

## Department of Health and Social Care's consultation on calorie labelling for food and drink served outside of the home

### Consultation Response from Obesity Action Scotland 7 December 2018

#### *Businesses and products affected*

#### **1. Do you think that calorie labelling should be mandatory for all out-of-home businesses?**

Yes

#### **Please explain your answer:**

Yes, calorie labelling should be mandatory for all out-of-home businesses because the evidence shows that it can help to reduce the number of calories people consume (1). The fact that we consume up to a quarter of our calories out of home (2) together with the finding that 98% of the UK population eaten out in the last year (3,4) suggest that this approach is likely to have positive effect. However, only mandatory calorie labelling would create a level playing field and guarantee that all customers of all out-of-home food businesses have equal access to the information needed to make an informed choice.

1. Crockett RA et al. (2018). Nutritional labelling for healthier food or non-alcoholic drink purchasing and consumption. Cochrane Database of Systematic Reviews.
2. Public Health England (2017) Sugar reduction: Achieving the 20%. A technical report outlining progress to date, guidelines for industry, 2015 baseline levels in key foods and next steps.
3. Quirk S. (2018) Out of home in the UK: Ingredients for sustained growth.
4. Martinez MJ, Sanchez J. (2018) Out-of-home, out of mind?

#### **2. Do you think that the calorie labelling requirement should apply to all food and drink items an out-of-home business offers?**

Yes

#### **Please explain your answer:**

Yes, calorie labelling requirement should apply to all food and drink items an out-of-home business offers. We would like to highlight that different portion sizes of the same item should also be calorie labelled.

Moreover, the requirement should also include alcohol. Although alcohol was not mentioned in the proposal, we do not see any logical reason to exclude it from menu calorie labelling requirement in the out of home setting. Alcohol not only contributes to the overall calorie intake (in Scotland between 2001 and 2015, it contributed to between 3.6 -3.8% of energy (1)) but alcoholic drinks also often contain considerable amounts of sugar and are mixed with sugary soft drinks or syrups (2). It was estimated that men in Scotland who drink alcohol consume around 1100 kcal a week from

alcohol; and women in Scotland who drink alcohol consume around 810 kcal a week from alcohol (2).

Many people do not realise the calorie content of alcoholic drinks (3). Showing the calorie content of drinks sold out of home would help people realise how calorific alcoholic drinks are.

1. Barton K, Masson L, Wrieden W (2018). Estimation of Food and Nutrient Intakes from Food Purchase Data in Scotland 2001-2015. Aberdeen, Food Standards Scotland
2. Food Standards Scotland (2018) Situation Report. Scottish Diet: It Needs to Change. 2018 Update.
3. National Obesity Observatory (2012). Obesity and alcohol: an overview.

**3. Micro-businesses (those with fewer than 10 employees) may find this requirement harder to implement. Which of the following approaches do you most agree with?**

Micro-businesses are covered by the requirement in the same way as other businesses

**Please explain your answer:**

Micro-businesses should be covered by the same requirement as other businesses. In Scotland half of our out-of-home food visits in 2015 were to independent establishments (1). If these were not covered by the requirements, then customers who buy in these businesses would be put at disadvantage. This would still be the case even if the proportion of independent establishments in England was slightly different.

Additionally, micro-businesses often sell fast-foods. This was shown by one of our studies where the number of outlets that sold chips to go on one of the main streets of Glasgow was 30 (2). All but one of these businesses were small independent establishments such as Chinese takeaways, Indian takeaways, fish and chip shops, kebab shops, pizza shops or cafes. If these were excluded from providing calorie labelling, all people living on this street would be put at disadvantage.

Twelve months should be enough time for any business to calculate calorie content of their menu items. This is especially in a context of today's world, where it is very easy and free for individuals to calculate calories in the food they consume thanks to numerous free or commercial apps, and this could be done in a matter of minutes by an individual. No specific knowledge or training is required for this task, apart from potential familiarity with a software/app (if the calorie content information cannot be obtained from the labels on cooking ingredients).

In Scotland Food Standards Scotland provides MenuCal – a free, web-based calorie calculator and allergen management tool which aims to support small and medium food business operators to provide calorie and allergen information on their menus (3). Similar approach in England could help to minimise the cost for small businesses and support them in meeting the new labelling requirements.

1. NPD Group (2015) An overview of out of home market in Scotland. NPD crest data to year ending December 2015. Commissioned by Food Standards Scotland.
2. <http://www.obesityactionsotland.org/changing-the-game>
3. <https://menucal.fss.scot>

*Information on labels*

**4. As well as the number of calories per portion of the food item, do you think calorie labels should show that number as a proportion of the recommended daily intake?**

Yes

**Please explain your answer:**

Yes, we agree with the proposal to display the number of calories per portion of the food item accompanied by that number showed as a proportion of the recommended daily intake, as suggested in the consultation.

**5. Would you find it helpful or unhelpful for information on kilojoule content to be displayed alongside information about calorie content?**

Unhelpful

**Please explain your answer:**

Although kilojoules are the metric equivalent of calories and need to be included on the back of pack nutritional information along with calories, we do not think that they are as easily understood by the public as calories. Simple example could be the fact that the term 'calorie' is very often used in media, press, radio, TV, and on social media; while the term 'kilojoule' is almost entirely limited to scientific and legal contexts.

As the purpose in calorie labelling in the out-of-home sector is to provide consumer with useful and easily understandable information, we believe that calorie labelling only would be the best way to achieve this.

**6. Is there any other interpretative information that you think should be displayed on calorie labels e.g. 'traffic light' ratings for calorie content, or the exercise equivalent of the number of calories?**

No

**Please explain your answer:**

No. At this stage calorie information out-of-home should be as simple as possible to facilitate prompt implementation. Provision of further information (such as traffic light labelling for calories or more information available online) should continue to be encouraged and supported for large businesses and should be considered in the future.

*Implementation*

**7. Do you think that calorie information should be displayed in establishments at the point of choice?**

Yes

**Please explain your answer:**

Yes. We agree with the evidence quoted in the consultation document showing that providing consumers with calorie content information at the point of choice when eating out can help them to lower their calorie intake (1). The point of choice could be a menu, a label, an information board or information available online if the purchase is online.

1. Crockett RA et al. (2018). Nutritional labelling for healthier food or non-alcoholic drink purchasing and consumption. Cochrane Database of Systematic Reviews.

**8. Would 12 months be an appropriate amount of time for businesses to implement calorie labelling?**

Don't know

**Please explain your answer:**

N/A

**9. Do you agree with the proposed approach for calculating the number of calories in a standard portion?**

Yes

**Please explain your answer:**

We agree with the proposal how a standard portion of an item should be defined as illustrated by the examples in the consultation document. The approach seems practical and easy to understand for the consumer.

We would like to note that the difference between the standard portion and different portion sizes should be clear. 'Standard' does not mean 'medium' but a representative size for a given portion size; for example a standard small portion of chips in an out of home outlet could contain 150 kcal, a standard medium portion could contain 270 kcal, and a standard large could be 400 kcal.

**10. Do you agree with the proposed approach for businesses selling takeaway dishes through third parties?**

Yes

**Please explain your answer:**

Yes, we agree with the proposed approach. It seems practical to require the businesses that make the food and drink to calculate calorie content, and the businesses that sell it to display calorie content.

**11. We will provide businesses with written guidance to help them with calorie labelling. Do you think businesses will need any additional support?**

Don't know

**Please explain your answer:**

N/A

**12. Do you think calorie labelling would cause any practical issues for particular businesses?**

Don't know

**Please explain your answer and suggest how any issues could be mitigated:**

N/A

*Enforcement*

**13. If you have any suggestions for how this requirement could be enforced in a way that is fair and not overly burdensome, please provide details below:**

Adherence to the calorie labelling requirement should be enforced by Local Authority enforcement teams. Local Authorities should be appropriately funded for this role.

Additionally, the accuracy of calorie content labelling of food and drink sold out of home could be monitored by third parties: provided that recipes are not overly complex, calorie content of food or drink items could be estimated from an item's weight using free or commercial software/app.

*Impact assessment*

- 14. If you have any further evidence or data you wish to submit for us to consider for our final impact assessment, please provide it here:**

N/A

- 15. If you have any further evidence or data that you would like to submit specifically on the likely cost that may occur to your business as a result of the proposal, please provide it here:**

N/A

- 16. Are there any other potential impacts of introducing calorie labelling, either positive or negative, that you think we should consider?**

No

*Equalities*

- 17. Do you think that this proposal would be likely to have an impact on people on the basis of any of the following characteristics?**

Disability

**Please provide more detail:**

People with impaired vision may struggle to read the labels. When the menu information is offered to them (in any form) it should be accompanied by calorie information.

To monitor for any unintended consequences, an independent comprehensive evaluation should be commissioned and focus on these impacts as well as on the policy's effectiveness on food choices and reformulation.

- 18. Do you think this proposal would help achieve any of the following aims?**

N/A

- 19. Do you think that this proposal would be likely to have any impact on people from lower socio-economic backgrounds?**

Don't know - because our answer depends on whether all businesses are covered by the requirement.

If the calorie labelling is made mandatory in all businesses irrespective of size (Option 2 from the Economic Impact Assessment), we do not think that it will impact differently on people from low socio-economic backgrounds than on the rest of the population. However, an independent comprehensive evaluation should be commissioned to keep track of the policy's impact on people from lower socio-economic backgrounds as well as on the policy's effectiveness on food choices and reformulation.

We expect excluding microbusinesses from calorie labelling requirement (policy Options 3 and 4 from the Economic Impact assessment) could potentially impact people from low social-economic backgrounds. Recent research showed that in Glasgow outlets selling fast food, alcohol, tobacco and gambling were clustered together and that the numbers of these clusters increased linearly from the least to the most deprived areas (1). If these outlets were not required to display calorie labelling, those living in most deprived areas could be put at a further disadvantage, potentially leading to widening of the health inequality gap.

1. Macdonald L, et al (2018) Do 'environmental bads' such as alcohol, fast food, tobacco, and gambling outlets cluster and co-locate in more deprived areas in Glasgow City, Scotland? *Health and Place*, 51:224-231.

**20. If there are any further matters that you would like to raise or any further information that you would like to provide in relation to this consultation, please give details here.**

Although this regulation will apply to England only, the proposed approaches are likely to impact similar policies in the devolved nations.

Obesity Action Scotland provide clinical leadership and independent advocacy on preventing and reducing overweight and obesity in Scotland.

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