

RCGP response

Department of Health and Social Care

Consultation - Applying the new NPM to advertising and promotions restrictions

DHSC are consulting on proposals to apply the new NPM to the advertising and promotions restrictions on 'less healthy' food and drink products. They are seeking views on how best to implement these measures to help reduce childhood obesity and improve public health outcomes.

Applying the new NPM to the existing restrictions

Questions for all respondents

The advertising and promotions restrictions are designed to reduce children's exposure to 'less healthy' food or drink products. The restrictions are currently underpinned by the UK NPM 2004 to 2005. We are proposing to apply the NPM 2018 (the new NPM) to the advertising and promotions restrictions to bring them in line with the latest dietary recommendations. This would bring into scope more food and drink products that are high in free sugars.

Do you agree or disagree that applying the new NPM to the advertising and promotions restrictions will improve population health?

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

Please provide any specific information or evidence to support your answer. (Optional, maximum 300 words)

GPs regularly see the impact of obesity and other diet-related conditions on children. We would therefore support the proposal to apply the NPM 2018 to the advertising and promotions restrictions in order to better align with current dietary recommendations and reduce children's exposure to products high in free sugars.

From a public health perspective, childhood obesity is not the only relevant consideration. There is also a significant burden of dental disease associated with high sugar consumption, including increasing numbers of children requiring extensive dental treatment or dental clearance procedures under general anaesthetic before the age of 10.

We believe this wider impact on child health should be recognised within the rationale for strengthening restrictions on the advertising and promotion of less healthy food and drink products.

We welcome views on how effective the new NPM would be at capturing more of the products that contribute the most to childhood obesity.

Do you agree or disagree that applying the new NPM to the advertising and promotions restrictions will capture the products that contribute to childhood obesity?

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

Please provide any specific information or evidence to support your answer. (Optional, maximum 300 words)

Acknowledging that the NPM is not being consulted on we would note the following omissions:

- Non-sugar sweeteners (<https://www.gov.uk/government/publications/sacn-statement-on-the-who-guideline-on-non-sugar-sweeteners/sacn-statement-on-the-who-guideline-on-non-sugar-sweeteners-summary>)
- Juiced fruits
- Non-food additives in processed foods
- Foods very high in non-sugar, refined carbohydrates have a similar health impact to sugars, including many breads
- Sauces, dips

As part of the process for determining which products are in scope of the advertising and promotions restrictions, a product must fall into one of the categories of food and drinks products within the schedules of the regulations and be assessed as 'less healthy' by the NPM.

The NPM 2018 technical guidance provides businesses with the information they need to calculate whether a product is 'less healthy'.

If the technical guidance requires any further clarity to help you to determine if a product is classified as 'less healthy', please set this out. (Optional, maximum 300 words)

The technical guidance appears broadly clear. However, we would emphasise that restrictions on advertising and promotion should be considered as one component of a wider public health strategy.

The evidence indicates that attempts at restricting children's calorie intake should be accompanied by broader lifestyle interventions, including encouragement and support for physical exercise and healthier behaviours more generally. We believe that clear alignment between nutritional policy, physical activity initiatives, and wider child health strategies would strengthen the overall public health impact of these measures.

Understanding the impact on industry

Questions for individuals sharing their professional views and people responding on behalf of a business or organisation

What are the main challenges or operational issues that businesses might experience when implementing the new NPM? We welcome examples of actions businesses are taking to overcome these challenges. (Optional, maximum 300 words)

Improving the nutritional quality of products and reducing children's exposure to less healthy food could deliver longer-term public health benefits. Accordingly we would expect industry to adapt to support what is necessary for good health.

The government is committed to implementing proportionate regulation and minimising administrative burdens of new regulation on businesses.

If the NPM is reviewed and updated again in the future to reflect new dietary recommendations, what would be a proportionate timeframe for applying any future updates which supports alignment with the investment cycles of industry? (Optional, maximum 300 words)

The benefits of a healthy diet should dictate what level of regulation is required and not be compromised on.

Timescale for applying the new NPM

Questions for all respondents

Subject to the consultation outcome, we would introduce an implementation period to allow businesses to adapt to any changes.

Do you agree or disagree that 12 months is a sufficient implementation period for businesses in scope of the advertising and promotions restrictions and enforcement authorities to adapt to the new NPM being applied? (Optional)

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

If you said 'disagree', how long should the implementation period be? Enter the number of months. If you have any specific information or evidence to support your answer, please include it in your response. (Maximum 300 words)

How can government support businesses during an implementation period? (Optional, maximum 300 words)

Enforcement

Questions for all respondents

Guidance is available to support enforcement authorities in enforcing the advertising and promotions restrictions.

What kind of support would be useful to enable enforcement authorities to effectively adapt to the new NPM being applied to the advertising and promotions restrictions?
(Optional, maximum 300 words)

If there is no real power for enforcement authorities, or a lack of significant consequence or effective mechanism with resource to act, the presumption should be that there will be no change.

Consultation-stage impact assessment

We are assessing how many advertisements there currently are for products that would be reclassified as 'less healthy' if the new NPM was applied to the advertising restrictions.

If you have any evidence or data that would help inform our assessment, please include it here. (Optional)

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We are assessing children's exposure to these advertisements for products that would be reclassified as 'less healthy'.

If you have any evidence or data that would help inform our assessment, please include it here. (Optional)

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Impact on groups with protected characteristics

Questions for all respondents

We would like to understand the impact of our proposals on people with protected characteristics. It is against the law to discriminate against anyone because of protected characteristics, which are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Do you think that this proposal is likely to impact on people who share a protected characteristic in a way that is different from those who do not share it?

- Yes
- **No**
- Don't know

If you said 'yes', which protected characteristics do you think this applies to? Select all that apply. (Optional)

If you selected any characteristics, how might the proposal impact people differently because of these characteristics? Provide any specific information or evidence to support your answer, including whether the impact is likely to be positive or negative. (Maximum 300 words)

Not applicable. All groups should be encouraged and supported to pursue a healthy lifestyle, and the proposed changes should be applied consistently across the population.

Additional information you would like to submit

Questions for all respondents

We welcome any further information on impact you may have. You will be asked to include any further information you would like to provide to inform our final impact assessment. (Optional, maximum 300 words)

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You will be given the opportunity to upload up to 3 relevant files. All file types are accepted. Please make clear which questions the information relates to within the file. Do not submit any commercially sensitive information.

If applicable, you can raise any further matters about this consultation. Please do not include any personal information. (Optional, maximum 300 words)

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