



20 January 2021

(21-0582)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>UNITED KINGDOM</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b> England, United Kingdom
<b>2. Agency responsible:</b> Department of Health and Social Care 39 Victoria Street Westminster London England SW1H 0EU UK Tel: 0207 210 4850 Contact: <a href="https://contactus.dhsc.gov.uk/">https://contactus.dhsc.gov.uk/</a> <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b> UK TBT Enquiry Point Trade Policy Group Department for International Trade 3 Whitehall Place London SW1A 2AW <a href="mailto:TBTEnquiriesUK@trade.gov.uk">TBTEnquiriesUK@trade.gov.uk</a>
<b>3. Notified under Article 2.9.2 [ ], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b> Technical Regulation - Local Government (Article 3.2)
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> This measure covers products within the following food categories: soft drinks, milk-based drinks with added sugar, juice based drinks with added sugar, cakes, chocolate confectionery, sugar confectionery, ice cream, morning goods (e.g. pastries), puddings, sweet biscuits, breakfast cereals, yogurts, pizza, ready meals, meal centres, breaded and battered products, savoury snacks, chips and similar potato products. However, only those products defined as high fat, salt or sugar by the UK 2004/2005 nutrient profiling model ( <a href="https://www.gov.uk/government/publications/the-nutrient-profiling-model">https://www.gov.uk/government/publications/the-nutrient-profiling-model</a> ) are in scope of the restrictions.
<b>5. Title, number of pages and language(s) of the notified document:</b> The Food (Promotion and Placement) (England) Regulations 2021 (13 page(s), in English)

6.	<p><b>Description of content:</b> The TBT relevant aspect of this measure is contained within Regulation 5 which restricts the promotion of foods high in fat, salt and sugar by volume price, for example, "buy one get one free" or "50% extra free" offers in stores and online in England.</p> <p>The regulation applies to promotions that are included on the packaging of food as well as to promotions that are communicated to a consumer via other means.</p> <p>The regulation only applies to high fat, salt or sugar food and drink in the following categories: soft drinks, milk-based drinks with added sugar, juice based drinks with added sugar, cakes, chocolate confectionery, sugar confectionery, ice cream, morning goods (e.g. pastries), puddings, sweet biscuits, breakfast cereals, yogurts, pizza, ready meals, meal centres, breaded and battered products, savoury snacks, chips and similar potato products.</p> <p>Only products in the above categories considered to be high fat, salt or sugar, as defined by the 2004/2005 Nutrient Profiling Model are in scope.</p> <p>The restrictions will apply from April 2022 but where the packaging of food includes a volume price promotion, a medium or large retailer (more than 50 employees) may continue to offer the specified food for sale until 5 April 2023.</p> <p>Small and micro retailers (fewer than 50 employees) are not in scope of the restrictions.</p>
7.	<p><b>Objective and rationale, including the nature of urgent problems where applicable:</b> Regular over-consumption of food and drink high in calories, sugar and fat can lead to weight gain and, over time, obesity, which in turn has a significant impact on health and well-being and increases the risk of obesity related diseases. Evidence shows that promotion of foods high in fat, salt and sugar by volume price, for example "buy one get one free" or "3 for 2" offers, encourage people to purchase more than they otherwise would, which leads to overconsumption of less healthy options. Obesity is one of the biggest health problems the UK faces, with more than 6 in 10 adults and 1 in 3 children aged 10 or 11 being above a healthy weight. This regulation will not prevent the sale of any products, but the aim of the policy is to protect public health by shifting promotions to healthier options, so that consumers are not repeatedly targeted with promotions of high fat, salt and sugar products; Consumer information, labelling; Protection of human health or safety</p>
8.	<p><b>Relevant documents:</b></p> <p>a) Consultation on restricting the promotion of HFSS food by price and location (2019), Government response (2020), and impact assessments (2020):  <a href="https://www.gov.uk/government/consultations/restricting-promotions-of-food-and-drink-that-is-high-in-fat-sugar-and-salt">https://www.gov.uk/government/consultations/restricting-promotions-of-food-and-drink-that-is-high-in-fat-sugar-and-salt</a></p> <p>b) The Nutrient Profiling Model:  <a href="https://www.gov.uk/government/publications/the-nutrient-profiling-model">https://www.gov.uk/government/publications/the-nutrient-profiling-model</a></p> <p>Other documents:</p> <p>c) Food Safety Act 1990  <a href="http://www.legislation.gov.uk/ukpga/1990/16/contents">http://www.legislation.gov.uk/ukpga/1990/16/contents</a></p> <p>d) Regulatory Enforcement and Sanctions Act 2008  <a href="http://www.legislation.gov.uk/ukpga/2008/13/contents">http://www.legislation.gov.uk/ukpga/2008/13/contents</a></p>
9.	<p><b>Proposed date of adoption:</b> 1 July 2021</p> <p><b>Proposed date of entry into force:</b> 1 April 2023; April 2023 for products with "on pack" volume price promotions relevant to this notification (April 2022 for other restrictions).</p>
10.	<p><b>Final date for comments:</b> 20 March 2021</p>

**11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

Department of Health and Social Care

39 Victoria Street

Westminster

London

England

SW1H 0EU

UK

Tel: 0207 210 4850

Contact: <https://contactus.dhsc.gov.uk/>

[https://members.wto.org/crnattachments/2021/TBT/GBR/21\\_0494\\_00\\_e.pdf](https://members.wto.org/crnattachments/2021/TBT/GBR/21_0494_00_e.pdf)