

Healthier Food Advertising Policy Toolkit

How local authorities can restrict junk food advertising

SUPPORTED BY
MAYOR OF LONDON



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Acknowledgements

Our funders, the Greater London Authority.

Our case studies: Bristol City Council, Royal Borough of Greenwich, Haringey council, Merton council and Southwark council, as well as the many other councils who are working closely with us to bring in policies. They have been anonymised to protect their policy development; however, their insights and experiences have made invaluable contributions to the toolkit.

With thanks to Ben Reynolds and Barbara Crowther, Sustain, as well as local government and regional OHID colleagues and Transport for London who read and fed into drafts of the report.

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Foreword from the Mayor of London, Sadiq Khan

In a city as wealthy as ours, the health of London's children should not be determined by their upbringing, background or postcode. And yet, we not only have the highest rates of child obesity in Europe, but young people from deprived areas in London are far more likely to suffer from ill health. Young people from Barking and Dagenham are almost twice as likely to be overweight, for example, as their counterparts living in Richmond. These existing challenges have only been further exacerbated by the COVID-19 pandemic, which has had profound health, social and economic impacts. Latest data from the National Child Measurement Programme shows that child obesity rates have increased for children in both reception and year six age groups. This increase is the steepest seen since the programme began in 2006/7.

The level of child obesity and the extent of the disparities are simply unacceptable and, as Mayor, I am determined to tackle such stark inequalities and deliver real change for London's children. As we seek to recover from one of the most difficult periods in our city's history, we have a unique chance to build back better. Alongside setting up London's Child Obesity Taskforce and a range of other measures back in 2019, I introduced the Healthier Food Advertising Policy on the Transport for London estate in order to help address the issue of child obesity and it is essential that we now look to build on this progress. Research has shown that every additional unhealthy food advert a child sees can lead to them eating hundreds of extra unnecessary calories each week. I am proud that the policy has made a genuine impact on the advertising landscape, reducing how many advertisements for unhealthy food and drinks London's children are exposed to on a daily basis.

However, there is much more to do to truly fix the problem. And now, the evidence that obesity is a risk factor for worse outcomes from COVID-19 has reinforced the importance of addressing adult obesity too. Action is needed to support our city's recovery and minimise the impact on London's most vulnerable communities. But my mayoral powers do not extend to all of London's advertising spaces. That is why I am now urging others, particularly London's boroughs, to join me in updating their own local policies. Under the London Recovery Programme, the Healthy Place, Healthy Weight recovery mission will take a whole systems approach to supporting healthy weight. This will include supporting others to adopt healthier food advertising policies so that together we can create a stronger city that supports all of our citizens, and particularly our children, to live healthier, more fulfilling lives.



Foreword from London ADPH Child Obesity Lead, Steve Whiteman

The links between junk food advertising and child obesity have long been established. Local authorities have been trying to defend their high streets and transport hubs from high fat, salt and/or sugar (HFSS) advertising for years, but with limited resources, they have been unable to take on the might of the industry giants and financial constraints. Now the Mayor of London's policy has paved the way for local authorities. It has created a roadmap – a ground-breaking, evidence-based policy which is being independently evaluated– to help them take this work forward in their local councils. It has gone from a David vs Goliath battle to low hanging fruit for local authorities. And the more councils get behind this, the easier it will be for all of us to normalise streets free from the scourge of unhealthy food and drink advertising, and create healthier, happier spaces for children to grow up in. I'm delighted that Sustain has synthesised all of their knowledge and insights from years working behind the scenes on getting this policy over the line in local government, and is gifting it to us in the form of a toolkit. To all local authorities – please read this toolkit, be inspired and start to take action on how you too can bring this policy in locally.



Foreword from Councillor David Fothergill, Chairman of the Local Government Association Community Wellbeing Board

For several years, local authorities have been calling for powers to ban junk food advertising on their streets. They have witnessed obesity levels creep up to epidemic proportions, alongside associated conditions like diabetes, heart disease and cancer, and yet have been powerless to tackle the influences. This has been particularly prevalent in more deprived wards. The correlation between obesity and more severe Covid outcomes has suddenly alerted public consciousness to the urgency of this problem and the importance of a healthier diet. We need to be able to make changes to our environment if we are to tackle obesity, and although this will not solve the obesity crisis by itself, being able to limit exposure, particularly to children to unhealthy food products would be an important step forward. Currently, the only powers available to local authorities extend to the positioning of the advertising billboard, not the content of the advertising. Giving councils powers to control the exposure of advertising particularly around schools and nurseries could therefore significantly change the messages people receive about healthy eating while they are out in their local communities. It is not right while we are trying to educate communities around the importance of maintaining a healthy diet, they are subjected to excessive food advertising that is high in fat, salt and sugar.

1. Introduction

The world of junk food advertising has changed markedly in recent years. Both on the part of the advertising industry extending their dominance, and on the campaigner keeping the adverts at bay. Advertising for high fat, salt and/or sugar (HFSS) products is just about everywhere we look. From shop windows, TVs, telephone boxes and bus stops to multiple screens, there is no escape. The sole purpose of these adverts is to get us to buy more. It's even shaping our social interactions – our personal mobile apps, computer games and websites. It's not just the frequency which has changed but also the lengths some companies will go to reach certain audiences. There are limits on advertising within children's programming. However, brands are finding other ways to target them with fun marketing using celebrities and familiar cartoon characters. This is at an age where they can be easily influenced.

For children growing up in this frenzy of advertising, exposure to HFSS products normalises these highly processed, unhealthy foods and drinks. Research shows this influences their food choices.¹ HFSS marketing is linked to a strong preference for HFSS products,² more snacking,³ eating more calories⁴ and HFSS products replacing healthier foods.⁵ The links between child obesity are sufficiently strong to have been defined as a causal relationship.⁶ Children growing up in more deprived areas are more likely to be exposed to HFSS product advertising.^{7,8,9} This contributes to higher rates of obesity – worsening health inequalities between rich and poor.

Fortunately, national legislation has been introduced to combat some aspects of HFSS advertising. Developing and implementing policy on HFSS advertising has however proved challenging. Initial ambitions often fail to be realised, while policymakers find they can't keep pace with developments in the advertising sector.

In 2007, after much consultation and research, Ofcom introduced restrictions on HFSS advertising during children's programmes and on dedicated channels. However, children are still exposed to high amounts of HFSS advertising

on television.¹⁰ For example, children still see HFSS advertising during popular programmes, such as *Britain's Got Talent*. During one episode, this equated to 4 minutes and 38 seconds of HFSS advertising exposure.¹¹ An independent review found no difference in the amount of HFSS adverts seen by children before and after television restrictions were introduced.¹² In 2017, the Committee of Advertising Practice (CAP) brought in policies to restrict HFSS advertisements on non-broadcast media (such as streets, publications, cinemas and online).¹³ However, these are hampered by self-regulation. This makes the CAP's enforcement by the Advertising Standards Authority slow to act and lacking transparency, penalties or a monitoring process. In addition, the system of self-regulation has led to weak and often implausible definitions of the rules. Consequently – and unsurprisingly – the CAP rarely upholds a complaint. For more on this, see the Sustain/Food Active 2019 report *Taking Down Junk Food Ads*.¹⁴

In 2020, the Government introduced its new Obesity Strategy. Emboldened by the success of the Mayor's Healthier Food Advertising policy, it includes several key promises and proposals. These include a promise to introduce a 9pm TV watershed, a proposal to end online advertising of selected HFSS product categories and in-store HFSS promotions by the end of 2022.¹⁵ This is welcome news for healthier food advocates, and many will keenly watch how this plays out. However, it is notable that it does not include any action on regulating advertising on streets.

Over the last few years, local authorities across the UK have shown an interest in introducing Healthier Food Advertising policies on their own advertising spaces. At the time of writing, more than 70 have contacted Sustain for support. Building on the experience of the Mayor's TFL policy, local authorities have launched and sometimes expanded on similar measures. They have also argued the case for local action which aligns with local priorities and resources. This toolkit brings this learning into one place to share with local authorities that wish to introduce their own Healthier Food Advertising policies.

THE EPIC

Chick
~a~ Fry



sizzling with spice

JCDeco

1.1 Eight reasons to bring in a Healthier Food Advertising Policy

1. Limited financial impact: swapping out HFSS products for healthier products, not 'banning' brands and businesses

Under this policy, the local authority can still take advertising revenue from companies and businesses who advertise food and drink products. When the policy comes into effect, they must simply swap out the HFSS products for non-HFSS products on their books.

2. Advertising works

HFSS adverts make these products more appealing and influence young people particularly to make less healthy food choices.^{16,17} A 2018 Cancer Research UK study estimated that seeing just one extra HFSS advert per week led to the consumption of 350 additional calories.¹⁸ Unsurprisingly, there are associations between outdoor HFSS advertising and obesity.^{19,20} The advertising spend for cakes, biscuits, confectionary and ice creams is twenty times that of healthy food.²¹ As such, it's highly likely that unregulated advertising sites frequently expose residents to HFSS adverts.

3. The child obesity epidemic affects more than just a child's physical health

Of course, this policy alone will not fully address obesity. However, it is part of a whole system approach and a good example of health in all policies. The child obesity epidemic has implications for both the affected individuals' emotional and mental development, as well as their social interactions. But it also has repercussions for the economy in terms of the wellbeing of a future workforce and the NHS.²² Recent estimates show that £66bn could be saved over the course of a child's lifetime if child obesity was brought down to 1980s levels.²³ In addition, in 2018, the government committed to halving child obesity by 2030. At that point, 1 in 3 children were overweight or obese by the time they left primary school²⁴ and this is still the case today. That means a lot of work needs to be done over the next decade.²⁵

4. Adult obesity is strongly correlated with worse Covid outcomes

The pandemic has given fresh impetus to reducing adult obesity due to its strong correlation with a higher risk of worse Covid outcomes.²⁶ Some research puts the increased risk of death by Covid for obese patients at 48%.²⁷

5. The current outdoor advertising regulation is inadequate

On-street advertising is self-regulated by the Advertising Standards Agency (ASA). The advertising industry also writes the rules that advertisers must stick to (through the Committee of Advertising Practice).²⁸ New policies to specifically restrict HFSS advertising to children introduced in 2017 have proved inadequate. For a full analysis of why, including case studies of complaints to the ASA, see the report, *Taking Down Junk Food Ads*.²⁹

6. HFSS advertising widens health inequalities

Children and families living in the most deprived areas are exposed to more HFSS advertising.^{30,31,32} Alongside barriers to affording and accessing healthy food, HFSS advertising magnifies the problem. It does so by normalising unhealthy diets and contributes to a strong link between child obesity and deprivation.³³ London is a prime example of this: a child aged 10-11 living in a poorer neighbourhood is at least twice as likely to be overweight or obese as a peer living in a wealthier area. For example, 7.4% of 10-11 year olds in affluent Twickenham Riverside are overweight or obese, while 51.9% are in more deprived Camberwell Green.³⁴

7. A tried and tested policy

The Healthier Food Advertising Policy was in place across the Transport for London network by February 2019. The policy is publicly available for others to use. It has also been implemented by local authorities (see case studies later in this toolkit).

8. HFSS products are unsustainable

The planet and communities pay a high toll for society's empty calories. HFSS products are some of the most exploitative foods and drinks for the environment.³⁵ Most of the HFSS products that are advertised are highly or ultra-processed foods and drinks. The production process for highly chemically processed food alone uses vast amounts of energy. That's before you even consider the destruction to habitats from the packaging and commonly used ingredients like sugar^{36,37} and palm oil.^{38,39}

Local authorities must use the momentum of the Government's Obesity Strategy and take the rare chance to reject the flood of HFSS advertising.

This is most vital as more restrictions on HFSS advertising are introduced. The Government's Obesity Strategy will come into effect by the end of 2022. This will restrict HFSS advertising on TV after 9pm, with a total restriction proposed for online too. Outdoor advertising is less regulated in comparison. Advertisers and brands may switch some of their existing HFSS media spend to other types of promotion and marketing including on-street and out-of-home. This could lead high streets and transport hubs to be inundated with HFSS advertising. The problem is likely to be worsened by advertisers seeking out high streets in boroughs yet to implement Healthier Food Advertising policies. Local authorities would be wise to act before this happens.



1.2 History of The Mayor of London's Healthier Food Advertising Policy

In December 2018, the Mayor of London, Sadiq Khan published the London Food Strategy and committed to introducing a world-leading policy to tackle childhood obesity by restricting unhealthy food and drink advertising across the entire Transport for London (TfL) public transport network. Sustain has helped advise the Mayor's team on implementing this policy, which launched in February 2019.

London has one of the highest rates of childhood obesity of any city in Europe, strongly associated with social deprivation. The Mayor has said that no single intervention will solve London's childhood obesity problem. The advertising restriction is thus part of a range of interventions outlined in the London Food Strategy. The policy covers all advertisements across TfL's network that directly or indirectly promote high fat, salt and/or sugar (HFSS) products. It also includes advertisements for food and drink companies, restaurants, takeaways and delivery services.

The Department of Health's Nutrient Profiling Model determines which products can be advertised. Companies can apply for an exception for their HFSS products. Applications are reviewed by an exceptions panel, considering: whether a healthier alternative is available; if the product is listed on OHID's sugar and calorie reduction lists; children's consumption of the product; and if the presentation of the product appeals to children.⁴⁰ If a product is granted an exception, the advertising copy will be closely checked and rejected if it is marketed to children. TfL reviews and determines whether to grant exceptions based on precedents set by the exceptions panel.

Some food and advertising companies accepted the policy without challenge. Others have objected or presented requests for exceptions. There are already positive impacts at this stage, as brands shift to promoting healthier products and working closely with TfL to make the policy work.

Timeline of the Mayor of London's Healthier Food Advertising Policy

Summer 2018	Public consultation on draft plan
November 2018	Announcement of the policy
February 2019	Policy came into force

Win a family adventure
with Gobblebob's



1.3 How does the Healthier Food Advertising Policy work?

The Healthier Food Advertising Policy restricts the advertising of HFSS products from all advertisements. The [Transport for London \(TfL\) policy guidance is available to view online](#).⁴¹ Note that while similar, local authority policies are different from the Transport for London policy, particularly with regard to exceptions (links to local authority policies are listed below). Below are the main features of the Transport for London policy.

Swapping out products not banning brands

No brand is banned. Under the policy, any food and drink company can advertise. They simply need to advertise a non-HFSS product.

The Nutrient Profiling Model (NPM)

The policy uses the [Nutrient Profiling Model](#)⁴² to distinguish between food and non-alcoholic drinks which are HFSS and non-HFSS using their nutritional content per 100 grams. Written by academics on behalf of the Food Standards Agency, the NPM is now held by the Department of Health and Social Care. It has been used since 2007 to restrict unhealthy food and drink advertisements on children's programming across national television. It's also been used by the CAP Code for non-broadcast advertising of HFSS products since 2017. The NPM gives points based on their energy, sugar, saturated fat and sodium. It subtracts points for fruit, vegetable and nut content, protein and fibre. The advertising industry is familiar with this model and chose to adopt it for existing, but quite limited voluntary restrictions.

Brand-only advertising

Some brands have strong associations with unhealthy products. Because of this, advertising for food and drink brands (including service companies and ordering services) is also restricted under this policy. Instead, all advertisements for a food and drink brand must include prominent promotion of a non-HFSS product.

Incidentals

All advertisements which include food and drinks that are generally HFSS are restricted. This includes those which don't advertise an HFSS product but do feature it. For example, a financial services advertisement which includes an ice cream would be restricted.

Exceptions

Many local areas are implementing the policy without exceptions to align with national advertising policies. This makes a clear line between which products are and are not allowed to be advertised. This is particularly true where the local policy looks at obesity in adults or wider health impacts. It also removes significant administrative burden and provides a robust definition for all involved. For more detail, see *Writing the policy* section.

Local authority Healthier Food Advertising policies

- [Bristol's Healthier Food Advertising and Sponsorship Policy](#) and [HFSS Guidance note](#)
- [Haringey's Healthier Food Advertising Policy](#)
- [Southwark's Healthier Food Advertising Policy](#)
- [Merton's Healthier Food Advertising Policy](#)



Examples of adverts before (above) and after (below) implementation of the Healthier Food Advertising Policy, based on real-life examples.



1.4 Won't the policy lose the council money?

No. It should not affect local authorities' incomes for the following reasons:

1. The policy does not 'ban' any brand from advertising – it is simply swapping out unhealthy products for healthier ones. For example, a brand that often advertises HFSS burgers may no longer be able to advertise those products. However, it could advertise a healthier version of their burger or another non-HFSS menu item instead. Similarly, brands associated with sugary drinks would not be able to advertise these products but could advertise their non-sugary alternatives.
2. The advertising industry predicted that brands would walk away from the TfL estate, losing it lots of money. However, this has not happened, except for a minority of companies which exclusively sell HFSS products such as a confectionery brand. Instead, advertisers have worked proactively and constructively to produce advertising which adheres to the policy. Most of these adverts are for national (and some international) brands, so compliant advertising content already exists. This can be used by the same companies at a local level, or it can be adapted to meet the Healthier Food Advertising policy. Alongside this, TfL has also welcomed new advertisers with campaigns advertising their healthier products.
3. Despite predictions of huge revenue losses after the policy was implemented across the TfL network, the revenue increased. Some analysts had warned it would cost TfL as much as £35m per year,⁴³ and that TfL ticket prices would go up as a result.⁴⁴ However, TfL confirmed that revenues had in fact gone up by £1m in the first quarter after the policy was implemented.⁴⁵ Those figures were sustained over the first year of the policy being live, with TfL reporting advertising revenues going up by £2.3m (before Covid).⁴⁶ Local authorities should not expect the same magnitude of revenue at a local level. It's worth noting that the TfL estate's large size makes it more flexible. In addition, its investment in digital advertising infrastructure may increase its appeal to advertisers. In its second year, advertising revenues continued to be unaffected by the advertising policy, however, there were losses due to Covid restrictions reducing customer numbers.⁴⁷ To conclude, initial concerns about financial losses have not been borne out.

1.5 Summary of the step-by-step process and timeline

How long each stage takes different councils will depend on the support available, political will and whether timings align with sign-off meetings.

Additionally, many of these stages could happen at the same time. We recommend however to do them in the following order.

Process	Average length of time taken
Introducing and researching the policy	
1. Engage the relevant senior lead/strategic body responsible for monitoring progress.	1 week to 2 months
2. Get support from across council boards and steering groups, as well as the local Food Partnership, if one exists, and other interest groups.	2 weeks to 3 months
3. Read up on the detail of the policy and familiarise yourself/your team with what it is and how it works.	1 day to 1 week
Making the case	
4. Build a case – with local and national research, as well as internal research on advertising contracts, policies and support.	2 months to 10 months
5. Establish a small team to work together to understand advertising spaces and policies and the broader implications of developing a new policy.	2 weeks to 2 months
6. Put forward a case/a paper to the relevant strategic group to outline why the policy is needed, how it works as well as risks and actions to mitigate them.	1 month to 3 months
Policy adoption and implementation	
7. Write the details of the policy and its implementation within the council. Consider whether to include exceptions and any other issues such as alcohol or breastmilk substitutes which the council would like to include.	1 week to 1 month
8. Get sign off for the policy to be implemented.	2 weeks to 3 months
9. Agree and gather relevant baseline information.	1 week to 2 months
10. Announce the policy publicly.	1 week to 3 months (of preparation)
11. Work with SMEs to ensure they understand the changes that will need to be made ahead of policy implementation.	1 month to 6 months
12. Implement the policy.	1 day to 3 months (if there is a soft launch)
Policy evaluation and review	
13. Continue to monitor, evaluate and carry out spot checks on the policy (monthly for first year, quarterly afterwards).	Continuous

2. Researching and introducing the policy

A strong defence may be required to make the policy happen. This means it will need a strong foundation. Until fully signed off, implementation can still be undermined or delayed by heavily resourced bodies who oppose it.

2.1 Identifying capacity and senior leadership

Local authorities should identify capacity for someone to support and coordinate the process from the early stages. They should also identify a senior leader or strategic group who/where this process will be accountable to.

2.2 Building a case

Set out a rationale for this policy in terms of the harm HFSS advertising can have on the local area's health and wellbeing and also the inadequate policing of it (see the *Introduction* and *Eight Reasons to Bring in a Healthier Food Advertising Policy* sections of this report).

This, combined with local data, such as local statistics for child obesity from the National Child Measurement programme,⁴⁸ should create a strong foundation. In some local areas, this is all that is needed to make the case. However, where there is capacity and the will to do so, local authorities should take some or all of the following actions before starting. In particular, local area declarations and aligning with other council strategies.

Local Government Commitments

Many local authorities working on this area have had added impetus because it chimes with other related awards and commitments on healthier food. Examples include local government declarations^{49,50} and Sustainable Food Places awards⁵¹ which both give recognition for tackling HFSS advertising and/or sponsorship. The former requires senior level local authority commitment, from the Director of Public Health and/or council lead sign off. Some councils have arrived at this policy because of these commitments, and others have used them to prioritise their

ongoing work on advertising. Councils interested in implementing this policy should find out if they have signed one of these declarations or have a local food partnership. If they haven't, it is worth doing so, to allow the work to be given necessary attention across the council. London boroughs have the added incentive of earning some points on the Good Food for London report.⁵² Local authorities implementing this policy have found it helpful to embed it within other council structures. Examples include the council Health and Wellbeing strategy or anti-poverty or financial inclusion policies.

Local research

Conducting some local research can often help make the case for the policy locally. It's good to reference local statistics for issues you wish to address (like childhood obesity, adult obesity and/or health inequalities). It's also worth assessing the local picture of HFSS advertising. This not only helps to make the case locally but also helps to familiarise the team with the practical implementation of the policy. For example, getting a better understanding of which specific adverts would be restricted, and how this is determined.

The timing of any analysis of local outdoor advertising is crucial to ensure it is representative of usual advertising activity. During Covid-19 lockdowns, and while restrictions and concerns about social interactions exist, advertising on streets and transport has been significantly affected. Many advertising networks have seen a fall in commercial advertising including foods and drinks, but an increase in government advertising and public health messaging.⁵³ Therefore, carrying out local research at this time is not recommended as the results will likely underrepresent the scale of HFSS advertising. It may however be possible to use street view imagery (such as google maps) provided this is taken from a time when local advertising was unaffected. Researchers in Liverpool used street view imagery to show there were more unhealthy adverts in deprived areas and those with student populations.⁵⁴

While local research provides rich data, it should be noted that people travel beyond the confines of their immediate area. Research from Scotland following children's daily journeys found those living in more deprived areas were exposed to much more HFSS advertising than

static research would indicate. This is because the streets which make up the more deprived children's daily journeys are busier than the streets taken by their less deprived peers. Advertising spaces naturally tend to occupy busier streets so as to catch more attention.⁵⁵

Case study:

Carrying out local research – anonymised London borough

One local authority did their local research using two postgraduate dietician students who were on placement in the Public Health team for a month. The local authority wishes the policy to address the concerning health inequalities between children from more deprived wards relative to their less deprived peer. The local research thus compared advertising in the most deprived wards with the least deprived wards.

The students visited the streets in the identified wards, taking photographs of all on-street advertising (bus stops, lamppost ribbons, billboards, digital screens etc)

They analysed the pictures to determine:

- The percentage of HFSS adverts out of the total adverts
- The percentage of non-HFSS adverts out of the total adverts
- The percentage of HFSS adverts out of all food and drink adverts
- The percentage of HFSS adverts in most deprived wards vs least deprived wards

This helped make the case that this is an issue on a local scale as they could cite the amount of HFSS advertising locally, relative to other advertising, especially non-HFSS adverts. In addition, the data highlighted the added burden to health inequalities because HFSS adverts were far more likely to be placed in more deprived neighbourhoods.

Groups and council teams to approach for support

- Director of Public Health
- Leader of the council
- Council portfolio holder for health
- Health and Wellbeing board
- Healthy weight steering group or adult/child obesity group
- Covid recovery board
- Food partnership
- Sugar Smart campaign
- Veg Cities campaign
- Youth board
- University/medical school
- Planning team
- Tourism team
- Parks team
- Group working on a climate and nature emergency declaration

Partnership working

HFSS adverts, and the products themselves, negatively impact upon so many areas of local life. This policy could find favour with many council teams and groups outside of the traditional public health remit. It may be a good idea to call on this support when building the case for action.

The adverts drastically change the look and feel of town centres. The association with littering and loitering may make them prime candidates for Planning, Tourism, or those concerned with preserving historic buildings and town centres. The products advertised are often associated with environmental destruction. Firstly, because their empty calories are wasteful and inefficient.⁵⁶

Secondly, they frequently contain unsustainable ingredients such as palm oil⁵⁷ and sugar.⁵⁸ This is likely to concern those councils who have declared a climate emergency. You could find common cause with the local authority's Environment team as well as with external environmental groups. In some local areas, there is growing discontent about advertising more generally, such as Ad-free cities' campaigns.⁵⁹ This may make them inclined to support policies like this. The policy may also find favour with young people, locally. Local authorities have engaged youth boards in this work, for which it might be helpful to share [Biteback2030's video](#).⁶⁰ Working alongside teenagers, they show how companies target young people and influence them to choose HFSS products.

Case study:

Running a public consultation – Greater London Authority

In 2018, the Mayor opened a public consultation on the draft of the food strategy, including the Healthier Food Advertising Policy, from May – July. The consultation included polling, online surveys, discussion forums and focus groups. This helped ensure as many views were captured as possible and they were representative of London's diverse communities. The responses came from boroughs, businesses, the third sector and Londoners.⁶¹

The response to implementing the Healthier Food Advertising Policy was overwhelmingly positive:⁶²

- Of 592 emails and letters received on the subject, 98% were supportive. Over 500 of these emails used an email template supportive of the policy coordinated by Sustain (template available as appendix 1 of the London Food Strategy Consultation Response Report⁶³).
- In a representative sample, 52% supported, while 20% opposed and 29% were undecided.
- Of the 149 responses from stakeholder organisations, 68% (101) were supportive, 17% (26) opposed and 15% (22) did not express a view either way. Of the 26 organisations opposed, 25 were from the food and drink or advertising sectors.
- One Talk London respondent wrote: "It's a good idea and one that I wholeheartedly support. I get pressure from my children to buy unhealthy food that they have seen advertised on children's channels, so I don't think that it is unreasonable to assume that they are influenced by advertising at Tube stations and on buses."

It was this dataset which gave the Mayor of London the mandate to launch the policy and it has continued to provide support throughout the implementation process. The published consultation response (pages 60-79) is a useful reference point for the common objections to such policies and the corresponding response.

Public Consultation

Many local areas have sought views from local people before implementing this policy. Often the results have been supportive of the council taking action. This is helpful to have at a later stage if the policy faces a barrier.

Working together across regions

A key barrier to the policy's adoption by local authorities is the lack of resources to prove the case, particularly in the face of very well-resourced vested interests. However, there's strength in numbers. The Mayor of London's policy benefited from being implemented across the TfL network which is the largest out-of-home advertising estate in the world.⁶⁴ This provided a unique opportunity to use the TfL advertising estate as a test ground for such policies. Similarly, some areas are tackling this by working together to pool resources across regional (childhood) obesity groups and see how to make changes as a united front.

Familiarising yourself with the policy and its implementation

There will always be concerns about how to implement a new policy locally and particularly concerning the perceived risk to the local authority's finances. The team should therefore have a good working knowledge of how the policy works.

Case study: Anonymised ADPH and OHID regional group

A collaborative approach by local authorities from one region highlighted a shared interest in launching a Healthier Food Advertising Policy. After discussion at the regional network, the ADPH Network was approached for funding to deliver this as part of their Sector Led Improvement workstream. This was granted after the group Chair gave a presentation to the network. The project commissioned Sustain to support councils from across the region for six months. By working together, they hope to advance some of these policies enough to see them launched shortly. In addition, they could work on previously untouchable advertising spaces by engaging the commissioners of advertising across the region's private transport networks.

2.3 Recommended minimal reading for familiarising yourself with the policy and local justifications for implementation

- *How does the Healthier Food Advertising Policy work?* (see section 1.3 in this toolkit)
- [The Mayor of London's Food Strategy consultation responses](#) (pages 59-78) which explains the main objections to the policy, and the responses which justify launching the Healthier Food Advertising policy
- Local strategies and policies that reference healthy weight, infant nutrition, development of public realm and anti-poverty
- Apply [the Nutrient Profiling Model](#)⁵⁸ to food advertising. See the box on the next page to work through examples.

Exercise: Applying The Nutrient Profiling Model

Use the nutrition information and the [Nutrient Profiling Model](#) to work out the score for the following advertised products. See the answers in appendix A of this toolkit.



Product 1: Chandel ice cream

Nutrition information per 100g	
Energy (kJ/100g)	1266
Saturated fat (g/100g)	11.7
Total sugar (g/100g)	26.3
Salt (g/100g)	0.12g salt
Fruit, veg, nuts (%)	0
AOAC fibre (g/100g)	1.3
Protein (g/100g)	4.2



Product 2: Nat-R bar

Nutrition information per 100g	
Energy (kJ/100g)	1899
Saturated fat (g/100g)	10.5
Total sugar (g/100g)	26.5
Salt (g/100g)	0.63
Fruit, veg, nuts (%)	0
AOAC fibre (g/100g)	3.7
Protein (g/100g)	17.9



Product 3: Swelt drink

Nutrition information per 100g	
Energy (kJ/100g)	79
Saturated fat (g/100g)	0
Total sugar (g/100g)	5.3
Salt (g/100g)	0.03
Fruit, veg, nuts (%)	0
AOAC fibre (g/100g)	0
Protein (g/100g)	0



Product 4: Los Angeles Burgers

Nutrition information per 100g	
Energy (kJ/100g)	1157
Saturated fat (g/100g)	6.7
Total sugar (g/100g)	3.6
Salt (g/100g)	1.6
Fruit, veg, nuts (%)	5%
AOAC fibre (g/100g)	0
Protein (g/100g)	13.8



Product 5: Hutchinsons tomatoes

Nutrition information per 100g	
Energy (kJ/100g)	114
Saturated fat (g/100g)	0.1
Total sugar (g/100g)	3.3
Salt (g/100g)	0.1
Fruit, veg, nuts (%)	100
AOAC fibre (g/100g)	1.3
Protein (g/100g)	1.0

2.4 Scoping

What do local authority advertising sites look like?

A logical first step to introducing this policy might appear to be to find out what advertising spaces the local authority holds. However, for reasons expanded upon later, the time to explore this is when the local case is established.

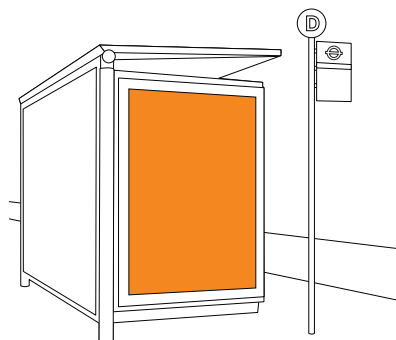
Often different advertising contracts are held by different teams. Ideally, it will be possible to identify and meet with contract-holders in a methodical way. However, some local authorities may find that understanding the scope of what advertising space they own is itself a challenge.

The following list aims to support understanding of possible local authority owned advertising sites. It's unlikely that a local authority will have all these different types of advertising. Instead, most will own a few different types of the advertising sites mentioned here.

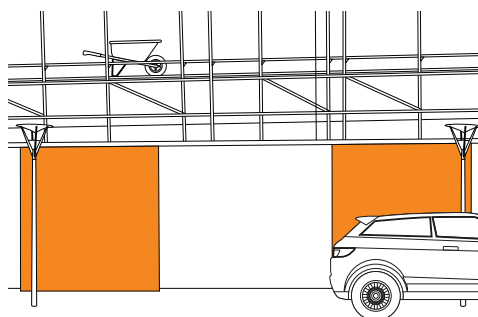
It's worth considering whether these types of advertising exist in your local area. However, not all advertising in the local area will be owned by the local authority – much of it is likely to be privately owned. In many local authorities, without seeing the contracts, it is impossible to know the size of the local authority advertising estate.

Direct advertising sites

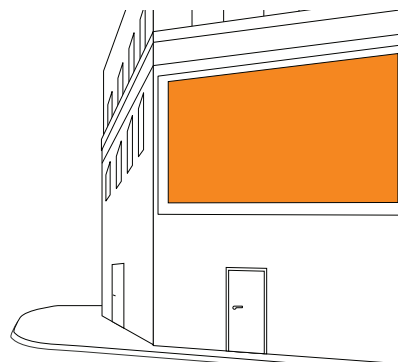
- Bus shelters



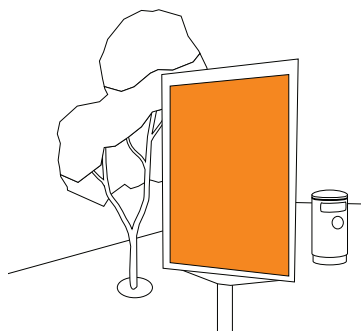
- Large hoarding sites (usually around construction work)



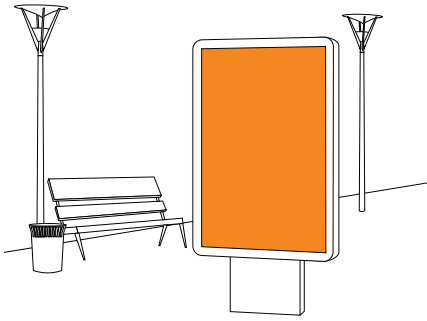
- Large digital sites (i.e. digital billboards)



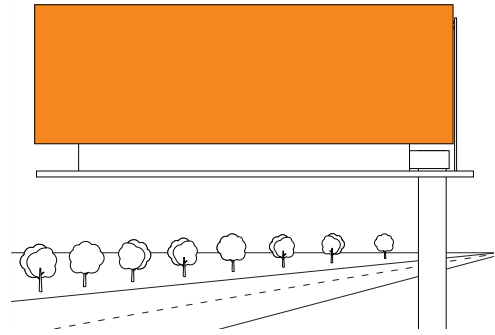
- Electronic free-standing displays



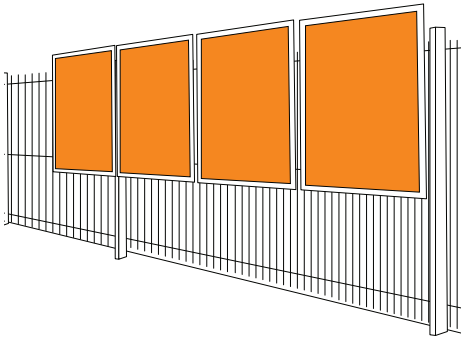
- Non-electronic free-standing displays - also known as 6 sheet panels



- Billboards



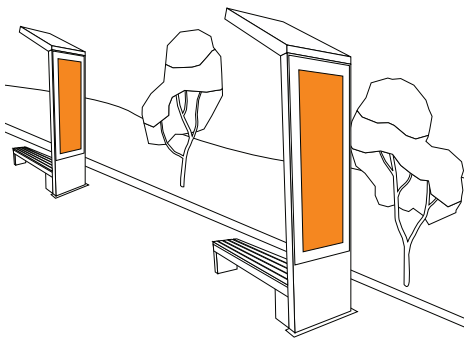
- Non-electronic posters - also known as 4 sheet advertising. May be found in train stations and other transport hubs - check whether any of this is owned by the local authority



- Lamppost advertising ribbons

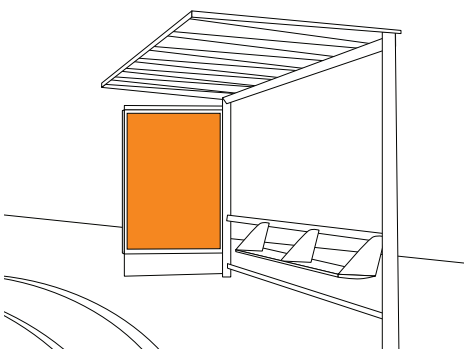


- Smart benches



- Local Authority website
- Taxis
- Car parking tickets (i.e. on the back of the tickets)

- Other transport hubs e.g. tram stations/metro stations



Indirect advertising sites

These are not impossible to regulate but may require one or two extra steps from the local authority to regulate them

- *Buses/trams – including panels inside the vehicle, on the outside of the vehicle and on the back of tickets.* This contract may be shared with other local authorities or determined regionally). And, depending on the contract, the advertising may be harder to restrict/control because it may not originally be part of the contract.
- *Telephone boxes.* These are owned by private companies, but the Planning team will have needed to give them permission to be erected. The upcoming Sustain report *Calling time on junk food ads* explores how working with Planning teams can help to restrict telephone box advertising.

Finding out what local authority contracts and policies look like

It is important to have a clear, current picture of the local authority advertising spaces before putting the policy before the council. For most teams, launching this policy will mean asking other teams about contracts (like the Commercial team or Transport and Highways). However, as contract-holders, there may be concerns about future income streams. Senior leadership working at a strategic level need to be aware and supportive of the policy change. They also need to be familiar enough with the policy to be convinced it will not ban companies from advertising on council property. In some local authorities, simple misunderstandings and fears have led to long delays in finding out this initial data.

We recommend that local authorities wait until a well-supported case for the policy has been established locally before asking to see contracts or speaking with potential contract-holders.

Case study: An anonymised local authority

The local authority's Public Health team is now writing up the policy documentation after getting sign-off. Following Sustain's advice, they got the consent of senior council leaders first. This was done before seeing the advertising contracts and engaging with advertising contract-holders about the policy. After collecting local and national data, they wrote a two-page briefing to outline the case. The document was agreed at directorate level before passing to the corporate management team for approval. From there it was successfully supported, enabling the Public Health team to start drafting policy documents. It was at this stage that they approached the advertising contract-holders. With the authority of the most senior level of the council behind them, they have managed to get copies of the advertising contracts and processes fairly easily. This has kept the policy process straightforward and smooth. By contrast, those local authorities that have been more public before getting sign-off have faced far more barriers and industry lobbying.

Details to request for local authority advertising contracts and policies

Ask if it is possible to have sight of:

1. **all the local authority's current and proposed advertising contracts**
2. the local authority's **advertising policy** if there is one
3. a **map of local authority owned advertising spaces**.

In order to help you answer the following questions:

- What outdoor advertising spaces are owned by the council, e.g. bus stops, billboards, digital screens etc – and how many are there of each?
- How many advertising contracts are there currently and what spaces do they cover?
- How much are these advertising contracts worth to the council?
- When do current advertising contracts end? And when will the council be going out for tender?
- Where advertising occurs not as part of large-scale contractual arrangements, what are the sales arrangements and what revenue is generated from different sources? E.g. council magazines
- Does the council already have an advertising policy?
- Do current advertising contracts mention contractors must adhere to an advertising policy? Or adhere to council policies more generally?
- Which advertising spaces are local authority owned, and which are privately-owned?
- Who currently signs off on phone box planning consent and what is the process?

2.5 Making the case in a report/paper

For a good example of a cabinet paper, see [Southwark's Report Introducing a Council Advertising Policy](#).

2.6 Making the case at local/regional meetings

A few areas commonly come up as concerns when presenting the policy to build enthusiasm across the council:

- The finances (see *Won't the policy lose the council money?* section)
- The impact upon small and medium-sized enterprises (see *Working with advertisers and businesses to adjust to the changes* under the *Implementing the policy* section)
- The practicalities of the implementation (see *Implementing the policy* section)

0704 0344

11
12
13
14

Clear Channel

what's your flavour?



3. Policy adoption: policy implementation and oversight

3.1 Writing the policy

The TfL policy and the local authority policies are freely available online (see the *resources* section of this toolkit). However, it is important to consider how this will be implemented in your local area. Are there any other changes or issues the local authority will want to include?

1. An Exceptions Process

The TfL policy allows companies to apply for exceptions for individual products that fail the Nutrient Profiling Model (NPM), where they feel the policy should not apply. Brands apply for an individual exception for each product they want to advertise. The policy holders then determine whether to uphold the exception or not. This was introduced after industry made the case that there would be unintended consequences if the policy solely relied upon the NPM to arbitrate. For local authorities, with limited time and resource to spend on a process, this can be an added complication which is why more recently local authorities are launching without exceptions. Many more local authorities who are yet to implement policies are considering doing so without exceptions too.

Note that the TfL policy uses an exceptions process. The Government meanwhile is introducing an automatic exemption for product categories affected by the online and TV watershed restrictions. These will be determined primarily by OHID's sugar and calorie reduction lists and the Soft Drinks Industry Levy criteria.

Should local authorities use exceptions within their Healthier Food Advertising Policies? Below sets out the advantages and disadvantages of exceptions:

- **Exceptions can allow for products not thought to make a substantial contribution to childhood obesity** but deemed unsuitable by the Nutrient Profiling Model to be approved for advertising. For example, olive oil. The TfL policy uses exceptions, so London boroughs can follow TfL's decisions for particular advertising campaigns happening in both spaces
- **The NPM is a strong tool** which has been successfully used to distinguish between healthier food and drink and less healthy food and drink advertising since 2007. It was created specifically for the purposes of advertising policies by experts in nutrition and food policy on behalf of the Food Standards Agency in 2004-5 (now held by the Department of Health and Social Care). It is already in use across television advertising, and since 2017 across non-broadcast advertising (for example, online and outdoor advertising). Those using it have the reassurance of this being a well-evidenced Government approved tool.⁶⁶
- **Exceptions will only apply to a small number of products:** There are very few HFSS products which do not make a substantial contribution to childhood obesity but will be captured by the NPM. For example, cooking oils – however, these do not make up a significant proportion of the advertising revenue.
- **There always needs to be a line drawn somewhere:** The NPM, as an objective model offers local authorities a way of drawing that line in a consistent way.
- **Risk of subjectivity of exceptions:** The Nutrient Profiling Model is objective and robustly delineates between HFSS and non-HFSS. When considering exceptions, there is always an element of subjectivity. Therefore great care is required to ensure decisions are consistent so as to avoid the risk of legal challenge.
- **Risk of legal action:** Advertisers and brands have regularly communicated that they need a clear line to work towards. Creating an advertising campaign uses a lot of business resource. Therefore, if the policy changes or an exception is agreed for a competing business during a business's

advertising campaign, this may be viewed as unfair. Local authorities will need to watch exceptions carefully to ensure they do not find themselves on the wrong side of competition law.

- **Resource-intensive:** To ensure that any exception decision is robust, there are many elements to consider. This includes the precedent set by other product exceptions and resource requirement to carry out data analysis for making evidence-based decisions. In order to do this justice, experts must spend considerable time on each aspect of the application. This will cost the local authority time and money.
- **Delays to advertising clients:** Companies often require a quick turnaround on exceptions applications so that they can know whether they can run their advertising campaign. Local authority resource will need to be spent on quickly reacting to applications, drawing on the data required and making a suitable and robust decision. If local authorities' decisions are delayed, there is a risk that the company could withdraw advertising from their sites.

2. Incidental HFSS language and imagery

Adverts in which HFSS products are featured but are not being advertised are also restricted from this policy. For example, a financial services advert featuring an ice cream. However, unlike food and drink companies, the financial services company responsible cannot provide nutritional information for the product (it may even be a prop). As it's not possible to ask for this information, the Nutrient Profiling Model cannot be used either. Instead, these questions are used alongside the McCance and Widdowson dataset:⁶⁷

- How is the HFSS food/drink product portrayed in the advertisement?
- Is an HFSS food/drink product used to make the advertisement appealing or eye-catching?
- Is there an explicit or underlying message that promotes an HFSS food/drink product, its qualities (such as taste, desirability) or its consumption?

- Is the food/drink product part of the title or core narrative of a different, non-food product, event or service (for example, advertisement for a stage show)?

If the ice cream in the financial services advert was featured prominently, clearly, or in the context of children, it would be restricted. The advertiser would therefore be required to amend the copy to remove the ice cream.

3. Rigour of nutritional data submissions

The nutrition information of many packaged products is publicly available. However, local authorities should note that food made to order, such as in restaurants, does not have to declare nutrition information per 100 grams. This means it is not possible to apply the Nutrient Profiling Model. In such cases, policymakers will have to approach the company themselves for the data. Food and drink companies have an interest in their products being found to be non-HFSS as this enables them to advertise. As such, it's important that local authority policies state these results come from the highest standard professional and independent laboratory nutritional testing. This must be evidenced upon request. If not, the policy could create a loophole, which simply incentivises food and drink companies to manipulate nutritional data of HFSS products. That way they appear non-HFSS on paper.

In the UK, the Food Standards Agency is responsible for appointing official control food laboratories. For a laboratory to meet the requirements, they must employ staff who have qualifications defined by national legislation. Specifically, a registered professional public analyst or a qualified Food Examiner. The Food Standards Agency states that any laboratory used for nutrition analysis should have ISO 17025 accreditation as a minimum. Ideally, this should be by United Kingdom Accreditation Service (UKAS).⁶⁸

Other areas local authorities may consider including as part of their advertising policies

The following areas are not restricted under the Healthier Food Advertising Policy. However, many local authorities are taking the opportunity to consider restricting them too when the advertising policy is launched.

- Breastmilk substitutes – for information see the WHO Code⁷⁰
- Alcohol
- Telephone box advertising – working closely with the local authority Planning team – see Sustain’s report *Calling Time on Junk Food Ads* (an upcoming publication)

3.2 Announcing the policy

Until any policy is signed off, local authorities should be circumspect in their communications. This will help to protect them from any lobbying of staff and politicians. Local authorities may choose to run a public consultation exercise or refer to previous consultation feedback from other authorities.

Once a decision has been made to launch the policy, local authorities should be encouraged to tell the public about the changes through the usual channels. Local recognition and support for this work, as well as from other councils across the country will further embed the commitment to the policy. It’s probable that some advertising spaces locally will fall outside of the local authority’s estate or influence. This can cause confusion with residents who aren’t aware of these limitations. If this happens, it could be worth channelling residents’ views to open up engagement with those businesses who own other advertising space locally. See the [Mayor of London’s announcement of the policy](#) for reference.⁷¹

It’s important to frame childhood obesity carefully to avoid stigma and focus on positive messaging. For evidence-based guidance on how to best do this, see [the Frameworks Institute research on behalf of Impact on Urban Health](#).⁷²

Case study: Bristol City Council’s advertising and sponsorship policy

Bristol City Council’s policy includes this specification to ensure robustness of nutrition information. The below is taken from page 8 of their Advertising and Sponsorship Policy⁶⁹

Bristol City Council or its representatives may request evidence of nutrition information of food and drink products advertised, and in line with the Food Standards Agency recommendations, Bristol City Council expects any laboratory used for nutrition analysis to have ISO 17025 accreditation and this should be by the United Kingdom Accreditation Service (UKAS).

3.3 Launching the policy

The responsibility for the day-to-day work of checking whether adverts comply rests with the advertiser. They should ensure all their advertising complies with the policy as part of the terms of their contract with the council. Where local authorities employ third party agencies to manage their advertising estate, lines of accountability and oversight must also be clear. However, local authorities should not pass all responsibility and this policy must sit under at least one team's remit.

The timings for the policy implementation will in part be determined by whether the local authority already has an advertising policy. Advertising contracts should mention complying with the advertising policy or values of the local authority. In which case, the policy can be put in place soon after being announced. However, those local authorities which do not already have advertising policies, will need to wait for current policies to expire. Many advertising contracts are for at least 10 years and can be up to 25 years. This means local authorities without current advertising policies may find that current advertising contracts delay full implementation of the policy.

Case study: **Royal Borough of Greenwich**

When developing their policy, the council was particularly keen to include breastmilk substitutes within it. They recognised the importance of infant nutrition within the health and wellbeing agenda. This policy was a chance to further strengthen their UNICEF Baby Friendly status. Key leads were consulted about this inclusion. The strategic group overseeing the action plan on healthy weight agreed it was important to consider breast milk substitutes alongside HFSS foods and drinks.

Switch into
the main lane
with the original



Main's Chocolate

4. Policy evaluation and review

4.1 Reviewing the policy

The policy implementation and process should be reviewed regularly to ensure it's being adhered to. From time to time, there may also be queries about a particular advertising campaign. That's why both the team holding the contracts, and the team responsible for the policy are involved and familiar with the policy – particularly the Nutrient Profiling Model. For the first year after policy implementation, it should be reviewed at least monthly. That way you can quickly identify and address any issues. After the first year, this can go down to a quarterly review.

Signing in the new policy is one thing, but you must also consider how it will be maintained over time. Local authorities should have answers to the following questions:

- Who will be responsible for the policy?
- How will decisions about exceptions and incidentals be made and who will be responsible for organising this and reviewing it?
- How will you support businesses to understand the policy?

Proactive monitoring

In order to ensure that the advertising is compliant, and the policy is working, local authorities may occasionally run spot checks in the local area. To support this, some are considering introducing advertising complaints procedures. This provides a way for local people to raise concerns about advertising which does not appear to be adhering to the policy. It can be a useful process, as a way to monitor and engage residents, and boost understanding of the policy. Sometimes the successes of the policy are not immediately obvious because well-known brands selling HFSS products are still advertising. However, this is a chance to highlight the policy's impact. For example, the reformulation of a product to be healthier, or a swapping out of an unhealthy product for a healthier one.

Evaluation

We recommend carrying out a periodic evaluation (preferably independent and academic). This will encourage higher compliance with the policy. It will also encourage learning from it to support the policy's long-term sustainability. This can be shared with other local areas to support their implementation. It should be stressed that while the policy often sets out to improve childhood or adult obesity, obesity is multifactorial. As such, it takes time to change. This makes it hard to evaluate a single intervention. Instead, it should monitor measures like compliance with the policy, changes to advertising, changes in consumer perception and exposure levels of target groups. In addition, it is important to consider a baseline position relating to this before the policy goes live.

Working with advertisers and businesses to adjust to the changes

Advertisers and businesses will need time to adjust to the changes. TfL gave advertisers three months to adhere to the policy from when it was first launched. This was possible as the TfL network already had an advertising policy, so it was mentioned in current contracts.

Larger companies are likely to be familiar with the policy and to have adjusted their advertising copy. However, smaller, more localised businesses may only run advertising on council advertising spaces and will therefore be less familiar. They're also less likely to have the capacity or knowledge to spend resource on adjusting to the policy, or to be able to interpret its impacts. The policy must not inadvertently punish small and medium-sized enterprises (SMEs) on account of their size. At the same time, it is also important to establish a clear line for all advertising of food and drinks, regardless of the business's size. Therefore, SMEs must be alerted to what the requirements are and how to meet them before they spend resource on unsuitable advertising copy.

The local authority will need to specifically engage with SMEs to explain the policy. This includes when it comes into effect, how the changes affect them and what they must do to continue advertising. Initially, awareness-raising and support can be provided via an event and email. However, it's worth making longer term plans like a website and a touchpoint in the local authority who understands the policy.

4.2 Maintaining the policy

Local authorities can maintain support for the policy in the face of leadership changes and external pressure through internal and external support. Internally, the use of local government declarations can provide a useful commitment. Externally, it can be useful to routinely ask local people's opinions about changes. This includes, for example, featuring questions about HFSS advertising in surveys.

Case study: **Anonymised London borough**

In the run up to policy implementation, there was some concern about how any policy would affect local SMEs and income generation from local SMEs. Throughout the policy implementation so far, the Public Health team has worked closely and established strong links with the Commercial team. The staff member responsible for advertising contracts met with the Public Health team and Sustain on a few occasions. This gave them a thorough understanding of why the policy matters and how the policy will work. Most importantly, this includes the types of advertising which are acceptable and those which are not. This will enable them to be a gatekeeper for the policy and means if there are queries the local authority is well placed to respond.

In addition, Public Health is working with the Business Support team to support SMEs with the policy change. This support includes a webinar designed to introduce SMEs to the policy and explain how they can swap out unhealthy products for healthier ones in their advertising. Businesses can then get information and guidance on the business support section of the council website. They can also speak directly to council officers to check all imagery and text in any new adverts being developed complies with the new policy.

primesight

**Only 90
calories***



150g

***per 30g**

5. Industry lobbying

There is much public support for policies like this, and industry has responded positively by adapting advertising copy where a policy has been put in place. Yet some industry bodies are actively critical of restrictions and are taking proactive steps to convince local authorities to implement alternative measures. Some businesses are happy to have a level playing field to support progressive action. However, others have a vested interest in protecting the status quo or putting in place less significant measures. Parallels can be drawn between the approach taken by industry bodies on tobacco restriction policies. Industry has a useful role to play in

enacting policy. Public Health experts however caution against their involvement in policymaking, recommending they are strictly restricted to dialogue only.^{73,74}

How could they influence the policy?

Previous examples of industry influence over policy development have shown concerted efforts to reduce the scope of proposals and encourage less significant interventions. For example, when a local authority is considering restrictions, industry representatives may ask to discuss how marketing could promote healthier eating. They may also suggest there are more

Case study:

Industry lobbying in action - Outsmart

One example comes from Outsmart – the trade body for the out of home advertising and media industry. This group represents most outdoor advertisers. Outsmart has encouraged local authority staff and decisionmakers to consider how to use advertising spaces for public health campaigns. This is instead of using a Healthier Food Advertising policy restricting HFSS products. See their webpage “bans don’t work” in the screenshot below.



Outsmart’s “Get Smart Outside” website which includes the page “bans don’t work”
Credit: Outsmart 2019, screenshot captured by Fran Bernhardt/Sustain Aug 2020

effective ways to address obesity. There may be offers to join the board of decisionmakers on the policy. Both industry bodies and individual advertisers or brands will dedicate significant time to support the development of a policy.

Local authority officers and elected officials should be particularly mindful of direct

approaches for engagement from industry representatives, including any offers of hospitality. Many food and drink advertisers or the out of home advertising industry itself will have various measures in place. For example, where they are supporting local community groups or funding investment in the local

Case study:

Industry lobbying in action - The Advertising Association

The Advertising Association is the trade body for advertisers. The Drum website ran a piece titled '[Advertising Association blasts looming TfL junk food ad ban](#)' following the policy announcement. In it, the Advertising Association questions the policy's impact. It suggests that alternative methods would be more effective. They also raise concerns about financial implications, implying that commuters would have to pay more.

NEWS >

Advertising Association blasts looming TfL junk food ad ban

By **John McCarthy** - 22 November 2018 16:19pm

[Twitter](#) [LinkedIn](#) [Email](#) [Facebook](#) [WhatsApp](#) [Reddit](#) [Print](#)



[Twitter](#) [Facebook](#) [Pinterest](#)

Junk Food to be banned from TfL

The **Advertising Association (AA)** has hit out at London mayor Sadiq Khan's plans to ban junk food advertising on the tube and buses.

The Drum website article.

Credit: The Drum 2018, screenshot captured by Fran Bernhardt/Sustain December 2020

community. This should not be presented as a reason for not acting on HFSS advertising. Responsibilities should be separate between officers who develop advertising policy and those who may be securing in-kind or financial support from industry. There could also be external pressure in the form of negative press and local government questions casting doubt over the policy proposals.

Engaging with industry as part of policy development

Local authorities must strive to be as inclusive as possible when making policy changes. This enables people to share their opinions and gives the council insight on other perspectives. However, this must be balanced; one opinion should not be given more weight than others. Industry can spend far more to influence and fight the policy than local people, health professionals and food advocates, who will likely be supportive. We recommend that bodies openly opposed to such actions should have the chance to feed into the policy through consultation or other written representation. However, their responses should be treated just like any other response. Industry should not be part of decision-making or the policy development process.

It is important to be aware that the TfL Healthier Food Advertising policy does already take account of business perspectives. The GLA consulted the public on the Healthier Food Advertising Policy. It also specifically consulted the food and drink and advertising industry on its implementation. To help shape the policy, the GLA directly corresponded with industry and invited them to meetings to inform policymakers about how their industries work. These interactions remained separate to the policy formation. However, they were used to inform how the GLA's specialised nutritionists, public health professionals and food policy experts crafted an effective and balanced policy. Local authorities can now draw on this research in creating their own policies.

Consulting vs collaborating with industry: where to draw the line

It is useful to run a public consultation and the results may well support the council launching this policy. This is an appropriate way for industry to feed into the policy process, noting that industry has already informed the main policy (see previous section, *Engaging with industry as part of policy development*). This includes most major food and drink brands. The views of smaller more localised businesses have been represented by trade bodies who also fed back into the GLA policy process. Councils should be clear with industry bodies and businesses on how to engage and the specific stages involved in this process. For example, feedback and insight will be invited during public consultation. The policy should be reviewed periodically, but constant review and consultation may drain capacity or undermine the policy. Industry can be kept informed of how the changes will affect them with separate resources or presentations after the policy has gone live.

What will industry argue?

Evidence from analysis of previous public health interventions shows that a range of tactics are used to stop or slow down adoption of such policies.^{75,76} These include many guises to confuse, alarm and distract the public and policymakers. Such arguments generally fall into the following key areas:

- **Concerns over loss of revenue**

Industry bodies may threaten that the policy will cost the local area money. This includes in terms of lost advertising revenue which will ultimately affect local people and services. It also includes job losses in advertising and the food and drink industry, and wasted time and resource in local authorities. It is important for local areas to consider the financial implications, but alarming predictions from industry have failed to materialise. For example, TfL reported that advertising revenue had increased by £1m in the first quarter since the policy's launch.⁷⁷ Yet some politicians⁷⁸ and newspaper opinion pieces⁷⁹ reported the policy had cost £13m in lost

revenue, using figures put forward by industry before it was launched.

- **Distractions from the policy itself**

For example, that child obesity needs to be addressed by education programmes as well as more regular physical exercise,⁸⁰ that we need more data to understand the problem,⁸¹ and that outside parties were not consulted.⁸² These are all arguments to delay progress and draw attention away from policy that will influence business behaviour.

- **Make assertions that the policy is ineffective and disproportionate**

For example, there will be assertions that the policy has not or will not solve child obesity,⁸³ that other unspecified and idealised policies would be more effective,⁸⁴ that the rules are confusing – claiming that lots of healthy products are banned and that it allows lots of unhealthy products through.^{85,86} Unfortunately, there is no quick way to solve child obesity, but this policy can play a vital role alongside other measures locally and nationally.

- **Claiming outdoor advertising or their HFSS products are not responsible for obesity**

For example, stating that outdoor advertising only makes up a tiny percentage of advertising spend,⁸⁷ or that HFSS products are meant as a treat. It is clear HFSS products are so regularly consumed by children and adults that they are causing health problems. While outdoor advertising is not wholly to blame, it does promote and normalise these unhealthy products.

Those that oppose advertising restrictions often assert that consumers are not influenced by advertising. This is an interesting argument given that Outsmart (the trade body for the out of home outdoor advertising and media industry) themselves state:

“Out of Home is different from other media: it cannot be avoided or blocked. It is a public, broadcast medium with reach and

impact. Academic studies show that when consumers are out and about, they are in an active mindset. This means they are inclined to absorb and engage with new messages. Smartphone proliferation allows consumers to respond to OOH calls to action. They snap, search, share and shop more immediately than ever before.”⁸⁸

- **Restrictions are against an individual's human rights**

Some have argued that restricting adverts seen by others who are not the policy target impinges on an individual's human rights. For example, stopping adults seeing an advert, when the aim of the policy is to address child obesity. At best, this is an odd interpretation of the concept of 'rights' (the right to be advertised to or the right to advertise). Many would argue this is secondary to the rights of children to a healthy diet. This was raised during the GLA consultation process. However, no such claims or legal action has been pursued since the policy has been introduced.

For more examples of the arguments used against Healthier Food Advertising policies, see:

- pages 60-79 of [The Mayor of London's Food Strategy consultation response](#) which walks through the main objections to the policy, and the responses which justify the Healthier Food Advertising policy.
- You can see the industry's consultation responses in a [Freedom of Information request sent to the Mayor of London](#).⁸⁹
- Additionally, academics from the University of Bath have analysed strategies used by industry to lobby against the TfL policy.⁹⁰

To understand more about the wider framework of lobbying against public health work, see this article: [The seven tactics unhealthy industries use to undermine public health policies](#).

Protecting the policy from lobbyists

1. Keep your team small before you have gathered enough data. The most effective local authority teams limit the policy work to a handful of people – before they approach other teams.
2. Familiarise yourself with the key arguments against the policy and the associated responses.
3. It's important to work closely with any organisation that you directly contract with. Wider consultation should be structured after the initial policy development work.
4. Ensure controls are in place to separate policy development and decision making from any ongoing partnerships with industry.
5. Consider asking the Director of Public Health, council lead or ADPH obesity lead to write a message about the importance of being wary of industry lobbying. This can then be circulated to all staff involved in the policy.





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6. Case studies

Bristol

Policy implementation:

The policy was approved by the council's Cabinet in March 2021 and became active immediately. However, it isn't retroactive so for most major advertising contracts it will be applied when services are next re-procured. This will see incremental change in the next two years.

Advertising spaces covered under this policy:

All council-owned advertising spaces are covered including around 180 LCD-TFT bus shelter screens; 17 billboard sites; screens across Bristol City Council's facilities; and social media channels.

What is restricted under the advertising policy?

The policy restricts advertising for high fat, salt and/or sugar food and drink, alcohol, gambling and high-cost short-term loans. It includes restricting explicit and implicit promotion of these goods and services. Further, it extends to sponsorship arrangements as well as advertising.

What action by the council supported the policy implementation?

Bristol City Council has engaged extensively internally. This meant it could take a 'one council' approach to implement with consistent practice across many different departments. The Policy team briefed managers across the council, introduced formal governance and standardised process around both advertising and sponsorship. This made it possible to keep central oversight through the External Communications team.

Which council teams are/were involved?

The policy was developed by the Corporate Policy, Strategy and Partnerships division but development and implementation included a range of departments and teams, including but not limited to: External Communications, Public Health, Strategic Procurement, Parks and Green Spaces, Legal, Transport, and Culture. The policy also benefitted from pre-decision Scrutiny from the council's Overview and Scrutiny Management Board on two occasions.

What difficulties were experienced along the way?

To date, difficulties have been few and far

between. During policy development the council needed to take care around the fine details to ensure it was possible to launch the policy. The input of Sustain, TfL and the Mayor of London's Office gave a richer understanding of the lived-experience of applying a healthier food advertising policy. This helped avoid some pitfalls. It's currently relatively early-on in implementation, so the council anticipate a potential for some lost income and believe there will be detailed negotiation with future suppliers of media-buying. Probably the biggest challenge ahead will be providing internal capacity to advise and oversee the policy in action. For example, identifying and challenging where any part of the council's extensive business acts outside of the policy or associated process. It will be a journey of communication and engagement to keep the policy 'alive' and in people's minds.

How has it been received across Bristol?

The policy was well received and enjoyed cross-party support from Scrutiny members before being approved by the Mayor and Cabinet. It received positive publicity and most of the public questioning at Cabinet focused on wanting it to go even further – for example in how it could support the city's declaration of both Climate and Ecological Emergencies and potentially restrict advertising for high carbon goods and services.

Occasionally the policy detail has been lost or confused – for example some people haven't realised that it only applies to advertising spaces under the council's direct control so there have been occasional questions about advertising on other spaces in the city.

How is it being carried out in Bristol now?

It's early, but the requirements of the policy are being built into procurement exercises for some of the major contracts. It will therefore become more impactful when those begin, most likely from April 2022 onward. On a daily basis, the council is ensuring it complies internally. This includes, for example, adapting imagery used in advertising campaigns for local shopping areas and food festivals.

Royal Borough of Greenwich

Policy implementation:

The policy went live in April 2021 after a test period starting in January 2021.

Advertising spaces covered under this policy:

The policy refers to advertising controlled by the Royal Borough of Greenwich including lampposts, the Big Screen (TV), publications, advertising boards and online.

What is restricted under the policy?

HFSS foods and drinks and breastmilk substitutes are covered under the policy.

What action by the council supported policy implementation?

Senior leadership from the Healthy Weight Taskforce allowed officers from different departments to work together to explore the opportunities and challenges a change in policy might bring.

Which council teams are/were involved?

Royal Borough of Greenwich departments, mainly Public Health and the Advertising team, with input from the Good Food in Greenwich Partnership. It is accountable to the Healthy Weight Taskforce.

What difficulties were experienced along the way?

An initial concern about revenue loss and the challenge for small local businesses to adapt advertising to fit within the policy.

What helped to overcome or prevent difficulties?

Support and advice from Sustain was essential, as well as partnership working and a commitment from all departments involved to make the policy change work. The test period was also helpful to give time to address any issues as the policy started to be implemented.

How has it been received across Greenwich?

It's early days but has been received well by partners such as local housing associations and social enterprise organisations who are keen to mirror the approach to strengthen the impact in the borough. We are still making businesses aware of the changes but no challenge at this stage.

How is it being carried out in Greenwich now?

Led by the Advertising team who can call on a nutritionist in the Public Health team for advice when needed. Still in the stage of letting partners and local businesses know about the change and plan to develop infographic-based comms to support this.

Haringey

Policy implementation:

The policy launched in April 2019 and was effective in July 2019.

Advertising spaces covered under this policy:

All council-controlled advertising including the residents' print magazine, website advertising, lamppost banners and on-street promotions.

What is restricted under the advertising policy?

The policy mirrors the TfL policy.

What action by the council supported the policy implementation?

The introduction of TfL's Healthier Food Advertising Policy encouraged Haringey to take a similar approach. The Public Health team worked with the communications team to see whether this could be implemented in the borough. Haringey was already taking a healthy approach across the borough with new adaptations signed off by the Public Health, Communications and Legal Team. This was driven by the high obesity rates in the borough in young children especially in the Schools Superzones pilot area within Tottenham.

Which council teams are/were involved?

Public Health, Communications and Legal.

What difficulties were experienced along the way?

Telephone boxes and other private advertising spaces have been difficult because they are not captured by this policy.

What helped to overcome or prevent difficulties?

The challenges of telephone boxes advertising unhealthy foods was taken up at a national level as this was something unable to be done locally. The Public Health team worked with the Planning Department to put a response forward on the government consultation for Planning Reform: Supporting the high street and increasing the delivery of new homes to remove the permitted development rights for telephone boxes as these were being used more for trojan advertising. The team also worked with the London Healthy Place Network. This led to the successful objection of permitted development rights for telephone boxes.

As part of this work, the teams working on this policy have worked with other local authorities to challenge unhealthy food giveaways outside of TfL stations. There have not been recent sightings of the stalls however, the team recognises the difficulties in challenging where the ownership of land is unclear.

How has it been received across Haringey?

It was well received across the council. There was political support as well as favourable media coverage as the first council to adopt the policy - which helped the Public Health team launch the policy. The council's work on local policy implementation was presented at the London ADPH/OHID Obesity Leads Network. A few interested councils have since been in touch to find out more about it so they can adopt similar local policies.

How is it being carried out in Haringey currently?

The Communications Team reviews applications for advertising. If there is uncertainty about an advert, it is discussed with Public Health before a final response is sent to the advertiser.

Merton

Policy implementation:

Launched in April 2020 as an addition to Merton's previous advertising policy.

Advertising spaces covered by this policy:

bus shelters, street furniture, six sheets (free standing advertising boards).

What is restricted under the advertising policy:

The policy mirrors the Mayor of London's policy except that it does not have exceptions. This means that all HFSS products as determined by the Nutrient Profiling Model are restricted.

What action by the council supported policy implementation?

The Public Health team carried out thorough local research using nutrition students who analysed the advertising in Merton and created a map of advertising and the proximity to schools. They also spoke to other local areas about work they had done on advertising.

Which council teams are/were involved?

Community and Housing, Corporate Management team, Environment and Regeneration, Children's Schools and Families, Legal, Green Spaces. Led by the Public Health team.

What difficulties were experienced along the way?

Challenges about loss of income, concerns about being sued by advertisers and brands as well as fears about this policy leading to other things like fireworks advertising being banned. In addition, there were internal concerns about the capacity for the council to be responsible for exceptions.

What helped to overcome or prevent difficulties?

Making the case around children's healthy weight. It was agreed that the council needs to be doing all it can to protect children. The Local Government Declaration was also a persuasive factor in initial papers sent to management teams setting out the policy.

How has it been received across Merton?

Due to Covid, there has been less of a focus on the changes that might have been originally anticipated. There has not yet been an opportunity to promote it so the council looks forward to sharing the news more formally at a later date as part of some of the work they are doing to tackle child obesity.

How is it being carried out in Merton now?

Day to day, the council relies on advertisers to follow the rules and ensure that only non-HFSS products are accepted for advertising.



Southwark

Policy implementation:

Approved by cabinet in June 2019 to be implemented for all new or renewal of contracts from 1 July 2019. However, some of the contracts will not be ending for another two years within the borough.

Advertising spaces covered under this policy:

Smart benches, billboards and electronic displays that are owned by the council.

What is restricted under the advertising policy?

The policy is the same as the Mayor of London's Healthier Food Advertising Policy in that it restricts HFSS products with exceptions. In addition, it restricts the promotion of alcoholic drinks.

What action by the council supported the policy implementation?

The council signed Sustain's Local Government Declaration on Sugar Reduction and Healthier Food in November 2018. This included an action to explore healthier advertising and sponsorship. The Public Health team worked closely with several other council departments to explore the impact of the policy and how it would work. These include Highways, Planning, Legal, Events and Communications. The policy was first discussed with the Lead Member for Public Health who was very supportive and wanted to also explore the inclusion of alcohol within the policy. At this stage, all the different advertising companies the council had contracts with were invited to a meeting to discuss the policy and understand the rationale for introducing it in Southwark. Two advertising agencies joined the meeting, and the council were supported by representatives from the GLA and Sustain. When presenting the policy at Cabinet, data was presented on the prevalence of obesity and alcohol misuse within the borough and how the policy could positively impact on this and how it is part of a whole system's approach to tackle obesity within the borough.

Which council teams are/were involved?

The policy is led by the Public Health team, with involvement of Highways, Planning, Legal, Events and Communications.

What difficulties were experienced along the way?

The advertising revenue funds teams and their work across the council, so there was some concern that the policy would make the advertising sites less attractive and therefore not generate as much income.

What helped to overcome or prevent difficulties?

Discussions between Strategic Leadership and the agreement to introduce for new or renewal of contracts, so it was introduced more slowly. This allows for any negative impact on revenue to be monitored and where possible then mitigated against.

How has it been received across Southwark?

Politically the policy was very popular. It received lots of positive news coverage which discussed the child obesity levels in the borough, highlighting the need for policies like this. A public consultation, February 2020, found that more than two thirds of the 63 Southwark residents surveyed agreed or strongly agreed with this policy and fed back the following comments:

- *"Cut down on sugar for everyone. Advertise healthy food. Supermarkets must not sell sugary drinks. No more than one spoon of sugar at cafes to add to teas"*
- *"need to also reduce licensing to fast food and increase cooking in curriculum"*
- *"Promote healthy natural foods. Promote healthier living. Realistic advertising that's non-hypocritical"*
- *"Amazing. On the right track"*

How is it being carried out in Southwark now?

The policy sits under the Public Health team's remit where they have put an exceptions process in place. It's being introduced slowly as new advertising contracts begin or are renewed, so they have not yet had any challenges or queries about the policy. This may change and require the team to do more engagement with business in future. The council continues to monitor public feedback by asking questions about advertising in surveys which can be used to build up supporting information should they be challenged internally about the policy.

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7. Resources

1. [Taking Down Junk Food Ads report](#)
2. [TfL's Healthier Food Advertising Policy](#)
3. [Mayor confirms ban on junk food advertising on transport network – GLA announcement of the policy](#), November 2018
4. [Bristol's Healthier Food Advertising and Sponsorship Policy](#) and [HFSS Guidance note](#)
5. [Haringey's Healthier Food Advertising Policy](#)
6. [Southwark's Healthier Food Advertising Policy](#)
7. [Merton's Healthier Food Advertising Policy](#)
8. [The Nutrient Profiling Model](#)
9. Mediatel article: [TfL ad revenues unscathed by junk food ad ban](#)
10. Alison Tedstone speech at the Childhood Obesity Follow-Up 2019 at the Health and Social Care Committee, 29 October 2019⁹⁴ (Available as a [short video clip](#) of the speech, or a [video of the committee in full](#))
11. Mayor of London. [The London Food Strategy: Report to the Mayor on Consultation on the draft London Food Strategy](#). 2019. Pages 59-78
12. Academic analysis of industry lobbying on the TfL policy: Lauber K, Hunt D, Gilmore AB, Rutter H. [Corporate political activity in the context of unhealthy food advertising restrictions across Transport for London: A qualitative case study](#). PLoS Med. 2021 Sep 2;18(9):e1003695.
13. [Sustain's announcement of Bristol's Healthier Food Advertising Policy](#)

8. Glossary

GLA = Greater London Authority. The Mayor of London's team.

High fat, salt and/or sugar (HFSS) products

= food and drinks which are energy dense and nutrient poor. They are determined by the Nutrient Profiling Model which categorises any foods scoring at least 4 points or drinks scoring at least 1 as being HFSS.

Incidental HFSS advertising = when HFSS products feature, but the advertising is for another product or service. For example, a bank advertisement featuring an image of a cake.

Nutrient Profiling Model (NPM) = The nutrition model used to determine which products are HFSS and therefore restricted.

Outdoor advertising, Out of Home advertising (OOH), on-street advertising

= advertising that appears on streets including bus stops, billboards, digital screens, lamppost ribbons, advertising on telephone boxes. It does not refer to shop windows or A-boards outside shops – these are defined as promotions.

TfL = Transport for London – the advertising spaces across this network was where the policy was first implemented

Appendix A – worked examples of the Nutrient Profiling Model in action

Note: In order to convert salt to sodium:

1. Convert the grams of salt to milligrams of salt by multiplying by 1000
2. Divide that figure by 2.5 for the sodium content

Product 1: Chandel ice cream

	Nutrition information per 100g	NPM score	
Energy (kJ/100g)	1266	3	A points: 18
Saturated fat (g/100g)	11.7	10	
Total sugar (g/100g)	26.3	5	
Sodium (mg/100g)	012.g salt → 10.52mg sodium	0	
Fruit, veg, nuts (%)	0	0	C points: 1
AOAC fibre (g/100g)	1.3	1	
Protein (g/100g)	4.2	2 (did not score 5 points for fruit, veg and nuts, so cannot score points for protein)	

Score: 18 – 1 = 17. Therefore, the Chandel ice cream is HFSS because HFSS foods have a total score of 4 or more points.

Product 2: Nat-R bar

	Nutrition information per 100g	NPM score	
Energy (kJ/100g)	1899	5	A points: 17
Saturated fat (g/100g)	10.5	10	
Total sugar (g/100g)	26.5	5	
Sodium (mg/100g)	0.63g salt → 252mg sodium	2	
Fruit, veg, nuts (%)	20	0	C points: 3
AOAC fibre (g/100g)	3.7	3	
Protein (g/100g)	17.9	5 (did not score 5 points for fruit, veg and nuts, so cannot score points for protein)	

Total points: 17 - 3 = 14. Therefore the Nat-R bar is HFSS because HFSS foods have a total score of 4 or more points.

Product 3: Swelt drink

	Nutrition information per 100g	NPM score	
Energy (kJ/100g)	79	0	A points: 1
Saturated fat (g/100g)	0	0	
Total sugar (g/100g)	5.3	1	
Sodium (mg/100g)	0.03g salt → 12mg sodium	0	
Fruit, veg, nuts (%)	0	0	C points: 0
AOAC fibre (g/100g)	0	0	
Protein (g/100g)	0	0	

Total points: 1 - 0 = 1. Therefore, the Swelt drink is HFSS because HFSS drinks have a total score of 1 or more points.

Product 4: Los Angeles Burgers

	Nutrition information per 100g	NPM score	
Energy (kJ/100g)	1157	3	A points: 16
Saturated fat (g/100g)	6.7	6	
Total sugar (g/100g)	3.6	0	
Sodium (mg/100g)	1.6g salt → 640mg sodium	7	
Fruit, veg, nuts (%)	5%	0	C points: 9
AOAC fibre (g/100g)	-	0	
Protein (g/100g)	13.8	5 (did not score 5 points for fruit, veg and nuts so cannot score points for protein)	

Total points: 16 - 0 = 16. Therefore, the Los Angeles Burger is HFSS because HFSS foods have a total score of 4 or more points.

Product 5: Hutchinsons tomatoes

	Nutrition information per 100g	NPM score	
Energy (kJ/100g)	114	0	A points: 0
Saturated fat (g/100g)	0.1	0	
Total sugar (g/100g)	3.3	0	
Sodium (mg/100g)	0.1g salt → 40mg sodium	0	
Fruit, veg, nuts (%)	100	5	C points: 6
AOAC fibre (g/100g)	1.3	1	
Protein (g/100g)	1.0	0	

Total points: 0 - 6 = -6. Therefore, the Hutchinsons tomatoes are a non-HFSS food because HFSS foods have a total score of 4 or more points.

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Healthier Food Advertising Policy Toolkit

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A Sustain publication

February 2022

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