

**ITEM No ...4.....**

**REPORT TO: COMMUNITY SAFETY & PUBLIC PROTECTION COMMITTEE – 18 FEBRUARY 2019**

**REPORT ON: CONSULTATION RESPONSE – THE FOOD STANDARDS SCOTLAND – PROPOSALS TO IMPROVE THE OUT-OF-HOME FOOD ENVIRONMENT**

**REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES**

**REPORT NO: 65-2019**

**1. PURPOSE OF REPORT**

1.1 To seek Committee's approval for the Council's proposed response to the Food Standards Scotland – Proposals to Improve the Out-of-Home Food Environment in Scotland.

**2. RECOMMENDATIONS**

2.1. It is recommended that Committee approves the attached response and remits the Executive Director of Neighbourhood Services to submit this to the Scottish Government accordingly.

**3. FINANCIAL IMPLICATIONS**

3.1. There are no financial implications arising from this report.

**4. MAIN TEXT**

**4.1. Background**

4.1.1. The typical Scottish diet is too high in calories, fats, sugars and salt, which can impact adversely on our health. Diet related diseases such as type 2 diabetes, heart disease and some cancers can seriously affect individuals, families and communities, as well as the nation's economy and productivity.

4.1.2. There is no single solution to tackling the issue of a poor diet, however eating outside the home is one of the areas where change is needed as in many cases the food and drink on offer tends to be a less healthy option. In Scotland, eating out is common and can account for up to 25% of our calorie intake.

4.1.3. The proposal to develop an Out of Home Strategy for Scotland was included in the recently published Scottish Government Diet and Healthy Weight Delivery Plan, which sets out a package of actions designed to help people make healthier choices, change their eating habits and live healthier lives.

4.1.4. The measures proposed in the Out-of-Home Food consultation are designed to complement and contribute to the actions encompassed within the Scottish Government Diet and Healthy Weight Delivery Plan. Responses to these measures will help inform Food Standards Scotland's recommendations to Scottish Ministers on the development of a Scottish Government Out-of-Home Strategy.

4.1.5. Obesity and diet related ill-health is one of Scotland's biggest health concerns, costing around £4.6bn every year. With two thirds of adults in Scotland already overweight or obese, the health consequences of a poor diet are already very real and can impact the nation's economy and productivity.

## 4.2. **Consultation Response**

- 4.2.1. Food Standards Scotland has invited responses to the consultation. Appendix 1 sets out the proposed responses to the consultation questions posed. A copy of the full consultation document is available on the Food Standards Scotland website at: <https://consult.foodstandards.gov.scot/nutrition-science-and-policy/proposals-to-improve-the-out-of-home-environment-i/>

## 5. **POLICY IMPLICATIONS**

- 5.1 This report has been subject to an assessment of any impacts on Equality and Diversity, Fairness and Poverty, Environment and Corporate Risk. A copy of the Impact Assessment is available on the Council's website at [www.dundee.gov.uk/ia](http://www.dundee.gov.uk/ia).

## 6. **CONSULTATIONS**

- 6.1 The Council Management Team have been consulted in the preparation of this report and agree with the content.

## 7. **BACKGROUND PAPERS**

- 7.1 Consultation Document.

Elaine Zwirlein  
**Executive Director of Neighbourhood Services**

Tom Stirling  
**Head of Community Safety & Protection**

18<sup>th</sup> February 2019

### Proposals to Improve the Out of Home Environment in Scotland

#### Introduction

Eating outside the home can contribute to our excess intakes of calories, fats, sugars and salt. The issue is not so much about the occasional indulgence or treat as eating out is now commonplace and part of everyday life in Scotland. Whether it's grabbing something for breakfast on the way to work, buying a sandwich for lunch, meeting friends for coffee and cake, ordering a takeaway or enjoying family meals out together, it all counts. It has been estimated that, on average, up to 25% of our calories may come from eating out. Given that the Out of Home sector is projected to grow, its' impact on diet and health will become increasingly significant.

The following areas are outwith the scope of this consultation:

- School food
- Food provided for hospital patients
- Prison food
- Promotion and marketing of targeted high fat, salt and/or sugar foods Out of Home.

With the exception of the parts of the Out of Home sector detailed above, this consultation covers all the food and drink we eat outside the home. This includes the food we eat 'on the go' such as on the way to work, school or home, at lunch or snack times or when commuting.

Included are:

- Cafes, all types of restaurants, takeaways, pubs/bars, vending machines, workplace canteens, hotels, leisure and entertainment venues.
- Supermarkets and convenience stores who provide "food on the go"
- Places where we purchase food when commuting or travelling.
- Manufacturers and suppliers of food and drink to the Out of Home sector
- Food delivery services, including online.

1. Do you agree that the businesses listed above should be included within an Out of Home strategy for Scotland?

Yes

If no, please explain.

#### Addressing excess calories

Many Out of Home foods are too high in calories which is why calorie reduction is at the heart of this consultation. The high calorie content of many options can make it very easy for us to unwittingly eat more than we need or want.

Caterers, manufacturers and businesses who supply food for the catering industry all have a role in reducing calories and resetting the norms away from excessive consumption. There are many ways in which calories may be reduced. It is likely that multiple measures will be required to reduce calories and that no single measure will be sufficient overall.

There are a number of measures which caterers, retailers, manufacturers and businesses who supply food could adopt to reduce calories.

2. Which of the following measures should be taken to reduce excessive calorie contents of food and drinks eaten outside the home?

Please tick as many as you think apply.

reducing portion sizes

changing recipes e.g. by reducing fats and sugars and increasing fruit/vegetable/bean/pulses and fibre content

applying maximum calorie limits

applying maximum energy densities (calories per 100g)

ensuring single serve packs are available as an alternative to packs containing multiple servings  
 excluding very high calorie menu items

Other

If other, please specify.

Please explain your answer/s.

[Reducing portion sizes and changing recipes are the most practical measures that businesses can take. Adding beans and pulses to bulk out recipes is also likely to reduce the cost of ingredients. We support measures which encourages the customer to think about food choices. Guidance to food business operators will be required.](#)

Provision of small or half portions

As well as redesigning recipes and menus, Out of Home businesses should make small or half portions of standard menu items widely available.

Not all customers want large portions. Those with smaller appetites and those who are watching their weight may appreciate not feeling overwhelmed by large portions or wasting food on the plate. Results from the FSS Food in Scotland consumer tracking survey suggests that the majority of people in Scotland (79%) support greater availability of small and half portions of standard menu items.

Customers should be offered the choice of smaller portions when eating out. By this we mean smaller portions of meals and discretionary foods such as puddings, biscuits, cakes and pastries. The provision of multiple small plates however can be more calorific than a single standard meal and therefore this should not be taken as a way of fulfilling the requirement for small or half portions.

3. Do you agree that consumers should routinely have easy access to small or half portions?

[Yes](#)

Please explain your answer.

Some portion sizes are excessive - giving consumers enhanced choice would have little cost implication to businesses. This is already available in some restaurants and is usually aimed at the older individual and often restricted to certain items. This, therefore, needs to apply to the whole menu and made available to all.

#### Calorie labelling at the point of choice

Consumers have the right to calorie and nutrition information about the food they eat outside the home.

In the same way that price information is clearly visible, calorie labelling at the point of choice should be available to help us make informed decisions about the food and drink we purchase when eating out. By this, we mean calorie labelling on menus, labels on shelves or display cases, and on web pages where consumers select the food items they wish to purchase for delivery or collection.

Many businesses have the resource required to access and use commercially available nutrition programmes to calculate the calorie content of their menu items. FSS recognises that this may not be the case for smaller businesses where calorie labelling may be more burdensome. Therefore, with small businesses in mind, FSS has purchased and piloted MenuCal, a free to access online tool that can be used to assist with calorie and allergen labelling. To find more information about MenuCal, please click [here](#).

#### 4. Should calorie labelling at the point of choice\* apply in Scotland?

\*point of choice includes calorie labelling on menus, labels on shelves or display cases, and on web pages where consumers select the food items they wish to purchase

Yes

Please explain your answer.

Introducing clearly visible calorie labelling is likely to encourage some consumers to moderate their consumption of the most calorific foods. MenuCal is a free and easily accessible tool that will assist even the smallest businesses in identifying the calorie and allergen content of foods they make. Businesses may decide to reduce portion sizes as a means of reducing calorie content - this may also result in cost savings to the business.

#### 5. As a food business, would MenuCal help you to provide calorie labelling?

Yes No

Please explain your answer. [Not answered as we are not a food business.](#)

#### 6. As a food business, what additional support would you require to provide calorie labelling?

Please explain your answer [Not answered as we are not a food business.](#)

#### Mandatory or voluntary calorie labelling at the point of choice

There may be a case for mandatory rather than voluntary calorie labelling. Recently, the UK Department of Health and Social Care (DHSC) launched a consultation on mandatory calorie labelling in England only.

In its' consultation the DHSC makes reference to specific exemptions from mandatory calorie labelling for different sizes of business.

7. Should calorie labelling at point of choice be made mandatory in Scotland?

Yes

Please explain your answer.

If obesity and diet related ill health is one of Scotland's biggest health concerns, costing £4.6 billion every year, we need to tackle the issue by mandatory means. Local authorities are the competent food authorities for their areas. Extensive food inspection programmes are carried out by Environmental Health Practitioners (EHPs) throughout Scotland covering food hygiene and food standards. Inspections work and are governed by The Food Law Code of Practice that was recently reviewed and consulted on by Food Standards Scotland (FSS). Any new legislation or mandatory labelling requirements arising from the consultation should be enforced during these inspection programmes. FSS, as Central Competent Authority, carry out periodic audits of each of the 32 local authority's food function. New legislation would require officer training and an increase in inspection resources (preferably ring fenced). A relatively small investment in enforcement resources would produce a high, whole population benefit. Failing to tackle the food environment will undermine the investment in health, social care and education.

8. Should any business be exempt from mandatory calorie labelling at the point of choice?

No

If yes, which types of business should be exempt and why?

Full nutrition information for consumers

Around 60% of branded businesses produce nutrition information, of varying quality, on websites and many also provide it on printed materials, such as leaflets and tray liners. To ensure this nutrition information can be used to compare different menus and menu choices directly and clearly, a standard should be developed to include a full description of the food/drink, the portion weight and nutritional information expressed per portion and per 100g/mls, as shown in the table below.

Proposed standard for the provision of calorie and nutrition information Out of Home

<b>Clear description of menu items corresponding to the nutritional information provided</b>	<i>e.g. Chicken burger, bun and salad</i>	
<b>Portion size (g/ml)*</b>		
	<b>Per portion</b>	<b>Per 100g/100ml</b>
<b>Energy (kcal)</b>		
<b>Energy (kj)</b>		
<b>Fat (g)</b>		
<b>Saturated fat (g)</b>		
<b>Total carbohydrate (g)</b>		
<b>Sugars (g)</b>		
<b>Protein (g)</b>		
<b>Salt (g)</b>		
<p><i>* Where a menu item could reasonably be consumed by more than one individual (e.g. pizza) then the number of portions contained in the item should also be stated (e.g one portion is ½ a 10 inch pizza).</i></p>		

▼ Definition of branded businesses

Branded businesses: These are well known businesses with multiple outlets across the UK and/or Scotland.

9. Where nutrition information is provided online and on printed materials should it be standardised in the way set out in the table above?

Yes

Please explain your answer.

This is the standard that currently applies to pre-packed foods and is familiar to businesses and consumers. This format may be comprehensible to some consumers but not all. We need to ensure that menus of the future do not become overwhelming.

Further research may be required and this could include exploring the use of the traffic light system.

10. Where nutrition information is provided online or on printed materials, should it be mandatory that it is standardised in the way set out in the table above?

Yes

Please explain your answer.

For the same reasons as given previously and to ensure consistency.

Promotion and marketing

As a result of promotion and marketing, consumers may purchase more calories than originally intended. However, there is an opportunity to use promotion and marketing to encourage consumers to choose healthier options.

There is a separate Scottish Government (SG) consultation on reducing health harms of discretionary high fat, sugar or salt (HFSS) foods where they are sold to the public, which includes confectionery, biscuits, cakes, savoury snacks and soft drinks with added sugar. Therefore the promotion and marketing of discretionary HFSS foods, where they are sold to the public, is excluded from this Out of Home consultation.

In addition to possible SG mandatory measures for discretionary foods, we plan to encourage food business to take their own measures to change their promotion and marketing practices. This includes seeking reductions in upselling and upsizing of non-discretionary HFSS foods and reductions in the promotion and marketing of large or multiple portions.

▼ Links to SG consultation and FSS campaign on upsizing

The Scottish Government. Reducing health harms of foods high in fat, sugar or salt (2018):  
<https://consult.gov.scot/health-and-social-care/reducing-health-harms-of-foods/>

Food Standards Scotland. Say no to upsizing campaign (2018):  
<https://www.foodstandards.gov.scot/consumers/healthy-eating/its-time-to-say-notoupsizing>

11. Which actions would change promotion and marketing practices to support healthier eating outside the home?

Please tick as many as you think apply.

✓ Businesses dropping practices that encourage overconsumption

✓ Businesses positively marketing and promoting healthier choices

✓ Raising consumer awareness through the use of social marketing campaigns

Other

If other, please specify.

Please explain your answer/s.

Businesses need to cease practices that encourage overconsumption. This will require defining carefully which practices encourage over eating. Multi-packs and "go large" promotions on meals and drinks should be banned. Healthy meal deals could be promoted. Campaigns can include celebrity endorsement of healthy eating TV cooking programmes; FSS website promotion and better use of social media to encourage consumers to use calorie counting apps on their mobile phones.

Food provided in the vicinity of schools

We need to change the culture in Scotland to ensure that children and young people have access to a wide range of healthy food choices when eating out.

Children and young people have many opportunities to access food and drink 'on the go' over the course of a day or week, including on the way to and from school. Whilst food provided in schools is regulated, food purchased out with school is not. Items frequently purchased by secondary pupils at lunchtime include chips, sandwiches, and discretionary products such as confectionery, crisps and savoury snacks, and sugary soft drinks.

Planning policy has been identified as one potential lever for changing the Out of Home environment including in the vicinity of schools. A Planning (Scotland) Bill is currently being considered by the Scottish Parliament. Once the Bill has concluded its Parliamentary process, Scottish Government (SG) will then conduct a review of the Scottish Planning Policy. This is currently envisaged to commence in 2019. The review will include public engagement which will allow SG to explore a range of topics, including the food environment, with interested groups and individuals.

12. What types of actions could be taken to improve the food provided Out of Home in the vicinity of schools?

As the Minister for Public Health, Sport & Wellbeing states in his introduction to the consultation on the Health Harm of Foods High in Fat, Sugar and Salt( FHSS), 'a multi-pronged approach' is required and we recognise the measures reflected in this paper reflect just one of the strands.'

DCC contributed to that consultation strongly supporting the introduction of legislation on the presentation and marketing of the defined foods

The future consultation on a new Scottish Planning Policy and provide the opportunity to advocate controls on the development of hot food outlets on the grounds of health. This would include provisions on the location of premises where children and young people congregate, clustering of premises and hours of opening.



The definition of premises coming within the scope of such planning controls should include any premises providing hot food such as chip shops and bakeries. All premises would also be subject to any mandatory provisions arising from the HFSS consultation and this out of home consultation.

Civic licensing laws should also reviewed to bring the delivery of hot foods services such as Deliveroo into the definition of mobile traders. Licensing fees on such services should be set as a dis-incentive.

A whole systems approach is required to promote healthy weight. This would include having minimum space standards for school dining halls and kitchens so that there is adequate space to accommodate the school roll.

### Children eating Out of Home

Evidence shows that children up to 12 years have more ice cream, breaded chicken, sugary drinks, chips and burgers when eating out than the adults they are accompanied by. This reflects the general nature of children's menus which can contain a limited selection of healthy options, often offered at a low price to attract families into restaurants. Around 80% of consumers agree that children's menus should offer more healthy choices. Children would benefit by being exposed to as wide a range of choices and food experiences as the adults that they are with. For these reasons we would like to explore whether there is a place for menus specifically targeted at children in Scotland.

Some businesses have adopted better practices regarding children's menus, for example by offering fruit and/or vegetables, plain milk and tap water as standard. These practices could be considered as a basis for improving children's menus to ensure they support healthy eating.

#### ▼ Link to evidence on the Out of Home landscape in Scotland

Food Standards Scotland. An assessment of the out of home food and drink landscape, 2015 (2016): <https://www.foodstandards.gov.scot/publications-and-research/publications/an-assessment-of-the-out-of-home-food-and-drink-landscape-in-scotland>

13. Which of the following should be changed to improve food provided for children:

Please tick as many as you think apply.

- ✓ Less reliance on menus specifically for children
- ✓ Provision of children's portions from adult menu items
- ✓ Increased use of vegetables and fruit in dishes, sides and desserts
- ✓ Reduced reliance on breaded/fried products
- ✓ Reduced reliance on chips
- ✓ Plain water and milk offered as standard options
- ✓ Reduction of drinks with added sugar
- ✓ Reduction of high sugar dessert options
- ✓ Reduction of confectionery and crisps

No changes are required

Other

If other, please specify.

Please explain your answer/s

All of the above are practical measures that ensure and encourage healthier choices and eating behaviours for children and adolescents.

Enabling change

Award schemes which recognise and promote good practice may encourage businesses to provide healthier food and better consumer information. In turn this may support and encourage consumers to make positive choices when eating out.

Currently in Scotland, the healthy living award (HLA) recognises businesses that meet agreed nutrition criteria. This is set to improve the balance of menus towards healthier choices through changing the provision, preparation and promotion of food options. The HLA has achieved success in specific subsectors of the Out of Home market, in particular hospitals, community and office/work settings. However, to date the HLA only reaches a fraction of Out of Home establishments in Scotland. Given the scale of the challenge we face in improving Scotland's poor dietary health, other approaches with a broader reach must now be considered.

The Scottish Government's Health Care Retail Standard (HRS) applies to retailers in health care settings such as hospitals, who provide food 'on the go' including meal deals for visitors and staff. The HRS is based on nutrition criteria which is set to improve the balance of provision and promotion of healthier foods in these settings

Going forward, we would like to ensure that all businesses are able to make changes and respond positively to an increasing consumer demand for healthier options. We recognise that any future recognition scheme(s) will need to be flexible to accommodate different business types and that more than one approach may be required to encompass the diversity of the sector.

14. Do you agree that recognition schemes are an effective means of supporting healthier eating in the Out of Home sector?

Yes

If yes, please outline your views on the key components required for a flexible recognition scheme(s)

Such schemes should ensure:

- reduced use of salt
- that food is oven-baked or grilled rather than fried
- that butter or glazes are not added to vegetables
- that fruit and vegetables are added to every recipe
- that low sugar drinks are available
- that low fat milk is available
- that salad and vegetables are available with menu options

Businesses that meet the requirements of such schemes could earn enhanced status in any revised version of the Food Hygiene Information Scheme or via healthy eating apps.

If no, what other approaches would enable businesses to make the changes needed?

The public sector as an exemplar

Food and drink served within the Scottish public sector should provide a positive example and set the standard for healthy eating, even where catering services are contracted out.

The public sector provides food to a large number of people in various settings including health and social care, prisons, schools, government, local authorities, leisure centres, and visitor attractions.

The expectation is that all public sector establishments should act as an exemplar by providing calorie labelling, taking action to reduce calories and making improvements to children's food where applicable.

By providing an example of healthy eating, public sector establishments have the opportunity to positively influence personal and family food choices and contribute to changing social norms.

▼ Public sector settings out with the scope of this consultation

School Food

Scottish Government has already consulted on proposed changes to the statutory school food regulations. Therefore, school food is not covered in this Out of Home consultation.

Food provided for hospital patients

Standards relating to food for hospitals patients are covered by separate guidance and therefore not covered in this Out of Home consultation.

Prison food

For the purposes of this consultation prison food is not considered as Out of Home as NHS Health Scotland is already working with the Scottish Prison Service in this area.

15. Do you agree that the following actions should be adopted by the public sector?

This includes health and social care settings, local authorities, leisure centres and visitor attractions, including where catering services are contracted out.

Note this question does not apply to school food, hospital food for patients or prison food.

- Calorie labelling
- Reducing portion sizes
- Provision of small or half portions
- Changing recipes to lower calories by reducing fats and sugars and increasing fruit/vegetable/bean/pulses and fibre content
- Caterers redesigning menus to exclude very high calorie menu items
- Improvements to food for children where served
- No promotion or marketing of HFSS foods, including no upselling or upsizing

Yes

Please explain your answer.

Public sector premises should be exemplars and early adopters. They are more likely to participate in schemes such as Healthy Working Lives and Healthy Living Award and should be well aware of the importance of promoting health, safety and welfare issues to their employees.

### Inequality

We are aware that people living in the most deprived areas are disproportionately affected by poor diet and health in Scotland. In taking forward an Out of Home Strategy, FSS will consider potential impacts of any proposed changes to the Out of Home sector on the people of Scotland by undertaking an inequalities impact assessment. Therefore to help inform this assessment, please consider the question below.

16. Would the proposals outlined in this consultation impact on the people of Scotland with respect to:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Ethnicity
- Religion or belief
- Sex
- Sexual orientation
- Socioeconomic disadvantage

Please explain your answer, considering both potentially positive and negative impacts, supported by evidence, and, if applicable, advise on any mitigating actions we should take.

These proposals may have a positive impact for older people since they may be more encouraged to eat out if they have access to smaller portions. This would encourage social interaction.

There should be a positive impact on most categories because people will be able to make more informed choices.

People with visual impairment will require assistance.

### Any Other Comments

17. Please outline any other comments you wish to make.

Please outline any further comments you wish to make

### About You

18. What is your name?

Name

[Lindsay Matthew](#)

19. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email (Required)

[lindsay.matthew@dundeecity.gov.uk](mailto:lindsay.matthew@dundeecity.gov.uk)

20. Are you responding as an individual or an organisation?

(Required)

Organisation

21. What is your organisation?

If responding on behalf of an organisation, please enter the organisation's name here.

Organisation

[Community Safety and Protection, Dundee City Council](#)

22. If you are responding on behalf of an organisation, what type of organisation is it?

Caterer

Small caterer (fewer than 10 employees)

Retailer

Manufacturer

Supplier to the Out of Home sector

Food and drink industry representative bodies

Local government

Health Board

Public sector organisation

Third sector organisation

Research organisation

Other

If other, please specify.

23. Food Standards Scotland would like your permission to publish your consultation response. Please indicate your publishing preference:

(Required)

Publish response with name

Publish response only (without name)

Do not publish response

Info for organisations

The option 'Publish response only (without name)' refers only to your name, not your organisation's name. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

24. In order to produce a comprehensive analysis of the consultation, responses received will be analysed by a third party on behalf of Food Standards Scotland. This analysis will then be used to inform further development of an Out of Home Strategy. Do you consent to your consultation response being analysed by a third party?

Please note that without explicit consent (selecting yes) your response will not be included in the analysis.

(Required) [Yes](#)

25. Are you content for Food Standards Scotland to contact you again in relation to this consultation exercise?

(Required) [Yes](#)