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Consultation – summary of response

Healthy Food Environment

Analysis of responses to the Healthy Food Environment
Consultation

January 2022

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
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Welsh

Overview

This document provides a summary of the responses to the Healthy Food Environment consultation

Action Required

This document is for information only.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

[Link to the consultation documentation](#)

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Glossary

Acronym	Definition
HFSS	High in Fat, Sugar and Salt
NGO	Non-Governmental Organisation
NPM	Nutrient Profiling Model

Executive Summary

- i. To address the increasing issue of obesity in Wales, Welsh Government are looking to introduce legislation that strengthens and supports a healthier food environment for the consumer. As part of this process, a consultation was launched on 9 June 2022, seeking views from the public and stakeholders, and closed on 1 September.
- ii. In total, 422 responses to the Healthy Food Environment consultation were received. Responses were either submitted through the full-length or easy read online consultation forms or sent via email. The views of stakeholders and the general public were also captured through workshops facilitated by independent research consultants. The findings from the online consultation are set out in this report. The findings from the workshops are included within 'Healthy Food Environment - Engagement and Analysis', which is published alongside this report.
- iii. The following paragraphs and infographics summarise the response to the main proposals within the consultation. These are:
 - restrict value-based promotion of high fat, sugar or salt (HFSS) products
 - restrict the placement of HFSS products at locations that encourage purchasing
 - mandatory calorie labelling at the point of choice in the out of home sector
 - place restrictions on the servings of sugar soft drink: stop free refills
 - place restrictions on the servings of sugary soft drink: limit portion sizes
 - limit hot food takeaways – considering saturation limits, existing licensing powers and environments around schools and colleges.
- iv. The consultation asks whether respondents agree, disagree or are unsure about the proposals. The percentage of respondents answering not sure or leaving the question blank is not included within the executive summary but is included within the more detailed question-by-question analysis.
- v. Just under half of respondents were in favour of restricting value-based promotions of HFSS products in both the full-length and easy read versions of the consultation (49 per cent). This is a higher percentage than those in disagreement (37 per cent for the full-length consultation and 44 per cent for

the easy read version). Those who agreed with the proposal argued that it would reduce over-purchasing of HFSS products, resulting in better population health. Concerns included the impact such legislation would have on freedom of choice and food spend in the context of rising living costs.

- vi. The proposal of restricting the placement of HFSS products at locations that encourage purchasing was met with a significant level of support from respondents (55 per cent in the full-length consultation and 66 per cent in the easy read consultation). Respondents in favour thought that the proposal would discourage impulse buys. Business response to restricting HFSS promotion tended to emphasise the value of aligning with regulations in England.
- vii. The issue of whether calorie labelling should be mandatory at the point of choice for settings in the out of home sector was largely opposed by those who engaged with the consultation (52 per cent opposed in both the full-length and easy read versions versus 31 per cent and 41 per cent in favour respectively), with concerns raised about the impact such legislation would have on people with eating disorders and children.
- viii. Respondents were largely in favour of restricting free refills of sugary soft drinks (51 per cent in the full-length consultation and 60 per cent in the easy read consultation). Those in favour cited health benefits such as improved dental health and a reduced calorie intake.
- ix. Respondents were also in favour of restricting larger portion sizes of sugary soft drinks, although approval was a little lower than restricting free refills (46 percent in the full-length consultation and 50 per cent in the easy read consultation). Some respondents against the proposals argued that larger servings are normally better value and can be shared.
- x. When asked whether there should be a review on limiting hot hood takeaways, respondents were mostly in favour (44 per cent in the full-length consultation and 57 per cent in the easy read consultation). Those in support thought that there were far too many unhealthy options in some areas, and people, including school children, often consume whatever is most readily available.

Figure 1 Response to the main proposals within the full-length consultation

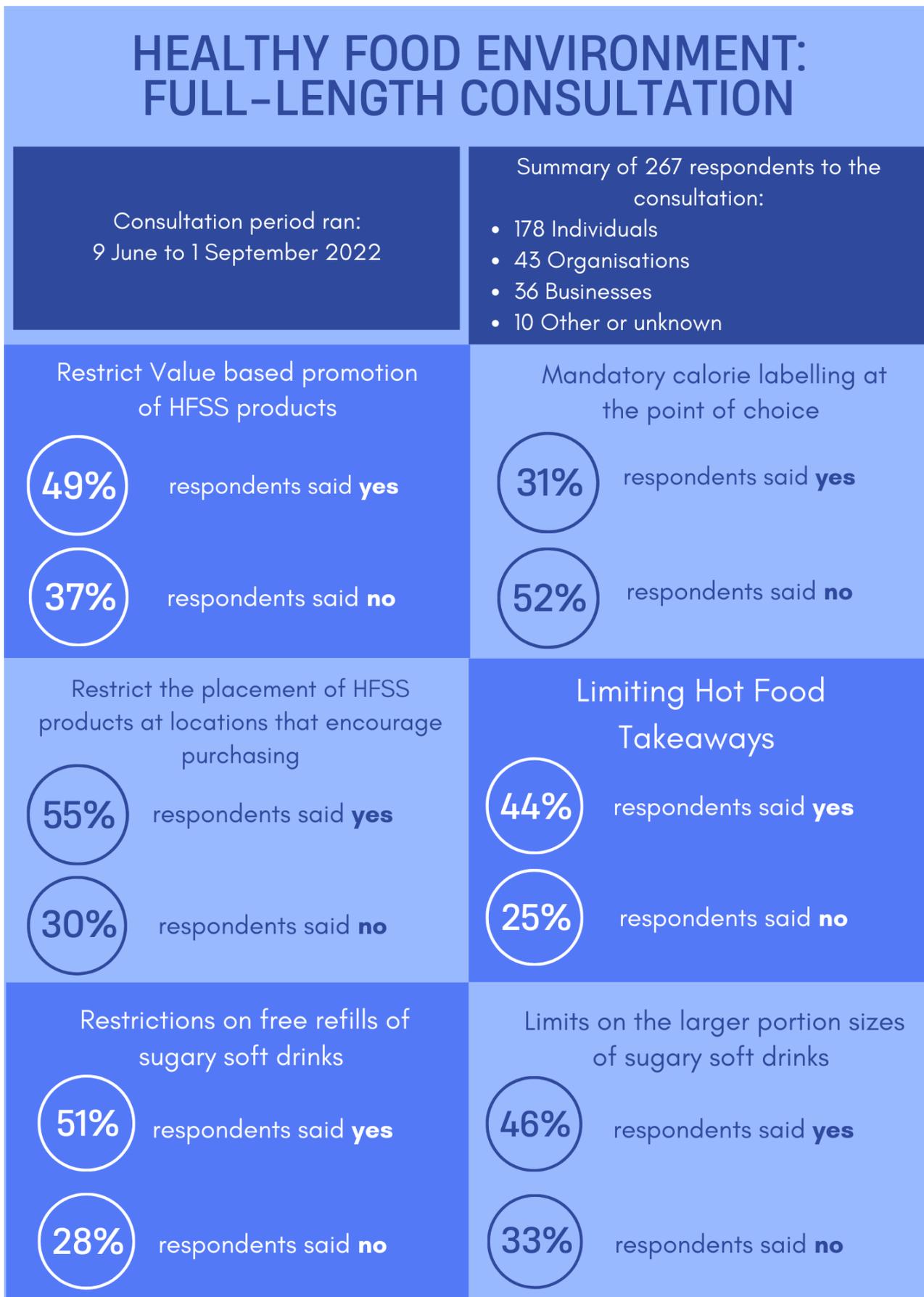
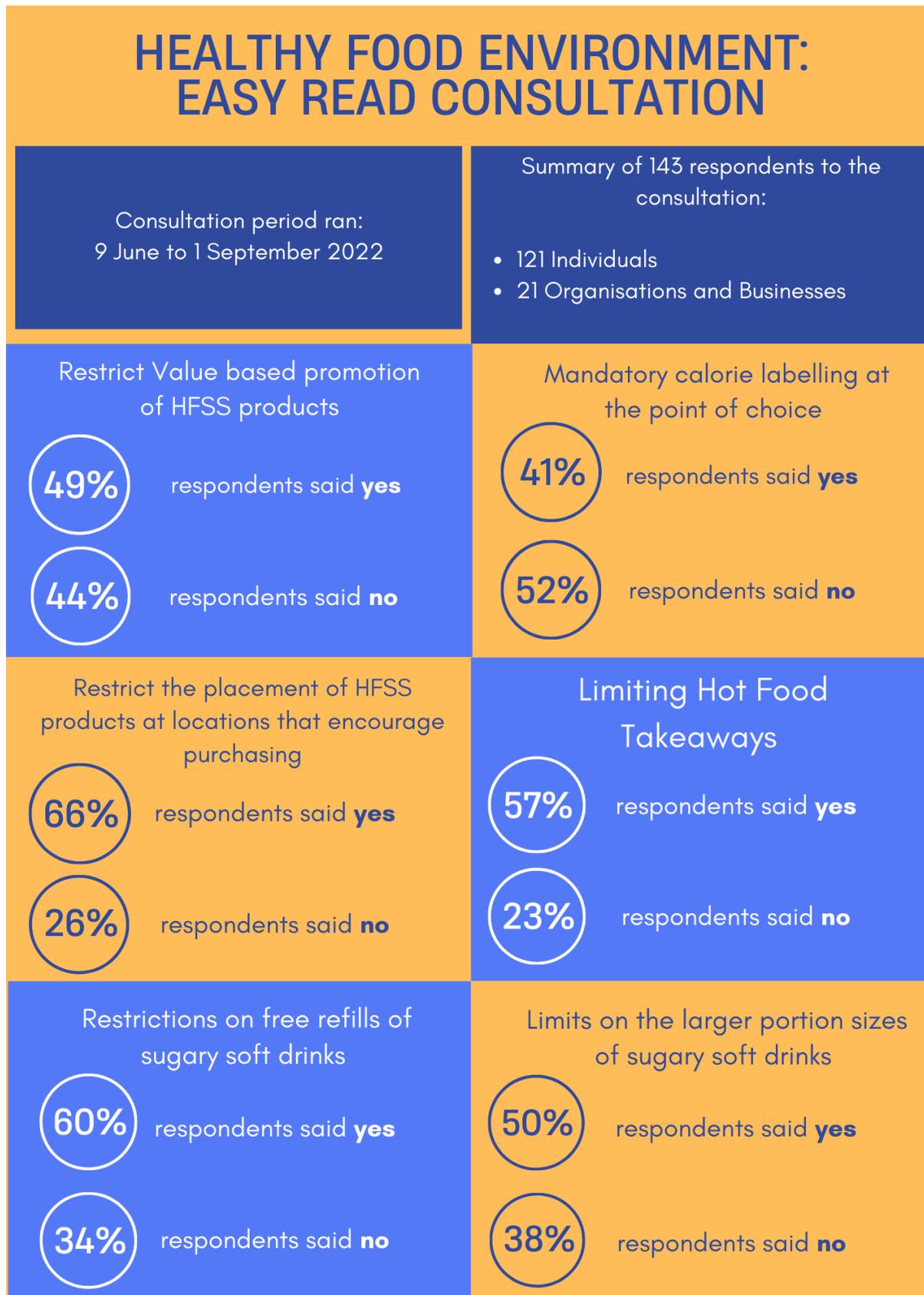


Figure 2 Response to the main proposals within the easy read consultation



1. Introduction

Background

- 1.1 There are several severe, long-term health conditions associated with excess weight, including diabetes, heart disease and cancer, as well as adversely affecting mental health. With around a third of reception age children and 60 per cent of adults in Wales classified as overweight or obese, confronting obesity is a significant public health challenge. Obesity is particularly prevalent in more deprived areas. The coronavirus (COVID-19) pandemic has further underlined the associated health risks with poor diet and has exacerbated these pre-existing health inequalities.
- 1.2 The [Healthy Weight: Healthy Wales](#) strategy, published in 2019, sets out a long-term vision for Wales to reduce and prevent obesity. This includes a commitment by 2030 to create “food environments where healthier food and drink is widely available, appealing and affordable, making the healthier choice the easy choice.” A commitment to consult upon the food environment was set out in the [2022-24 Delivery Plan](#).
- 1.3 The Welsh Government would like to introduce legislation to build upon previous voluntary actions, providing clarity and consistency across the food industry, and supporting a healthier food environment for the consumer.

Approach to Consultation

- 1.4 The Healthy Food Environment Consultation proposes actions, including legislation, to make achieving a healthy balanced diet easier. Specifically, how can we shift the balance of promotions and marketing towards healthier choices (Healthier Shopping Baskets), how can we improve the information available to us when eating out of the home to support healthier choices (Healthier Eating out of the Home), and how can we shift the balance, so that our daily journey through the places we live can better support healthier choices (Local Food Environments).
- 1.5 The consultation on the proposal to improve the Healthy Food Environment in Wales went live on 9 June 2022 seeking views from industry representatives, NGOs and the wider public and closed on 1 September.

The consultation phase provided a vital opportunity for all stakeholders to provide input ahead of further decision making by the Welsh Government.

- 1.6 Prior to the consultation's launch, Miller Research, in collaboration with Working Word and Cazbah, was commissioned to undertake an independent consultation analysis, consisting of workshop consultations with specific groups of the general public, and the responses to the Welsh Government's online consultation.

Methodology

- 1.7 In total, 422 responses to the full-length and easy read versions of the Healthy Food Environment consultation were received.
- 1.8 For the full-length consultation, there were 224 responses using the online consultation form.
- 1.9 In addition to the online survey, a further 57 written responses were submitted to the Welsh Government's shared mailbox by numerous organisations, groups and individuals affected by the proposed changes. Where these responses have made direct reference to the consultation questions, this information has been included in the quantitative tables. Qualitative responses have been integrated into the narrative commentary.
- 1.10 A total of 267 unique responses have been analysed against the question framework in the full-length consultation
- 1.11 There were 143 responses to the easy read consultation online.
- 1.12 Both questionnaire designs employed a combination of both open and closed questions, allowing space for respondents to provide detailed feedback, and raise any questions or relevant concerns.
- 1.13 The majority of survey responses came from individuals. There were 178 individuals who chose to respond to the full-length consultation and 122 individuals who responded to the easy read consultation.
- 1.14 Most organisations and businesses chose to respond to the full-length consultation, although there were 21 responses from organisations or businesses responding to the easy read consultations. Those responding

the easy read consultation included independent food retailers and other small businesses, as well as health and education bodies.

- 1.15 The majority of organisations responding to the full-length consultation had links to local authorities, health boards or food policy groups. A small number of food and drink industry organisations also responded.
- 1.16 Most of the businesses that responded to the full-length consultation were large (250 employees or more), including many household names.
- 1.17 Responses to the consultation were independently analysed and summarised to form the basis of this report.
- 1.18 Online consultation responses were received in an excel file, where responses were 'cleaned' and collated into a central database. The data was subsequently coded, with free text responses within the consultation questions analysed thematically to address core themes and key stakeholders' responses. Pivot tables and graphical analysis was used to quantify, visualise and summarise data from closed 'yes / no' questions.

Report Structure

- 1.19 This report provides a breakdown of responses to each question set out in the full-length and easy read versions of the healthy food environment consultation. The full-length consultation responses are considered within chapter 2, with the easy read consultation responses analysed within chapter 3. The two consultations are considered separately as some questions were omitted within the easy read consultation, and there are also differences in the way questions are worded. For both versions of the consultation, a quantitative summary of the data for individual questions is summarised in the opening paragraph. This is followed by analysis of the written responses to the consultation from individuals, organisations and businesses, including those submitted via the Welsh Government shared mailbox.

2. Healthy Food Environment: Full-length Consultation Questions 1-27

2.1 There were 267 responses analysed for the full-length healthy food environment consultation. A breakdown of these responses is outlined in table 1.

Table 1 Summary of respondents in the consultation

Responding on behalf of:	Number
An individual	178
An organisation	43
A business	36
Other or not known	10
Total	267

2.2 Organisations responding included local authorities, health boards and food and drink industry organisations. Most business responses were from large employers. A breakdown by size of business is summarised in table 2.

Table 2 Summary of the size of businesses involved in the consultation.

Business Size	Number
Large (250 employees or more)	21
Small (10 – 49 employees)	8
Micro (0 – 9 employees)	5
Unknown	2
Total	36

2.3 This chapter provides a summary of responses for each question of the full-length healthy food environment survey. Responses have been analysed to gain a sense of overall sentiment, key themes, and areas of concern and contestation.

Theme 1: Healthier Shopping Baskets

Proposal 1 – Restrict value-based promotion of HFSS products

Table 3 Responses to Q1

	Business	Individual	Organisation	Other	% of responses
Yes	11	85	28	7	49
No	18	75	4	1	37
Not Sure	5	13	2		7
Blank	2	5	9	2	7
Total	36	178	43	10	100

- 2.4 Table 3 summarises the responses to the question ‘Should we introduce legislation to restrict the following types of promotion of high fat, salt or sugar (HFSS) products: temporary price reductions, multi-buy offers, volume offers?’. Overall, there was support for this, with 49 per cent of respondents saying ‘yes’ to the proposed legislation. There was, however, a significant level of opposition as well, with 37 per cent of respondents answering ‘no’. There was clear support overall from organisations for the proposal, with a majority of individuals also in favour. However, the majority of businesses were against the introduction of the proposed legislation.
- 2.5 Many individuals who supported the legislation argued that these HFSS products are linked with obesity and poor health. They therefore suggested that the promotion of these products could have a damaging effect on people’s health and increase obesity rates.
- 2.6 However, some individuals opposed the proposed restrictions and felt that it was an infringement on people’s freedom of choice. The current increase in the cost of living was also cited as a reason to not introduce this legislation as many low-income families, who may be financially struggling, were felt to rely on such promotions to feed themselves and their families. Many of the responses also highlighted that there should be a greater emphasis on education about healthy eating rather than restrictions placed on certain foods.

- 2.7 Organisations who were supportive of the proposal argued that it would support people in consuming less HFSS products and therefore lead to better general health.
- 2.8 Several organisations and a few businesses pointed out that temporary price reductions, multi-buy and volume offers shift purchasing towards less healthy products. They contribute to an environment where opting for the healthy choice is more difficult. Many respondents quoted relevant research that referenced the high percentage of food and drink bought on promotion in UK stores, and the effect of HFSS promotions on overall diet.
- 2.9 It was also highlighted by organisations who support the measure that price promotions do not always save customers money and are instead mechanisms used to drive sales. Evidence cited showed that promotions drive impulse purchasing, causing people on average to buy around a fifth more food and drink. This additional food and drink tends to be consumed, rather than stockpiled, leading to increased calorie intake.
- 2.10 Organisations noted that care should be taken to ensure that proposal did not exacerbate the current cost of living crisis. It was also stressed that certain babies and young children have specific nutritional needs which often require a higher fat content or lower protein content. Organisations also commented that the legislation alone would have little impact on levels of obesity, and other actions were also needed to reduce obesity levels.
- 2.11 Many businesses and organisations emphasised that the new legislation in Wales should align with the proposed legislation in England in order to avoid unnecessary complexity. For some this meant that volume offers and multi-buy offers should be HFSS restricted but temporary price reductions should be out of scope (Keeping in line with England's proposed HFSS restrictions). The increased cost and complexity for businesses operating throughout the UK was given as the reason for not differing from England. The complexity was highlighted by online-only businesses who argued that they do not have country specific apps that comply with the legislation of each nation. They suggested that creating an alternative app for Wales would be costly and confusing for customers.

- 2.12 There were concerns from some retailers about the impacts on competition, as price competition would be removed if promotional offers were prohibited. One manufacturer felt that the proposal lay outside the Competition and Markets Authority published guidance without a competition impacts assessment.
- 2.13 Some businesses argued that promotions can lead to cost-saving bulk buying behaviour, and items being stored for future consumption, if these items have a long shelf life. Food waste was also cited as an issue as promotional offers are often used as a means to get rid of stock that is close to its use by date. If the restrictions were to come into place, there was concern that there would be an increase in food waste. It was also highlighted that the proposed legislation would reduce consumer choice.

Proposal 2 - Restrict the placement of HFSS products at locations that encourage purchasing

Table 4 Responses to Q2

	Business	Individual	Organisation	Other	% of responses
Yes	9	105	28	6	55
No	19	55	6	1	30
Not Sure	6	12	2		7
Blank	2	6	9	3	8
Total	36	178	43	10	100

- 2.14 Table 4 summaries the quantitative responses to the question ‘Should we introduce legislation to restrict the placement of HFSS products in the following retail areas: store entrance, at the till, end of aisle, free standing display units, any other locations?’. There was a higher level of support from respondents for proposed legislation restricting the placement of HFSS products (55 per cent), compared to legislation restricting the promotion of HFSS products (49 per cent).
- 2.15 Many individuals were in favour of the legislation as they believed this would discourage impulse buys and people purchasing unnecessary products. Some responses stated that the products should not be in places where they

are visible to younger children as this encourages children to request HFSS products.

- 2.16 Individuals who were against the legislation stated that it was up to the individual to decide what they purchased. There was also concern that this legislation would affect businesses and have a negative impact on sales.
- 2.17 Organisations in favour of legislation argued that this was a positive way to reduce impulse buys of HFSS foods, as people are less likely to purchase products placed in less prominent locations. The retail areas suggested tend to be the areas with the highest footfall and should therefore have the highest impact. One organisation recommended the inclusion of areas such as toy/magazine aisles and playpens that sometimes feature in larger stores, as these are areas that younger consumers are drawn to.
- 2.18 Most businesses and some organisations argued against the proposed legislation. There was concern expressed that the Welsh legislation would extend further than the English and would therefore present more challenges to businesses. For instance, the inclusion of free standing units which are out of scope of the legislation in England (unless in specified areas). Concerns were raised that there will be particular operational challenges, as well as reduced sales, for high-demand seasonal products, which are often displayed in free standing units and need frequent restocking. There was also concern over the financial impacts of the proposed legislation and how it may be costly to implement, especially for smaller businesses. There were arguments that prominent positioning of promotional offers – including HFSS products – allowed families on a budget to find these products quickly.

Categorising food restrictions with proposals 1 and 2

Table 5 Responses to Q3

	Business	Individual	Organisation	Other	% of responses
Option A	19	33	13	1	25
Option B	4	57	16	3	30
Other	12	83	16	5	43
Blank	1	5		1	3
Total	36	178	45	10	100

- 2.19 Respondents were asked ‘How should we determine which categories of food should come under proposal 1 and 2 restrictions: Option A - Products high in fat, sugar or salt which are of most concern to childhood obesity, or Option B- All products high in fat, sugar or salt’. Many respondents did not definitively choose the list of foods under option A or option B, either suggesting that neither option was needed (they did not agree with the proposed restrictions) or suggesting alternative categorisation. Of the respondents who did select option A or B, there was a slight preference for option B. The list of foods included under option A and option B is included at Annex A
- 2.20 Individuals who voted for option A supported the motion as they believed that targeting products high in fat, sugar or salt was a feasible way to tackle childhood obesity whilst also educating children and adults on healthier eating practices. Other responses argued that option A left more choice for individual choice and agency.
- 2.21 Individuals who selected option B suggested that it was important to remember that it was not just children who are affected by obesity, but also adults. Therefore, suggesting that it was important for adults to be included in the proposed legislation.
- 2.22 Organisations who argued that option A was the better choice reasoned that it is specifically targeting products that are more appealing to children, without having unintended negative consequences on family staple products such as cooking sauces (as included in option B). Other organisations

suggested that a phased approach would be best - implementing option A initially, with option B being implemented in the future.

- 2.23 Organisations that voted for option B suggested that a strong approach was needed to tackle obesity levels in Wales. As option B incorporates a wider range of products, it was described as having the potential to affect a wider audience that includes adults as well as children to combat obesity levels across the population.
- 2.24 Businesses emphasized that any regulations that are brought in by the Welsh Government should align with English legislation, which proposes restrictions based on option A. Businesses also requested that the Nutrient Profiling Model of 2004/5 be used for the legislation (as per England), rather than the updated Nutrient Profiling Model that was consulted upon in 2018. Some businesses were concerned that option B would create significant complexity for businesses in Wales as they would have to navigate and execute any differences between English and Welsh legislation that may occur.
- 2.25 Responses that argued that neither option should be used reasoned that it was important not to demonise certain foods and that there should be an understanding that all food groups are important for creating a healthy balanced diet.
- 2.26 Responses that argued for a different categorisation included suggestions for: categorisation based on sugar content, ultra-processed products, and products that include a high percentage of recommended daily allowance for fat, saturated fat, sugar or salt. There were also specific products that respondents felt were unfairly included on the lists such as breakfast cereals, yoghurts, fruit juice and processed meat products. In addition, there were a few products that respondents felt should be considered, such as alcohol due to its high calorie content.

Product restrictions and online purchasing

Table 6 Responses to Q4

	Business	Individual	Organisation	Other	% of responses
Yes	18	103	26	6	57
No	12	53	1		25
Not Sure	5	11	5	1	8
Blank	1	10	12	2	9
Total	36	178	44	9	100

- 2.27 Table 6 summarises responses to the question ‘Should restrictions for both proposal 1 - value promotions and proposal 2 - location promotions cover online purchasing?’ There was significant support for restrictions to include online purchasing with 57 per cent of respondents answering ‘yes’, as opposed to 25 per cent who felt it should not include online.
- 2.28 Many individuals suggested that value promotions and location promotions should extend to online purchasing, arguing that online shopping is no different to other forms of purchasing and it is also becoming increasingly popular. For many busy families, online shopping is the norm. It was also highlighted that legislation should be consistent across all methods of shopping for it have an impact, especially as it relates to people’s health and wellbeing.
- 2.29 Many organisations were supportive of the proposals covering online purchasing as online grocery shopping is currently the largest growing field for retail, therefore the same restrictions should apply. Some also argued that if online shopping is not included then it creates an unfair loophole, making the legislation ineffective. Furthermore, due to the fast-evolving nature of the digital landscape, online grocery platforms will require more frequent review on dietary habits and necessary restrictions.
- 2.30 Individuals and organisations who expressed concern over the inclusion of online purchasing mostly had concerns about the proposed legislation as a whole. Concerns included taking people’s choices away and making it

difficult for people to feed their family during the cost of living crisis - a time when many consumers may be driven to seek special offers.

- 2.31 Some businesses were supportive of the legislation also applying to online retailers and argued that it was important to have a level playing field rather than allowing some businesses to find loopholes.
- 2.32 Businesses stressed that the legislation should align with English policy to avoid logistical challenges, extra costs and confusion for businesses. Further clarity was requested in terms of where liability would rest if restrictions were breached on an online platform that sold supermarket products, but was hosted by delivery partners

Exemptions for value promotion restrictions (proposal 1)

Table 7 Responses to Q5

	Business	Individual	Organisation	Other	% of responses
Yes	18	64	16	1	57
No	8	77	8	3	25
Not Sure	4	23	3	1	8
Blank	6	14	17	4	9
Total	36	178	44	9	100

- 2.33 When asked ‘Should the following exemptions apply for value promotion restrictions: micro and small businesses, close to use-by-date price reductions and non-pre-packed products be exempt from the proposed restrictions?’, there was clear support for these exemptions, with 57 per cent of respondents answering, ‘yes’ and 25 per cent choosing ‘no’.
- 2.34 Many individual responses were in favour of the exemptions and argued that small businesses are currently struggling and should not be burdened with further legislation. The importance of exempting products close to their use by date was cited as essential to minimising food waste.
- 2.35 Individuals who were not in favour of the proposed exemptions argued that any exemptions make the policy less effective and create an uneven food environment in Wales.

- 2.36 Some organisations were in favour of the proposed exemptions and stated that it was important for products close to their use by date (and suggested also “best before” date) to be excluded in order to tackle food waste. Some also agreed with the proposed exemptions as they aligned with the proposed legislation in England.
- 2.37 However, other organisations were not in favour of the exemptions as they argued that all businesses, as long as they received adequate time resources and support from the Welsh Government, should comply with the same regulations to ensure that the policy was effective. Regarding whether small businesses should be excluded, it was noted that *not* exempting them would create a more level playing field across the sector. It was argued that smaller shops in rural areas are a major part of local shopping landscapes and it would ignore a significant part of the food market to exempt them.
- 2.38 Generally, businesses were in favour of the exemptions, arguing that the HFSS restrictions disproportionately affected smaller businesses. Many businesses were in favour of exemptions on products close to their use by date. If businesses were unable to put products close to their use by date on promotional offer, they would not be able to deliver their wider goals of reducing food waste and improving their sustainability policy. There was also support for exempting non pre-packed products.
- 2.39 There were a number of further suggestions for additions to the exemption list. For example: small local manufacturers who rely on promoting products in store due to limited marketing, businesses located in vulnerable high street locations, and airport stores where any children are likely to be accompanied by an adult. It was also argued that symbol group stores should be classified as a small business. In terms of product type, it was suggested that Meal Deals be added to the list of exemptions. It was argued that as a Meal Deal constitutes a meal rather than a snack it is appropriate that some HFSS products should be available as part of the package of items

Exemptions for location promotion restrictions (proposal 2)

Table 8 Responses to Q6

	Business	Individual	Organisation	Other	% of responses
Yes	22	70	13	3	40
No	9	71	12	3	36
Not Sure	2	21	6	1	11
Blank	3	16	13	2	13
Total	36	178	44	9	100

- 2.40 Table 8 summarises responses to the question ‘Should the following exemptions apply for location promotion restrictions: micro and small businesses, stores that are smaller than 185.8 square metres, specialist retailers, other’. There was no clear consensus either for or against the exemptions amongst respondents, with 40 per cent in favour and 36 per cent opposed.
- 2.41 Many individuals agreed with the proposed exemptions and argued that the initial proposed legislation was damaging to smaller businesses, especially for specialist retailers who make one particular product such as chocolatiers and bakeries. Responses also highlighted that smaller business, such as convenience stores, are often limited with space meaning that it would be challenging for them to follow some of the proposed legislation on placement of promotional offers.
- 2.42 However, some individuals expressed concern that the exemptions may lessen the impact of the legislation and make it ineffective in creating a healthy food environment in Wales.
- 2.43 Some organisations supported the exemptions as they are in alignment with the proposed English guidelines, therefore minimising confusion. It was noted that stores with limited floor space may be unable to restructure in a compliant manner. One organisation suggested that the exemption should in fact be extended to stores up to 3,000 square feet in size, as opposed to 2,000.

- 2.44 Nevertheless, many felt that any exemptions should be as limited as possible to ensure consistency and reduce health inequality. Some organisations argued that small businesses such as convenience stores are often found in low-income areas where obesity can be more prevalent, therefore making it important to include small businesses in the new legislation. Organisations suggested a way of mitigating the increased challenges small businesses may face issues would be by offering an extended implementation period. Organisations also suggested it was necessary to consider concession counters within larger retailers as they may find ways to avoid the restrictions if they are classed as a separate specialist retailer business.
- 2.45 Businesses again were largely in favour of the proposed exemptions as they felt there are considerable practical challenges in smaller store formats with respect to the application of the locational restrictions due the limited amount of floor space. As with organisations, alignment with the proposed legislation in England was also referenced as important.
- 2.46 Stores that share floor space with post office functions were singled out for further consideration. It was suggested that the queuing and transaction areas of post office stores should be removed from the calculation of the relevant floor area as to include these areas would put community resources under strain.

Theme 2: Healthier Eating Out of the Home

Proposal 3 - Mandatory calorie labelling at the point of choice in the out of home sector

Table 9 Responses to Q7

	Business	Individual	Organisation	Other	% of responses
Yes	14	51	15	3	31
No	15	110	14	1	52
Not Sure	1	12	9	1	9
Blank	6	5	6	4	8
Total	36	178	44	9	100

- 2.47 As outlined in Table 9, just over half of the total number of respondents (52 per cent) stated 'no' to the question 'Should we agree to mandate calorie labelling in all out of home settings regardless of the size of business?', with 31 per cent in favour.
- 2.48 Some individuals were in favour of compulsory calorie labelling as they believed that this would allow people to make better choices.
- 2.49 However, 62 per cent of individuals were against the introduction of compulsory calorie labelling, arguing that it would be harmful in encouraging unhealthy behaviours for people with certain eating disorders, and could be a relapse trigger for people recovering from eating disorders. Some responses also raised the point that calorie labelling was an insufficient way to encourage healthy eating and more emphasis should be placed on education and access to healthy food.
- 2.50 Organisations had mixed views on the introduction of calorie labelling in all out of home settings. The organisations that answered yes stated that calorie labelling allows consumers to make informed choices, lowers their calorie intake and as such, was a useful measure to reduce obesity.

- 2.51 Other organisations argued that calorie labelling exacerbates the disordered thoughts and behaviours of people with eating disorders, and therefore has the potential to cause serious harm. There was also doubt cast on the likely impact the measure would have on calorie intake for the general population. Some argued that there should be other methods to encourage healthy eating and awareness such as using the traffic light system on packaging. It was also observed that information should include additional nutrition information for specific groups of people with health conditions. Other organisations felt enough was already being done in this area, questioning whether regulation was needed at all.
- 2.52 Responses from businesses also reflected the opposing opinions on this matter. Some argued that calorie labelling allowed customers to make healthier choices and also highlighted how calorie labelling had also been introduced in England, so it made sense for Wales to do the same. There was support for all settings to be subject to the same regulations, although it was recognised that smaller businesses would require support and guidance
- 2.53 However, some businesses also identified how calorie counting could be linked to eating disorders and therefore shouldn't be mandatory. Other respondents raised the issue that it wasn't feasible for smaller businesses to add calories to labelling as it would incur unnecessary costs and challenges, and potentially increase food waste from inability to adapt menus, at a time of rising prices and inflationary pressures. One business felt further clarification was needed on what businesses constitute the 'Out of Home' sector.

Limiting energy labels to calories (Kcals)

Table 10 Responses to Q8

	Business	Individual	Organisation	Other	% of responses
Yes	19	53	21	3	36
No	7	77	12	3	37
Not Sure	5	38	5		18
Blank	5	5	6	4	7
Total	36	178	44	9	100

- 2.54 Table 10 displays an overview of the responses to the question ‘Should energy labelling be limited to calories (Kcals)?’. Respondents were evenly split on this issue with no clear consensus. 36 per cent said, ‘yes’ to limiting labels to calories while 37 per cent said ‘no’.
- 2.55 Similarly to the previous question, there was a range in opinion on this subject. Some individuals said yes to energy labelling being solely in calories and suggested that it was a simple way for consumers to understand the content of what they’re eating and not be confused by other measurements. Some also suggested that too much information would overshadow the message and confuse consumers.
- 2.56 However, other individuals disagreed with this and argued that whatever the unit used, calorie counting is unhelpful and can be harmful to people. It was also suggested that calorie counting was too simplistic and it too much of an outdated method of measuring food. It was suggested that there should be more emphasis on nutritional content of food such as salt, fat, fibre and carbohydrates.
- 2.57 Responses from organisations also reflected similar themes to the responses from individuals, arguing that calories kept nutritional information simple and understandable for customers.

- 2.58 However, other organisations argued that although calories are well recognised and understood, they can provide a false representation of how healthy a product is, therefore other information would be more useful. These included the carbohydrate/sugar content of the product, the recommended daily allowance percentage for sugars, salt and fat (as per traffic light labels), indication of the 'processed' nature of the product, and kilojoules (kJ). There were also questions raised on how this would affect people suffering with eating disorders, suggesting that another way of presenting accurate nutritional information would be better. Answers go on to emphasize the role of health and wellbeing and how it is important to move beyond seeing food as purely calories to count.
- 2.59 Responses from businesses agreed that calorie information is the metric that is best understood by both businesses and customers and thus offers the most workable solution. They also emphasised that calorie content should be introduced in Wales to align with the English legislation and to prevent customer confusion. However, some businesses suggested that there could be more specific labelling such as protein or fibre content to allow a better understanding of what is in each product. It was also advised that calorie labelling should also include the statement 'adults need around 2000 kcal a day', which is consistent the requirements in England and gives customers an approximate idea of how much they should be consuming each day.

Calorie labelling exemptions on children's menus

Table 11 Responses to Q9

	Business	Individual	Organisation	Other	% of responses
Yes	8	88	16	2	43
No	14	69	10	1	35
Not Sure	5	14	10	1	11
Blank	9	7	8	4	10
Total	36	178	44	9	100

- 2.60 Question 9 of the online consultation asked, 'Should menus marketed specifically at children be exempt from calorie labelling?'. Overall, respondents were more likely to support exemptions for calorie labelling on children's menus, with 43 per cent answering 'yes' as opposed to 35 per cent who felt children's menus should not be exempt. The question also asked how this calorie information should be presented.
- 2.61 This question posed a range of, often emotive, responses from individuals, organisations and businesses. Many individuals voted yes to children's menus being exempt from calorie labelling, arguing that including calories on children's menus encouraged children to develop eating disorders and create unhealthy relationships with food and eating. They instead suggest that there should be more of a focus on learning about the nutritional quality of food rather than encouraging children to count how many calories they are eating.
- 2.62 However, some individuals disagreed with this and suggested that children should be aware of what they are eating as healthy eating is important at every age. Some responses noted that childhood is an important time to learn about calorie intake, especially children that suffer with obesity. The respondents suggested that the calorie information should be presented on children's menu in a fun and accessible way, such as with images and colours.

- 2.63 Responses from organisations who agreed that there should be an exemption on children’s menus argued that many younger children would not understand what the information presented to them means. Other responses were concerned about the effect that calories on children’s menus would have on children with eating disorders, and that food should be seen by children holistically and not in terms of calories. Some responses suggested that it is important to speak with children who suffer from disordered eating to understand their opinion on this matter. As an alternative, some organisations felt there should be positive promotions on children’s menus, such as the number of vegetable portions in a meal, as opposed to calories. Providing the calorie information of the menus to the adults accompanying the children was another suggestion. Organisations recognised the difficulty around the issue, given that children of different ages have different calorie needs.
- 2.64 Some organisations suggested that calorie labelling on menus was a realistic method to reduce obesity as some areas in Wales have seen a significant increase in child obesity. Responses highlighted that Wales now has a higher child obesity rate than England or Scotland, and higher than any individual region in Scotland. Other organisations suggested that consistency with English legislation was important; this does require calorie information on children’s menus but does not require reference intake. It was also recognised that the children’s guardian is the ultimate purchaser of many items, and that the nutritional value of out of home food should be just as easily understood as other consumable goods – especially important in the case of caring for a child with a health condition, such as diabetes. It was suggested to implement an accessible traffic light system with use of smiley face symbols on children’s menus to indicate calorie content.
- 2.65 Other businesses supported the exemption of children’s menus being marked with calorie labelling, due to the broad age range representing varying calorie and nutrient requirements.
- 2.66 Businesses against the exemption revealed a concern that by not including calorie labelling on children’s menus, it differed from the English legislation which currently requires calorie counting on children’s menus. The

responses suggested that the most appropriate way to demonstrate calories on children’s menus would be through a traffic light colour scheme or the use of other easily understood graphics.

Calorie free menus available on request and mitigations for people with eating disorders.

Table 12 Responses to Q10

	Business	Individual	Organisation	Other	% of responses
Yes	11	98	20	3	49
No	12	52	6	1	27
Not Sure	6	20	9	1	13
Blank	7	8	6	4	10
Total	36	178	44	9	100

- 2.67 Table 12 summarises responses to the question ‘Should we mandate businesses to make menus without calorie labelling available at request? Are there other mitigations we could put in place for people with eating disorders?’. The option to have calorie free menus available on request was largely supported amongst respondents, with 49 per cent in favour, in contrast to 27 per cent who disagreed.
- 2.68 Individuals who answered yes to calorie free menus on request, stated it was important for people suffering with eating disorders to have this option. Some argued that calorie free menus should be the default to save any potential embarrassment of having to ask for a calorie free option.
- 2.69 A number of individuals answered no to this, arguing that the cost of producing menus with and without calories creates an unnecessary cost to small businesses.
- 2.70 Organisations in favour of offering calorie free menus agreed that it was important to give this option to people with eating disorders who may find seeing calories next to their food stressful and challenging. Respondents frequently cited evidence that calories on menus increase the likelihood that

those with eating disorders such as anorexia or bulimia, reduce the amount of calories they order to an unhealthy level. Risks of increasing negative body image and poor mental health were widely referenced. Organisations recommended that if calorie labelling is introduced, Welsh Government work closely with experts to ensure mandatory labelling does not have any unintended negative impact on people with an eating disorder. Furthermore, continuous monitoring and reviewing of the implemented policy was suggested.

- 2.71 A respondent observed that those with disordered eating may not wish to 'advertise' their condition, and so the context of having to ask for a different menu must be considered. Suggestions put forward to lessen the potential stigma of requesting a calorie free menu at the venue included QR codes on menus so that all customers can choose whether to view the information or not, an option to request calorie free menus at the booking stage, and less overt calorie information, such as through a traffic light system.
- 2.72 Some organisations against providing calorie free menus on request felt that this option should be for individual businesses to consider based on their circumstances and understanding of respective customer demands. Other organisations believe that it is not logical to ask businesses to provide calorie free menus if there is a serious intention to reduce obesity. Another issue raised was that some cafes and restaurants have board menus rather than individual paper menus, therefore making it difficult to offer both calorie-free and calorie menus.
- 2.73 Some businesses argued that companies should be encouraged to make calorie free menus available on request, as this aligns with the English legislation.
- 2.74 However, other businesses argued that producing two different menus is costly for small businesses and report that only a small number of people request calorie free menus in English settings where legislation has been introduced. Some argued that there should be an exception for independent businesses to have to produce menus with and without calories, and that it

should instead be large corporations and supermarkets who have to produce calorie and calorie free menus.

Calorie labelling and online sales.

Table 13 Responses to Q11

	Business	Individual	Organisation	Other	% of responses
Yes	16	84	24	4	48
No	9	78	4	0	34
Not Sure	5	10	7	0	8
Blank	6	6	9	5	10
Total	36	178	44	9	100

- 2.75 Answers to this question were varied and demonstrated many different opinions from the three groups. Overall, respondents to the online consultation were generally in favour with 48 per cent stating, ‘yes’ in response to the question ‘Should the requirement to display calorie labelling extend to online sales?’ with 34 per cent opting for ‘no’.
- 2.76 Some individuals answered yes to calorie labelling being extended to online sales and argued that online food shopping was becoming increasingly popular, so it was therefore important to include calories on online products. Other responses stated that it was important that legislation was included in all sectors to ensure that it was effective.
- 2.77 However, some individual responses did not think that calorie labelling needed to be included on online sales as they argued that calorie labelling was damaging regardless of the setting and should only be available on request.
- 2.78 Many organisations were eager to include calorie labelling on online sales, arguing that there had been a large increase in online sales over the past few years, so it is therefore important that there is a level playing field with restrictions also applying to online shopping. Responses also highlighted that including calories for larger chain stores supplying takeaways via

delivery apps is especially important when seeking to reduce the health gap, as they are most prevalent in deprived areas.

- 2.79 Organisations in favour of an exemption for micro businesses across the board, including in online spaces, cited meals supplied by smaller businesses being subject to variations in the ingredients and preparation of dishes, making the calorie information a loose approximation.
- 2.80 Responses from businesses expressed that they wanted calorie labelling to follow regulations in England, therefore they should be displayed online. They argued that this provides further information to the customer and allows them to make an informed choice.
- 2.81 Other businesses answered no and requested that further clarification was needed on what would be included. Some responses suggested that there should be an opt in / opt out choice.

Proposal 4 - Place restrictions on the servings of sugary soft drink: free refills

Table 14 Responses to Q12

	Business	Individual	Organisation	Other	% of responses
Yes	14	90	27	5	51
No	8	65	1		28
Not Sure	3	18	6	1	10
Blank	11	5	10	3	11
Total	36	178	44	9	100

- 2.82 In response to the question 'Should we prohibit free refills of sugary soft drinks in the out of home sector?', over half of the respondents (51 per cent) felt that free refills of sugary soft drinks should be prohibited. This was in contrast to only 28 per cent of respondents who opposed the restrictions on free refills.
- 2.83 Individuals who agreed that refills should be prohibited in the out of home sector argued that the practice of offering free refills actively encouraged

unhealthy choices and primarily targets children. They also stated that sugar sweetened beverages contribute largely to excess free sugar intake in children and young people.

- 2.84 Some individuals disagreed with the prohibiting of free refills and suggested that this would mostly disadvantage those in lower economic groups.
- 2.85 Many organisations agreed with the proposed ban and argued that free drink refills are contrary to public health goals, with no nutritional benefit, instead encouraging over-consumption. They also suggested that it was important to have consistency with the postponed English policy to restrict the refill of sugary drinks, whilst others referenced the restrictions put in place in France as an example to follow. Other organisations agreed that this was a positive way of reducing consumers' sugar consumption without placing a large financial burden on businesses. Some answers from organisations even suggested that the legislation should go further and also include the unlimited refill of sugar-free 'diet' soft drinks, and HFSS products which are not part of main meals. This would include unlimited refills of products such as ice-cream and other similar desserts.
- 2.86 However, other organisations disagreed with the proposed ban and highlighted how this may negatively affect low-income families who cannot afford to buy more drinks. There was also scepticism on whether the measure would have any effect on obesity levels.
- 2.87 Opinions from businesses were limited on this topic. Those that agreed with the prohibition encouraged the Welsh Government to support businesses in promoting low/no sugar alternatives.
- 2.88 Businesses who disagreed with the proposed ban, stated that soft drink manufacturers are already reducing sugar content and therefore shouldn't have an additional ban placed on them. Other businesses were doubtful of the impact the proposed ban would have on reducing obesity.

**Proposal 4 - Place restrictions on the servings of sugary soft drink:
larger portion sizes**

Table 15 Responses to Q13

	Business	Individual	Organisation	Other	% of responses
Yes	12	82	26	4	46
No	10	72	4	1	33
Not Sure	5	19	4	1	11
Blank	9	5	10	3	10
Total	36	178	44	9	100

- 2.89 Question 13 of the consultation asked, 'Should we restrict larger portion sizes of sugary soft drinks in the out of home sector?'. The largest contingent of respondents supported the measure, with 46 per cent responding 'yes'. The question also asked if respondents agreed that the limit should be one pint.
- 2.90 Some individuals agreed that there should be a restriction on larger portions of sugary soft drinks, arguing that large sized drinks are unnecessary and were hopeful that banning large sized drinks would reduce calorie intake and help tackle obesity.
- 2.91 Other individuals disagreed with the proposal, suggesting that the proposed restriction would mostly disadvantage lower economic groups, which was unfair. They argued that consumers should be able to purchase what they wanted and that there should instead be more emphasis on education rather than the banning of products.
- 2.92 The majority of organisations agreed with the proposed restrictions, stating that drinking large amounts of sugary drinks had detrimental effects on dental health and obesity. Other respondents suggested that there should be more emphasis on drinking water rather than sugary soft drinks. It was also stressed that consideration must be given for how legislation on limiting refills and the limits on the size of drink vessels interact. Other responses

stressed how it was large portion sizes that are likely to have contributed to the increasing obesity levels in Wales. It was argued that many sugary drinks contain over 2.5 teaspoons of sugar per 100ml making it crucial to reduce serving sizes. There was a recommendation to ensure that prices are reduced in relation to any reduction in size.

- 2.93 Businesses that disagreed with the proposed ban argued that it may disproportionately affect low-income families who may treat their families through free refills and cheap drinks. Others suggested that reducing serving size may encourage customers to purchase multiple portions to reach their desired volume.
- 2.94 For those that agreed with the restriction, most thought that one pint was a reasonable limit. Some respondents thought that the limit should be lower, suggesting common metric measurements such as 500ml or 330ml.

Calorie labelling and soft drink restriction exclusions

Table 16 Responses to Q14

	Business	Individual	Organisation	Other	% of responses
Yes	7	88	17	3	43
No	13	65	10	2	34
Not Sure	3	3	0	1	3
Blank	13	22	17	3	21
Total	36	178	44	9	100

- 2.95 Table 16 outlines responses to the question 'Should schools and colleges, early years and childcare settings, hospital in-patients, care homes and settings and charity sales be excluded from both the calorie labelling and soft drink restriction requirements?'. On balance, respondents were more supportive of excluding the aforementioned settings, with 43 per cent choosing 'yes', whereas 34 per cent said 'no'.
- 2.96 Individuals in support of exemptions for schools and colleges stated that children and teenagers are more vulnerable to develop eating disorders

which could be exacerbated by calorie labelling on food, as demonstrated by previous answers. In place of banning products from schools, many individuals argued that there should be an emphasis on education. Respondents felt that hospitals should be excluded from both calorie labelling and soft drink requirements.

- 2.97 Some responses suggested that the sugary soft drink ban should remain in schools, whereas calorie labelling should be excluded. However, others highlighted how it was especially important to have these policies in schools as they should be spaces that promote healthy eating. Some individuals argued that there should not be any exclusions from calorie labelling or soft drink restrictions, as this may be confusing for the rest of the population and there should be consistency across all environments and demographics for the policy to be effective.
- 2.98 Many organisations agreed with the proposed exclusions and argued that these spaces should aim to improve the quality of food and ensure that individuals are engaging with a healthy lifestyle. It was observed that the unique population of hospital in-patients and care home residents may actually benefit from certain enriched high calorie HFSS content foods, and so guidance here would need to be specially developed. It was also suggested that calorie labelling would also be inappropriate in military establishments and prisons. A further recommendation was that there should be tailored impact assessments for certain population groups to understand their needs in context and the impact of such policies before implementing them.
- 2.99 Other responses from organisations disagreed with the proposed exemptions and argued that it wasn't logical to exclude calorie information in any settings if we want to seriously tackle obesity. They suggested that schools were very important places to include calorie labelling and soft drink restrictions as young people need to learn how to manage their diets and learn about nutrition. It was highlighted how calorie labelling in schools was increasingly crucial as school food is likely to become an even bigger contributor to children's dietary intake in Wales, especially as universal free school meals are introduced. Organisations suggested that charities should

be exempt for one-off events but not in the context of a wider remit, such as in cafes.

- 2.100 Responses from businesses indicated there was not a need to apply any further restrictions given there are already strict regulations limiting the sale of some soft drinks in schools and early year settings. Others agreed it would not be appropriate to introduce calorie labelling in these settings.

Calorie labelling and soft drink restrictions in small and medium out of home businesses.

Table 17 Responses to Q15

	Business	Individual	Organisation	Other	% of responses
Yes	13	70	15	3	38
No	13	92	16		45
Not Sure	2		1	2	2
Blank	8	16	12	4	15
Total	36	178	44	9	100

- 2.101 Table 17 summaries consultation responses for Question 15 in the consultation document: ‘Should small and medium out of home businesses be covered by both the calorie labelling and soft drink restriction requirements?’ 45 per cent of respondents felt that such businesses should not come under the proposed restrictions, with 38 per cent thinking they should.
- 2.102 Individuals who believed that small and medium businesses should be covered by both restrictions cited the importance of consistency across business, expressing the belief all businesses should be treated equally. Other responses in favour of small and medium businesses also being included in the proposals suggested that health is important everywhere.
- 2.103 Individual respondents who believe small and medium businesses should be excluded from the restrictions noted that these businesses would be disproportionately affected by the extra work and costs required for the

implementation of these measures. They also emphasised viewing the effect of the measures in the context of the current cost of living crisis and the importance of consumers' freedom of choice.

- 2.104 Organisations who were in support of the measures emphasised that the exclusion of small and medium businesses could be exploited by larger businesses and franchises with small branches to create loopholes. The importance of consistency in policy to allow for a level playing field among businesses was further expressed. It was highlighted that small and medium businesses should be provided additional support to ensure compliance.
- 2.105 Organisations who opposed the measure cited the importance of consistency across UK nations. Therefore, as the English policy excludes small and medium businesses from these restrictions, they expressed the belief that businesses of this size in Wales should not be covered by the restriction requirements. Organisations reiterated the idea that small and medium businesses would be disproportionately affected by these measures. It was stressed that calorie labelling and soft drink restriction requirements would increase pressure on smaller businesses who have limited resources.
- 2.106 Businesses were divided on the issue, with an equal number of responses in favour of the restrictions as those opposing them. Businesses in favour of the measures further emphasised a belief that restrictions should cover businesses of all sizes equally, to maintain equity among them. There was a concern that a lack of continuity in the restrictions placed on businesses would reduce the effectiveness of the policy, thus limiting the level of behaviour change that would be observed.
- 2.107 Businesses who believe small and medium organisations should be excluded from the restrictions generally cited the increased workload and costs as their reasoning. They highlighted that businesses of this size typically lack the resources and ability to implement these restrictions. The responses from businesses echoed the importance of continuity in policy between the UK nations, suggesting that lessons could be learnt from the approach taken in England to facilitate implementation in Wales.

Calorie labelling food and drink product exemptions

Table 18 Responses to Q16

	Business	Individual	Organisation	Other	% of responses
Yes	22	118	15	2	59
No	7	33	8	1	18
Not Sure			5	2	3
Blank	7	27	16	4	20
Total	36	178	44	9	100

- 2.108 Table 18 summarises the consultation responses received for question 16: ‘Should the following products be exempt from the calorie labelling requirement: menu items for sale for 30 days or less, items prepacked off premises (which already displayed nutrition information), condiments added by the customer, loose fruit or vegetables, other?’ There was strong support for this amongst respondents with 59 per cent agreeing in contrast to 18 per cent who disagreed.
- 2.109 Individuals cited inconvenience and practical limitations as reasons to make temporary menu items (those on sale for 30 days or less) exempt from calorie labelling requirements. Those who supported the exemption of certain items expressed the belief that calorie information in isolation does not accurately detail nutritional values of food. They argued, therefore, that calorie labelling fruit and vegetable items without context of their nutritional benefits may deter people from eating them.
- 2.110 Alternatively, individuals who opposed the exemption of certain items argued that nutritional information should be available for all items; suggesting calorie labels on fruit and vegetables could provide a useful comparison for HFSS alternatives.
- 2.111 A considerable number of responses from organisations were in favour of making the items listed exempt from calorie labelling, arguing that the addition of such labels to these items would provide limited benefit in relation

to the inconvenience and costs businesses would incur. The responses highlighted the practical limitations of calorie labelling for menu items on sale for 30 days or less, especially during national seasonal celebrations or instances where a business has minimal control of portion size. Loose fruit and vegetables are not subject to calorie labelling in legislation in other UK nations and so including such labelling in Wales would introduce an additional cost to Welsh businesses.

- 2.112 Some organisations were opposed to the exemption of requiring calorie labels on certain products. These organisations expressed concern that exemption allows for the creation of loopholes. It was questioned how businesses would prove products were on sale for less than 30 days and how compliance of the timeframe would be enforced. It was suggested that a reduction from 30 days to 7 days would be better suited. Organisations that were opposed to exemptions in regard to condiments noted that the calorie density of certain condiments means their addition has a considerable effect on the total calories of a meal. One respondent noted the assumption that pre-packaged foods always have nutritional information is incorrect according to retained Regulation (EU) 1169/2011.
- 2.113 Businesses were generally in favour of the making the items listed exempt from calorie labelling, citing that including the items would increase the complexity of the intervention while providing minimal benefit. The ability to provide accurate or easily understood information on the calories of condiments, due to the significant variance in the amount of condiment used by each customer, was questioned by businesses. Continuity in policy between the UK nations was highlighted by businesses as an important reason for exemption.

Theme 3: Healthier Local Food Environments

Proposal 5 – Supporting local action – what tools and support will be required to support change

- 2.114 Question 17 in the consultation document asked, ‘What support and measures could we put in place to help improve the availability of healthier options within local areas?’
- 2.115 Education was frequently suggested in the responses from individuals with many calling for nutrition and cookery to have a greater presence in the curriculum, along with classes offering nutritional advice being made available for all adults. Individuals highlighted the importance of making healthier foods more affordable and accessible to everyone. The use of subsidies for healthier alternatives, investment in growing and farming initiatives, and tax rebates for stalls selling local produce were all suggested as potential mechanisms to achieve this. Adjusting business rates to favour businesses with healthier alternatives was proposed as a measure to increase the accessibility of healthier foods, with the suggestion that businesses selling healthier alternatives could be provided business rate relief. Individuals suggested restrictions on the number, location and opening times of fast-food outlets, particularly when in the proximity of schools.
- 2.116 Organisations highlighted the need for investment in infrastructure to support local businesses with their ability to supply healthier alternatives, noting the importance of sympathetic policy and promotion in conjunction with investment. Organisations suggested that local authority planning should consider communities’ ease of access to fresh water and fresh produce and work to minimise the prevalence of food deserts. The role of procurement in providing healthy catered and retail food to schools and hospitals was also considered to have an impact. A shift in focus towards increasing the availability of unprocessed foods, which are typically not HFFS, was recommended by organisations in this consultation. The promotion of guidance for key settings and adoption of schemes such as the Healthy Options Award and Healthy Start to encourage healthier options was further suggested as a potential measure.

- 2.117 Other suggestions included delivery of healthy food boxes that include fruit and vegetables and recipes cards, and community allotment produce sharing schemes and cooperatives. In schools, it was highlighted how an increase in outdoor learning could be used to help provide food for fellow students. This would lead to a better understanding of food and nutrition and could also lead to a lifelong interest in food production. A recommendation was made by an organisation to restrict unhealthy adverts and sponsorship in stations, sporting events, leisure centres and other public spaces.
- 2.118 Businesses reiterated the importance of education in their responses, suggesting promotion of healthy meals to be a useful measure. Some responses also suggested more promotional offers on healthy food groups such as nuts, fruit and vegetables and wholegrains. This would therefore increase purchasing of these products and make products more accessible to low-income communities.

Proposal 6: Limiting hot food takeaways – considering saturation limits, existing licensing powers and environments around schools and colleges

Table 19 Responses to Q18

	Business	Individual	Organisation	Other	% of responses
Yes	9	85	21	3	44
No	7	58	3		25
Not Sure	3		4	1	3
Blank	17	35	16	5	27
Total	36	178	44	9	100

- 2.119 Table 19 summarises responses to Question 18 in the consultation document: ‘Should we review existing planning and licensing support, including guidance, to address the distribution of hot food takeaways, particularly close to secondary schools and colleges?’ The majority of those who responded supported the introduction of reviewing existing support and

guidance (44 per cent), with 25 per cent opposing this. An additional 27 per cent did not respond to the question.

- 2.120 Individuals who voiced their support for the measure argued that people often purchase what is readily available to them, thus the belief that it is important to address supply to get change. Individuals cited the importance in improving the quality of food in particular areas, specifically in deprived areas and within the proximity of schools. A number of individuals discussed how towns are often saturated with hot food takeaways.
- 2.121 Individuals opposed to this measure expressed belief that implementing it would be damaging to local businesses and small towns with limited benefit; the increased use of platforms which readily deliver hot food takeaways means people will still be able to access them with ease. Individuals further believed in the importance of freedom of choice, stating education is a better alternative.
- 2.122 Organisations were generally in favour of the proposal; stating that hot food takeaways should not be located within 400m of premises such as schools where children congregate. One respondent cited a study conducted by Brighton and Hove Council that found that a 400m radius is insufficient to prevent pupils making lunchtime journeys to visit such establishments, and that an 800m radius exclusion is required, calling for such a replication by local authorities in Wales. Organisations also suggested that opening times could be restricted to limit the number of schoolchildren visiting the premises. In conjunction with planning restrictions, suggestions were also raised for schools to develop widespread policies around preventing fast food deliveries to their sites. The responses from organisations recommended the use of health impact assessments to inform future planning decisions, taking inspiration from best practice in England. Another suggestion that was posed by organisations was to support housing associations to provide adequate residential internal space for food preparation, cooking, dining and storage areas to avoid reliance on takeaway providers.

- 2.123 Organisations opposed to the proposal argued further research is required to establish whether there is a link between hot food takeaways and unhealthy weight. There were also calls to establish whether this policy response was the most effective way to deliver behaviour change. Some organisations argued that not all hot food takeaways exclusively sell HFSS products and that those offering healthy alternatives should be allowed to operate in the restricted zones. Concerns were raised on the impact such licensing would have on communities, particularly in smaller rural towns and villages. Organisations questioned the feasibility of the proposal, stating that there is limited scope in the current planning and licensing regulations to control hot food takeaways near schools and colleges.
- 2.124 The minority of businesses which were against the proposal cited that the emphasis should be on educating people, not restricting business. They expressed the belief that planning consent is unable to consider local situations and blanket bans could have detrimental effects on already struggling high streets.

Other potential measures and wider impacts

Other potential measures

- 2.125 Question 21 in the consultation document reads: 'Please provide details of other options you feel could help drive positive change in the food environment, and support people in Wales to make healthier choices.' Respondents provided a wide range of suggestions, with a focus on education a common theme.
- 2.126 In addition to an increased focus on education, individuals called for an increase in the availability and accessibility of healthier food choices. A reduction in the cost of healthier food choices was recommended to help drive a positive change in the food environment. Suggested mechanisms to achieve this reduction were tax breaks, the use of coupons, and funding and grants for businesses exclusively selling healthier foods. Individuals suggested the cost of gyms, swimming lessons and exercise classes should be reduced in conjunction with the development of initiatives to promote the benefits of walking and cycling and to encourage exercise. Restrictions on

advertises for HFSS products was also suggested as an option to create positive change in the food environment in Wales.

- 2.127 Organisations reiterated the importance of consumer education in relation to the food environment and how to make healthier choices, highlighting that the onus should not solely be on food businesses. The implementation of restrictions on the advertising, sponsorship and promotion of HFSS products in public places was recommended. It was also suggested that a whole system approach is needed as issues such as childhood obesity affect both a child's mental and physical health. Organisations argued that providing grants and financial incentives to businesses offering healthier alternatives would have a positive influence on driving positive change in the food environment in Wales. It was suggested that business rates and the planning system could be utilised to increase the availability of more nutritious options. It was emphasised that there are opportunities to link healthy food environments with a wider agenda for change, including better public sector procurement, investment in local food systems and addressing the climate emergency.
- 2.128 In line with the responses from individuals and organisations, businesses recommended a greater focus on education, to develop an awareness of healthier food choices. Businesses suggested that portion size should be considered as an additional option to help drive positive change in the food environment in Wales. In addition to funding and support for businesses offering healthy alternatives, it was suggested that funding breakfast clubs and sports programmes in schools, and free school meals could support people in Wales to make healthier choices. It was also suggested that more opportunities should be taken to celebrate and promote the health benefits of simple and un-processed foods. Some businesses commented that they were currently restricted on what products they can include on their healthy offers page, therefore making promotions of these healthy food groups limited.

Wider impacts: protected characteristics

- 2.129 Question 22 in the consultation document asks: 'Do you think the proposals in this consultation document might have an effect on the following: those living in rural areas, specific socio-economic groups, children and young people, and equality in relation to; Age, Sex, Race, Religion, Sexual orientation, Pregnancy and maternity, Disability, Gender reassignment, and Marriage/civil partnership?' 44 per cent of respondents felt it would, while 26 per cent of respondents disagreed.
- 2.130 Individuals stated that the proposals could have a considerable adverse effect on young people and those with disabilities, especially those with or at increased risk of eating disorders. It was noted that the proposals could create challenges for individuals with specific dietary requirements. Individuals expressed their concern that healthier food options can come at a higher cost, so people from lower socio-economic positions will be disproportionately affected by the proposals. With regards to those living in rural areas, individuals suggested that the policy may further reduce the number of businesses, limiting the availability of goods.
- 2.131 Organisations suggested that the proposals may have a positive effect, potentially providing health benefits for individuals, in particular young people. It was suggested that the nature of the proposals could result in observed impacts being age dependent. Health benefits for socio-economic groups in deprived areas was also referenced.
- 2.132 However other organisations expressed concern that the proposals will have a greater effect on those from lower socio-economic groups, with the potential for them to exacerbate the cost-of-living crisis. It was also highlighted that food outlets in low-income areas can face particular barriers to offering healthier food and drink choices such as highly competitive and price-sensitive markets, and a real or perceived lack of demand for healthier food and drink. It was noted that there may need to be more consideration in rural areas where there is likely to be less food choice, so as not to have a negative impact.

2.133 Businesses reiterated the concern that the proposals could have a greater impact on those from lower socio-economic groups. Further concern was expressed for groups more likely to be at risk of eating disorders, including women and young people. It was also highlighted how promotional offers such as meal deals represent a very important way to provide food at a competitive cost price, which is especially important for people living with socio-economic disadvantage. Businesses expressed the belief that restrictions on the sale of HFSS products in vulnerable high street locations will damage the commercial viability of some stores, putting local shops and services at risk. Businesses suggested that individuals from ethnic groups for whom food is part of a ritual or religious requirement may be adversely affected by the proposals.

Wider impacts: Welsh language

2.134 Question 23 in the consultation document asks ‘We would like to know your views on the effects the consultation would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?’. The majority of respondents indicated they expected a limited impact on the Welsh language as a result of the proposals.

2.135 Respondents expressed the importance of all information being offered in both the Welsh and English language, with Welsh first. Some individuals suggested businesses should be provided with support to minimise any potential negative impact of the proposals on the Welsh language.

2.136 Organisations echoed the importance of having all information and correspondence, including signage, posters, and publicity in both Welsh and English. Organisations suggested that to mitigate any potential negative effect of the proposals on the Welsh language, businesses should be provided with funding and services to help with translation.

2.137 Businesses gave no additional feedback to note on this matter.

Wider impacts: other

- 2.138 Question 24 in the consultation document asks, 'Are there any other groups within society not already referenced you think any of the proposals would have an impact on?'
- 2.139 Generally, individuals expressed the importance of considering the impact the proposals may have on people with or at risk of eating disorders.
- 2.140 Organisations stated that people from certain ethnic minority communities need to be further referenced due to the increased risk of Type 1 and Type 2 diabetes. Carers who look after people with long-term health conditions should also be considered.
- 2.141 Aside from the groups already referenced, businesses did not highlight any further groups who may be impacted by the proposals.

Business Support and Impact

Support for businesses

- 2.142 Question 25 asked 'What support could be provided to help your business prepare for the following proposals:
- promotion restrictions (Theme 1- proposals 1 and 2)
 - mandatory display of calories (Theme 2-proposal 3)
 - place restrictions of the servings of sugary soft drink (Theme 2- proposal 4)
 - limits on hot food takeaways near schools and colleges (Theme 3- proposal 6)'
- 2.143 Individuals suggested the use of free consultants to aid businesses adjust to the impact the proposals may have on their resources. The importance of providing clear and easily understood updates on any changes was stated. Individuals stressed the need for businesses to be provided with support to help ascertain the required calorific information, without great costs to small businesses.
- 2.144 Organisations suggested that consistency in policy between the UK nations would help businesses prepare for the implementation of the proposals. A

number of organisations stated the importance of considering the timings of implementation of the proposals, ensuring businesses are provided suitable time to adjust to and implement new legislation. It was suggested businesses are provided with a minimum of 18 to 24 months from publication of government guidance, to prepare for the implementation of the proposals. The need for an independent review of policy within 2-3 years of implementation was proposed, as was the formation of working groups to help businesses prepare for the implementation of the proposals. Organisations cited that working groups would provide an opportunity for stakeholders to engage and share information with policy makers and, eventually, enforcers. Organisations recommended funding in conjunction with support from environmental health and trading standards officers to help businesses adjust to any changes. It was also highlighted that the penalties and enforcement of calorie labelling should not be treated in the same way as food hygiene issues, stating that calorie labelling is an information tool for customers rather than a food safety matter. Webinars and short animated videos were suggested as a method to further support calorie labelling implementation.

- 2.145 Businesses stressed the need for financial support to help them prepare for the implementation of the proposals. Access to free online calorie calculating software was cited as a useful tool to help businesses adapt, along with the introduction of standardised values for fresh produce and loose vegetables. Businesses highlighted the importance of clear guidance and communication in their responses, with many calling for restrictions to align with the ones proposed in England as much as possible. Other responses also suggested that businesses would need a minimum of 18 months to prepare for the proposed restrictions.

Impact on businesses

- 2.146 Question 26 in the consultation document asks 'We have calculated illustrative transition costs in both impact assessments. Do these calculations reflect a fair assessment of the costs that would be faced by your organisation or business?' A number of respondents stated they were unable to respond to the impact assessment in absence of additional

information, with only 8 per cent responding 'yes' and 14 per cent responding 'no'

- 2.147 The responses from organisations highlighted that the impact assessment needs further consideration, as it makes no allowance for impact based on business size and assumes no ongoing costs to retailers, not accounting for ongoing costs of weekly compliance checks. Some organisations argued that the impact assessments drastically underestimated the transition costs. They stated that that the full extent of property works and staffing requirements, along with the requirement to update IT systems and train staff were not fully accounted for. Organisations expressed concern that the impact assessments did not account for any immediate impact on profits due to the restrictions, nor the impact of the variance in restrictions of HFSS products among the UK nations.
- 2.148 Responses from businesses to this question were limited. Businesses questioned the compliance costs used in the impact assessments, stating it assumes a very low level of compliance costs. It was also suggested that from the experience in England, the reconfiguration of stores, particularly moving chiller cabinets means that costs are much more significant than the education and awareness-raising mentioned.

Further evidence or data submitted to consider

- 2.149 Question 27 of the consultation document asks, 'Do you have any further evidence or data you wish to submit for us to consider for our final impact assessment or any specific comments on the methodology or assumptions made?'
- 2.150 Organisations responded with numerous examples of evidence and data. These include new guidelines for Type 2 diabetes by the Association of Children's Diabetes Clinicians, and the reviewed Food standards delivery model by the Food Standards Agency as part of its Achieving Business Compliance Programme.
- 2.151 Some businesses suggested that it would be helpful to know the estimated calorie impact of the collective measures in the consultation as this would help justify the costs to businesses of implementing promotional restrictions.

3. Healthy Food Environment: Easy Read Consultation Questions 1-18

- 3.1 The Easy Read consultation attracted 143 responses online. Of these, 122 responses were from individuals and 21 responses were from businesses or organisations. These included independent food retailers and other small businesses, health and education bodies.
- 3.2 The analysis below summarises the responses to the 18 questions in this element of the consultation.

Theme 1: Healthier Shopping Baskets

Proposal 1 – Restrict value-based promotion of HFSS products

Table 20 Responses to Q1

	Individual	Organisation	% of responses
Yes	54	16	49
No	59	4	44
Not Sure	7	1	6
Blank	2		1
Total	122	21	100

- 3.3 Table 20 summarises the response to question 1 ‘We want to introduce a law to stop promotions for unhealthy foods that are high in fat, sugar, and salt. This includes temporary price reductions (like this week’s offer), multi-buy offers (like buy one get one free) and volume offers (like meal deals). Do you think this is a good idea?’ There was no clear consensus amongst those who responded to the easy read consultation, with 49 per cent in support of the proposed legislation and 44 per cent opposed.
- 3.4 Individuals in support of the measures acknowledged that promotions encourage extra, unnecessary purchasing of HFSS products. Many individuals argued these promotions not only make people buy more but also

eat more. A number of individuals emphasised the relation between HFSS products and unhealthy behaviours and obesity.

- 3.5 Individuals opposed to the proposal were concerned that the measure would increase food costs at a time when many are struggling with the current cost of living crisis. Other responses emphasised the detrimental impact the measures could have on those with or at risk of an eating disorder as it perpetuates the idea that some food is good and other food is bad.
- 3.6 The majority of organisations in the consultation offered support for the measure, arguing promotional offers encourage overconsumption of HFSS products. The need to make healthy alternatives more accessible and affordable was stressed by organisations.
- 3.7 Organisations opposed to the measure, suggested retail already has a significant level of regulation and expenditure and these measures would increase costs and workload for businesses. A number of organisations suggested the onus should be on individuals making their own choices.

Proposal 2 - Restrict the placement of HFSS products at locations that encourage purchasing

Table 21 Responses to Q2

	Individual	Organisation	% of responses
Yes	77	18	66
No	35	2	26
Not Sure	6	1	5
Blank	4		3
Total	122	21	100

- 3.8 Table 21 summarises the responses to question 2 ‘We want to stop unhealthy foods being placed at store entrances, checkouts, aisle ends, or free-standing display units. Do you think this is a good idea?’ With 66 per cent of respondents answering, ‘yes’ as opposed to 26 per cent who answered ‘no’, there was significant support for this measure.

- 3.9 Individuals were generally in support of the measure. Those in support cited the belief that displaying HFSS products in the locations mentioned contributes to impulsive purchases, particularly when the products are displayed at the checkout or at eye level. It was suggested that restricting HFSS products from being displayed in these locations would reduce the temptation to make unnecessary purchases.
- 3.10 Individuals who were opposed to the measure stressed the importance of shoppers' freedom of choice. Other responses questioned the feasibility of the measure, suggesting it would be difficult to measure and enforce.
- 3.11 Organisations were largely in support of the measure, with many citing how the locations mentioned in the question encourage the purchase of HFSS products and contribute to unhealthy behaviours. The respondents suggested that the implementation of this measure could reduce the customer's temptation to purchase such products.

Categorising food restrictions with proposals 1 and 2

Table 22 Responses to Q3

	Individual	Organisation	% of responses
Option A	40	6	32
Option B	50	10	42
Not Sure/Other	20	1	15
Blank	12	4	8
Total	122	21	100

- 3.12 Table 22 summarises the responses to question 3 'Which option should we focus on? Option A: Things that most affect children's health and weight? Option B: All Products high in fat, sugar, or salt? Why?' Both options received a considerable amount of support from both individuals and organisations. The larger group (42 per cent) of respondents were more in favour of option B with 32 per cent preferring option A. The list of foods included under option A and option B is included at Annex A.

- 3.13 Many individuals who were in favour of option A stated that the emphasis should be on the most unhealthy foods. Respondents suggested that the overall nutritional value of foods should be considered, as a number of healthy foods are naturally high in sugar and fat.
- 3.14 Individuals who were in favour of option B suggested the measure needed to be universal, emphasising the importance of targeting all age groups and everyone in society.
- 3.15 Individuals who selected 'other' were mostly against any restriction, arguing that measures such as education or increasing opportunities for physical activity would be more effective at reducing obesity.
- 3.16 Organisations in favour of the focus being on option A argued that this option covers all the main areas of concern, but implementing this measure needs to be alongside education on eating healthy and exercise. However, some questioned the feasibility of option A, in particular the classification of products which most impact children's health and weight. This included suggestions that additional products such as chocolate spread be added to the list.
- 3.17 Those in favour of option B cited its focus on the whole population as the reason, suggesting it is an issue that affects all ages. It was also thought that the policy is more likely to be successful if the whole family are encouraged towards healthy food, not just the children.

Product restrictions and online purchasing

Table 23 Responses to Q4

	Individual	Organisation	% of responses
Yes	64	13	54
No	44	3	33
Not Sure	13	4	12
Blank	1	1	1
Total	122	21	100

- 3.18 Table 23 summarises the responses to question 4 ‘Lots of people buy food online and get it delivered. If we make these changes, we want the law to include online food shopping. Do you think this is a good idea?’ A majority (54 per cent) of respondents were in favour including online stores.
- 3.19 Individuals in favour of online food businesses being included in the law stressed that all businesses should be subjected to the same restrictions to ensure a level playing field.
- 3.20 Many individuals who were opposed to the inclusion of online businesses in the restrictions were against the restrictions in general, stressing the importance of consumers’ freedom of choice. Other respondents questioned the practicality of such measures.
- 3.21 Organisations offered considerable support for the measure, with many stating the need for online and in-store interventions to complement each other, with consistency between them being important.
- 3.22 Organisations opposed to the inclusion were also against the restrictions in general, arguing that consumers should be able to make their own decisions, adding the focus should be on education not restrictions.

Exemptions for value promotion restrictions (proposal 1)

Table 24 Responses to Q5

	Individual	Organisation	% of responses
Yes	58	9	47
No	42	7	34
Not Sure	18	5	16
Blank	4		3
Total	122	21	100

- 3.23 Table 24 summarise the quantitative responses to question 5 ‘Limits on promotions should not affect: small businesses (below 50 staff), close to use-by-date price reductions, non pre-packed products. Do you think this is a

good idea? In total 47 per cent of respondents were in support of the exemption with 34 per cent against.

- 3.24 Many individuals were in favour of the exemption of small businesses, arguing that the proposed restrictions may disproportionately impact them. Individuals noted that smaller businesses generally have fewer resources and funds to adapt to the proposed changes. It was suggested that the allowance of close to use-by-date price reductions would prevent food waste.
- 3.25 Individuals opposed to the exemption of small businesses stressed that all business should be treated the same independent of their size. Respondents expressed the belief that HFSS products are unhealthy no matter where they are purchased, and exemptions allow for the creation of loopholes.
- 3.26 Organisations who expressed support for the exemption of small businesses cited the extra burden small businesses could face due to increased costs and workloads. A number of organisations suggested the restrictions could disproportionately impact small businesses. The reliance of some consumers on use-by-date price reductions was highlighted in responses and it was advised restricting such promotions could adversely impact individuals from lower socio-economic groups.
- 3.27 Organisations who opposed the exemption of small businesses stressed the importance of consistency, ensuring equal treatment of all businesses in terms of the proposed restrictions. Organisations suggested that exemptions could allow business to find loopholes to avoid the restrictions.

Exemptions for location promotion restrictions (proposal 2)

Table 25 Responses to Q6

	Individual	Organisation	% of responses
Yes	49	6	38
No	53	9	43
Not Sure	17	5	15
Blank	3	1	3
Total	122	21	100

- 3.28 Table 25 summarise the quantitative responses to question 6 ‘Laws about placement of less healthy foods should not affect: small businesses (below 50 staff), stores that are smaller than 2,000 square feet (about the size of a tennis court), specialist retailers. Do you think this is a good idea?’ Respondents were fairly evenly split between supporting and opposing exceptions for the types of settings mentioned above, with 38 per cent answering, ‘yes’ and 43 per cent ‘no’.
- 3.29 Individual respondents who agreed with the proposed exemption argued that there are practical limitations to the layout and placement of products within smaller businesses, highlighting potential challenges of implementation. Individuals expressed concern about the costs and financial consequences smaller businesses would face as a result of placement restrictions.
- 3.30 Individuals who opposed the exemption argued for consistency among businesses, stressing that these foods are unhealthy no matter where they sold.
- 3.31 A number of organisations supported the exemption of speciality retailers, citing the practical limitations of placement laws as reasoning. The potential challenges that businesses with smaller square footage would face in meeting the specification of placement laws was highlighted by organisations who supported the exemption. A number of responses highlighted that the

burden of the measures could impact smaller business to a greater extent, particularly those with less space.

- 3.32 Organisations in opposition to the exemption reiterated the need for consistency among businesses, further suggesting that exemptions could be exploited to create loopholes for larger organisations

Theme 2: Healthier Eating Out of the Home

Proposal 3 - Mandatory calorie labelling at the point of choice in the out of home sector

Table 26 Responses to Q7

	Individual	Organisation	% of responses
Yes	50	8	41
No	64	10	52
Not Sure	7	2	6
Blank	1	1	1
Total	122	21	100

- 3.33 Table 26 summarise the quantitative responses to question 7 ‘We want to have calorie labelling on food we eat out or take home. Do you think this is a good idea?’ At 52 per cent, there was a small majority of respondents opposed to this suggested measure.
- 3.34 Individual respondents who support the implementation argued that the greater availability of information increases consumers’ ability to make educated decisions, suggesting labels could influence healthier choices.
- 3.35 The majority of individual respondents did not support the implementation of calorie labelling. Many individuals expressed concern that the addition of such information to menus could be damaging to those with or at risk of eating disorders.

- 3.36 Some organisations offered support for the implementation of calorie labels, stating that it would make people aware of what they are eating and assist them in decision making. In addition to encouraging healthier choices, it was suggested in the responses from organisations that the availability of calorie information would help guide caterers to manage portion sizes and costs and potentially reduce waste.
- 3.37 The organisations who opposed this proposal expressed concerns over the impact it could have on individuals with or at risk of eating disorders. It was also suggested that calories are not a good indication of how healthy a meal is, and other nutritional information would be more useful.

Limiting energy labels to calories (Kcals)

Table 27 Responses to Q8

	Individual	Organisation	% of responses
Yes	75	11	60
No	38	7	31
Not Sure	5	2	5
Blank	4	1	3
Total	122	21	100

- 3.38 Table 27 summarise the quantitative responses to question 8 Information about calories should: be clear and easy to find, use calories (Kcal), as that's what most people understand, refer to the 'recommended daily amount' to help people know how much to eat across the day. Do you think this is a good idea? A considerable majority (60 per cent) of respondents agreed with the proposed method of displaying calorific information, with 31 per cent opposed.
- 3.39 Most individuals supported the proposed approach, stressing the importance of providing customers with clear, easily understood calorie information in the context of recommended daily allowance.

- 3.40 Many individuals who were opposed to the proposed approach were against mandatory calorie labelling and reiterated the potentially damaging impact the addition of calorie labels could have on those with or at risk of eating disorders. Other respondents questioned the accuracy and relevance of the figures used for the recommended daily allowance of calories, noting that the calories each individual needs varies drastically.
- 3.41 Several organisations supported the proposed method, arguing that it helps people with decision making and has the potential to encourage healthier choices. Organisations expressed the need for calorie labelling to be simple and easily understood, it was suggested that values should always be displayed as the amount for the whole product.
- 3.42 Organisations opposed to the proposed approach argued that calorific values alone do not inform healthy choices. The use of daily recommend allowance was further questioned by organisations in their responses, which highlighted the fact this value is only appropriate for an “average” adult.

Calorie labelling and online sales.

Table 28 Responses to Q9

	Individual	Organisation	% of responses
Yes	64	14	55
No	46	6	36
Not Sure	9		6
Blank	3	1	3
Total	122	21	100

- 3.43 Table 28 summarises the responses to question 9 ‘Should these rules include online food and drink deals too?’ 55 per cent of respondents supported the inclusion of online food and drink deals in the restrictions.
- 3.44 Two-thirds of individuals were supportive of including online food and drink deals, with many arguing that it is important to have consistency between online and instore businesses, to ensure businesses are treated equally.

Individuals highlighted that the inclusion of calorie labelling online would further help the population understand their calorie consumption.

- 3.45 Many Individuals opposed to the inclusion were against mandatory calorie labelling for any out of home setting, and expressed concern over the potential harm the proposal could have to individuals with or at risk of eating disorders. Others questioned the feasibility of including online businesses, in particular how it would be enforced.
- 3.46 Most organisations supported the rules including online food and drink deals. Many stressed the need for consistent policy among online and instore businesses. It was suggested the exclusion of online businesses would lead to the creation of loopholes.

Calorie labelling exemptions on children’s menus

Table 29 Responses to Q10

	Individual	Organisation	% of responses
Yes	74	12	60
No	38	6	31
Not Sure	9	1	7
Blank	1	2	2
Total	122	21	100

- 3.47 Table 29 summarises the quantitative responses to question 10 ‘Should children’s menus be free from having to show calories?’ A considerable majority of responses (60 per cent) to this question supported children’s menus being free from having to show calories.
- 3.48 Generally, individuals in the consultation supported the exemption of children menus from being required to display calorific values. Many individuals argued that children should not be exposed to calorie information, expressing concern that doing so increases the risk of children developing eating disorders.

- 3.49 Individuals opposed to the exclusion argued that calorie information would allow children and their parents to make informed decisions on what to eat. Several individuals emphasised the importance of educating children on calories and healthy eating from a young age.
- 3.50 Similar to individuals, organisations largely supported the exemption of children menus from being required to display calorific values. Many argued that children should not be exposed to calorie information, expressing concern that it could contribute to unhealthy eating behaviours or eating disorders. Organisations suggested the emphasis should be on caterers to offer healthier choices on children’s menus or the introduction of a maximum calorie limit attached to children’s meals.
- 3.51 Organisations opposed to the exclusion argued that calorie information is part of educating children on healthier eating choices, stating that education and reducing childhood obesity go hand in hand.

Calorie free menus available on request and mitigations for people with eating disorders.

Table 30 Responses to Q11

	Individual	Organisation	% of responses
Yes	83	13	67
No	31	6	26
Not Sure	6	1	5
Blank	2	1	2
Total	122	21	100

- 3.52 Table 30 summarise the quantitative responses to question 11 ‘Should businesses have menus without calorie labelling available?’. A considerable majority of respondents (67 per cent) supported the requirement for businesses to also offer menus without calorie labelling.
- 3.53 A substantial majority of individuals believed menus without calorie labelling should be made available. Many individuals stressed the importance of this

approach for those with, or at risk of eating disorders. Individuals suggested that by having menus without calorie labelling available consumers are provided with freedom of choice.

- 3.54 Those opposed to the mitigation argued that the requirement of having two menus would come at a cost to businesses. It was suggested that the presence of menus without calorie labelling creates a potential loophole for businesses to exploit.
- 3.55 Organisations were generally in support of the approach, emphasising that calorie labelling can be damaging for many people, in particular those with or at risk of eating disorders. Organisations argued that this mitigation provides customers with freedom of choice.
- 3.56 Several organisations were opposed to the approach, citing the increased burden faced by businesses. Others expressed the importance of having consistency in the policy.

Proposal 4 - Place restrictions on the servings of sugary soft drink: free refills

Table 31 Responses to Q12

	Individual	Organisation	% of responses
Yes	70	16	60
No	47	2	34
Not Sure	4	2	4
Blank	1	1	1
Total	122	21	100

- 3.57 Table 31 summarise the quantitative responses to question 12 ‘We want to stop free refills of sugary soft drinks. Do you think this is a good idea?’ The majority of respondents (60 per cent) supported this proposal.
- 3.58 Individuals generally provided support for the introduction of measures restricting free refills of sugary soft drinks. They argued that free refills encourage overconsumption of these drinks, while emphasising the negative

health consequences associated with them. Respondents suggested that free refills of sugar free alternatives or water should be available.

- 3.59 Individual respondents who were opposed to the proposal often cited freedom of choice as reasoning. Others expressed concern that customers would face increased costs, which could disproportionately affect those from lower socio-economic positions.
- 3.60 Organisations predominantly supported the introduction of measures restricting free refills of sugary soft drinks, pointing out the dangers of encouraging over-consumption. One organisation however, felt that a ban could adversely affect hospitality businesses.

Proposal 4 - Place restrictions on the servings of sugary soft drink: larger portion sizes

Table 32 Responses to Q13

	Individual	Organisation	% of responses
Yes	59	12	50
No	49	5	38
Not Sure	12	3	10
Blank	2	1	2
Total	122	21	100

- 3.61 Table 32 summarises the response to question 13 ‘Should we ban larger servings (over one pint or 570ml) of sugary soft drinks?’ There was support for this proposal with 50 per cent of respondents agreeing.
- 3.62 Individuals in favour of the ban were concerned about the amount of sugar in large servings and about larger portion sizes in general, especially in the context of diabetes and other health issues.
- 3.63 Individuals against the ban cited the need for freedom of choice and the impact of increased costs on consumers.

- 3.64 Organisations favouring a ban followed similar themes to individuals, referring to levels of obesity and poor dental health in Wales.
- 3.65 Organisations against the proposal were focused on freedom of choice.

Calorie labelling and soft drink restriction exclusions

Table 33 Responses to Q14

	Individual	Organisation	% of responses
Yes	37	10	33
No	60	6	46
Not Sure	20	4	17
Blank	5	1	4
Total	122	21	100

- 3.66 Table 33 summarise the quantitative responses to question 14 ‘These new rules will affect all restaurants, cafes, and takeaway businesses no matter what size they are. These rules won’t affect charities or events run to raise money or places such as schools or care homes where there are already rules in place. Do you think this is a good idea?’ The balance of opinion was against these exclusions (46 per cent of respondents).
- 3.67 Where individuals supported the exemptions, it was on the basis of schools and care homes already working to improve healthy eating. Homemade cakes sold to raise money for charity were not seen as contributing to obesity as an occasional treat.
- 3.68 Individuals who opposed the exemption wanted to see consistency across all settings. For example, the exemption would mean schools could sell cakes to raise money for charity, whereas they should be always setting a good example.

Calorie labelling food and drink product exemptions

Table 34 Responses to Q15

	Individual	Organisation	% of responses
Yes	73	8	57
No	30	3	23
Not Sure	14	8	15
Blank	5	2	5
Total	122	21	100

- 3.69 Table 34 summarise the quantitative responses to question 15 ‘There are some menu items that we wouldn’t expect to be labelled. Things like pre-packed food that already has the calories printed on it, tomato ketchup, mayonnaise and other things people add to their food, fresh fruit and vegetables. Do you think this is a good idea?’. The majority of respondents (57 per cent) were in favour of this exemption.
- 3.70 Individuals who supported the exemptions did so for a variety of reasons; some were opposed to calorie labelling completely, others thought labelling on fruit and fresh vegetables would be too intrusive.
- 3.71 Those individuals who opposed the exemptions wanted consistency and some pointed out that mayonnaise, sauces and even vegetables can contain substantial levels of sugar.
- 3.72 Organisations who agreed with the exemptions wanted to ensure that regulations were proportionate and avoided unnecessary bureaucracy.
- 3.73 The small number of organisations opposed to the exemptions thought that all food with high calorific values should be labelled.

Theme 3: Healthier Local Food Environments

Proposal 5 – Supporting local action – what tools and support will be required to support change

- 3.74 Question 16 asked 'We want to support local action to create communities where the healthy choice is the easy choice. What support and things could we put in place, so you have more healthy options in your local areas?'.
- 3.75 Individuals suggested activities such as food education and cookery classes, increased access to exercise facilities, planning restrictions on takeaways selling HFSS food, and action to put pressure on food manufacturers.
- 3.76 Organisational responses included support for growing food, fitness classes, healthy community cafes and better school catering.

Proposal 6: Limiting hot food takeaways – considering saturation limits, existing licensing powers and environments around schools and colleges

Table 35 Responses to Q17

	Individual	Organisation	% of responses
Yes	73	8	57
No	30	3	23
Not Sure	14	8	15
Blank	5	2	5
Total	122	21	100

- 3.77 Table 35 summarise the responses to question 17 'We want to limit the number of takeaways in towns and close to schools and colleges. Should we look at changing the way planning decisions are made to limit the number of takeaways in communities and close to secondary schools and colleges?' The majority of respondents (57 per cent) were in favour of the proposal.

- 3.78 Individuals who supported the proposal cited issues such as the clustering of takeaways near schools and colleges and how this makes eating takeaways too convenient, and the impact of eating fast food.
- 3.79 Individuals who were against the proposal suggested that takeaways provide a useful service for lower income individuals and there should be free choice. They suggested that food education would be a better alternative.
- 3.80 Most organisations supported the proposal as an important long-term investment. They commented that action also needs to be taken within schools. For example, some schools have tuck shops stocking HFSS foods, and the price of school meals often makes takeaway food attractive.
- 3.81 The small number of organisations opposed to the idea cited anti-business sentiment and the fact that schools mainly use digital passes now instead of cash, which restricts the numbers of children seeking extra food out of school.

Other potential measures and wider impacts

Other potential measures

- 3.82 The final question 18 asked ‘What else would help make the healthy food choice the easy choice in your life?’
- 3.83 Responses to this final question from individuals included education around healthy eating, development of cooking skills, better access to healthy food and support for fresh fruit and veg shops.
- 3.84 Organisations echoed many of these comments, adding in support for growers, and grant support for cooking demonstrations.

Annex A: Possible products captured by proposals 1 and 2

Both options identify products classified as high fat, sugar or salt according to the Nutrient Profiling Model.

'Option A' lists products that are of most concern for childhood obesity.

'Option B' includes Option A items and additional products that are captured by the Sugar Reduction Programme, Calorie Reduction Programme and Soft Drink Industry Levy.

Option A – Categories that are of most concern for childhood obesity

- Soft drinks
- Chocolate confectionery
- Sugar confectionery
- Cakes
- Ice cream
- Morning goods
- Puddings and dairy desserts
- Sweet biscuits
- Breakfast cereals
- Yoghurts
- Milk-based drinks with added sugar
- Juice based drinks with added sugar
- Pizza
- Crisps and savoury snacks
- Ready meals and meal centres including breaded and battered products
- Chips and potato products

Option B – All products captured by the programmes.

All products in Option A and additionally:

- Garlic bread
- Pies and quiches
- Bread with additions
- Savoury biscuits, crackers and crispbreads
- Cooking sauces and pastes
- Table sauces and dressings
- Processed meat products
- Pasta/rice/noodles with added ingredients and flavours
- Prepared dips and composite salads as meal accompaniments
- Egg products/dishes
- Sweet spreads