

## Response ID ANON-BCD3-K8F8-W

Submitted to **Restricting promotions of products high in fat, sugar and salt by location and by price**  
Submitted on 2019-03-27 12:54:44

### Introduction

#### 1 What is your name?

**Name:**  
Clare Livingstone

#### 2 What is your email address?

**Email:**  
clare.livingstone@rcm.org.uk

#### 3 Are you responding as an individual, on behalf of an organisation or as a business?

Organisation

### Organisation

#### 11 What is the name of your organisation?

**organisation:**  
Royal College of Midwives

#### 12 Which sector does your organisation work in?

Human health & social work activities

**If other, please state:**

### Businesses and products affected

#### 20 Do you think that the restrictions suggested in this consultation should apply to all retail businesses in England that sell food and drink products, including franchises?

Yes

**Please explain your answer:**  
To be consistent and fair.

#### 21 Do you think there are any other retailers that the restrictions suggested in this consultation should apply to?

Not Answered

**If yes, please explain which retailers you are referring to and why. :**

#### 22 Do you think there are any retailers that the restrictions suggested in this consultation should not apply to?

Not Answered

**If yes, please explain which retailers you are referring to and why.:**

#### 23 Do you think the restrictions should also apply to retailers that do not primarily sell food and drink, for example, clothes retailers and newsagents?

Yes

**Please explain your answer:**  
For consistency and to ensure level playing field.

#### 24 Do you think that the restrictions should also apply to imported products within the specified product categories in scope?

Not Answered

**Please explain your answer:**

**25 Do you think that the restrictions should also apply to online shopping?**

Yes

**Please explain your answer:**

For consistency and taking into account that on line shopping is increasingly popular

**26 If the restrictions applied to online retailers, how could this work in practice?**

**Please explain your answer:**

**27 Who should be responsible for making sure the price restrictions are followed: the retailer that sells the products or the manufacturer that makes them?**

Not Answered

**Please explain your answer:**

**28 Who should be responsible for making sure the location restrictions are followed: the retailer that sells the products or the manufacturer that makes them?**

Not Answered

**Please explain your answer:**

### **Price promotion restrictions**

**29 Which of the following options do you think is the most appropriate for achieving the aims of this policy?**

Option 1

**If you are proposing an alternative option, please explain how your preferred option would better deliver the aims of this policy, how it would be delivered and whether there would be any practical and/or implementation issues that we should be aware of. :**

Option 1 is clearer and more easily enforced.

**30 Do you think that the price restrictions should apply to 'multi-buy' promotions and 'extra free' promotions of pre-packaged products that are high in fat, sugar and salt?**

Yes

**If no, please explain your answer:**

Multi buy options encourage people to buy and therefore consume more than they intended. It does not save money in the long term and often results in food waste of perishable products.

**31 Do you currently use or do you know about any official definitions of these types of volume price promotions?**

Not Answered

**If yes, please provide them below.:**

**32 Do you think there are any other types of price promotion that should be restricted that we have not mentioned?**

Not Answered

**If yes, please explain which promotions and why.:**

**33 Do you think that the price restrictions should apply to pre-packaged products which fall into the categories included in Public Health England's (PHE) sugar and calorie reduction programmes and in the Soft Drinks Industry Levy (SDIL), and are classed as high in fat, sugar or salt (HFSS)?**

Not Answered

**Please explain your answer:**

**34 Do you think any other product categories should be included in these restrictions?**

Not Answered

**If yes, please explain which product categories and why. :**

**35 Do you think any of these categories should not be included?**

Not Answered

If yes, please explain which product categories and why.:

**36 Do you think that the price restrictions should also apply to free refills of sugar-sweetened beverages in the out-of-home sector, if they are in scope of the SDIL, including where they could be a part of a meal deal?**

Not Answered

Please explain your answer:

**37 For food and drink consumed outside of the home, are there other types of price promotion that should be restricted?**

Not Answered

If yes, please explain which promotions we should consider and why.:

### Location restrictions

**38 Which of the following options do you think is the most appropriate for achieving the aims of this policy?**

Not Answered

If you are proposing an alternative option, please explain how your preferred option would better deliver the aims of this policy, how it would be delivered and whether there would be any practical and/or implementation issues that we should be aware of. :

**39 Do you think that the location restrictions should apply to all of the following locations: store entrances, ends of aisles and checkout areas?**

Yes

Please explain your answer:

There is evidence that shows where products are placed impacts on the likelihood of purchase. Entrances, aisle ends and checkouts are more visible and therefore can be used to promote the sales of unhealthy food and drinks, particularly to young children.

Reference

Obesity Health Alliance (2018). Out of Place

**40 Do you currently use or do you know about any official definitions for these locations?**

Not Answered

If yes, please provide them below. :

**41 Do you think there are other locations inside stores that the restrictions should apply to?**

Not Answered

If yes, please explain which locations and why.:

**42 Do you think that the location restrictions should apply to all products (whether pre-packaged or non pre-packaged) which fall into the categories included in Public Health England's (PHE) sugar and calorie reduction programmes and in the Soft Drinks Industry Levy (SDIL), and are classed as high in fat, sugar or salt (HFSS)?**

Not Answered

Please explain your answer:

**43 Do you think any other product categories should be included in these restrictions?**

Not Answered

If yes, please explain which product categories and why.:

**44 Do you think any of these product categories should not be included?**

Not Answered

If yes, please explain which product categories and why. :

### Definitions

**45 Do you think that the 2004/5 Nutrient profiling model (NPM) provides an appropriate way of defining HFSS products within the food and drink categories proposed for inclusion in this policy?**

Yes

**If you answered no, what other ways could we use? Please explain your suggestions.:**

This is an evidence based tool that is already well understood and used in practice to define products that can be advertised to children.

**46 Do you think that micro, small, medium and large businesses should be defined by how many employees they have, as defined in the EU recommendation 2003/361?**

Not Answered

**47 Do you think we should consider other ways to define businesses apart from the number of employees, such as floor space/size or turnover?**

Not Answered

**If yes, please explain which methods you think we should consider and why.:**

### **Businesses and products out of scope**

**48 Should the price restrictions apply to microbusinesses?**

Not Answered

**Please explain your answer:**

**49 Should the price restrictions apply to specialist retailers who only sell one type of product such as chocolatiers?**

Not Answered

**Please explain your answer:**

**50 Should the price restrictions apply to products that are non-pre-packaged?**

Not Answered

**Please explain your answer:**

**51 Should the price restrictions apply to meal deals in the retail or out of home sector?**

Not Answered

**Please explain your answer:**

**52 Should the price restrictions apply to any other price promotion activity in the out of home sector?**

Not Answered

**Please explain your answer:**

**53 Should the location restrictions apply to very small stores that do not have distinct checkout, front of store and aisle end areas, even if they are part of a chain?**

Not Answered

**Please explain your answer:**

**54 Should the location restrictions apply to specialist retailers who only sell one type of product, for example chocolatiers?**

Not Answered

**Please explain your answer:**

**55 Should the location restrictions apply to products that are non-pre-packaged?**

Not Answered

**Please explain your answer:**

**56 Are there any other businesses and/or products that should be out of scope of the price and location restrictions?**

Not Answered

If yes, please explain which businesses and/or products and why.:

## **Policy implementation**

**57 How much time would businesses need to prepare for implementation?**

Please explain your answer:

**58 DHSC will provide guidance and methodology that will help businesses to know which products can or cannot be promoted. What additional support is needed to put this policy into practice?**

Please explain your answer:

**59 Would these restrictions cause any implementation or other practical issues for particular businesses that we have not considered in this consultation?**

Not Answered

If yes, please explain what the likely issues are and provide evidence and suggestions of how the issues could be mitigated for these businesses.:

**60 Do you have any suggestions for how we can enforce the restrictions in a way that is fair to businesses?**

Please explain your answer:

## **Impact assessment questions**

### **General impact assessment questions**

**61 We have calculated illustrative transition costs in both impact assessments. Do these calculations reflect a fair assessment of the costs that would be faced by your organisation/business?**

Not Answered

If no, please provide any further evidence which could be used to improve our estimates.:

If you are referring to a specific calculation in one of the IAs, please state which one(s).:

**62 Are you aware of any comprehensive data sources on sales in the out-of-home food market and the nutritional content of the products sold?**

Not Answered

If yes, please provide details of the information contained in the data set and the provider.:

**63 Are you aware of any other data sources available which would improve our estimates of the number of food retailers and out-of-home food outlets?**

Not Answered

If yes, please provide details of the information contained in the data set and the provider:

**64 How will these proposals affect the relationships between manufacturers and retailers (e.g. sales agreements, sales targets, the future relationships and profitability)?**

Please provide further evidence which could be used to improve our understanding.:

**65 Is it reasonable to assume that retailers and out of home businesses are inspected by Trading Standards every 3.5 and 2 years, respectively?**

Not Answered

If no, please provide further evidence which could be used to improve our estimates.:

**66 Is there any additional evidence that would improve our understanding of the level of compensating behaviour which might occur?**

Not Answered

If yes, please provide further evidence which could be used to improve our estimates.:

**67 Do you have any further evidence or data you wish to submit for us to consider for our final impact assessment or any specific comments on the methodology or assumptions made?**

Not Answered

If yes, please provide further evidence which could be used to improve our estimates. :

If you are referring to a specific IA question or calculation, please state which one(s):

### **Location restrictions impact assessment**

**68 Is our assessment of the major supermarkets' approach to placing HFSS food and drinks at checkouts accurate?**

Not Answered

If no, please provide further evidence which could be used to improve our understanding.:

**69 Is there evidence to suggest that smaller retailers are voluntarily restricting the placement of HFSS food and drinks in stores?**

Not Answered

If yes, please provide further evidence which could be used to improve our understanding.:

**70 Is there any additional evidence that would improve our estimates of the use of location promotions within the domestic retail or out of home markets, the sales uplift they provide and proportion of sales they represent?**

Not Answered

If yes, please provide further evidence which could be used to improve our estimates.:

### **Price restrictions impact assessment**

**71 Is it reasonable to assume that businesses will switch to using price cuts instead of volume offers to promote HFSS products?**

Not Answered

If no, please provide further evidence which could be used to improve our understanding.:

**72 To what extent are price promotions offered in the out of home sector?**

Please provide evidence which could be used to improve our understanding.:

**73 Do consumers respond in a similar way to price promotions offered in the out of home sector and those offered in supermarkets?**

Not Answered

Please provide further evidence which could be used to improve our understanding.:

**74 Is the approach used in the impact assessment suitable for assessing the impact on consumers and specifically for assessing the impact on consumer surplus?**

Not Answered

If no, please provide further evidence which could be used to improve our estimates.:

**75 If you are responding to this consultation on behalf of a business, how would your business adjust their promotion strategies to meet the 80/20 target?**

80/20:

### **Equalities assessment questions**

**76 Do you think that the proposed policy to restrict promotions of HFSS products by location and by price is likely to have an impact on people on the basis of their age, sex, race, religion, sexual orientation, pregnancy and maternity, disability, gender reassignment and marriage/civil partnership?**

Not Answered

If yes, please explain your answer and provide relevant evidence. :

**77 Do you think that any of the proposals in this consultation would help achieve any of the following aims: - Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 - Advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it? - Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it?**

Not Answered

If yes, please explain which aims it would help achieve and how.:

**78 If you answered no to the previous question, could the proposals be changed so that they are more effective?**

Not Answered

If yes, please explain what changes would be needed. :

**79 Do you think that the proposed policy to restrict promotions of HFSS products by location and by price would be likely to have an impact on people from lower socio-economic backgrounds?**

Not Answered

If yes, please explain your answer and provide relevant evidence.:

### **Further points**

**80 Is there anything else that you would like to tell us or any more information that you would like to provide for this consultation?**

Please provide any further information below:

Please upload any further data or evidence below. :

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