

## FDF response to NP Review Panel's recommendations

### Overview

FDF's view of the nutrient profiling model is well-documented. We remain concerned that the profiling model is selective and arbitrary and not based on clear scientific evidence; that it does not address any defined health target or specific population group; that it classifies foods solely on the basis of their composition, without regard to their contribution to children's diets and that it perpetuates the myth that individual foods can be objectively described as "healthy" or "unhealthy". It is therefore unlikely to contribute appreciably to any improvement in public health. We are disappointed that the current review did not take the opportunity for a real debate and dialogue about addressing these issues.

FDF is disappointed that the principles for developing a nutrient profile model which it submitted earlier in the process, and which have widespread industry support, appear to have been discounted. These have been subject to further refinement and are discussed in more detail below.

As a result, significant opportunities to improve children's diets have been lost. The model still does not allow for product innovation as whole categories of food, in some cases, fail the model, so that even the 'better for you options' within these categories would be subject to advertising restrictions. Also, it still remains effectively impossible for many food products and whole categories of food to 'pass' the model although many of them will form an important part of childrens' diets, and indeed provide valuable nutrients. FSA has therefore missed a good opportunity to engage with industry's considerable efforts towards healthy eating and their ability to influence the diet as a whole through the power of advertising at their disposal. Had the FSA designed a scheme that encouraged product reformulation, such products could be promoted at the expense of unmodified foods. This would engage the power of advertising in encouraging product or brand switching within a category, which has much greater chance of success than switching between categories.

The scheme is also disproportionate as the evidence that TV advertising has any influence on overall dietary intake is at best minimal.

FDF does welcome the removal of the protein cap as it makes the model simpler to use, and permits the advertising of certain foods which are good sources of nutrients for children (in particular breakfast cereals). FDF is also pleased to see this facet of the model removed as its original addition was made without consultation and impact assessment. As noted by the review panel however, only relatively few categories are actually impacted by the protein cap removal.

FDF notes the concern expressed by the review panel about the way TV adverts featuring recipes and serving suggestions are being handled by Clearcast. In the limited case of recipes and serving suggestions, advertisers consider that the present interpretation of needing to assess 100g of each ingredient shown leads to the false classification of some advertisements as failing the nutrient profiling test. Whilst for

many recipes and serving suggestions it may be the case that the finished food product or recommended method of serving would fail the test, in other cases healthy food and meal options will be inappropriately restricted because a minority ingredient is assessed against the 100g criterion. It would be helpful if the FSA could provide guidance to Clearcast that allows for the assessment of the finished recipe rather than the listed ingredients.

***The substantive points described in more detail follows:***

**The ‘unhealthy’ label**

FDF notes that the term ‘HFSS’ has become commonly used to describe foods which fail the nutrient profiling model and that ‘HFSS’ appears now to have become a synonym for “unhealthy” in a range of contexts. Not only is the term inaccurate in relation to the nutrient profiling model (which measures energy, sugar, saturates and salt) but the FSA has repeatedly pointed out that failing the model does not mean that foods are “unhealthy”. And that the model has been designed solely for use as a tool by Ofcom in relation to restrictions on broadcast advertising.

FDF therefore calls on the FSA to clarify the intention and purpose of the model through the term it uses to describe those foods which do not pass it, and thereby put beyond doubt its stated commitment not to demonise certain foods. A member has suggested that alternative suggestions to HFSS might include:

1. Foods Inappropriate for Children’s Airtime. (FICA)
2. Foods Restricted In Children’s Airtime ( FRCA)

**Basing the NP model on scientific principles**

FDF has made more concise its principals of profiling which we believe an NP model needs to adopt if it is to be scientifically robust:

- A nutrient profiling scheme should be scientifically and evidence based. In order to be thus it must be based on the following principles:
1. Should have a clear and unambiguous objective for tackling a clearly defined end point, e.g. obesity, blood pressure, heart disease, etc...
  2. Should consider all nutrients (not foods) relative to the objective, appropriately balanced according to their expected impact on the defined end point, based on a high standard of scientific evidence.
  3. If designed for a defined population should be based on the average within that population (e.g., bodyweight, activity level).
  4. Should consider actual consumption patterns, taking account of amounts typically consumed and may include frequency.
  5. Should be capable of identifying significant differences in nutrient composition within and between foods, thereby encouraging appropriate reformulation or new product development appropriate to the objective.
  6. Should be understandable by those expected to comply but does not necessarily have to be understood by consumers.
  7. Should be sufficiently robust, as a rule, so as to avoid the need for exemptions.
  8. Should avoid absolute adjectival parameters in its design or execution e.g. ‘healthy’, “unhealthy”, “good”, “bad”, etc..

9. Can be a category based scheme if appropriate for the objective, thus removing the approximations of a simplistic single category scheme.
10. Can use thresholds, algorithms, or some other numerical system provided their levels are based on generally accepted scientific evidence and any comparative impact on individual foods is proportionate.

As a general principle, FDF believes that what food is 'good' for an individual is determined by their current dietary habits and physiological need. A single model attempting to make a judgement on an individual product for a whole population conflicts with the basic principles of nutrition.

FDF do support the dietary reference value basis on which the model was developed and the proportional approach to key nutrients. However FDF believes that FSA have based some of the model on political rather than scientific principles, for example:

1. Restriction and thereby placing a hierarchy of importance of nutrients, this cannot be done scientifically unless one has a clear nutrition purpose for the model, e.g. reduction of saturates. Children suffer from a range of nutritional inadequacies and to focus on the few they have is a very limited view of nutrition and what represents a balanced diet.
2. Nutrition science is not clear cut enough to identifying specific cut off values for permitted or banned foods, and certainly does not consider foods as good or bad.
3. The lack of consideration of actual intake, especially when FSA and DH clearly believe portions are important.

### **Portion Size**

The model does not reflect how a food is consumed because it fails to consider the portion size. FDF acknowledges the fact that the review panel considered basing the model on portions rather than per 100g but is disappointed that it did not see that portion size could be considered as a way forward. Using 100g quantities merely provides a compositional comparator of the inherent properties of a food but not its likely impact on nutritional status. We believe this failure undermines the science base of the model.

As outlined by the "Food Matters" report, FDF would like to see a more joined up approach in all the initiatives to tackle nutrition related health issues. Healthy Weight, Health Lives and FSA have clearly indicated that portion size is an issue in the obesity debate and the issue of portion size and over consumption through excessive portion size. If FSA is looking to address the issue as a more coherent strategy, then using portion sizes in a NP model would aid this process. We would suggest that a model based on realistic, appropriate and consistent portion sizes that could be incorporated into both labelling and profiling schemes would make the model considerably stronger.

Additionally we note that at European level alternative approaches to per 100g are being considered: e.g. the Commission's consideration of a per 100kcal base as an option for the nutrient profiling model for nutrition and health claims and European

proposals on food labelling that would allow per serving nutrition information where standard portion sizes can be agreed.

### **A category-based approach?**

There are clear advantages around using a category based model:

- It helps consumer choices within a category
- It allows all categories to be included
- It avoids many problems around intrinsic differences between foods
- It mitigates issues around the rejection of serving size
- It helps to maintain the nutritional principle that all foods can be part of a healthy diet
- It is more likely to stimulate innovation as a category based approach would allow a marker to define 'better for you' products.

With regard to developing a profiling scheme for health claims, both EFSA and the Commission believe that category schemes are workable

### **Foods that fail the model but are good sources of nutrients**

The Dairy industry has already publicly challenged FSA on this stating that the NPM mitigates key sources of calcium such as cheese at a time when 'a growing number of children are being diagnosed with bone health problems'. The Review Panel are correct that the model accurately classifies cheese as a HFSS food but this illustrates the problem with a model designed to improve general nutrition based on a few negative nutrients.

For some reason the review panel did not consider it relevant that the model excludes good sources of key nutrients purely based on negative components as being important to children's nutritional status, on the basis that to model does not suggest foods should not be eaten. Surely this is exactly what the FSA want the model to achieve, restrict the ability of certain foods to advertise and thereby reduce their intake.

However given that children have a wide range of nutrient requirements, it has to be of concern, that these may not be met if food choice is unnecessarily restricted.

As it stands, the scheme focuses largely on the negative component of a food, rather than the positives: Iron, calcium, potassium, zinc and magnesium levels are all low in older children as are vitamin A, B2 and folic acid intakes, and the biochemical markers for B1, B6, Folic acid and C. Thus FDF do have legitimate concerns regarding the 'failing' of foods that play an important role in the diets of children. We believe that ignoring the fact that certain foods that 'fail' the model are a good source of many nutrients that may be vulnerable in the diet of children is a fundamental flaw of the scheme.

### **PARNUTS foods**

It is disappointing in regard to the comments and decision relating to PARNUTS foods: products that are designed and indeed legally required to meet particular nutritional profiles in order to fulfil particular nutritional needs. The fact that they are classified as "HFSS" and consequently labelled "less healthy" is incongruous to the fact that they have the perfect nutritional profiles for their defined purposes. Our view remains that the nutrient profiling model is inappropriate for these products and this should be made clear.

## **Impact Assessment**

FDF rejects FSA's claim that there will be no additional costs to industry with the use of this model, as we feel the claim can not be substantiated. Indeed as the purpose of its use by Ofcom appears to be to try and distort the market by discouraging sales of particular products, then it is hard to see how this can not be a contradiction. We therefore request an objective and independent impact assessment and a cost benefit analysis.

## The UK Food and Drink Manufacturing Industry

The Food and Drink Federation (FDF) represents the food and drink manufacturing industry, the largest manufacturing sector in the UK, employing over 500,000 people. The industry has an annual turnover of £70bn accounting for 15% of the total manufacturing sector. Exports amount to almost £10bn of which 64% goes to EU members. The Industry buys two-thirds of all UK's agricultural produce.

The following Associations are members of the Food and Drink Federation:

ABIM	Association of Bakery Ingredient Manufacturers
ACFM	Association of Cereal Food Manufacturers
BCA	British Coffee Association
BOBMA	British Oats and Barley Millers Association
BSIA	British Starch Industry Association
CIMA	Cereal Ingredient Manufacturers' Association
EMMA	European Malt Product Manufacturers' Association
FA	Food Association
FOB	Federation of Bakers
FPA	Food Processors' Association
GPA	General Products Association
IDFA	Infant and Dietetic Foods Association
MSA	Margarine and Spreads Association
NACM	National Association of Cider Makers
SB	Sugar Bureau
SIBA	Society of Independent Brewers
SMA	Salt Manufacturers' Association
SNACMA	Snack, Nut and Crisp Manufacturers' Association
SPA	Soya Protein Association
SSA	Seasoning and Spice Association
UKAMBY	UK Association of Manufacturers of Bakers' Yeast
UKHIA	UK Herbal Infusions Association
UKTC	UK Tea Council

Within FDF there are the following sectoral organisations:

BCCC	Biscuit, Cake, Chocolate and Confectionery Group
FF	Frozen Food Group
MG	Meat Group
ORG	Organic Food and Drink Manufacturers' Group
SG	Seafood Group
VEG	Vegetarian and Meat Free Industry Group
YOG	Yoghurt and Chilled Dessert