



HIGH FAT, SALT & SUGAR LEGISLATION



WHAT IS HFSS?

THE DEPARTMENT OF HEALTH & SOCIAL CARE ARE INTRODUCING LEGISLATION TO RESTRICT THE SALE OF PACKAGED FOODS HIGH IN FAT, SALT AND SUGAR (HFSS) THROUGH RESTRICTING THE LOCATION & PROMOTION IN STORE AND ADVERTISING. THEY ARE DOING THIS TO COMBAT RISING RATES OF OBESITY IN THE UK.

CATEGORIES AFFECTED

- Soft drinks with added sugar
- Confectionery
- Cakes
- Ice cream
- Crisps and savoury snacks
- Morning goods (eg pastries)
- Puddings and dairy desserts
- Sweet biscuits
- Breakfast cereals
- Ready meals
- Milk drinks with added sugar
- Juices with added sugar
- Yoghurts
- Pizza
- Chips and similar potato products

BUSINESSES IN SCOPE

SUBJECT TO LOCATION AND PROMOTION RESTRICTIONS:

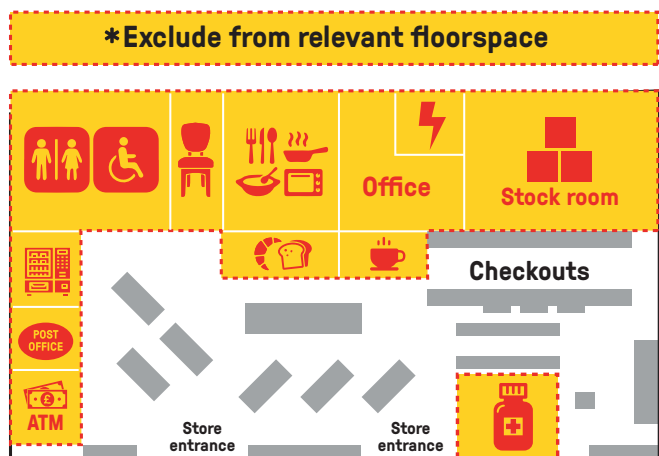
- All stores above 2,000 sq ft (*see diagram for exclusions from that calculation)
- Medium and large retailers (>50 employees)
- Symbol Groups (symbol groups are regarded as larger business and are therefore in scope of the regulations)
- Online retailers
- Rapid Delivery companies
- Retailers that do not primarily sell food or drink e.g. a clothes shop / newsagent that sell sweets by the till
- Petrol Forecourts over 2,000 sq ft

SUBJECT TO PROMOTION RESTRICTIONS BUT EXEMPT FROM LOCATION RESTRICTIONS:

- All stores below 2,000 sq ft, regardless of ownership
- Petrol Forecourts below 2,000 sq ft
- Symbol Group retailers below 2,000 sq ft

EXEMPT:

- Specialist retailers (selling from a single food category e.g. a chocolate shop or ice cream parlour)
- Micro and small businesses (fewer than 50 employees) are exempt from all restrictions



PROMOTIONAL LOCATIONS IN SCOPE (EFFECTIVE OCTOBER 2022)

IN SCOPE:

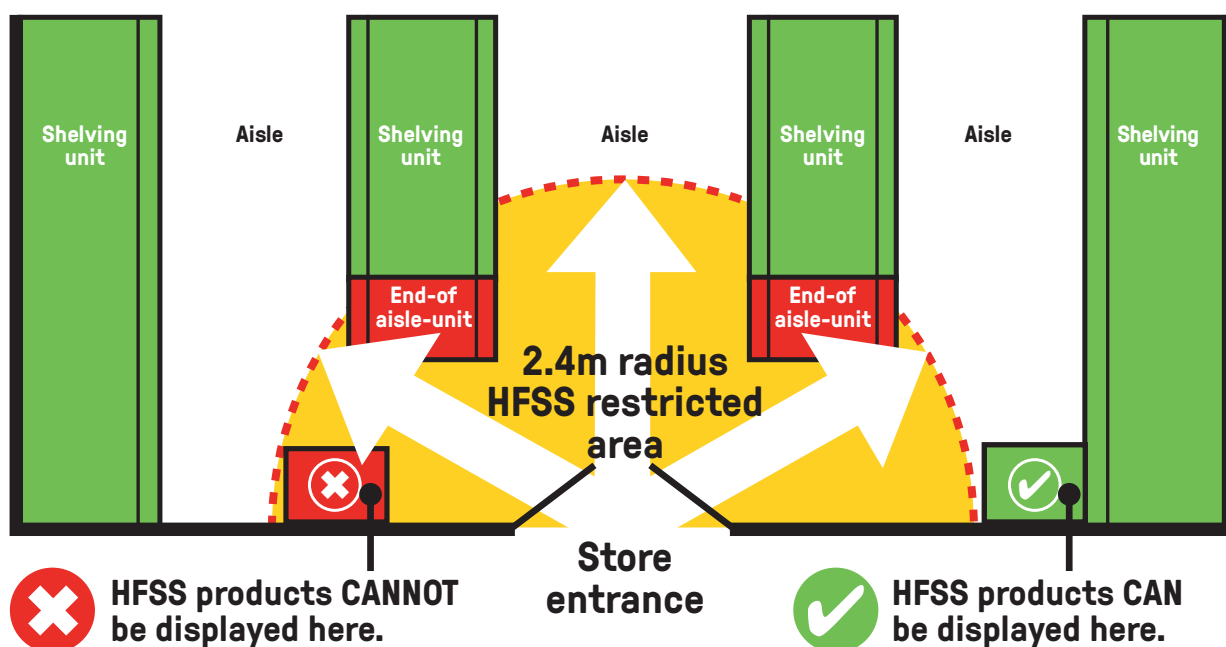
- Locations in store: checkouts, end of aisles (including freezers), store entrances
- Any area within 2m of the checkout areas or designated queuing areas (including standard shelves within this space in front or behind the till)
- Any separate structure (such as an island bin, free-standing unit, side stack or clip strip) connected or adjacent to, or within 50cm of an aisle end
- Distance from store entrance depends on the size of the store (see table).
- In a covered external area (e.g. lobby area or foyer)

EXEMPT:

- Shelf edge and signage
- Seasonal aisle & Power aisle

RESTRICTED DISTANCE FROM STORE ENTRANCE

Relevant floor area	Prohibited distance
185.8m ² (2,000 sq. feet)	2.4m
278.7m ² (3,000 sq. feet)	2.9m
371.6m ² (4,000 sq. feet)	3.3m
464.5m ² (5,000 sq. feet)	3.7m
557.4m ² (6,000 sq. feet)	4.1m
650.3m ² (7,000 sq. feet)	4.4m
743.2m ² (8,000 sq. feet)	4.7m
836.1m ² (9,000 sq. feet)	5.0m
929.0m ² (10,000 sq. feet)	5.3m



PROMOTIONAL MECHANISMS IN SCOPE (EFFECTIVE OCTOBER 2023)

IN SCOPE:

- Volume promotions: 'multibuy' / 'extra free' / '2 for ones'.
- Free refills of sugar-sweetened beverages in the out-of-home sector.

EXEMPT:

- All other types of price promotions for example temporary price cuts
- Upselling, promotion of value, coupons, vouchers, purchase rewards and free samples
- Cross category meal deals are not in scope of the volume promotion restrictions but the HFSS products within the meal deal would still be subject to the location-based restrictions
- Promotions in OOH (except free refills of SSBs)
- Sampling (although this will be subject to location restrictions)

These regulations currently only apply to England. Scotland and Wales are considering imposing similar restrictions. More information to follow in due course.