

SCOTTISH BORDERS COUNCIL

31 JANUARY 2019

1 PURPOSE AND SUMMARY

This paper summarises work undertaken to respond to Scottish Government's Consultation Paper, "Reducing Health Harms of Foods High in Fat, Sugar or Salt". That document sets out proposed restrictions on the promotion and marketing of items termed "discretionary foods" which are foods high in fat, sugar or salt and should not form a staple of an individual's diet. The draft response document which be seen in Appendix A has been prepared jointly by Borders Public Health and SBC Regulatory Services (Trading Standards).

No other country has yet implemented measures to limit the marketing and promotion of these foods in this way and so the policy will be ground breaking.

There are clear potential health and inequality benefits to this proposal in terms of having an impact on rates of overweight and obesity in our communities along with their associated diseases such as heart disease, type 2 diabetes and some cancers.

There are however enforcement implications for local authorities as, for example, Scottish Government puts forwards its suggestion that local authorities be given the role of enforcing the proposed policy with Ministers given powers to issue guidance to local authorities.

SBC has secured a date of 31st of January 2019 to submit its response to the consultation paper.

2 RECOMMENDATION

Scottish Borders Council is asked to consider the draft responses (based upon public health advice) made to the consultation document (please see Annex A) and whether or not it wishes to make a formal response to Scottish Governments consultation document based upon them.

3 **BACKGROUND**

Scottish Government has put forward a consultation document looking at proposals to limit the promotion and marketing of foods high in fat, sugar or salt, so called discretionary foods within retail premises.

The driver for this work is to reduce the health harms experienced by people in Scotland associated with consumption of these junk foods. This approach is one aspect of the approach to address over consumption of unhealthy foods in Scotland and builds upon the previously published Scottish Government 'Programme for Government' that stated:

"We will consult this year on a range of actions to deliver a new approach to diet and healthy weight management – including on support to lose weight for people with, or at risk of, type-2 diabetes. To support this, we will also progress measures to limit the marketing of products high in fat, sugar and salt which disproportionately contribute to ill health and obesity."

Furthermore this policy consultation flows directly from "A Healthier Future: Scotland's Diet & Healthy Weight Delivery Plan", published on the 2nd of July 2018, in which the Scottish Government set out how it will improve our nation's health by improving our diet and weight.

The policy sets out that the categories of foods to be targeted are:

- confectionery
- sweet biscuits
- crisps
- savoury snacks
- cakes
- pastries
- puddings
- soft drinks with added sugar

The consultation also asks if ice-cream and dairy desserts should also be included as a category of discretionary food.

This draft policy also has the potential to support our regional and local work around Type 2 diabetes prevention and our shared vision to make the healthy choice the easy choice in the Scottish Borders.

4 **SUMMARY OF COMMENTS (SEE ANNEX A FOR FULL DRAFT RESPONSE)**

4.1 **Comments on Health**

There are clear potential health benefits to limiting the marketing and promotion of discretionary foods within retail establishments.

While it will certainly be useful to target the discretionary foods listed above there is also a need to include drinks high in sugar, salt, fat or calories irrespective of whether or not this is 'added'.

Similarly ice-cream and dairy desserts should also come under the scope of the new policy as they are often high in fat and high in sugar and do not form an

essential dietary component. While dairy based desserts could offer some benefits in terms of calcium and other nutrients, these would be available from other sources in a healthy diet. Their benefit in a dairy based dessert would be offset by the high energy density and presence of salts, sugars and fats.

Ready meals should also be included in the scope of the policy as should hot food take-aways as these can form a significant part of people's diets and may have deleterious health consequences.

More clarity is also needed around the definition of 'savoury snack'.

4.2 Comments on Enforcement

The consultation document suggests that Scottish Government are considering giving local authorities the role of enforcing the proposed policy and are also considering giving Ministers powers to issue guidance to local authorities.

SBC comments are as follows:

Local Authorities have experience of similar enforcement regimes in relation to tobacco and nicotine vapour products and have had a role in the online pricing of alcohol following the implementation of the MUP legislation. Whilst it would be for the local authority to determine which service is best placed to enforce the proposals, Trading Standards already have a role in policing pricing and it would make sense to utilise the expertise that already exists in the LA.

However it should be recognised that there will be a need for Scottish Government to work with local authorities to quantify current and future resources required to police pricing promotions and to provide these to local authorities to reduce the inevitable additional burden that the proposed restrictions will create.

4.3 Comments on Impact to Business

To have compliance from retailers and therefore sustainable change in patterns of consumption, a level playing field is needed in terms of their promotion. This can only reasonably be achieved through making the measures mandatory across the sector and therefore this policy is to be welcomed.

As the proposal is to make these changes mandatory (with the exception of wholesale outlets where sales are only made to trade and activities such as charity bake sales) it is unlikely to have an unfair impact across different retailers.

5 Next Steps

If approved, final submission to Scottish Government will be made by 31st January 2019.

6 CONSULTATION

The following have been consulted on this document:

- Public Health Directorate

- Michael Cook, Corporate Policy Advisor SBC
- Tricia Scott, Protective Services Manager, Regulatory Services, SBC
- Alicia Knight, Physical Health Co-ordinator Mental Health NHS Borders

This document has previously been circulated for information and discussion to the following political groups within SBC:

- Independents Alliance
- Conservative Group
- Scottish National Party Group
- Liberal Democrats Group
- Independents Group

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Background Papers:

Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Tricia Scott can also give information on other language translations as well as providing additional copies.

Contact us at Council Headquarters, Newtown St. Boswells, Melrose, TD6 0SA