



LANDING THE WRONG CATCH

Sports nutrition and weight management products could end up in the Government's net for unhealthy products

The Government's proposed restrictions for 'less healthy' food, primarily designed to protect children, may inadvertently trap some adult sports nutrition and weight management products, according to some suppliers.

As part of its obesity strategy, the UK Government is introducing measures that will restrict the promotion and advertising of food products high in fat, sugar and salt (HFSS) by April 2022 in England.

The proposed measures would end the promotion of HFSS products by restricting volume promotions such as buy one get one free, and the placement of these foods in locations intended to encourage purchasing, both online and in physical stores, such as checkout counters and end of aisle displays.

Products included in the restrictions are those understood to fall within categories such as chocolate and sweet confectionery, breakfast cereals, sweet biscuits and cakes. According to the draft regulations, products in these categories that score as 'less healthy' under the Nutrient Profile Model – a tool to differentiate of foods on the basis of their nutritional composition – would fall under the restrictions.

But some suppliers have raised concerns that the proposal to restrict the promotion of 'unhealthy foods' in favour of healthier options fails to provide clear definitions or



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exemptions. Numerous product manufacturers are arguing that this risks affecting healthy products that should not be subject to the restrictions due to their composition and marketing to adults. They are calling for the Government to publish appropriate guidance for retailers to ensure that compliance and enforcement happens in a smooth fashion, and that it does not prevent adult consumers from accessing healthy options that are already available to them.

This holds particularly true for the sports nutrition and weight management sector, especially those offering healthier alternatives to HFSS products, such as energy bars, drinks and general meal replacements for weight control. Manufacturers in this sector are calling on the Government to provide clear guidance to ensure that products that are not targeted at children, and meet public health objectives regarding sugar reduction, are widely recognised as healthy options or healthy snacking and are not unintentionally caught by restrictions due to the lack of guidance.

The measures have already come under fire from supermarkets, retailers and suppliers, with many describing the plan and timescale to ban HFSS promotions as confusing and rushed.

For supermarkets, a key concern is that reconfiguring stores and adapting websites to meet the

Government's ban is unworkable in the timeframe, with the British Retail Consortium claiming that retailers "will need at least 18 months from the point regulations are confirmed and guidance is issued to reconfigure stores and redesign websites", describing the Government's consultation as "hasty" as it looks to lay legislation next month.

In practice, these changes would mean that store fronts, checkouts and aisle ends would need to be redesigned and revamped within the space of a few months, a task which is made more difficult due to supermarkets and retailers having to manage the practical challenges of Covid-19.

The Government's technical consultation on the HFSS plans drew to a close in February 2021. However, while the consultation was launched only to fine-tune the Government's thinking, groups will continue to press for a radical change to the current guidance, especially with legislation imminent.

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