



Promotional restrictions on HFSS products

from **IGD**

Restricting HFSS promotions at point of sale

Updated following publication of [Guidance to Businesses](#) in April 2022 and timing changes in May 2022



Promotions of products high in fat, sugar or salt by location will be restricted from October 2022 and by volume price from October 2023. This deck explores restrictions at point of sale.

Further restrictions on advertising are due to come into force in January 2024. These are not discussed in this deck.

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Summary

October 2022

- Restrictions limiting the location of HFSS (high fat, salt, sugar) products at point of purchase will go ahead in October 2022.
 - ✓ This includes checkouts, store entrances, aisle ends and their online equivalents.

October 2023

- Restrictions involving volume price promotions will be delayed until October 2023.
- Restrictions on free refills in OOH* sector will also come into force

January 2024

- The advertising restrictions on TV (not covered in this deck) will be implemented in January 2024.

* A business whose premises are used mainly for the preparation or sale of food intended for immediate consumption, whether on or off the premises (including, for example, a café, coffee shop, fast food or takeaway business).

Which products are in scope?

**“ HFSS products are foods or drinks
high in fat, sugar or salt as
classified by the department of
health nutrient profiling model**

”

Definition of HFSS:

There are 3 steps to working out the overall score of a food or drink.

1. Work out total 'A' points

A maximum of ten points can be awarded for each nutrient.

Total 'A' points = (points for energy) + (points for saturated fat) + (points for sugars) + (points for sodium)

The following table indicates the points scored, depending on the amount of each nutrient in 100g of the food or drink:

Points	Energy (kJ)	Sat Fat (g)	Total Sugar (g)	Sodium (mg)
0	≤ 335	≤ 1	≤ 4.5	≤ 90
1	>335	>1	>4.5	>90
2	>670	>2	>9	>180
3	>1005	>3	>13.5	>270
4	>1340	>4	>18	>360
5	>1675	>5	>22.5	>450
6	>2010	>6	>27	>540
7	>2345	>7	>31	>630
8	>2680	>8	>36	>720
9	>3015	>9	>40	>810

HFSS products are foods or drinks classified as high in fat, salt or sugar by the Department of Health's 2004 nutrient profiling model across all food and drink categories.

This model balances less favourable nutrients or A points (energy, sat fat, sugar and sodium) against more favourable nutrients or C points (fruit, veg and nuts, fibre and protein).

HFSS is scored per 100g and as the product is consumed so portion size has no bearing on score.

A-C = Nutrient profile score

Foods scoring 4 or more points and drinks scoring 1 or more are classified as less healthy or HFSS and must adhere to strict advertising regulations.

What categories are in scope?

The 2004/2005 Nutrient Profiling Model will be used to define whether a product is HFSS.
Pre-packaged food and drink in the following categories will be in scope of the restrictions:

- 1** Prepared soft drinks containing added sugar ingredients
- 2** Savoury snacks including all potato crisps and similar products made from potato, other vegetables, grain or pulses & pork rind-based snacks
- 3** Breakfast cereals including ready-to-eat cereals, granola, muesli, porridge oats and other oat-based cereals
- 4** Confectionery including chocolates and sweets
- 5** Ice cream, ice lollies, frozen yogurt, water ices and similar frozen products
- 6** Cakes and cupcakes
- 7** Sweet biscuits and bars based on one or more of nuts, seeds or cereal
- 8** Morning goods, including croissants, pains au chocolat and similar pastries, crumpets, pancakes, buns, teacakes, scones, waffles, Danish pastries and fruit loaves
- 9** Desserts and puddings, including pies, tarts and flans, cheesecake, gateaux, dairy desserts, sponge puddings, rice pudding, crumbles, fruit fillings, powdered desserts, custards, jellies and meringues
- 10** Sweetened (whether with sugar or otherwise) yoghurt and fromage frais
- 11** Pizza (except plain pizza bases)
- 12** Roast potatoes, potato and sweet potato chips, fries and wedges, potato waffles, novelty potato shapes (such as smiley faces), hash browns, rostis, crispy potato slices, potato croquettes
- 13** Products that are marketed as ready for cooking or reheating without requiring further preparation, including vegetarian, fish, meat or poultry products in a sauce or breaded or battered varieties (including fish fingers, fish cakes, chicken nuggets and breaded meat substitute)

What channels are impacted?

***This applies only to volume price and location promotions**

■ Impacts food retailers

- ✓ Main estate vs convenience face different rules depending on square footage (E.g Stores below 185.8 sq m (2,000 sq ft) are exempt)
- ✓ Online retailers face the same restrictions
- ✓ Symbol groups

■ Includes non-food retailers

- ✓ Such as clothes stores and newsagents

■ Promotions in the out-of-home sector will not be in scope

- ✓ Except ban on unlimited sugar-sweetened drink refills

■ Meal deals are in scope for location restrictions but not volume price



What are the restrictions?

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Placement promotions

From October 2022 HFSS restrictions will apply to store entrances, aisle ends and checkouts and their online equivalents



Placement promotions

Restrictions will apply to checkout areas, ends of aisles and store entrances

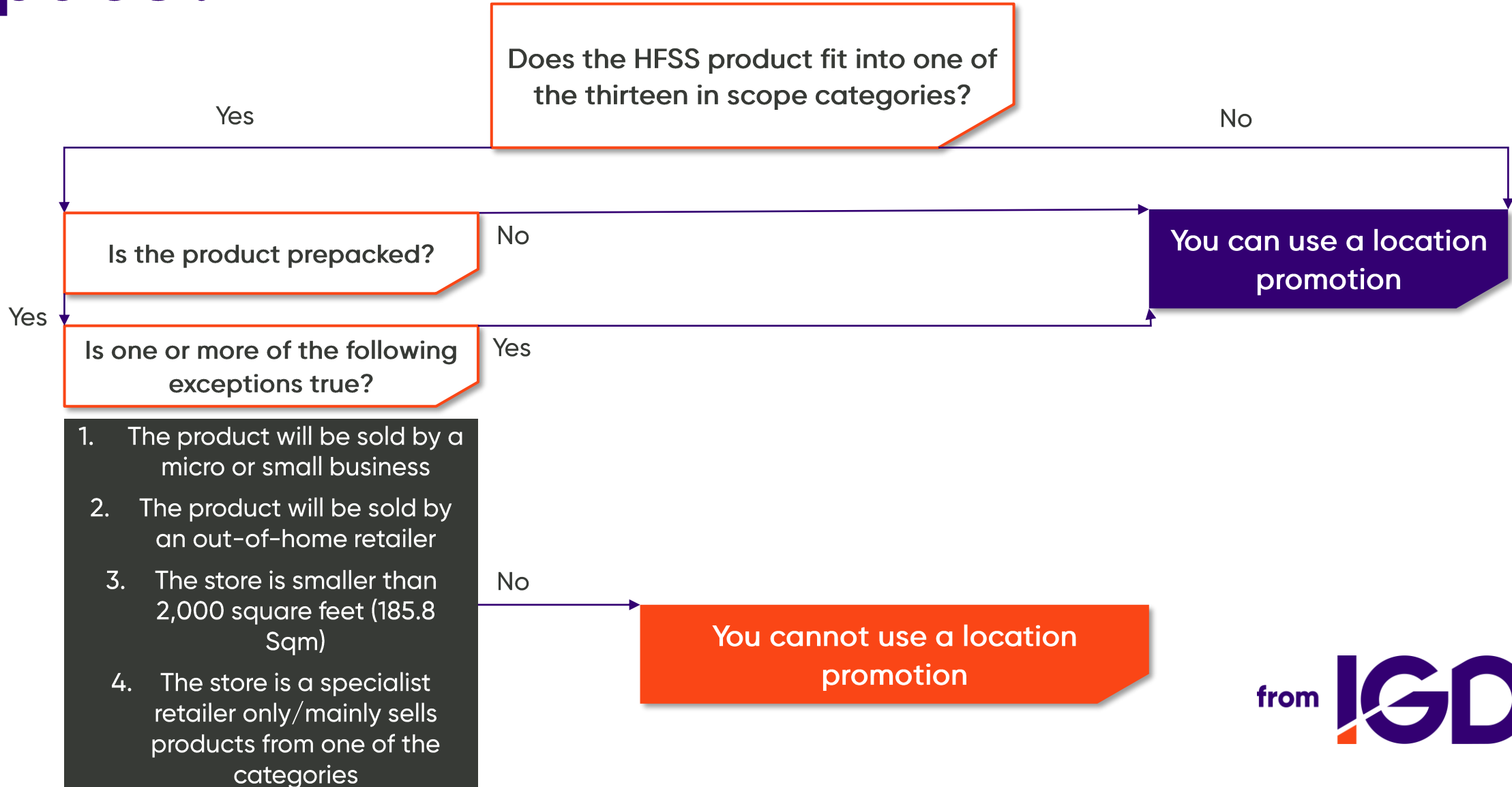
HFSS foods or drinks, within the outlined [categories](#) cannot be placed in a:

- Checkout area
 - ✓ Any area within 2 metres of a till point or self checkout, or the queueing areas
 - ✓ Online equivalent: checkout walk, basket and payment pages
- End-of-aisle display
 - ✓ Gondola ends in stores, separate units attached or adjacent to the ends of shelf rows
 - ✓ Online equivalent: promoting HFSS products when a customer is browsing or searching other food categories
- Store entrance display
 - ✓ The display of products within vicinity of the store entrance, lobby or foyer area
 - ✓ Online equivalent: entry page of the website or groceries page (only with the option to purchase directly from this page)

Out of scope:

- Micro and small businesses (<50 employees)
- Stores that are below 185.8 sq m (2,000 sq ft)
- All specialist retailers (for example sweet shops)

Can I place my product in premium space?



Volume price promotions

From October 2023 the restrictions prohibit retailers from offering volume promotions on HFSS products and manufacturers to offer extra product, such as:

- Buy one get one free
- 3 for 2
- 50% extra free



Volume price promotions

Restrictions will apply to volume price promotions ('multibuys' and 'extra free') within:

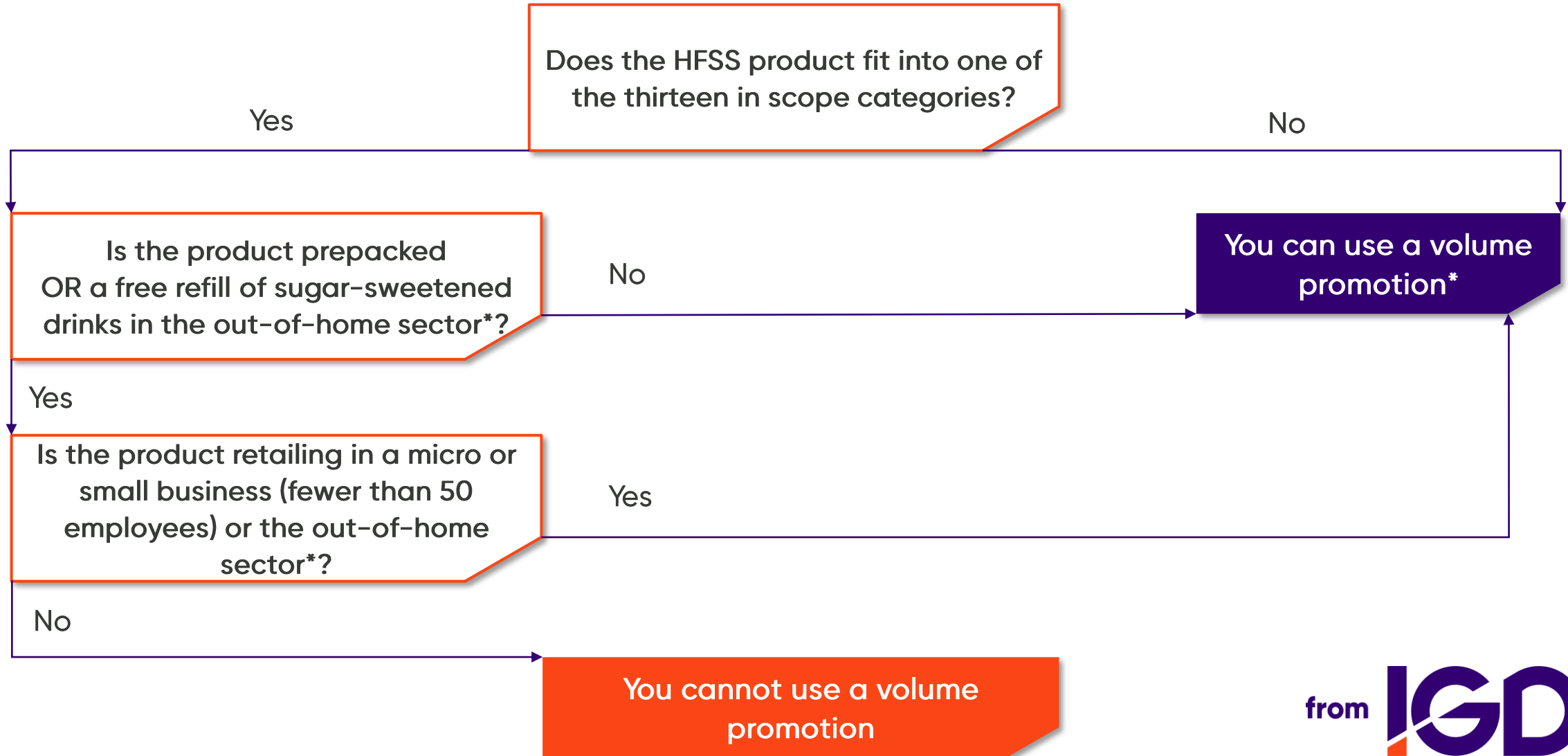
- Medium or large business (50+ Employees) in England selling prepacked food or drink directly to the public
 - ✓ Includes food retailers
 - ✓ Includes online retailers
 - ✓ Includes retailers who do not primarily sell food or drink
 - E.g. DIY shops, clothes retailers
- Product [categories](#) deemed significant contributors to children's sugar and calorie intakes
- Free refills on soft drinks

Exemptions:

- Out of home *
- Non prepacked foods
 - ✓ E.g in store bakery
- Micro and small businesses (<50 employees)

** A business whose premises are used mainly for the preparation or sale of food intended for immediate consumption, whether on or off the premises (including, for example, a café, coffee shop, fast food or takeaway business).*

Can I use a volume price promotion?



* Note that restrictions also apply to free refills of sugar-sweetened beverages (that are in scope of the Soft Drinks Industry Levy but defined as HFSS using the NPM) in the out-of-home sector - free refills can only be available for low/no sugar soft drinks

FAQs



Are on pack volume promotions allowed?

On pack volume promotions face restrictions from 2023



- ▲ The restrictions do not directly prohibit manufacturers from labelling HFSS products with volume promotions, but these products can only be sold by businesses that have less than 50 employees as per the regulation.
- ▲ Printed price points on pack (e.g., 99p) are not in scope of the restrictions

What about drinks – is alcohol included?



- ❑ Alcohol is not included
- ❑ Prepacked soft drinks, milk-based drinks with added sugar and juice-based drinks with added sugar, are in scope
- ❑ Restrictions also apply to free refills of sugar-sweetened drinks in the OOH sector

What about meal deals?



- ▶ Promotions in the OOH* sector will not be in scope of the restrictions (with exception of free refills of sugar-sweetened drinks)
- ▶ Meal deals are exempt from volume price promotions but are still subject to the location restrictions
 - ▶ For example, a lunchtime multibuy offer of a sandwich, crisps and a soft drink or dinner 'Dine in for two' type meal deals would not be subject to volume price promotion restrictions but would be subject location restrictions

** A business whose premises are used mainly for the preparation or sale of food intended for immediate consumption, whether on or off the premises (including, for example, a café, coffee shop, fast food or takeaway business).*

What about discounter special aisles?



- HFSS products can be placed in 'special' aisles subject to the following criteria:
 - ✓ No multibuy (e.g. BOGOF, 3 for 2, 3 for £10 or buy 6 save 25%) or extra free promos (e.g. 50% extra free) allowed on HFSS products anywhere in store (incl. 'special' aisle)
 - ✓ No HFSS on end-of-aisle display (including bin display)
 - ✓ 'Special' aisle is not located in checkout, queuing areas or store entrance*

*HFSS products that are placed within a main aisle or chiller that fall within a restricted store entrance area are not permitted. However, HFSS products that are in a main aisle and are within 2m of a checkout facility are permitted.

Are seasonal products included?

E.g. Easter eggs, BBQ displays, Diwali treats, Christmas puddings



Seasonal prepacked products are included.

- If a product is classed as HFSS it cannot be promoted at checkouts, store entrances or on gondola ends
- These products must also follow rules on volume price promotions

A reduced price promotion could be offered in aisle for these products

What about travel hubs?

E.g. Airports and train stations



There is no explicit exemption for travel hubs

- ▲ Retailers in travel hubs are only in scope if they are above the 185.8 sq m (2,000 sq ft) threshold for location restrictions

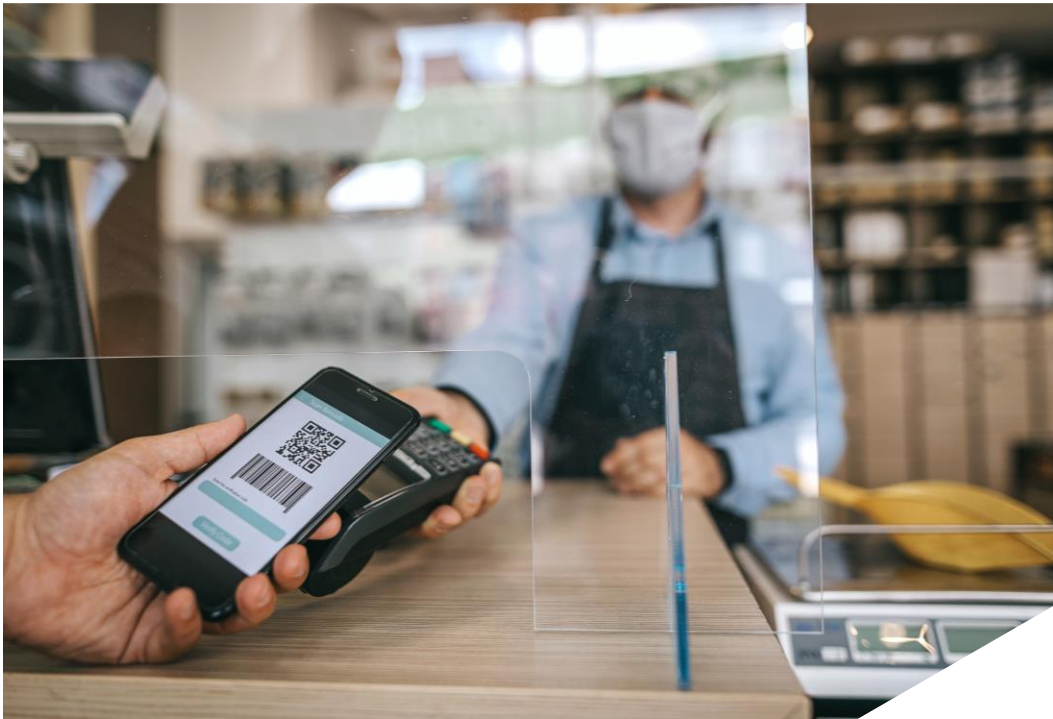
How will this be enforced?



- **Retailers will be liable** if something is incorrectly promoted, placing the onus on them to calculate HFSS scores. However, if information provided to a retailer is misleading, enforcement action may then be taken against a manufacturer or supplier.
- If regulations aren't adhered to, an improvement notice can be served. Failing to comply within 28 days of an improvement notice can lead to a £2500 Fixed Monetary Penalty.
- Local authorities have the powers to impose these penalties and The Department of Health and Social Care (DHSC) will be funding enforcement activities.

How is store size calculated?

Calculating the size of a store is not as simple as it sounds, as some areas are out of scope



Guidance on how to calculate the 'relevant floor area' is available [here](#)—

The following parts of stores are exempt from the 'relevant floor area':

- Those not used for displaying goods or for serving customers
- Those selling food for immediate consumption. E.g. coffee shop
- Rooms used for consultation with customers in connection with any medical services. E.g. pharmacy or opticians' services
- Space occupied by another business or concession, but only where the concession operates its own payment facilities

In future, information about the relevant floor area of a store must be available to enforcement officers who visit stores. Guidance is being prepared by DHSC on how this can be shared.

What is the 'front of store?'

If a store is larger than 2,000 square feet, HFSS products within the restricted categories will not be eligible for placement at the front of store, on gondola ends or at store checkouts



Key update for retail – the definition of front of store has reduced from 5% to 3% of a store's square footage.

The distance from the store entrance, in which HFSS products cannot be placed is the smaller of either:

- 15 metres or
- The square root of $(0.03 \times \text{total store area})$

This prohibited distance will be measured in any direction from the midpoint of the entrance, resulting in a semi-circle shape where HFSS products must not be placed.

There will not be exemptions for stores with multiple entrances – all entrances will be subject to restrictions.

There will not be exemptions for stores with no doors – for example, an open archway is still considered an entrance.

What promotional options remain?

E.g. If a product can't be promoted on a gondola-end can it still be promoted in-aisle?



was ~~£2.35~~
£2
each



Non-HFSS products or those outside of the 13 targeted categories can promote as normal

- Impacted products can still use:
 - ✓ Reduced price promotions
 - e.g. rollback or 20% off
 - ✓ On pack cues claims
 - If they meet Nutrition and Health Claims Regulation
 - ✓ Celebrity/ influencer endorsement
 - Provided not targeting children
 - ✓ Competitions
 - E.g. win a holiday
 - ✓ Signage
 - Banners, floor stickers, other POS



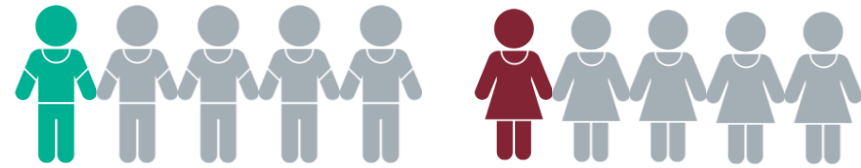
Context and Policy Landscape

from **IGD**

Context

Obesity is one of the biggest health problems the UK faces

- Government aim to halve childhood obesity by 2030
- Promotions influence purchase and are skewed towards less healthy options
- Volume promotions lead us to buy almost 20% more than we otherwise would



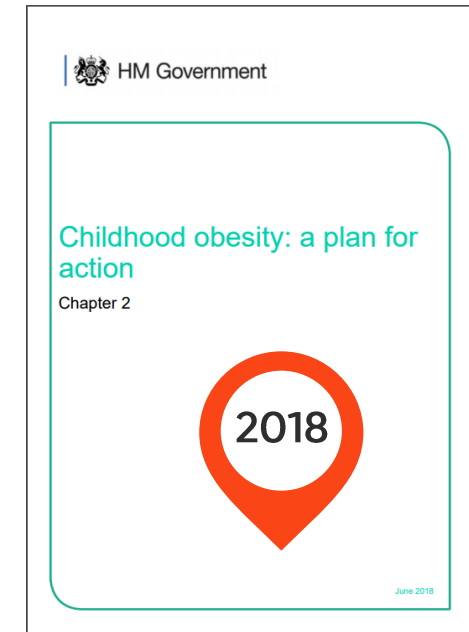
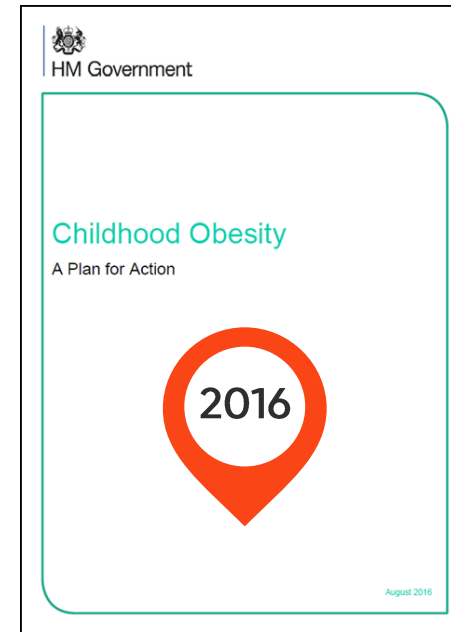
More than **1** in **5** children in Reception (aged 4-5 years) is overweight or obese (23.0%)



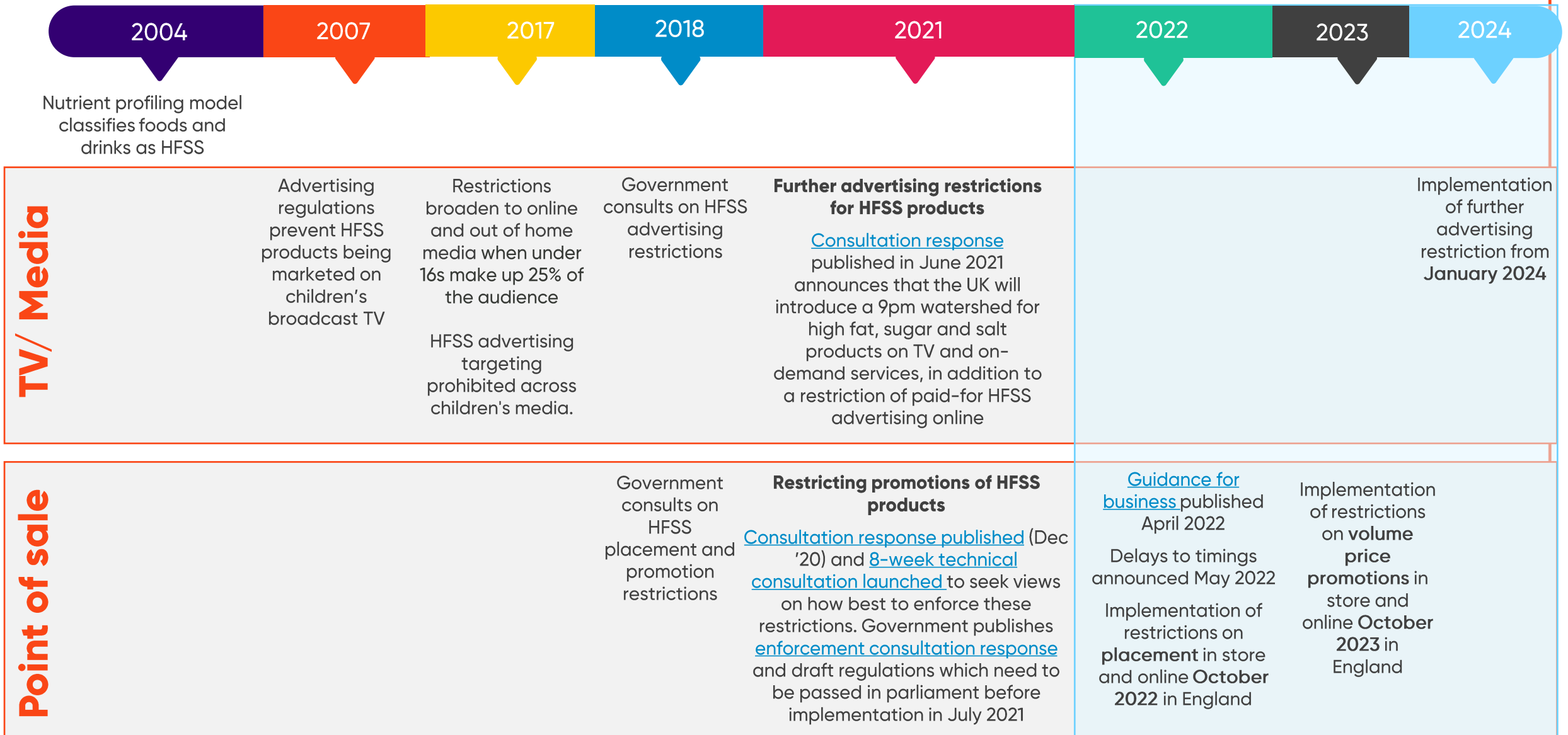
More than **1** in **3** children in Year 6 (aged 10-11 years) is overweight or obese (35.2%)

Policy landscape

- Government ambition to halve childhood obesity by 2030
 - Government announced its intention to ban promotions of HFSS products by location and price in 2018
 - Obesity strategy unveiled in 2020 centred around supporting adults, as well as children, to lose weight
- Following consultation (2019), the government announced in 2020 that it would legislate to restrict promotions of HFSS products by location and price from April 2022
- In July 2021 they provided further guidance and postponed implementation to **October 2022**
- Guidance for businesses was published in April 2022.**
- In May 2022** it was announced that in response to the cost of living crisis the government was further postponing some of the restrictions involving price to **October 2023**

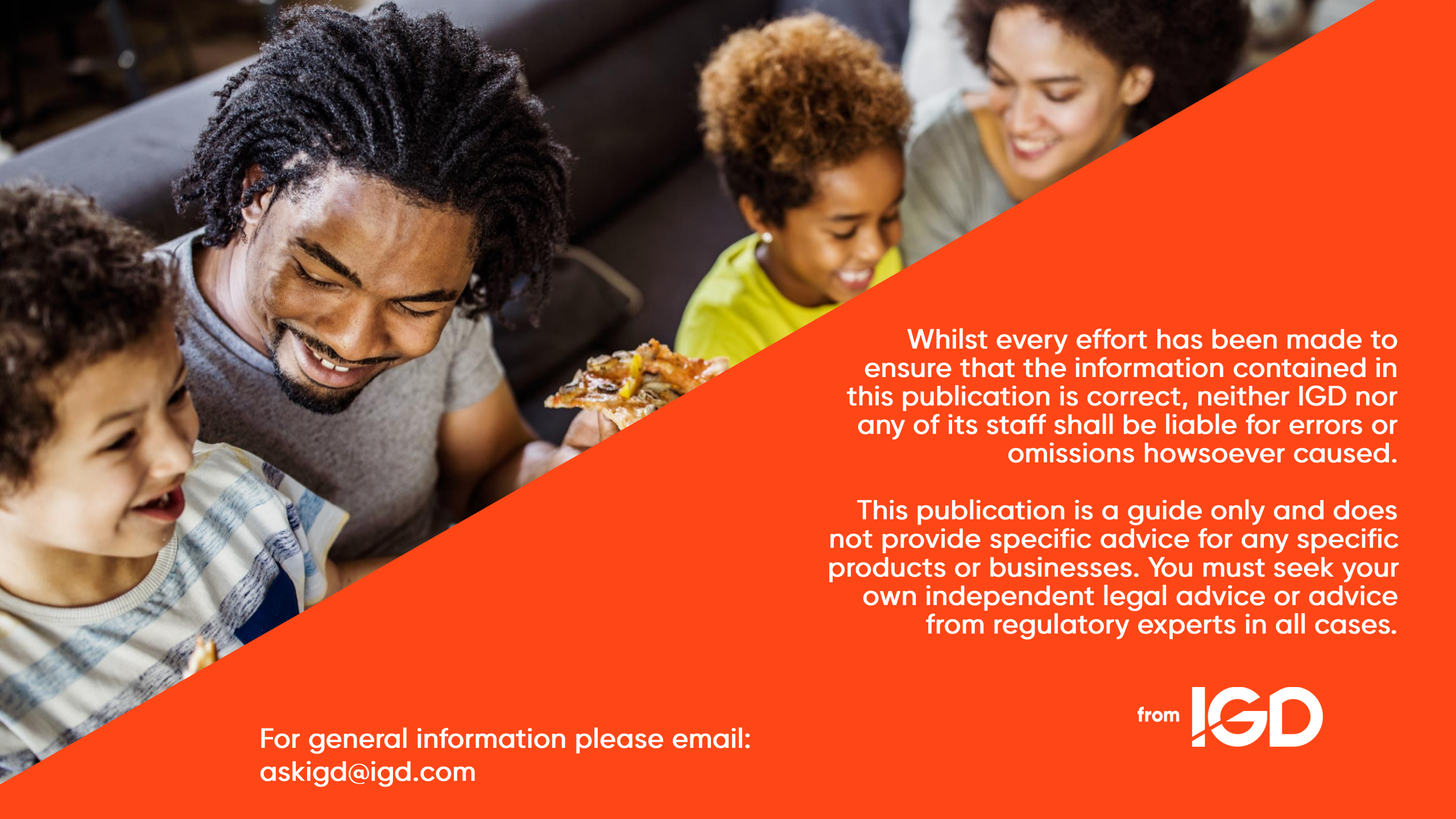


Timeline



Further Resource

- BRC guidelines covering which products are in scope :
<https://brc.org.uk/media/680025/brc-hfss-guidance-products-in-out-of-scope-june-2022.pdf>
- IGD Retail Analysis Report: HFSS and the impact online
<https://retailanalysis.igd.com/presentations/presentation-viewer/t/hfss-and-the-impact-online/i/11305>
- DHSC [Guidance for Business \(published April 2022\)](#)



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