

Jenni Minto MSP, Minister for Public Health and Women's Health

**Now is the time to regulate price and location promotions of food and drink high in fat, salt and sugar**

Dear Jenni Minto MSP,

We are writing to outline our support for the Scottish Government's current consultation on the proposed regulations to restrict price and location promotions of food and drink products high in fat, salt and sugar (HFSS). It is welcome that the Government is taking steps towards measures that will protect people's health. We now need to see action to turn these proposals and commitments into real, effective policy.

The 2018 *Diet and Healthy Weight Delivery Plan* outlined a commitment by the Scottish Government to regulate promotions of HFSS food and drink. It has been over five years since the publication of the plan, and we are yet to have the committed regulations. The current consultation is the fourth such process in five years, and during this time rates of overweight and obesity in Scotland have escalated on a worrying upward trajectory. The latest statistics from the Scottish Health Survey highlight that over two-thirds of adults in Scotland (67%) are living with overweight and obesity, and a third of children aged 2-15 are at risk of overweight and obesity – the highest level recorded since 2011. This trajectory is gravely underpinned by persistent inequalities in weight outcomes for both adults and children, with those living in our most deprived communities at a much greater risk of experiencing overweight and obesity than their least deprived counterparts.

Behind these statistics are real people and real lives impacted by worsening health outcomes, which in turn is having a profound and growing impact on the NHS and our economy. **Taking action to regulate promotions of HFSS food and drink is a critical component of improving the food environment, to ensure that everyone can easily access healthy and sustainable food at an affordable price.**

We know from evidence that price and location promotions are ubiquitous across retail stores, online, and out of home settings, and they have a real impact on the food people purchase and consume every day. These promotions cause people to spend more than they normally would (on average 20% more) and they are heavily skewed towards unhealthy products, with healthier food costing up to three times as much. Promotions influence consumer preferences for unhealthy food, change shopping habits, and normalise overconsumption and excess. In a cost-of-living crisis, these promotions lure people to spend money they simply don't have on food that is damaging to their health.

Promotions also come in all shapes and sizes, with a wide and varied range of price and location promotions presenting across the retail environment. Evidence shows that the policy response is most impactful and effective when regulations cover the entire range of promotions. Including all types of price promotions and locations also creates a level playing field for the food and drink industry and ensures that one sector will not be disadvantaged over another. Food manufacturers and retailers would not have to face difficulties caused by competitors offering specific types of promotions that others could not, and they can of course still benefit from promotional sales on healthier products.

We urge the Scottish Government to go further than the proposals by the UK Government for England which will see regulations on price promotions, when implemented, covering only multi-buy promotions. In Scotland, data from Food Standards Scotland consistently tells us that temporary price promotions (TPRs), X for Y promotions, and meal deals are the most commonly used types of price promotions, with multi-buys accounting for only a small portion of overall promotions.

Similarly, for location promotions, lessons from the UK Government policy, which introduced location promotion restrictions in England in 2022, clearly points to the need for a comprehensive location-wide package of restrictions, as without this, retailers will simply pivot and move promotions towards locations not included in the regulations, as has been clearly witnessed in England. It is vital the proposed regulatory process is robust and free from industry influence.

**Limiting the regulations to cover only a few types of promotions therefore will not help achieve the level of public health outcomes we need to see in Scotland.** We cannot afford to pass a policy that undermines its primary goal to reduce the public health harms associated with excess consumption of calories, fat, sugar and salt, including the risks of developing type 2 diabetes, various types of cancer and other conditions such as cardiovascular disease.

**The time for action is now.** The growing levels of overweight and obesity, and worsening diet-related health outcomes, point to an urgent need for this evidence-informed, impactful policy to regulate price and location promotions of HFSS products, to be implemented without delay. Introducing comprehensive regulations to restrict promotions of HFSS products is a real opportunity for the Scottish Government to demonstrate its commitment to population health and wellbeing. There is growing evidence of increasing public desire for health-improving interventions from their political leaders. A 2023 report commissioned by The Health Foundation found 86% of people in Scotland wanting greater action to tackle health inequalities, and more than half supporting specific interventions on promotions of HFSS products. **The need for action has never been greater, and Scotland recognises it.**

The broad range of signatories to this letter underscores the urgency of the policy action. Delivering early and comprehensive regulation of price and location promotions of HFSS food and drink products matters to all the signatories. Such regulations will make a real and lasting contribution to improving our food environment in Scotland, where access to healthy and sustainable food would be the easiest and most cost-effective option for everyone.

Signatories: