



Although a formal committee of Brighton & Hove City Council, the Health & Wellbeing Board has a remit which includes matters relating to the Clinical Commissioning Group (CCG), the Local Safeguarding Board for Children and Adults and Healthwatch.

Title: **Fast Food & Energy Drink Advertising: Officer Response to Notice of Motion**

Date of Meeting: 8th November 2022

Report of: The Executive Director, Health & Adult Social Care

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Wards Affected: All wards

FOR GENERAL RELEASE

1 Decisions, recommendations and any options

That the Board recommend to the Policy and Resources Committee that a decision be taken to implement restrictions to the advertisement of high fat salt and sugar (HFSS) food and drinks on council owned and managed advertising space, this includes advertisement on the transport / bus system and other hoardings.

2 Relevant information

Why is this important?

- 2.1 Childhood obesity and overweight levels in Brighton and Hove have risen over the last few years. One in three 11 year olds leaves primary school already



overweight or obese. In some schools in the city this rises to one in two (see Appendix 3).

- 2.2 Nationally two out of three adults are overweight or obese, this brings with it a risk of diabetes, many cancers, heart disease and other health problems impacting on our residents and the health system. The recent COVID pandemic highlighted this risk as obesity increased the likelihood of serious illness and death.
- 2.3 Those children and adults living in more disadvantaged parts of our city have an increased chance of not being a healthy weight. Covid and its associated lockdown challenges have only widened the gap. The impact of ill health related to obesity is greatest on those living in more deprived areas of the city where the cost-of-living crisis is hitting hard.
- 2.4 Advertising of foods that are high in fat salt and sugar has been shown to significantly increase purchase and consumption of these items. The World Health Organisation notes this as a key contributor to the rise in obesity (WHO 2019). National evidence shows the relationship between the advertisement of unhealthy foods and more deprived areas. Restricting advertisements for these items has been recommended as one of a range of evidence-based measures to reduce consumption of these high calorie and less healthy food options, reducing the risk of obesity amongst children and adults (Thomas et al. 2018).
- 2.5 On 07 April 2022 full Council agreed a Notice of Motion seeking to obtain data about fast food & energy drink advertising on council properties. The Notice of Motion was subsequently referred to the 14 June 2022 meeting of the Adult Social Care & Public Health Sub-Committee where members agreed that an officer working group should be established to look at this issue, and that the group should report to the 08 November 2022 Health & Wellbeing Board meeting with proposals to improve Council policies in regard of advertising these products.”
- 2.6 It has been reported by the advertising provider that 34% of advertising is for HFSS foods and drink. A local survey / audit underway this Autumn 2022 is reviewing the advertising content along three stretches of bus route in the city to provide detailed information on the HFSS advertising content as a percentage of food and drink adverts on the system. This will help provide a baseline to evaluate the impact of any restrictions.

What we can learn from Transport for London and other local authorities

- 2.7 Transport for London and a number of local authorities around the country including Bristol, Barnsley and several London boroughs have introduced restrictions on the advertising of high fat salt and sugar drinks and food on transport systems and council managed advertising spaces.

- 2.8 London introduced its Healthier Food Advertising policy in 2019 as part of the London Food Strategy in response to its high childhood obesity levels. An evaluation of the impact surveyed 5 million purchases in 1,970 households and showed a significant reduction in energy, fat, saturated fat and sugar purchased. The greatest reduction was in confectionary and cake purchases. (Yau et al. 2022).
- 2.9 Further health and economic modelling from the Transport for London research showed obesity reduction, a reduction in health problems including heart disease and diabetes and economic benefits from restricting HFSS food advertising. The modelling showed that the intervention should reduce health inequalities, result in cost savings for health and improved quality of life (Thomas et al. 2022).
- 2.10 Revenue was not reduced when TFL restrictions were introduced. (Thomas et al. 2022) Brands are not banned but certain types of less healthy food cannot be advertised. Therefore introduction of the restrictions results in a swapping of products, rather than a loss of income from some businesses or brands choosing not to advertise. TFL found that advertising revenue increased post introduction and was sustained for the first year of the change. (Thomas et al. 2022; Yau et al. 2022)

Implementation of a policy in Brighton

- 2.11 Council owned bus shelter based advertising space is currently managed by Clear Channel. There are 478 bus shelters of which 255 are non-advertising shelters and 223 are advertising shelters (50 panels being digital screens). There is currently a restriction on advertising fast food takeaways within 100 metres of any school or youth club, or NHS building, or public sector building/premises/facility/park/leisure centre primarily used by those under the age of 18 (or their guardian or carers). The contract is currently going through procurement and it is possible to change the terms of the tender specification to exclude HFSS products. The new contract is expected to be awarded in September 2023. The current contract is being temporarily extended and the incumbent provider is aware that the Council are reviewing HFSS advertising and are happy to work with the Council, however both sides would have to agree to a contract amendment. And sufficient notice would be required. The concession fee income paid by Clear Channel goes towards subsidising socially necessary bus services and investment bus infrastructure in the city. The Transport team would like it noted that Transport for London have a large advertising estate beyond bus shelters e.g., London Underground and Overground, DLR and public buildings so the impact of HFSS withdrawal would have been less for them. In addition, advertising space on hoardings is leased by the council estates team at five different sites across the city.
- 2.12 There is no current advertising policy for the city. Introduction of a policy that restricts the advertisement of HFSS foods and drink would contribute to commitments as the first Sustainable Gold Food City in the UK, align with the

Brighton and Hove Food Strategy and action plan. The council declared a climate change emergency in 2018. The Council Plan 2020-23 includes a commitment to support the bid for Brighton & Hove to become a Gold Sustainable Food City. Working to address obesity in the city requires a Whole Systems Approach to healthy weight to create an environment in which it is easy for everyone to make healthy choices.

- 2.13 Advertising businesses, including Clear Channel (the current provider) are working with local authorities around the country on a variety of different contracts with restrictions and different terms in place which include HFSS in some areas. An example of a draft policy outline can be found in appendix one alongside a decision making table to support all partners. The current provider recommends a minimum three month period between decision on any new restrictions and introduction to allow for bookings already made.

3 Important considerations and implications

Legal:

- 3.1 Health and Wellbeing Board is a formal committee of the council and can refer matters outside of its remit to Policy and Resources Committee. Policy and Resources Committee has overall responsibility for the financial and other resources of the Council, for developing the Council's strategy and policy based on national government and local priorities.

Lawyer consulted: Sandra O'Brien

Date: 11 October 2022

Finance:

- 3.2 There are no direct financial implications as a result of the recommendation to refer this to Policy & Resources committee. However, wider financial implications for the Council will need to be considered when presented to Policy & Resources Committee.
- 3.3 Public Transport budgets contain an income target for Bus Shelter Advertising revenues of £0.425m. Of the advertising revenues approximately 34% relates to HFSS advertising which if not replaced could result in lost incomes of £0.145m. If alternative advertising is identified, it is still estimated that lost income could be 8.5% in the first year, reducing to 4.25% in the second year. Lost income in the first year would be estimated between £0.036m and £0.145m, which unless mitigated with spend reductions elsewhere, would add pressure to existing budgets.
- 3.4 Property budgets also contain income targets for leasing of 5 advertising hoardings of c.£0.020m. Restrictions to advertising could impact the existing lease arrangements or make it difficult to find new lessees, though the impact of the proposed restriction is not known at this time.

- 3.5 However, it should be noted that Transport for London did not see a significant reduction in revenue as products being advertised were swapped rather than brands no longer being advertised, as outlined in the main body of the report (paragraph 2.9).

Finance Officer consulted: Sophie Warburton Date: 11/10/2022

Equalities:

- 3.6 The proposed policy relates to a public health issue, overweight and obesity, for which there are known differential impacts between different groups with protected characteristics. There is a strong underpinning rationale of the proposal to reduce health inequalities between these groups. At this point in the process an Equalities Impact Assessment is not required.

Supporting documents and information

Appendix 1: Example policy outline, including guidance and exceptions

Purpose and Application:

The purpose of the policy: to be specified.

It applies to:

- Council advertising sites e.g. transport system advertising. Options to include e.g. leisure facilities and other settings, particularly sites targeting children and families as in Bristol and Barnsley.

Content of policy would include:

- How to apply the policy and what does it include
- Guidance on how to use the Nutrient Profiling Model (NPM)
- Content featuring only non HFSS products
- Content featuring only HFSS products
- Content featuring a range of food and/or drink products, some of which is HFSS
- Content featuring no food or drink directly, but the advertisement is from (or features) a food/drink brand
- Incidental advertising (e.g brand advertising HFSS unrelated content but uses HFSS graphics/images/visual representations or verbal references).
- Indirect promotion of HFSS food and/or drink
- Exceptions e.g olive oil
- Portion sizes: Advertisers should ensure that they are using portion sizes that encourage healthy eating/ go in line with national dietary recommendations
- Where should advertisers go to if they are unsure whether they are HFSS compliant or have questions

Acknowledgment: The contents and criteria of this policy have been adapted from the HFSS Guidance Policy published by Barnsley Metropolitan Borough Council, Bristol City Council and the London boroughs of Greenwich, Southwark, Haringey, and Merton.

Example decision table:

The content and criteria within this document have been adapted from the HFSS Policy Guidance Note published by Barnsley Metropolitan Borough Council

Advertising Content	Examples	Outcome	Notes
Only non HFSS products advertised	Fruit and vegetables, low sugar- wholegrain cereal	Approved	Subject is compliant with HFSS policy
Only HFSS products	Deep fried chicken burger with mayonnaise, large fries, high-sugar drinks and ice cream	Rejected	Subject is not compliant with HFSS policy – advertiser can promote healthier product such as grilled chicken wrap with fresh vegetables, water and fruit and include the name of the business.
A range of products some of which are HFSS	An advertisement that features a shopping basket with fruit, vegetables, ice cream and high sugar drinks	Rejected	All food and drink items must be HFSS compliant – Instead, the shopping basket could contain e.g. fresh fruit, vegetables, a loaf of bread, lentils, a yoghurt and water and include the name of the retailer.
No food or drink directly displayed but the advertisement is from (or features) a food/drink brand	<p>A fast-food business promoting non-HFSS products such as fruit, vegetables, water, low sugar drink etc. (APPROVED)</p> <p>A fast food business promoting a HFSS product such as high sugar ice cream and drink (REJECTED)</p>	Possibly approved – depends on the product featured.	

<p>Food and/or drink is shown 'incidentally' as part of an advert</p>	<p>A financial services advertisement, featuring a beach with ice cream (REJECTED)</p> <p>A financial services advertisement, featuring a beach with fruit (APPROVED)</p>	<p>Possibly approved – depends on the product featured.</p>	
<p>Food and drink is referenced in the text, through graphical representations or other visual representation (not a real product being advertised)</p>	<p>A cartoon image of a banana (Approved)</p> <p>A cartoon image of a milk chocolate bar (REJECTED)</p>	<p>Possibly approved – depends on the product featured.</p>	<p>If the advertisement can be reasonably considered to promote HFSS products it will be rejected regardless of whether the food is an actual product.</p>
<p>Indirect promotion of HFSS food and/or drink</p>	<p>A non-HFSS soft drink with a prominent text that accompanies the image naming the specific product/retailer. (APPROVED)</p> <p>A non-HFSS soft drink without a prominent text that accompanies the image naming the specific product/retailer. (REJECTED)</p>	<p>Possibly approved – only if prominent text accompanies the image naming the product and retailer</p>	<p>A prominent product descriptor helps to differentiate it from non-compliant products. This is necessary where the product falls into a category typically associated with HFSS products (such as soft drinks).</p>

Appendix 2: The Nutrient Profile Model (NPM) scoring

The NPM is an evidence-based tool which has been successfully used to differentiate between healthier food and drink and less healthy food and drink advertising since 2007.

It was created specifically for the purposes of advertising policies by experts in nutrition and food policy on behalf of the Food Standards Agency in 2004-5 (now held by the Department of Health and Social Care). It is already in use across television advertising, and since 2017 across non broadcast advertising (for example, online and outdoor advertising).

The model uses a scoring system which calculates the contribution made by important nutrients that are particularly vital in children's diets with components in the food that children should eat less of. The overall score indicates whether that food (or drink) can be advertised on TV during children's viewing time, or not.

The NPM was subject to rigorous scientific scrutiny, extensive consultation and review. It is supported by the independent Scientific Advisory Committee on Nutrition (SACN) and a wide range of nutrition experts (Department of Health and Social Care, 2011).

The Technical Guidance can be found here:

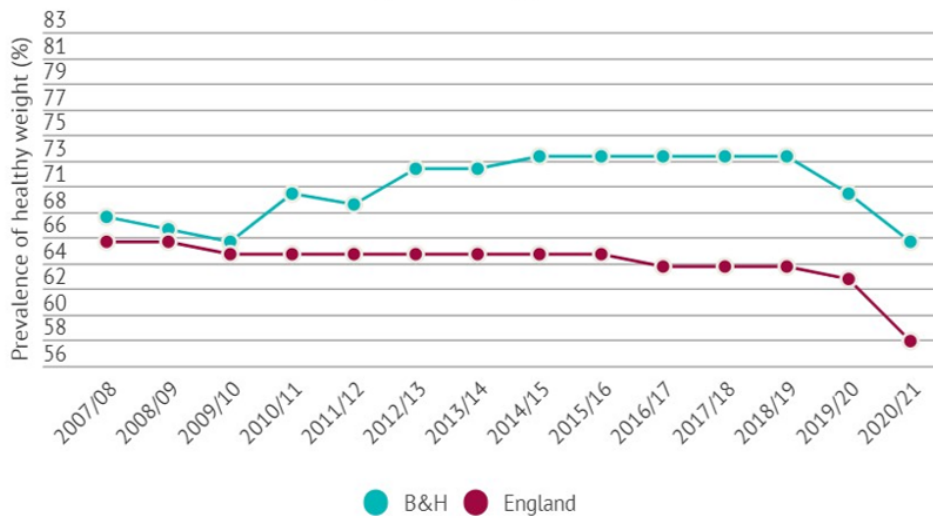
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216094/dh_123492.pdf

Appendix 3: National Childhood Measurement programme

Data indicates:

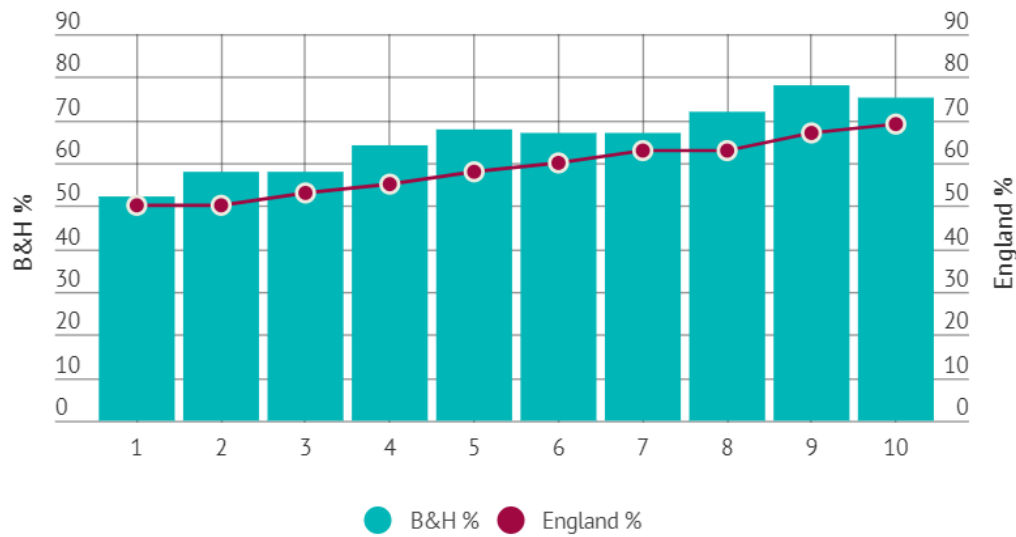
- a reduction in the proportion of children of a healthy weight in the city
- a higher risk of obesity amongst children living in more deprived areas
- differences in levels of healthy weight between primary schools across the city, ranging from 51% to 85%.

Healthy weight trend



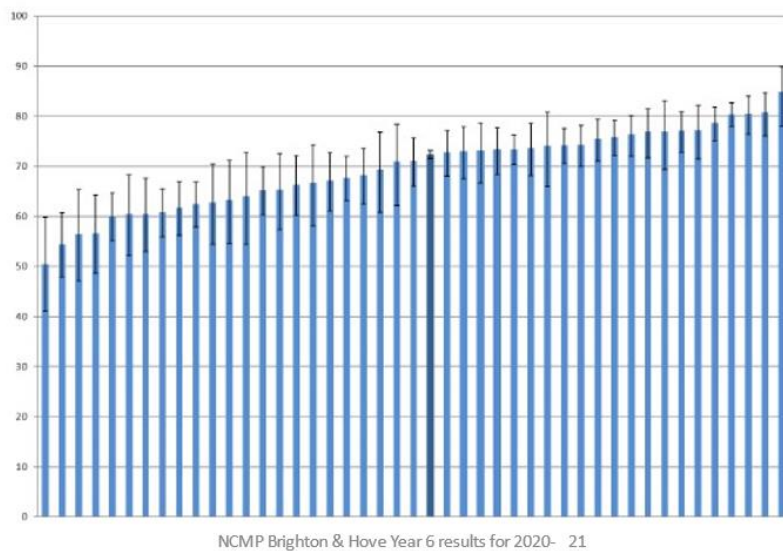
NCMP Brighton & Hove Year 6 results for 2020- 21

Healthy weight by deprivation decile



The prevalence of healthy weight in Year 6 ranges from 51% to 85% by school

Prevalence of healthy weight by school (year 6) for the last 5 years, 2016/17 to 2020/21 (dark bar is Brighton & Hove)



References:

- Bernhardt F, Iñiguez de Onzoño Sanz L, Westcott R, Zakharov V. Cutting Cola to cool our planet: on sugar and the climate and nature emergency [online]. Sustain. 2020.
- Cancer Research UK (2018) in toolkit: Cancer Research UK. Under Pressure: New evidence on young people's broadcast marketing exposure in the UK [online]. 2018.
- Lesser LI, Zimmerman FJ, Cohen DA. Outdoor advertising, obesity, and soda consumption: a cross-sectional study. BMC Public Health 2013; 13:20.
- Lucan SC, Maroko AR, Sanon OC, Schechter CB. Unhealthy Food-and-Beverage Advertising in Subway Stations: Targeted Marketing, Vulnerable Groups, Dietary Intake, and Poor Health. Journal of Urban Health.
- Sustain (2022) in toolkit: Healthier Food Advertising Toolkit. 2022.
- Thomas, C., Breeze, P., Cummins, S. et al. The health, cost and equity impacts of restrictions on the advertisement of high fat, salt and sugar products across the transport for London network: a health economic modelling study.
- Thomas F, Hooper L, Petty R, Thomas C, Rosenberg G, Vohra J. A Prime Time for Action: new evidence on the link between television and on-demand marketing and obesity [online]. Cancer Research UK. 2018.
- Ro, C. How outdoor advertising can deepen inequality [online]. BBC. 2020.
- Outsmart. Who sees OOH? London: Outsmart; 2021 [cited 2021 Feb 26]. Available from: <https://www.outsmart.org.uk/who-sees-ooh>.
- Yau A, Berger N, Law C, Cornelsen L, Greener R, Adams J, et al. (2022) Changes in household food and drink purchases following restrictions on the advertisement of high fat, salt, and sugar products across the Transport for London network: A controlled interrupted time series analysis.