think the proposed policy would have on people on the basis of their: age, sex, race, religion, sexual orientation, pregnancy and maternity, disability, gender reassignment and marriage/civil partnership?

Please consider both potentially positive and negative impacts and provide evidence where available. Comment on each characteristic individually.

Comment

The RCPE has no additional comments on this specific question.

### Question 28

What impacts, if any, do you think the proposed policy would have on people living with socio-economic disadvantage? Please consider both potentially positive and negative impacts and provide evidence where available.



Comment

The RCPE is very aware that levels of obesity and other associated conditions such as hypertension and diabetes are higher in areas of socio-economic disadvantage compared to other areas. These proposals, their introduction and enforcement are therefore of even more importance to these communities and have significant potential to help prevent some ill health. Again, the promotion of healthier food options is also of even greater importance in areas with socio-economic disadvantage.

**Question 29**

Please use this space to identify other communities or population groups who you consider may be differentially impacted by this policy proposal. Please consider both potentially positive and negative impacts and provide evidence where available.

Comment

The RCPE has no additional comments on this specific question.

**Question 30**

Please tell us about any other potential unintended consequences (positive or negative) to businesses, consumers or others you consider may arise from the proposals set out in this consultation.

Comment

The RCPE has no additional comments on this specific question.



**Question 31** Please outline any other comments you wish to make on this consultation.

While restrictions on the promotion of unhealthier foods are to be welcomed as one specific tool that may help reduce calorie intake, the RCPE will continue to reemphasise that significant cross-portfolio cooperation is required to enable the fundamental societal changes that could lead to the normalisation of healthy weight and physical activity.

The RCPE is keen to change the perception from “going on a diet” to making a sustainable lifestyle change in the long term. Psychological issues leading to eating problems and difficult relationships with food need to be addressed and societal change is needed to make it easy and attractive to be fit and healthy: exercise and activity should be normal and encouraged.

The RCPE has long argued that clinicians need to have time to have conversations with patients about obesity and recognise some clinicians can be uncomfortable about weight conversations, and have limited time to introduce the topic into discussion. College Fellows support medical students being trained more widely in health and wellbeing, and importantly in how to have these more difficult conversations about obesity with their patients as well as treating patients.

The RCPE is committed to working positively with the Scottish Government and key stakeholders like the Scottish Obesity Alliance and Obesity Action Scotland as we seek to make more progress in reducing obesity levels in Scotland and thereby helping to decrease the levels of health conditions associated with it.