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# RESTRICTING RETAIL FOOD PROMOTIONS:

## implementation challenges could limit policy success

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### Overview

New **plans to restrict point-of-sale promotions** of less healthy foods and drinks in England, aim to encourage healthier choices. With responsibility for implementation likely falling to food retailers, it is important to understand feasibility challenges, to ensure policy success.

Researchers found the **data available to retailers to be insufficient** to apply the rules set out by the policy proposal. This would see some products incorrectly promoted, and vice versa.

We recommend a **review of the legislative basis** to establish rules which align public health benefit with data feasibility. Government support is needed, in the form of a **free-to-use tool** for consistent automated product assessment, and development of a **data sharing platform**, accessible to industry and the legislator.





## What is the problem?

A growing number of people are overweight or obese in the UK, putting them at increased risk for long-term health conditions like diabetes, heart disease and cancer. The retail food environment is ‘obesogenic’ (obesity-promoting), due to the accessibility and affordability of energy-dense, nutrient-poor foods and beverages. The UK Government’s Obesity Strategy commits to “**end promotion of products high in saturated fat, salt and free sugars by volume (for example, buy one get one free) and location (for example end of aisle or at the checkout) both online and in store in England**” (Gov.UK, 2020), to promote healthier food choices in a bid to reduce obesity and improve public health.

## How might the plans work?

Details of the plans in the Obesity Strategy are unconfirmed, but the idea is not new. Since it was introduced in Chapter 2 of the UK Government’s Childhood Obesity Strategy (HM Government, 2018), a proposal for how retail promotional restrictions might look was set out by the DHSC in 2019. We therefore assume that the 2019 proposal is the most likely scenario.

The new legislation will remove less healthy products from prime store locations, such as end of aisles and checkouts, and ban volume-based price promotions, which encourage over-consumption (DHSC, 2019).

Societal cost savings are projected in the region of £4.2 billion over 25 years; including costs to the NHS, social care and from premature mortality (DHSC, 2018a, DHSC, 2018b).

## What did we do?

Research at the University of Leeds applied the rules in the proposal to a database containing **45,000 food and drink products**, to understand implementation feasibility from a retailer perspective (Jenneson et al, 2020). We also spoke with **food industry Nutritionists** from **6 UK retail and manufacturing businesses**, to understand how implementation challenges could be addressed.

## Impacts are wide-reaching

- There are tens of thousands of products on supermarket shelves.
- Applying the legislative rules at such a large scale requires automated methods to ensure accuracy and consistency.
- Between 40 and 50% of all products could soon be subjected to promotional restrictions. This would have substantial cost burdens for retailers, manufacturers and the wider food sector (FDF, 2019), with potential losses of supplier contracts.

## Policy implementation challenges

Implementation challenges fell under 4 themes:

### 1. Barriers exist to identifying products in scope for legislation

**Product categories** in the legislation **do not align** with product categories used by retailers (each retailer has a unique approach to product categorisation). This would mean ambiguity across the food industry, regarding which products can be promoted, creating an uneven playing field.

**Manual application** of legislative rules would incur significant resource burden. Automated approaches are required, but data availability hinders accuracy and consistency.

### 2. The current data landscape does not meet legislative needs

The rules in the legislation require **information** which is **not available to retailers** on the product’s mandatory on-pack nutritional declaration (fibre, fruit, vegetables and nuts, and free sugars). This information is also unavailable to the legislator, highlighting **challenges for enforcement**.

**Ingredient information** held by retailers is often **incomplete** for branded products, hindering application of legislative rules.

**Quantification** of some nutritional components is **subject to assumptions**. For example, the proportion of fruit, vegetables and nuts in a product cannot be tested for in a laboratory, and must be estimated. Estimates are uncertain and may be interpreted differently across the food industry, creating an uneven playing field.

**Business data infrastructure is siloed** to meet needs of individual departments, e.g. promotional information is held by marketers, while nutritional information is held by company Nutritionists.

### 3. Responsibility for implementation should match data availability

Information in the **product specification** may help with estimation of unknown nutritional components, but is held by manufacturers and unavailable to retailers for branded products.

Retailers obtain branded product information from one of several **commercial product databases**. Subscription fees are a barrier for small retailers, creating uneven data access.

Branded product **data quality** is reliant upon commercial product databases maintaining frequent updates, completeness of information, and consistency.

### 4. The rules are inappropriate for the proposed legislation

The proposal outlines use of the UK Nutrient Profiling Model as the basis for promotional restrictions. The Nutrient Profiling Model scores products on their nutritional composition. Products which pass the model are considered 'healthier' and may be promoted, while those which fail are considered 'less healthy' and would be subject to promotional restrictions.

**Binary classification** of products as 'healthier' and 'less healthy' **mis-represents the nuance of choice** within categories. The inability of retailers to promote healthier versions of 'less healthy' products (e.g. high fibre biscuits) would **disincentivise product development and reformulation efforts**, limiting customer choice and affordability. This could also have **unintended consequences for positive behavioural nudges**; e.g. no incentive for consumers to choose a fruit and nut flapjack, instead of a chocolate cake.

**Restrictions misalign with current UK dietary guidance**, and could create public confusion and mistrust. For example, despite contributing toward the 5-a-day recommendation, most smoothies and 100% fruit juices would be ineligible for promotions.

Retailers have started to produce their own Nutrient Profiling Models to communicate nutritional nuance with customers on pack. This would produce **greater inconsistency in nutritional messaging**, opposing the aims of Traffic Light Labelling, and the Government's commitment to review Front of Pack Nutritional Labelling.



#### RECOMMENDED ACTIONS:

- Develop a validated government-supported **free-to use tool** for businesses and legislators to apply rules accurately and consistently.
- Clarify the **estimation of nutritional components** not found on mandatory nutrition labels
- Food businesses require **improved product nutrition data infrastructure**, but are unlikely to invest in re-design without government intervention and clarity on the legislative proposal.
- Support for a **centralised data sharing system** to bring together information from manufacturer's product specifications with retailer product labels.
- **Review the basis for promotional restrictions**, balancing feasibility and public health benefit.

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