

Scottish Government HFSS Summary of Scope of Regulations

Taking account of the feedback received to the consultation, Scottish Ministers propose the scope of regulations to restrict the promotion of food and drink high in fat, sugar or salt will broadly:

- Target food and drink categories that are significant contributors of calories, fat, sugar or salt to the Scottish diet, and of most concern to childhood obesity, such as confectionery, cakes, crisps and soft drinks with added sugar. This aligns with the policy position in England and Wales.
- Only apply to prepacked targeted food and drink that is high in fat sugar or salt (HFSS) as defined by the 2004/05 nutrient profiling model. There will be an exception in respect of unlimited refills of soft drinks for a fixed charge, where non-prepacked soft drinks with added sugar that are HFSS will be in scope of the policy.
- Apply to businesses with 50 or more employees that offer prepacked targeted foods, (and non-prepacked soft drinks with added sugar in respect of unlimited refills for a fixed charge) for sale to the public in the course of business.
- Not apply to out of home businesses e.g. restaurants (though ‘unlimited refill’ offers will be restricted in these settings).
- Apply both in physical stores and online.
- The price promotions within scope of restrictions will be:
 - Multibuy offers, such as 2 for £1, 3 for 2, buy one get one free, 50% extra free;
 - Unlimited/free refills for a fixed charge on soft drinks with added sugar that are HFSS.
- Meal deals and temporary price reductions will not be subject to restriction in these regulations.
- The placement of HFSS food and drink products within scope of regulations will be restricted at prominent locations in store and online as follows:

In store

- checkout areas;
- end of aisles;
- covered external areas; and
- store entrances.
- Free-standing displays will not be subject to restriction in these regulations.

Online

- on a home page;
 - whilst a consumer is searching for or browsing products;
 - on a favourite products page;
 - on pages not opened intentionally by the consumer e.g. pop-ups; and
 - on a checkout page.
- Location restrictions – where a product can be displayed - will not apply to the following for practical considerations:
 - specialist retailers (e.g. chocolatiers, confectioners, cake shops); and
 - stores with a floor area of less than 185.8 m² (2,000 sq ft).
 - Franchises or arrangements (like symbol groups), such as where multiple businesses operate under the same name, will be within scope of regulations if the relevant agreement has the characteristics described in the regulations.

Guidance

- Learning from England and Wales is being actively considered and will feed into work with appropriate stakeholders to produce clear and timely guidance material for Scotland that supports effective implementation and enforcement of the policy.

Implementation Period

- It is proposed that a 12 month lead in time from when regulations are laid to them coming into force will allow business and local authorities to prepare for implementation and enforcement of the regulations.

Enforcement

- Local authorities will be responsible for enforcing the policy using powers in the Food Safety Act 1990 and the Food (Scotland) Act 2015.

The proposed scope of the final policy aligns with the equivalent policy in England and Wales.

These proposals outline the important, immediate steps that we are taking to create an environment where it is easier to eat well and maintain a healthy weight - this forms a key part of our longer-term, whole system approach to preventing obesity that we have set out in our 10-year Population Health Framework.

Supporting documents:

- [Creating a healthier Scotland - Scottish Government Press Release](#)
- [Restricting promotions of food and drink high in fat, sugar or salt: consultation analysis](#)
- [Restricting promotion of food and drink high in fat, sugar or salt: consultation analysis - SG response](#)

Extract copied from: <https://www.gov.scot/publications/restricting-promotion-food-drink-high-fat-sugar-salt-hfss-consultation-detail-proposed-regulations-scottish-government-response/pages/2/>

