

Scottish Government Consultation on amendments to the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008

Consultation Response from Obesity Action Scotland August 2018

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What are your views on our intention to amend the current school food and drink Regulations to ensure children and young people are able to access more fruit and vegetables as part of their school day?

We support this intention and the suggested amendments to deliver it, and we would suggest the guidance clearly reinforces the urgent need to increase our vegetable intake. The document consistently refers to increasing *access to* fruit and vegetables, but increasing access is distinctly different from ensuring increased consumption. We would urge that the guidance includes a clear plan to increase the appeal, attractiveness, quality and presentation of fruit and vegetables to ensure the children respond to this increase in provision with an increase in consumption.

We would also urge you to ensure that school menus encourage the consumption of vegetables. For example our analysis of school menus in 2017 found that the practice of offering “soup or pudding” was widespread with 50% of local authorities putting this choice on the menu (1). The nutritional characteristics of these are not equal (soup can provide multiple portions of vegetables at one sitting, while puddings provide excess free sugar) and do not encourage children to make the best choice. This practice should cease along with any other practices that undermine the healthier choice.

(1) Obesity Action Scotland. School Meals. Transforming a Feeding Culture into an Eating Culture. Summary factsheet. 2017.

2

What are your views on our intention to amend the current school food and drink Regulations to ensure the amount of sugar children and young people can access over the course of the school day is reduced?

We welcome moves to reduce the free sugar content of school meals, as it is imperative that school meals lead the way in the drive to reduce our sugar intake and improve our diet. However we would offer the following comments on the proposed approach.

It is proposed by the TWG that the standard for free sugar is set at 7.5% of energy, rather than the 5% recommended by SACN (1), because the severity of moving to 5% in one step is seen as unachievable. Whilst we accept that a phased approach to implementation of this standard is

sensible, we strongly feel that the updated regulations and guidance need to have a clear plan for school nutritional standards to be fully in line with the Scottish Dietary Goals (2) and SACN recommendation (1), even if this goal is to be achieved at a future date. A clear commitment to a second step of reduction to below 5% should be made clear and timing of this should be outlined.

We have studied the details proposed in the TWG report approach and find the proposed system to reduce sugar through both nutrient and food standards simultaneously, cumbersome and difficult to interpret. We accept the principle that having both ensures a stricter standard but we would seek further debate and discussion about a simpler process where the maximum permitted sugar level is set for the week for all and any combinations of food and straightforward restrictions such as only allowing discretionary foods once a week.

Whilst we would urge consideration of a simpler system (please see further comments under questions 4 and 5), we offer the following specific comments on the TWG's proposals.

- A. Despite the proposed controls on sugar through nutrient and food standards we remain concerned that maximum daily free sugar intake remains potentially high for children who regularly make the maximum content choices. The maximum recommended free sugar intake is 5% (1). For primary school children this means a maximum 23.02g of free sugar in a day (based on 1727 kcal requirement for a day). The TWG supplied to us, on request, the maximum free sugar intake available over the course of a day according to the new regulations: 21.9g. This means that to adhere to the current dietary recommendation (1), a primary school child who had chosen the highest options throughout the day could have virtually no sugar in their food or drink outside of school. Whilst we accept this is a worst case scenario we have no clear way of knowing, monitoring or measuring how many children could potentially be in this category. Without clear data it could be assumed that 100% of children taking school food make the highest choices each day. School food must be a way of enabling children to meet Scottish dietary goals(2) not a barrier.
- B. According to our research (3) an analysis of school menus in 2017 found that an average school pudding had 14g of sugar and an average yogurt had 12.7g of sugar. These averages are the values now suggested as maximum for primary schools for these products by the TWG report. This could mean that sugar content of schools meals does not dramatically change when the new regulations are in place. As children in Scotland currently eat three times more sugar than recommended (4), we need a bolder start to lowering the sugar children consume. We believe that any puddings, cakes, biscuits and sugary yogurts should be minimised on school menus through a clear direction on the number of times per week they can be served. In early 2017 there were 12 authorities still serving puddings 5 days per week. Food Standards Scotland have made it clear that as a nation we need to reduce our intake of discretionary foods by 50% (4) and school meals would be the ideal place to demonstrate how to achieve that.
- C. In order to avoid ambiguity and incorrect interpretation by schools, caterers and others we would recommend that:
 - Regulations make clear that children should have either a dessert or a yogurt on a single day; and would never have a yogurt and a dessert on the same day.
 - The definition of 'pastry and pastry products' includes croissants and Danish pastries, however there is no maximum sugar content set for this category. While we understand that in practice these products are usually savoury, we think that either this should be made clear in the regulations or a maximum sugar content set.
- D. There is a difference in reporting sugar content between nutrient standards (free sugars) and food and drink standards (total sugar). As free sugar labelling is not mandatory and not

all manufacturers provide this information, it can be only calculated using specialist and up-to-date nutrition software or obtaining information directly from producers. We are concerned that weekly average free sugar content of school lunch (especially with daily combinations of lunch choices) will be very difficult to report and therefore to monitor.

We are concerned about some of the proposals around permitted drinks (see question 4) and we would urge you to ensure that the guidance regarding drinks throughout the school day in both primary and secondary makes clear that encouraging children to drink water should be the main driving principle.

We are concerned that cereal bars have been removed from the definition of confectionery and moved to sweetened and baked products. This will allow them to reappear on menus. This has been justified within the report on the grounds of significant innovation within that sector. We are perplexed by this decision and would ask that you clarify this evidence of reformulation/innovation. The Public Health England report of May 2018 on progress on sugar reduction (5) only has mention of reformulation in six Asda branded cereal bars and even after their reformulation the majority still had amount of sugar, which would put them in the red labelling band for sugar content (6).

- (1) Scientific Advisory Committee on Nutrition. Carbohydrate. 2015
- (2) Scottish Government. Updated Scottish Dietary Goals. March 2016
- (3) Obesity Action Scotland. School Meals. Transforming a Feeding Culture into an Eating Culture. Summary Factsheet. 2017.
- (4) Food Standards Scotland. Scottish Diet: it needs to change, 2018 Update.2018
- (5) Public Health England. Sugar reduction and wider reformulation: report on progress towards the first 5% reduction and next steps. 2018
- (6) Department of Health. Guide to creating a front of pack (FoP) nutrition label for pre-packaged products sold through retail outlets. 2016

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What are your views on our intention to amend the school food and drink Regulations to set a maximum for red and red processed meat in primary school lunches and for overall provision in secondary schools?

We welcome and support moves to restrict red and red processed meat but we would urge you to include processed poultry products within that restriction. This would make the changes more transparent, in line with the evidence (1), in line with school meal standards in the rest of UK (2,3,4), and shift us towards less processed food. The presence of processed food on school menus infers that they are acceptable on a daily basis and exposes children to the habit of consuming these types of food. We would urge that highly processed foods should be reduced or eliminated from school meal menus.

The TWG outline that they have not included processed poultry products at this time because the strength of the evidence is weaker, however World Cancer Research Fund in their latest Third Expert Report on Diet, Nutrition, Physical Activity and Cancer (2018) (1) did not differentiate between red processed and processed poultry products, treating them all as processed meat. In this report, the term 'processed meat' refers to meat that has been transformed through salting, curing,

fermentation, smoking or other processes to enhance flavour or improve preservation. We do not see how poultry processed in these ways could be very different to red meat. WCRF further specified, that “most processed meats contain pork or beef but may also contain other red meats, poultry, offal or meat by-products such as blood.” (1)

As summarised in the SACN report on Iron and Health (2011) (6), conclusions by COMA (1998), which reviewed evidence up to 1996 (7), and WCRF (2007) (8) were that there was insufficient evidence that poultry was associated with colorectal cancer. However, this evidence was for poultry, and not processed poultry. Salting, curing, fermentation, smoking or other processes to improve flavour and improve preservation increase carcinogenic substances (for example heterocyclic amines (HCA) or polycyclic aromatic hydrocarbons (PAHs) formed in high temperatures). Additionally, WCRF in the recent report (2018) (1) listed poultry as food containing haem iron – having limited-suggestive evidence for increasing colorectal cancer risk.

Additionally, recent results from the NutriNet-Sante French study have shown associations between ultra-processed food intake (which included poultry nuggets in its definition) and risk of overall breast, prostate and colorectal cancer (9).

Looking at all of the above evidence we believe there is a clear case for including processed poultry within the restriction. As a minimum even applying the precautionary principle: limiting all types of processed meat in school meals would be of benefit to the future health of children.

We are also aware that for a number of years the other parts of the UK (2,3,4) have restricted servings of all meat products including processed poultry, in school meals. Meat products are clearly defined within legislation (5) and are recognised by the industry to include red meat and poultry, so there should be no difficulty with the industry being able to apply this restriction.

- (1) World Cancer Research Fund. Third Expert Report on Diet, Nutrition, Physical Activity and Cancer. 2018
- (2) School Food Standards. A practical guide for schools, their cooks and caterers. Available at www.schoolfoodplan.com/standards
- (3) Healthy Eating in Maintained Schools. Welsh Government available at <http://learning.gov.wales/docs/learningwales/publications/160226-healthy-eating-maintained-schools-en-v2.pdf>
- (4) Nutritional Standards for School Lunches. A guide for implementation. Public Health Agency Northern Ireland. Available at http://www.publichealth.hscni.net/sites/default/files/Nutritional%20standards%20for%20school%20lunches%20-%20a%20guide%20for%20implementation%2009_10.pdf
- (5) 2014 No.289. Food Products containing meat etc. (Scotland) Regulations 2014
- (6) Scientific Advisory Committee on Nutrition (SACN). Iron and Health Report. 2011
- (7) Department of Health. Report of the Working Group on Diet and Cancer of the Committee on Medical Aspects of Food and Nutrition Policy. Nutritional Aspects of the Development of Cancer. 1998. London: The Stationery Office.
- (8) World Cancer Research Fund. Second Expert Report on Diet, Nutrition, Physical Activity and Cancer. 2007
- (9) Fiolet, T., et al. Consumption of ultra-processed foods and cancer risk: results from NutriNet-Sante prospective cohort. British Medical Journal. 2018; 360: k322

What are your views on our intention to amend the school food and drink Regulations to enable caterers to provide a service which better supports secondary age pupils to make balanced and nutritious food and drink choices as part of their school day?

The intention to amend the school food and drink regulations to enable caterers to provide a service which better supports secondary age pupils to make balanced and nutritious food and drink choices is commendable, however, we are concerned about the practicality and the implications of the changes proposed in the report of the Technical Working Group. Specifically, the areas we highlight below are not clear enough or could be subject to wide interpretation.

- A. The definition of the analysed school lunch is not clear. According to it, the analysed lunch is “a minimum of a two choice, two course lunch only”, and “these choices should include a range of lunch options which are popular with young people across the week (...)”. As highlighted in the report there are many single purchase options. It is not clear how much of the menu will be covered by or exempt from the nutrient standards. It needs to be clear that the proposals will make a difference to the school meal provision to improve it and that there will be clear reporting of the application of the definition to allow its effectiveness and impact to be monitored.
- B. As outlined earlier we requested from TWG the maximum free sugar intake available over the course of a day according to the new regulations. The TWG’s calculation of theoretical maximum free sugars allowed by the new regulations in secondary schools was 24.5g. However it assumed that students wouldn’t buy additional or multiple items available at school. This therefore does not represent the theoretical maximum of free sugars they could consume at school across the school day. A wide range of single purchase items are available in secondary schools and multiple purchases could be made. In such a system it will be very difficult to monitor the impact of new regulations. We believe further consideration needs to be given to more effective way to reduce sugar intake in secondary schools; this could potentially include clearer labelling, monitoring and reporting of total annual/monthly/weekly sales and associated sugar content.
- C. We are very concerned that sugar free drinks (excluding energy drinks, so those with high caffeine content of over 150mg/l) are suggested to be returned to secondary schools. This means that any carbonated and artificially sweetened drink, including diet colas, could be available. This is a significant retrograde step at a time when fruit juices (of which 150ml would count towards children’s 5-a-day fruit and veg) and other items are being taken off the menus. We would urge you to ensure such drinks are not permitted for the following reasons
 - a. allowing these products in schools normalises them, and although they are low in calories and sugar, they are discretionary and processed food and should not be promoted by schools.
 - b. sugar free drinks introduce, adapt and normalise users to a very sweet taste, with implications for other subsequent food and drink choices
 - c. although these drinks are low in sugar they are acidic and therefore may negatively affect dental health.
- D. The report suggests development of strong guidance for the marketing of food and drinks in secondary schools and that “the analysed school lunch will be clearly marketed on the menu.” However, there are no details of such guidance and what it would involve (i.e. labelling). The guidance could be a key part of ensuring children make healthier choices and must be a key part of the delivery mechanism. However there must be clear monitoring of how this is implemented and its impact to determine if it is effective in children making the best choices.
- E. The report also mentions development of additional guidance for caterers: “As the new values [for nutrient and food and drink standards] are an average across a wide age range, 11-18 years, the guidance to support the new regulations will need to ensure that caterers

understand and are able to use their professional judgement to adjust portion sizes served depending on age and stage of development of the young person.” We do not see how this could be delivered, implemented and monitored in practice, as it would require a level of individualising of portion size that does not seem practical in today’s school dining halls.

(1) Wills WJ, Kapetanaki A, Rennie K, et al. The influence of deprivation and food environment on food and drink purchased by secondary school pupils beyond the school gate. Report produced by the University of Hertfordshire under a contract placed by Food Standards Agency. 2015; FS411002

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Do you have anything else you wish to comment on in relation to the nutritional content of food and drink provided in local authority, and grant maintained, schools in Scotland via the School food and drink Regulations?

We welcome this review of school food and drink regulations. School meals offer significant potential to improve the diet of children in Scotland provided we can offer the very best nutritional standards in a way that encourages uptake. If the public sector is to be an exemplar of good practice school meals offer a key opportunity – the recently published Public Health Priorities for Scotland (1) identified a healthy diet as a key priority and highlighted the need for strong collective leadership across sectors; and A Healthier Future – Scotland’s Diet and Healthy Weight Delivery Plan (2) presented a vision where Scotland’s public sector is leading the way in promoting healthier food and indicated that improved school nutritional standards would be a key action in achieving change. It is only through bold and ambitious action that we will achieve the change needed.

Therefore, we welcome the moves to improve the nutritional standards and to cover school food outside lunch but we would urge further consideration of issues as we have outlined under earlier questions and here.

In general, the proposed regulations seem to be very complicated. Nutrient standards and food and drink standards seem to be two approaches to achieve the same goal: better quality food and drink available at Scottish schools. We would welcome further debate, modelling and monitoring to ensure this approach is the most effective. Such a complex system of food and drink standards and nutrient standards along with energy content tolerance brackets and catering staff’s professional judgement to adjust portion sizes, makes it extremely difficult to achieve transparency on progress and compliance. How will parents and the wider public monitor what school meals are achieving and whether they are complying with standards?

We are also concerned that an unintended consequence of a complex system is centralised menu planning and greater power to the food industry end of the supply system. A complicated system makes it difficult for individual school kitchens or school chefs to create their own dishes and stifles innovation and the ability to respond to children being involved in local menu planning (i.e. a school planning its own menu would probably need to work with a nutritionist using appropriate software to be able to demonstrate adherence to the nutrient standards on a daily and weekly basis). This could mean that it is simpler and easier to buy in pre-prepared recipes or adopt local authority wide menu planning. It could potentially design out local menu production. We know from anecdotal evidence that schools which plan their own individual menus are already the exception. This is a concern as many of the international good practice in improving school meals, such as Copenhagen, has relied on skilling up kitchen staff and empowering them to make school-based decisions on menus in collaboration with the children in a true co-production approach.

It is not clear what monitoring of compliance with these regulations will look like and how open and transparent that will be. We feel that a representative snapshot of school meals quality should be taken before the new regulations come into force. This could be similar to the report we have published last year (4) but should be more in-depth (not all local authorities provided nutritional information/menus on their websites when we were collecting data). Our “snapshot” covered schools meals over 3 months. After a period of new regulations being in place, the same “snapshot” research could be repeated, to evaluate progress. This would be a simple, relatively inexpensive, and objective way of evaluating effectiveness of new regulations and quality of school meals in Scotland.

Finally, while this consultation covers nutrient and food and drink standards only, we would urge you to ensure that other factors involved in school meals that could influence a long term shift in food culture, increase uptake of school meals, and improve children’s food choices are also addressed:

- physical environment of school dining halls (2, 4)
- social environment of the school dining halls (2, 4)
- interventions that can take account of local variation in deprivation and social/cultural context (2)
- ensuring that children are fully engaged in the process of improving nutritional quality (2)
- improving the quality of food available to secondary school children outside of school through appropriate controls on food outlets around schools

If the Scottish Government is truly committed to halving childhood obesity by 2030, we need bold and ambitious action on school meals to be a significant part of the solution.

- (1) Scottish Government. Public Health Priorities for Scotland.2018
- (2) Scottish Government. A Healthier Future – Scotland’s Diet and Healthy Weight Delivery Plan. 2018.
- (3) Wills WJ, Kapetanaki A, Rennie K, et al. The influence of deprivation and food environment on food and drink purchased by secondary school pupils beyond the school gate. Report produced by the University of Hertfordshire under a contract placed by Food Standards Agency. 2015; FS411002
- (4) Obesity Action Scotland. School Meals. Transforming a Feeding Culture into an Eating Culture. Summary factsheet. 2017.

Obesity Action Scotland provide clinical leadership and independent advocacy on preventing and reducing overweight and obesity in Scotland.

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