

Optimising implementation of the UK government

The Food (Promotion and Placement) Regulations 2021



CONTEXT

The UK food system promotes unhealthy diets and contributes to unprecedented rates of obesity partly due to increased availability, affordability, convenience and heavy marketing of unhealthy or high fat, sugar and salt (HFSS) foods.¹ Positional promotions, such as placing products at store entrances, aisle ends or checkouts, or price promotions, such as buy-one-get-one-free offers, are commonly used to enhance sales of HFSS foods in retail settings.^{2,4} These marketing tactics prompt less healthy choices and contribute to obesity.^{5,6} There is increasing scientific evidence that creating retail layouts with increased availability and prominent positioning of healthier products improves consumer purchasing and consumption patterns.⁷⁻⁹

In October 2022, the UK government implemented a law that restricts businesses with more than 50 employees and over 2,000 square feet of sales floor from placing HFSS products at checkouts, aisle ends and store entrances in retail settings and their online equivalents.¹⁰ From October 2025, further legislation is planned to reduce volume-based promotions on HFSS products.

HIGHLIGHTS

- The UK government is the first country to legislate retailers' food marketing strategies.
- Since October 2022, many retailers can no longer place prepacked products high in fat, salt or sugar at store entrances, end-of-aisles, or checkouts.
- Feedback from 108 key stakeholders indicated that this legislation is a **'good first step'** but needs to be implemented alongside **a wider policy strategy to ensure healthier foods are accessible and affordable.**
- Business, product, and location **exemptions risk exploitation of regulation loopholes which may undermine health benefits and increase health inequalities.**
- **Smaller businesses may be more affected by costs of implementation,** short-term changes to profits and less legal support than larger businesses.
- For this legislation to be consistently implemented and enforced the **UK government needs to act on the six policy recommendations we outline in this policy brief,** particularly providing free access to a HFSS calculator tool and providing resources to smaller businesses and local authorities.



CONCERNS ABOUT IMPLEMENTATION AND ENFORCEMENT

A pre-implementation evaluation with **108 key stakeholders** from across the food system indicated that this legislation is a 'good first step' but **business, product, and in-store location exemptions risk a) businesses finding regulation loopholes which may undermine health benefit and b) increasing health inequalities for some consumers.** Furthermore, reducing promotions of unhealthy foods does not automatically make healthier foods more available and affordable. **Inconsistent implementation and enforcement across businesses and local authorities** will unfold due to complexities of the legislation, varying levels of priority given to healthy eating and differences in resource availability and capacity.

Recent market research into HFSS regulations has indicated limited resource allocation to local authorities is having an impact on their capacity to enforce HFSS regulations.¹¹ We outline six policy recommendations that should be pursued to support consistent implementation and enforcement.

"Everyone wants the government to have a way of centrally holding the nutrient profiling scores for products (i.e., composition of foods database) so that retailers and enforcers can access it. Government can do more to facilitate information about what is unhealthy food."

11007, Business, Retailer

RECOMMENDATIONS TO ENHANCE IMPLEMENTATION OF THIS LEGISLATION

Six policy recommendations identified from stakeholders are listed below in priority order:

1 Provide a central HFSS calculator (for businesses and enforcement officers) that is free, mobile, updated regularly and is inclusive of traditional and cultural foods to support consistent and accurate identification of in-scope products.

4 Provide greater support for smaller businesses through increased funding for culturally accessible local authority support and incentives/subsidies for small retailers and their suppliers to improve the range of healthful products available.

2 Refine legislation to enhance intent and clarity by providing purpose of the legislation, information on products that can still be promoted in prominent locations and require information on premises measurements to be readily available to enable efficient implementation and enforcement of regulations.

5 Provide ring-fenced resources to local authorities via government funding in the form of a specific project with targeted outcomes and enable provision of support for all business types and store visits.

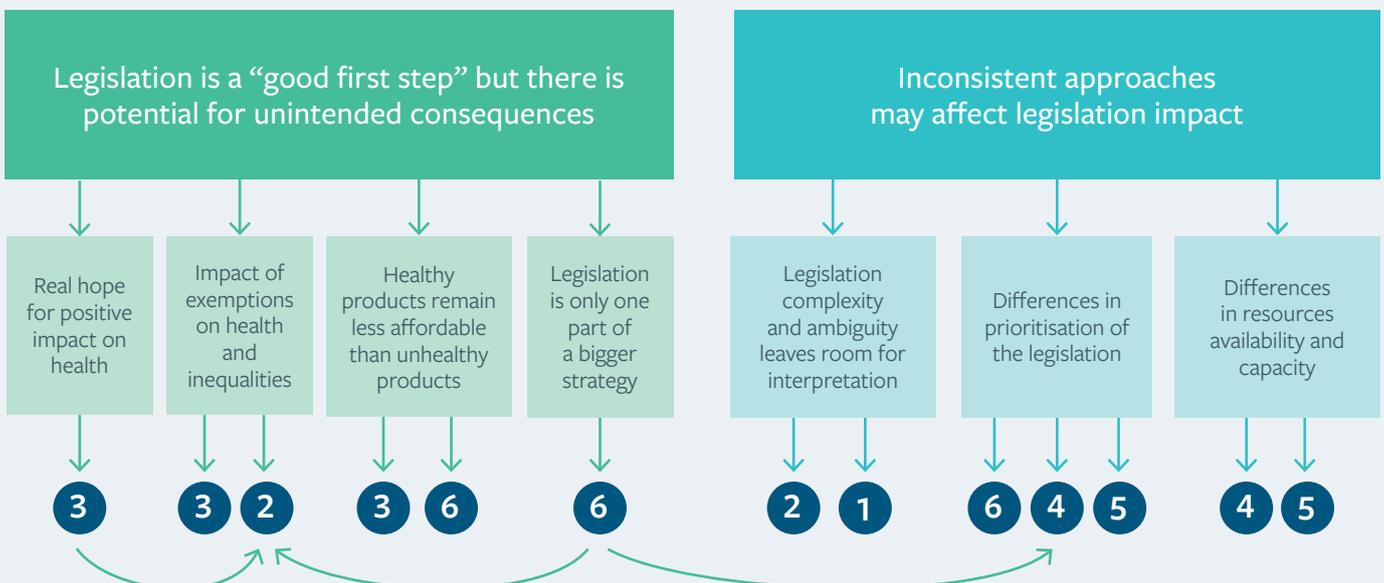
3 Conduct a robust evaluation to assess intended and unintended consequences including independent short-term evaluation of i) implementation and enforcement activities across all business types including evidence of compliance or use of loopholes, ii) changes in sales and purchasing patterns across all HFSS categories and alternative products, iii) changes in marketing strategies used in retail settings to continue promoting HFSS or to promote healthier products, and long-term evaluation of a) changes in societal attitudes, dietary patterns and obesity rates b) changes in business outcomes and c) broader food system changes.

6 Create and communicate a long-term food and health roadmap to unify stakeholders' priorities and timescales for actions required and build a healthier and sustainable food system within 20-30 years.

“Smaller businesses do need more support in understanding the legislation [and] some funding for supporting those smaller businesses. And some very clear guidance, aimed at smaller shops because they’ve got a smaller floor area, they’ve got narrow aisles, they’ve got end of aisles nearer to tills. [Previously] the Government funded for business support visits. That would help enormously.”

13039, Enforcer, Environmental Health

Policy recommendations generated from stakeholders’ views



ABOUT THE RESEARCH

The findings in this brief emerged from the research project “The responses of customers, businesses, local authority officers and health representatives to the legislation to curb the promotion of unhealthy foods in prominent locations in retail settings: mapping a complex adaptive system”. Researchers from the University of Southampton and Centre for Food Policy at City, University of London have published these results in leading international journals including *BMC Medicine*¹², *The BMJ*¹³ and *The Conversation*.¹⁴

Taking a complex systems approach, the research team spoke with **108 stakeholders** (from across England) including **consumers, retail and manufacturing businesses, local authority officers and health representatives** before the legislation was introduced. The study aimed to understand emerging benefits and consequences of the legislation and its intended impacts, across the broader food system. From these data, research findings and six policy recommendations were presented at a virtual one-day conference in May 2022 (**Supporting Effective Implementation and Enforcement of the UK Government Food (Promotions and Placements) legislation Conference**) that was attended by over 350 delegates. The recommendations were validated and prioritised with business, enforcement, and policymaker delegates at the conference.

“So if you wanted to make this a priority, you’d have to have ring fenced funding, and then I guess there’d have to be some kind of return to show that activity had taken place.”

13011, Enforcer, Trading Standards



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