



HOUSE OF LORDS

# Food, Diet and Obesity Committee

## Corrected oral evidence: Food, diet and obesity

Thursday 21 March 2024

10 am

Watch the meeting

Members present: Baroness Walmsley (The Chair); Baroness Boycott; Lord Brooke of Alverthorpe; Baroness Browning; The Earl of Caithness; Lord Colgrain; Baroness Goudie; Baroness Jenkin of Kennington; Lord Krebs; Lord McColl of Dulwich; Baroness Pitkeathley; Baroness Suttie.

Evidence Session No. 9

Heard in Public

Questions 109 - 122

### Witnesses

[I](#): Professor Emma Boyland, Chair, Food Marketing and Child Health, University of Liverpool; Professor Christina Vogel, Professor in Food Policy, City University; Sir John Hegarty, Co-founder, Bartle Bogle Hegarty.

## Examination of witnesses

Professor Emma Boyland, Professor Christina Vogel and Sir John Hegarty.

Q109 **The Chair:** Good morning and welcome to this public meeting of the House of Lords Committee on Food, Diet and Obesity. Today we are holding the ninth evidence session of the committee's inquiry, exploring the role of foods such as ultra-processed foods and foods high in fat, salt and sugar in a healthy diet and in tackling obesity.

The committee will continue taking oral evidence over the next few weeks and months to inform its detailed report, to be published later in the year. We have also published a call for written evidence, which is on our website. That is open until 8 April.

We will hear today from Professor Emma Boyland, professor of food marketing and child health at the University of Liverpool, and Professor Christina Vogel, director of the Centre for Food Policy and professor of food policy at City, University of London. Both of you are joining us in person. Sir John Hegarty, co-founder of Bartle Bogle Hegarty, is joining us remotely today. You are all very welcome and we look forward to your evidence.

I will ask you to introduce yourself briefly just before you answer your first question. Today's meeting is being broadcast and a written transcript will be sent to you after the session to be checked for accuracy. I refer to the list of Members' interests, including my own, as published on the committee's website and set out in the committee's first evidence session, on 8 February.

Before we hear from our witnesses, I will repeat what I said at the start of the 7 March evidence session. Although it would be inconsistent with Lords committee procedure to compel witnesses to do so, we will for the sake of transparency be giving our witnesses the opportunity voluntarily to declare any interests that they deem relevant to the work of the inquiry the first time we speak. We look forward to that if relevant.

Having done all that, I would like to ask the first question. What is the influence of the food industry on dietary trends and how is this influence exercised?

**Professor Emma Boyland:** Good morning, everybody. I am professor of food marketing and child health at the University of Liverpool. I have been researching food marketing and eating behaviour, and its health implications, for around 20 years. I have no conflicts of interest to declare.

The food industry has a massive influence over our dietary trends. Our global food system is dictated by a handful of transnational corporations that govern everything from mass production to large-scale transportation and aggressive marketing of those products.

I draw here on the work of Dr Georgina Cairns, who has done a lot of work on the broader impacts of the food industry on our dietary trends,

including driving snacking.<sup>1</sup> In a case study in Thailand, for example, a global food brand wanted to introduce a new snack there. They did so with an accompanying marketing campaign. That led to the local snack brands and manufacturers ramping up their marketing campaigns to compete. Alongside that, there was an increased level of snacking in Thailand—35% in five years.

The food industry is introducing new eating opportunities. We have seen that in campaigns here too such as “a bowl of fun after school” for children, marketing high sugar breakfast cereal.<sup>2</sup> It is having influence on eating patterns and opportunities in order to sell more of what generally are unhealthy or less-healthy products. They also have influence over social and cultural norms—for example, normalising the consumption of unhealthy foods and consumption of foods for reasons other than physiological hunger, such as to satisfy a craving or as a reward or a mood enhancer.

We have seen evidence from different food industry campaigns that have introduced red meat to immigrants to the US. The narrative was very much that consuming these foods is part of an authentic US identity. It is creating differences in how we view foods as well as how we consume them and is largely pushing us towards a bigger proportion of our diets being those less-healthy foods. That is where I would start.

**The Chair:** Thank you.

**Professor Christina Vogel:** I am professor of food policy and director of the Centre of Food Policy at City, University of London. At the Centre for Food Policy, we aim to inform policy and practice to shape food systems that are fairer, healthier, more sustainable and more resilient. I am a registered nutritionist. I have been working as a public health nutritionist for over 20 years and I lead a range of research projects that aim to inform the development, implementation and evaluation of UK food policies in particular, to improve population health, address dietary inequalities and help to protect our planet. My research is not funded by industry and the centre does not accept any food industry funding. However, I have a non-financial collaboration with a UK supermarket chain. We have received funding from the National Institute for Health and Care Research to independently evaluate trials in their stores.

To answer the question, I agree immensely with Emma that industry has a huge role to play. Rather than some specific examples, I will take a more ecological approach and revisit that our dietary trends in the UK at the moment do not at all match the *Eatwell Guide*. We know from the national diet and nutrition survey that over the last 10 years those trends have not really shifted. Three key examples of where we are not meeting those dietary guidelines are through consuming too many foods that are high in sugar, with our sugar intakes being more than double current

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<sup>1</sup> Note from witness: See

<https://www.sciencedirect.com/science/article/pii/S0195666318307803>

<sup>2</sup> Note from witness: See [youtube.com/watch?reload=9&v=9ph9UjhZkHs](https://www.youtube.com/watch?reload=9&v=9ph9UjhZkHs)

recommendations; eating too few portions of fruit and vegetables, with only a third of adults and 12% of children meeting the five-a-day recommendations; and eating far too few wholegrain foods, meaning that our fibre intake is very low—it is 9% among adults and 4% among primary school aged children.

Alongside that, there has been a significant increase in obesity over the last 30 years. The health survey for England shows that rates of obesity have almost doubled over the last 30 years from 15% in 1993 to nearly 28% in 2023. We need to remember that the significant burden of poor diet, obesity and ill health falls among the families who are most socioeconomically disadvantaged in our society. There are some stark inequalities shown through data with childhood obesity. Children living in the most deprived areas are much more likely to be overweight and obese than children living in the most affluent areas. Again, that difference has almost doubled in the last 15 years, going from 9% to 17% from 2008 to 2019.

We also need to recognise that adults living in the most disadvantaged areas can expect to live eight fewer years than adults living in the most affluent areas. These trends are unjust and not the fault of an individual. I say that because, concurrent with these trends, there has been this huge market capture by industry. Across the food system, from seeds to production to transportation, as Emma highlighted, to wholesale manufacturing and retailing, we see a handful of companies maintaining and holding the decisions.

There is a lovely example from Bite Back. The analysis by the University of Oxford showed that 10 manufacturers in the UK hold more than 240 brands—over 5,300 products. In 2022, two-thirds of those products were deemed HFSS—high in fat, salt and sugar. This helps to illustrate that these companies are heavily reliant on aggressively selling these unhealthy foods to families. That infiltrates every aspect of a family's life. There is no element of a family's life now where it can avoid being exposed to high fat, salt and sugar foods or unhealthy foods.

The corporate concentration provides enormous power to these companies. They use this through two mechanisms. The first is influencing the discourse around policies and the regulatory context. We have seen that in countries across the world. The second is, as I said, infiltrating people's everyday lives. We know that people are well aware of the dietary guidelines. They know what it is to feed their family and themselves well, but they are finding it really tough.

I want to illustrate that much of the policy process has excluded citizens from many of the decisions. We do a lot of lived experience research at the centre, alongside our quantitative analyses. I wanted to bring the voices of families to today as forming part of the evidence.

I will give four short quotes about four different elements of marketing that families feel hinder their ability to eat well. The first is on promotions. This quote is from a mother from southern England. She

says: "There are always buy-one-get-one frees on a packet of chicken nuggets of something". This really illustrates that promotions are on unhealthy foods.

On positioning in retail and food service outlets, another mother from the midlands said: "There are always sweets at the checkout area. When you've got your kids, obviously you just can't handle it. The supermarkets aren't daft. They know what they're doing".

There is one on availability and the sheer volume of unhealthy foods available to families. A mother from London said: "With fast food you have got all the junk you could possibly want, but there is nowhere—there are not enough healthy options".

Finally, on the cost differential between healthy and unhealthy foods, I have a lovely quote from a mother who spoke to us from southern England. She said that her children love watermelon, "but they're all £3 a go and you think to yourself, 'That's one item for £3. I can go and buy four packets of biscuits and a 10 bag of crisps for that £3'. As much as it's rubbish food, it's going to go further. I'd much rather try to get fruit into them".

**The Chair:** Thank you. Sir John, perhaps you could remind us about your own background and tell us about industry influence.

**Sir John Hegarty:** I spent 50 years in the advertising industry as a creative, from Saatchi and Saatchi through to Bartle, Bogle Hegarty, my agency that I left 10 years ago. I have been working in promoting business since then.

There is not much I can add to what has been said. I agree 100% with everything that has been said. One has to understand—I am not trying to be clever here—that the function of a company is to make a product for as little as it can and sell it for as much as it can. That is the function of commerce. Government has to come in and say, "Fine. This is how you must make this product so that it meets certain standards". Ultimately, it is a jungle out there, and companies will say, "I have to return to my shareholders the maximum profit I can, so I'll do exactly that". We have seen the industrialisation of our food manufacturing.

People in advertising cannot do much about it. Their function is to answer a client's need. They are told: "Here is a product. Please promote this in a way that's most effective". We rely on regulations that govern what we can and cannot say. It is up to government to put in systems and processes to make sure that what we can sell and what we should be selling is good for people at large.

I spent a lot of my career on anti-smoking and a huge amount of time working with Rosie Boycott on Veg Power, using the skills of advertising to get people to not smoke and eat healthy food. I plead for this committee to say, "This is the reality of commerce". The reality of commerce is to extract as much profit as effectively as it can. I cannot

add any more to what has been said. I agree 100%. I do not have specific examples of research. This is just experience that I have gained over 50 years of working in the industry.

Q110 **The Chair:** Thank you. You mentioned regulation. Do you believe that regulation gives a level playing field to companies in contrast to voluntary changes to their practices?

**Sir John Hegarty:** I think voluntary is a complete waste of time. You have to make it official, but you have to do it in a way that will work. I will give you an example. In the mid-1970s we always said that we would never work on tobacco, and I worked on anti-smoking campaigns. We witnessed in the mid-1970s government control of what could be shown in cigarette advertising. They created all sorts of guidelines. For example, you could not show an air pilot's sleeve as that was seen as aspirational. All these things were done.

This created an opportunity for advertising to say, "We can't use all the conventional, clichéd images, so now we're free to do something quite surreal". Advertising created unbelievably surreal posters, such as the Benson and Hedges gold box, which got everybody talking.

The regulation allowed freedom to do something completely wild and mad that the client would never have allowed you to do in certain circumstances. Because they were excluded from doing all the clichéd rubbish they normally would, it gave the creative agencies a chance to show what they could do. So you have to be very careful that regulation—I have some points of view about that—does not allow a more intriguing form of advertising that becomes very effective.

All the people I work with in advertising say: "We want proper regulation, because we can't force clients to do it. They pay us our fees and we're there to do a job, so we rely on government to say what we can and can't do". If you leave it to be voluntary, the companies will just say that if one company will not do it, someone else around the corner will. We need official guidance on what can and cannot be done.

**The Chair:** Thank you. That is very clear.

Q111 **Lord Brooke of Alverthorpe:** My declaration of interest is shown in the record. Thank you for your contributions.

In several other sessions, and again today, we have been told about the six to 10 international companies that control the scene. For the record—you do not have to do it now, but you can write after—could you name those companies as you see them?

**The Chair:** We have also received a report from Bite Back that has considerable research about those 10 companies.

**Baroness Boycott:** Yes, that report will apparently be sent to every member of the committee.

**The Chair:** Yes, everybody has had that in the circulation.

**Professor Christina Vogel:** That is for manufacturing, but you see the same in catering. Three companies hold over 20% of the market share.<sup>3</sup> You will see the same in wholesale, distribution and retail.<sup>4</sup> A smaller number of wholesalers dominate those spaces, so you see that there is particular influence across the system. Manufacturers are obviously selected, because they produce the products that are HFSS.

**Lord Brooke of Alverthorpe:** A paper along those lines would be helpful.

Q112 **Lord Krebs:** I declare two interests. I chair the World Cancer Research Fund's global expert panel on diet and healthy, particularly for cancer. I am also a scientific adviser to Marks and Spencer.

In what ways does food marketing, including advertising, influence dietary trends? I want to pick up three examples. We are told repeatedly by those who are sceptical about the effect of advertising that the proposed 9 pm watershed for advertising, which of course has been delayed, would result in a calorie intake reduction of only 1.7 calories, or half a smartie per day. Is that your view?

Secondly—I know Christina has been involved in this—what is the effect of product placement in supermarkets? All the supermarkets near me in Oxford are certainly not adhering to the requirements. Perhaps you could tell us about that.

Finally, I have a particular example for Emma, because you helped me with this about a year ago. I want to ask about products that present themselves as healthy. The example we discussed was the Grenade bar, a high-protein bar that is actually far from healthy. Those are three examples to pin the general question on.

**Professor Christina Vogel:** Thank you. I will focus on the in-store environment, which often translates also to catering and out-of-home environments, although it is important to recognise that they are different settings. The way in which consumers make their food choices differs slightly, but by and large the evidence is the same.

I draw your attention to a review of reviews, a synthesis of systematic reviews conducted by me and Dr Carmen Piernas, which is a chapter in the book *Transforming Food Environments* by Dr Charlotte Evans. You can find this evidence there. We looked at 11 systematic reviews that looked specifically at interventions in retail food outlets, both in store and online. We did so because there was a large body of evidence and we wanted to synthesise it.

We looked at the key elements of the marketing aspects used in stores. In essence, we found that point-of-sale signage, such as shelf tags to

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<sup>3</sup> Note from witness: See <https://www.investorschronicle.co.uk/news/2024/02/12/three-catering-stocks-that-are-cooking-up-a-storm/>

<sup>4</sup> Note from witness: See <https://www.statista.com/statistics/280208/grocery-market-share-in-the-united-kingdom-uk/>

prompt you to purchase healthier products, is of very limited effectiveness on its own. If used as a single strategy, it has very little effect. There is consistent evidence that price, as a stand-alone in-store intervention, particularly targeting the affordability of healthier foods through subsidies or rebates, has a positive effect on sales, purchasing and consumption. As I said, that is a reduction or a rebate on healthy products. There is a dose response, so the greater the reduction in price, the greater the increase in purchasing. Few reviews have concurrently decreased the price of healthy items while increasing the price of unhealthy items. Two good studies have looked at that and, overall, they showed a beneficial effect on purchasing, in particular where you buy fewer unhealthy items and more healthy ones. There is a good amount of evidence for price.

The studies that looked at subsidising healthy food found no unintended consequences on the purchasing of unhealthy foods. There was no evidence to show that if you reduce the price of healthy food, you buy more unhealthy food.

Trying to reduce the availability of unhealthy foods is a tricky one. We know that our supermarkets, predominantly, and many of our catering outlets look nothing like our *Eatwell Guide*. If you increase the availability of healthy items, there are beneficial effects on diet-related behaviours—purchasing and consumption. There is very little evidence—there is one study that I will mention—of any real reduction in the availability of unhealthy items.<sup>5</sup> That is an area for significant further research, although it is very tricky to do in real-world settings, where you reduce the availability of shelf space, for example, or the number of times people see unhealthy items throughout the store. You often see fruit and veg once, in the fruit and veg section, and maybe in one other place, whereas you see crisps, confectionary or biscuits 15 times throughout the store; you get multiple opportunities to purchase those foods. There is lots more research to be done on availability.

Positioning is the area that relates to the Foods (Promotions and Placement) England 2021 regulations. I will talk much more about the enforcement of the legislation in response to a subsequent question, if that is okay. The existing evidence to date shows that concurrently removing unhealthy foods from prominent positions at checkouts, ends of aisles and the fronts of stores and placing healthy items there instead has a beneficial effect.<sup>6</sup> We also see that co-locating healthy and unhealthy items has virtually no effect. Some nice checkout studies have shown that if you have healthy items alongside unhealthy ones at the checkout, you see virtually no impact or change on purchasing patterns. The healthy items do not really sell, and the unhealthy items sell considerably.

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<sup>5</sup> Note from witness: See [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(20\)30202-3/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(20)30202-3/fulltext)

<sup>6</sup> Note from witness: See <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1003729>



Studies that have combined availability and positioning strategies have increased the effect size. That means that improving the positioning and expanding the range of fruit and veg, for example, while reducing the opportunities to purchase unhealthy items through positioning so that they are available only at one in-aisle section has a more beneficial effect on purchasing patterns for health than use of one strategy independently.

Lastly, I turn to price promotions. At the moment, there is only observational evidence on price promotions in real-world settings. They are more prevalent on unhealthy items. Temporary price reductions are more prevalent than multibuy reductions. Again, we have seen that, increasingly with the legislation due to come in, there has been a phasing out of multibuy promotions in stores but not consistently, I must say. Price promotions appear to increase purchases by between 18% and 53%. The greater magnitude, 45% to 53%, is for unhealthy foods rather than healthy foods.

**Professor Emma Boyland:** The first thing to say is that food marketing and advertising impact behaviour through exposure and the persuasive power of that marketing. We have data from UK children from the last couple of years from a project that I led, funded by the NIHR, to show that children are experiencing food marketing in almost every media and setting in which they are present—TV, online, outdoor, audio media such as radio and podcasts, sports, in store, even on the back of bus tickets and tickets from cash machines, and in places that you may not think of.<sup>7</sup> It really is everywhere.

There is also a pattern by socioeconomic status. You may have seen the recent report from Adfree Cities showing that over 80% of all food adverts are in the poorest half of England and Wales.<sup>8</sup> There is also greater patterning of exposure to adverts on TV, by SES. That advertising tells children, and us, that those foods are tasty, desirable, affordable, have no negative consequences for consumption and, in some cases, are meeting a health need, such as the protein bars that are marketed as healthy but are in fact HFSS and akin to confectionary.

We have done a number of studies that have shown that this prompts changes in children such as their choice of products, preference and actual consumption of marketed products. Importantly, it is not just the product that is being advertised, or indeed the brand. Food marketing and advertising promotes consumption of what is available. We have shown that a number of times.<sup>9</sup>

That intake is not compensated for, so when children snack in response to food marketing, they do not then consume less at the next eating opportunity to balance out their energy intake; additional energy is

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<sup>7</sup> Note from witness: See <https://www.fundingawards.nihr.ac.uk/award/NIHR204016>

<sup>8</sup> Note from witness: See <https://adfrecities.org.uk/unavoidable-impact/>

<sup>9</sup> Note from witness: See <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2791859> and <https://www.sciencedirect.com/science/article/pii/S0002916523121563>

added.<sup>10</sup> Meta analyses have shown that to be somewhere in the region of 50 additional calories.<sup>11</sup> We know from epidemiological evidence that it takes somewhere between only 40 and 70 additional calories per day to contribute to weight gain in children. Food advertising meets the Bradford Hill criteria for causality, so we can be sure that food marketing and advertising is causing the eating and intake effect that leads to weight gain in children.<sup>12</sup>

The issue we have with things such as impact assessments—you mentioned the potential impact of the proposed 9 pm watershed—is that they are based on very robust randomised controlled trials, but look only at immediate cue consumption in children, which, as we have discussed, is just one way in which the food industry and indeed food advertising affects our behaviour. They also average out that calorie effect across all children, assuming similar responsivity by all children, and we know that that is often not the case. Overweight children and those living with obesity will often have a greater magnitude of response. Children from more deprived households and communities will also have a greater magnitude of response, so that calorie figure does not necessarily apply to them.

There is also the broader issue of impact assessments that focus just on calorie intake. It is an important part of the message, and it is neat—it gives you a number of calories—but it does not cover the entirety of the way in which food advertising affects behaviour. There are also issues with the use of industry evidence in those impact assessments. In the 2019 impact assessment, for example, the original estimation was that children were seeing 1 billion ad impressions online per year. A critique by colleagues Mimi Tatlow-Golden and Dan Parker showed that to be an underestimation of a magnitude of between 15 and 25. It was scaled up by 14 in the next impact assessment, but the effect of that was immediately discounted, because suddenly the attention on ads was brought into the model, where it had not been before, underpinned by some research by a marketing research consulting firm.

There was no methodological information, no detail, no scrutiny of that evidence, or indeed of the idea of attention being important. We know that children's attention to online ads varies depending on the messaging in the ad, the positioning, size and static or dynamic nature of it. The inclusion of evidence that has not been peer reviewed, was not about food or even about children then scaled down the proposed impact of those policies. So there is the broader issue of how those assessments are done and how they may underplay the potential impact of policies.

**Lord Krebs:** Thank you, Emma. Sir John, do you want to add anything?

**Sir John Hegarty:** I think it has all been said very eloquently. I will say a couple of things. First, advertising works. That is why companies do it.

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<sup>10</sup> Note from witness: See <https://link.springer.com/article/10.1186/s12966-018-0672-6>

<sup>11</sup> Note from witness: See <https://onlinelibrary.wiley.com/doi/full/10.1111/obr.12812>

<sup>12</sup> Note from witness: See <https://link.springer.com/article/10.1007/s13668-016-0166-6>

Therefore, it is not surprising that we see these products being successful or children partaking of them. We have to understand how to restrict their exposure to it. I have been a great supporter of the watershed. I have written various articles about it.

The gentleman mentioned "a smartie a day" or something. Things like that are absolute nonsense. I found in advertising that research can prove anything. I can get you research that proves the world is flat. We can do it. Therefore, when people come out with those reports saying that it will only reduce by a smartie a day, it is absolutely nonsense.

It is shown that if you advertise something it makes it acceptable. That is part of what it does. It makes it acceptable not only to the people buying it but to those who are knowing about it, who are seeing it. We call that the fame factor. Its function is to make something more acceptable. "As seen on TV", though not quite so relevant today, was always a sign that something could be trusted or of value.

Advertising works and watersheds are important. How do you not make that work against the broadcasting companies as opposed to social media? In social media, the watershed is nonsense. You have to think about that. You cannot penalise broadcasters in a way that you are not penalising social media companies.

I think that everything has been said. Advertising works. I can get research to prove anything. I have seen this a thousand times. The function of advertising is to make it acceptable not just to the audience but to a broader audience—parents, everyone around it. If you see a child eating a packet of crisps, it is, "Oh, they're healthy crisps". Everybody is contributing to the sale of this. I think I have said enough.

**Q113 Baroness Boycott:** John and Christina, I was very conscious watching the rugby the other day that sport does not come under the watershed because it is not considered to be a children's programme, yet it is shown on a Saturday afternoon when we are all at home. The advert for Red Bull is of a little boy of about seven years old pushing a lawnmower across a rugby pitch very slowly. A can of Red Bull comes down from the sky and off he shoots. It is basically a rip-off of Popeye, but Red Bull has 10 spoonfuls of sugar and I am not sure how much caffeine. I can see what the advert is trying to do, but what regulation is needed to get at that? How does that work? How do you get around that one?

**Sir John Hegarty:** That is a very big question. I told the story about cigarettes in the 70s, because you have to be very careful that your regulation does not encourage more inventive marketing. That is what it did for tobacco. It encouraged creativity.

My very fast observation about how we regulate things is that humour can be used. Humour is the greatest device for getting people to be on your side. The danger for government is that it comes across as just lecturing us. You must think of how to get around that issue. I will give you a very simple solution that you can dismiss if you want. We all see

now that when you send an email you get a little smiley face that says, "I loved seeing you. I had a terrible time last night". That is the new language of the people we are talking to. Why can the Government not create a system to change the "This is very good for you" smiley face to "This could make you throw up", as an example of from good to bad? Engage your audience. I loathe the word "consumer"; it is the most vulgar word you can use. An audience you respect. Consumers you are just trying to exploit.

It is about finding a way to create a hierarchy of what is good based on the amount of sugar in it. If Red Bull has lots of sugar in it and is therefore bad, I would have a little character on it who is throwing up as a symbol of why you should not have it. It is using humour as a way of convincing people. Once you do that, you get them on your side and they are with you. Then you can turn that into something. That is my very fast observation. If I ruled the world, which I patently do not, although I try to influence it, that is what I would do. I would use humour, make it very simple and use the language of the people you are talking to.

**The Chair:** I am sure you are right about the smiley faces. When we drive into a speed-restricted zone my husband always likes to see the smiley face underneath the "20" sign.

**Professor Christina Vogel:** May I add something quickly directly in response to your point, Baroness Boycott? There is a need for policy coherence. We are still waiting for the Government to implement legislation that restricts the sale of energy drinks to children. There is some research that we and others have published showing that, for effective implementation, that should be restricted to the age of 18 and consistent with alcohol because it is easier to enforce, rather than the age of 16.<sup>13</sup> If you had coherence across policies and that came in, the advertising policy could say, "Children shouldn't be seen anywhere near Red Bull, in the same way that they shouldn't be seen near tobacco or alcohol". There is an element of policy coherence in the development of legislation that is needed.

Q114 **Lord Colgrain:** That very usefully comes into my question. I declare my interest as set out. What is the Government's current approach to regulating food advertising and promotions, and how effective is it?

**Professor Christina Vogel:** I will talk specifically about the Food (Promotion and Placement) (England) Regulations 2021 and leave Emma to talk about the advertising legislation. I have some props here that you can all look at.<sup>14</sup> This is a little cheat sheet about what this regulation means, particularly for the placement component. The positioning component came in on 1 October 2022. There is a range of components that apply to businesses that have 50 employees or more. For the in-store they need to be more than 2,000 square feet and for online they need to have more than 50 employees. That is the in-scope businesses.

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<sup>13</sup> Note from witness: See <https://pubmed.ncbi.nlm.nih.gov/36472075/>

<sup>14</sup> Note from witness: See my submitted supplementary written evidence.

The in-scope locations have been complex. They include the first 5% of the front of the store, the end of aisle, which is considered to be the end of aisle rack and 50 centimetres around the end of aisle, checkouts and 2 metres around that checkout area. It is clearly defined in the regulation, which is necessary for enforcement and effective implementation.

Of the in-scope products, HFSS were in 13 different product categories, using the 2004-05 Ofcom regulation. The position component is the online equivalent. However, the robust effectiveness of that legislation is more challenging online than in store.

We conducted a pre-implementation evaluation in which we interviewed 108 stakeholders across the system, including citizens, retailers, manufacturers and enforcement officers.<sup>15</sup> Local authorities have been tasked with enforcing this legislation on the ground. The Advertising Standards Authority is tasked with enforcing the online component of this legislation. By and large, across the system, everyone said that we need a level playing field. They said that it would not solve the obesity or poor-diet crisis, but we need this legislation as it is a good first step. However, there were still concerns about price differentials between healthy and unhealthy products, and about the impact of exemptions on inequalities. There are particular exemptions and loopholes in this legislation that make it quite challenging.

At the back of the paper I have just given you, on the left you can see that the two pictures taken in October 2022 look pretty good. At the front of the store you can see pumpkins and water. At the end of the aisle you can see candles and home goods. Things were looking much better, with healthier alternatives or non-food alternatives.

However, by Christmas 2022, in the picture on the right you can see that there was a huge exploitation of loopholes. At the top you can see big bin drops of alcohol and confectionary right at the front of the store. Alcohol is not in scope, and neither is tobacco. You can see huge stackers where supermarkets had, very creatively, widened the first aisle. They had placed huge bundles of Christmas confectionary, so that all you see is confectionary as soon as you walk in the door. These big bin drops are completely out of scope of the legislation, so it is another loophole. Again, you can see a bin drop to the bottom right. The unhealthy foods are in the middle of the fruit and vegetable section at the front of the store. You can see that loopholes were being exploited, and that was a real concern to many people.

We also heard that there were real concerns about the complexity of the legislation and that it was perhaps hard for enforcers to enforce. There is currently no free calculator to determine which products are HFSS and which are not. I know through some of the consultations that there was a proposal to have an indicator on labels for HFSS products, which would make it much easier for enforcers to accurately enforce the legislation.

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<sup>15</sup> Note from witness: See

<https://bmcmmedicine.biomedcentral.com/articles/10.1186/s12916-023-02726-9>

There is also insufficient funding for enforcers. In the first year, all 317 local authorities were given a total of £179,000 to actively enforce this legislation. When we spoke to enforcement officers, they told us very clearly that they have knife crime and Natasha's allergy legislation to deal with. Those issues are an immediate risk and a threat to the lives of people in their local areas, so they are not going to do this one. It is not through a lack of will. There was a conscious want to do this, but it is about having adequate resources.

We have also seen a difference in priorities between businesses and enforcement officers. Some areas are actively trying to enforce this. We have seen a few infringement notices given, but they are very minimal. There have been fewer than 12, I believe—although I do not think the freedom of information request has been through since the first three months of the legislation being introduced.

We also see huge differences between businesses. This picture shows Easter last year. On the second sheet I have given you, you can see huge infringements. There is not enough money for enforcement. Enforcement is not happening, and we are seeing Easter eggs at checkouts and drinks at the end of the checkouts. We are not seeing this consistently implemented across all stores. Particular players that have the most to benefit financially are the most likely not to implement it.

That is not to say that, at head office and the higher level, there is no real will for implementation. However, if you are a store manager competing against your fellow regional store, you know that you and your team might get a bonus this quarter if you up your sales, and you know these items will sell in your store, this is one of the only areas in which you have a little freedom. Again, you can see the complexity, but without consistent enforcement we are not seeing decent, consistent and equitable implementation.

The other concern was about small independent stores, which are exempt from this legislation. About one-third of the convenience store sector are single stores, such as Best One and Spar, which are franchises. If their store is large enough, they are in scope of the legislation, but the smaller stores are out of scope. There was also concern among the convenience store sector that there would be commercial disruption. Those that were a bit bigger and had to comply would lose out profit-wise, but those which were smaller would not.

There is a big food-systems answer there. The food and regulatory systems need to diversify to support better options to enable convenience stores to offer more healthier items to their local community that are affordable, appealing and nutritious. I am pleased to say that we are doing a bit of work in that area that will run for the next two and a half years.<sup>16</sup>

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<sup>16</sup> Note from witness: See <https://fundingawards.nihr.ac.uk/award/NIHR156535>

There has been some effectiveness of the Food (Promotion and Placement) (England) 2021 regulations. There has been no formal evaluation of this legislation yet, although I know that colleagues at the University of Leeds are working with IGD to use supermarket sales data to look at the effectiveness at a store sales level. We are hoping to do some work using Kantar data at a household data, but we are waiting to see whether that work will be funded.

We have found through Kantar, which released some information in July last year, two very interesting points. First, it has triggered reformulation. With savoury snacks and crisp products, HFSS lines accounted for 96% of all savoury snacks before the legislation. By July 2023, that had reduced to 88%, which is still not tiny, but it is a decrease. That was mainly through the introduction of wholegrains in savoury snacks. With pizza lines, about 51% of pizzas sold before the regulations were considered HFSS. After the legislation, that fell to 42%. I know that Nomad Foods has pledged to make sure that all its pizzas are non-HFSS. The additional element that came out was that confectionary sales by July 2023 had dropped by about 4% to 5% at a sector level.

**The Chair:** Thank you.

**Professor Emma Boyland:** On the question of advertising regulations, there are regulations on television, which prohibit HFSS food product advertising on dedicated children's channels and in and around programming of particular appeal to children based on the proportion of children in the audience. These have been in place since 2009.<sup>17</sup>

We also have self-regulation of online advertising. That has been shown repeatedly to be ineffective. TV regulation that has worked has reduced food advertising around children's specific programming. Of course, children do not just watch child-specific programming; they watch an awful lot of other programming. The migration of advertising to there and the growth of advertising in other spaces means that a time-based ban, such as a watershed, would be infinitely more effective than what we have.

As for the online regulation, we have already seen reports from the ASA that there have been multiple violations and that it is simply not under control through self-regulation. As John mentioned, he does not believe that self-regulation would work. Systematic reviews, including one I have led for the World Health Organization, have also shown that regulations need to be mandatory to be effective.<sup>18</sup>

I just want to pick up on something that was said about the social acceptability of advertising of products. It has been shown that it is not a

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<sup>17</sup> Note from witness: In response to Sir John Hegarty's comment above that he found that in advertising, research can prove anything, I would like to counter this with the note that this is not true of robust research using appropriate methodology, open science practices etc.

<sup>18</sup> Note from witness: See <https://onlinelibrary.wiley.com/doi/full/10.1111/obr.13447>

parent's own attitude to fast food that influences their propensity to buy it, but their belief that it is socially acceptable to feed your child fast food and that other children are consuming fast food regularly. That determines the outcome. So that is certainly true.

We need to do a lot more with online. You may have seen the Prime drink around.<sup>19</sup> It is an example of the power of online advertising, since it was invented by a couple of YouTubers and made £200 million in the first year. The two YouTubers have a big following, so they have influence over their audience, and they have worked with a number of other prominent influencers, which means that they are getting the benefit of the kind of algorithmic demand of those platforms, so they get massive exposure, create massive demand and make massive profits.

We are also moving into newer online spaces. Think about young people using such things as videogame livestreaming platforms. They are watching other people play games, and we have done research that shows that foods and food brands are on screen for 52 minutes in every hour. There are often multiple, simultaneous exposures in different areas of the screen.

We are also potentially moving into a more synchronous digital experience. You may have heard it called the metaverse. There is some discussion about what that will actually look like, but certainly celebrities and brands are already using it as a brand extension. A well-known soft drink was launched there before it was physically available in stores. That is an indication of where their presence intends to go next.

We know that children see at least 17.4 unhealthy food ads online per hour. That is data from Australia,<sup>20</sup> but we expect that to be similar to the data that we are developing here in the UK.

**Sir John Hegarty:** I think everything has been said, and I agree 100%. I keep saying that we need mandatory regulation. If it is voluntary, some people will get around it. They always do, and we need the Government to lead the way. That is what we expect the Government to do.

My plea is that we simplify. One problem one always has is that you can see the complications. Somebody once explained to me the wonderful, brilliant simplicity of, "Do you pay tax?" There are three categories. One is that, if you are an employer, you pay tax. The second is that, if you are self-employed, you pay tax. The third is that, if you do not appear in the other two, you pay tax. Everybody understood it. "Got it, yes. There's no escape. I pay tax". So in developing your legislation I would plead with you to think creatively and inventively. Is there a scale one could create

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<sup>19</sup> Note from witness: See <https://theconversation.com/prime-a-youtuber-expert-explains-how-logan-paul-and-ksis-drink-became-so-popular-201792>

<sup>20</sup> Note from witness: See <https://www.jmir.org/2021/7/e28144/>



about health and food to say simply, "Your tax will be based on where you are in this scale"?

I go back to my point: companies are there to create greater returns for their shareholders. That is it. Once you understand that, you can begin to develop legislation that will force the shareholders to say, "We're not going to make so much money if we keep making this rubbish".

Advertising keeps getting blamed. I am not saying that advertising is blameless. It is a tool, but it keeps getting blamed and that is a diversion. Political parties have used it as a diversion: "We're going to stop this happening. We're going to stop that happening", and people in advertising say, "Why do they not just stop people making crap? Would that not be a better idea? Then we could sell something good". Nobody in advertising wants to sell shit. They want to sell good things. They are a part of society and they know that it works. It is about devising a simple structure for saying, "This is what we want. It has to be mandatory, and you're going to be taxed". Companies will respond only when it hits their pocket. Do not try to appeal to their conscience.

Q115 **Lord Colgrain:** You were obviously very involved in the anti-smoking campaign. A number of people have given us evidence who have pointed to the success of various Governments who participated in that whole exercise. If we are going to try to get the Government to legislate, to what extent, on a sort of pull and push basis, do you think it will have to be the Government legislating or restricting the advertising companies?

**Sir John Hegarty:** If you restrict advertising, that will have an effect, but ultimately you have to decide. Food is a fundamental need. Cigarettes are not; you can live without them and, in fact, they kill you. So when you are dealing with something as fundamental as food, the Government have to play a central role in determining what is good and what is not. You have to push companies, if that is how you want to describe it, to do the right thing.

Q116 **Baroness Boycott:** I think you probably all know that this question is an important one. What are likely to be the most effective strategies for regulating food advertising and promotions in future? We have had a sort of answer from Sir John, which is that we need strong government regulation, because advertising is a tool, and I think that is a super-important thing to remember. What evidence supports your proposals?

**Professor Emma Boyland:** We have done a lot of work with the World Health Organization, which produced new guidelines last year on food marketing restriction, based on evidence, and put out that it must be mandatory, must seek to protect children of all ages, at a minimum, and must be sufficiently wide in scope in order to prevent migration to other places in the same media or other settings.<sup>21</sup> It must use a government-led nutrient profile model. We are well set with those kinds of capabilities in our system to do that.

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<sup>21</sup> Note from witness: See <https://www.who.int/publications/i/item/9789240075412>

One thing we should be mindful of is the need to regulate at ecosystem level, not channel by channel, because that is simply not workable anymore. Marketing does not work that way, in isolation on individual channels. It is an integrated system across multiple different settings, particularly digital settings now, and the regulation needs to reflect that. We have a lot of momentum at local authority level, and they need support from national legislation as well. Local authorities are restricting ads on their property in their local authority. In some cases, bus shelter contracts run for another 30 years, so they cannot intervene and see a benefit for a long time. National legislation could support that.

We need to implement what we already have on the table to stop those delays and actually bring in what we already have, and then review regularly and extend further. We already know that brand advertising is exempt, and that is a huge exemption, because it is all about the brand. We respond to food marketing on an emotional level. We have done studies to show that it activates areas of children's brains responsible for emotional processing, so we cannot rationalise ourselves out of this. We need to regulate at a broader ecosystem level to be effective, and it needs to be mandatory and to happen quickly.

**Baroness Boycott:** Thank you. If you have evidence, I do not understand how brand advertising managed to squirrel its way to be exempt from all this, and I would love any evidence as to how they persuaded Governments.

**The Chair:** Please send it to us after this.<sup>22</sup>

**Baroness Boycott:** Christina, has there ever been any serious attempt to stop people putting sweets one foot off the ground for children? Has that come into regulation? I have not seen it change for any supermarket ever. There is a whole kids' marketing going on at our knee level.

**Professor Christina Vogel:** Yes, there is no scientific evidence, because it is very challenging to do. That is the honest answer is that no supermarket will allow you to try a study to evaluate not putting it at that level. There are some shelf studies that have looked at the positioning of cereal and breads on different shelves, with wholemeal breads in a more prominent space. Actually, evidence on the positioning location in-stores

<sup>22</sup> Note from Professor Emma Boyland: It does not appear to have been included and then exempted, rather it was never planned for inclusion in the first place. The Government's response to the 2019 consultation states "Government is not at this stage considering changes to the rules governing brand advertising for both broadcast and non-broadcast." See [hfss-advertising-consultation-10-april-2019.pdf \(publishing.service.gov.uk\)](#). This is an excellent report reviewing the 20 year process of developing the food marketing regulations in the 2022 Health and Care Act, including industry actions to oppose, avoid, delay, weaken action: [Regulating the Digital Obesogenic Ecosystem | Center For Digital Democracy \(democraticmedia.org\)](#)

rather than on a shelf is stronger, but the two go hand in hand.

The one thing I would say is that marketing as a whole is multiple strategies linked together. There are the four Ps of marketing for a reason. When we try to pick off particular components to regulate, we are not going to see much effectiveness. We need a comprehensive approach to address the multiple marketing strategies used to promote unhealthy foods.

Then there is enforcement. Part of the policy process requires there to be a thorough pre-implementation assessment of the requirements for accurate enforcement and allowing for adequate resourcing. We see this for calorie labelling, for school food standards and for the positioning and food regulations. I agree with Emma completely on the need to enshrine in law that the legislation rules are regularly revisited so that loopholes can be closed. In the nutrient profile model, for example, currently Coco Pops can be placed at the end of aisle because they have managed to reformulate them. They still have 17 grams of sugar per 100 grams, but they have a higher level of protein and they have some fibre in them now. Had we had the 2018 NPM implemented for the equivalent of 5% free sugars from our diet rather than 10%, we might be seeing greater change and less promotion of foods that should be considered unhealthy.<sup>23</sup>

As evidence comes to light about ultra-processed foods and other dietary evidence, we want to be able to make sure that we are continuing to nudge industry in the right direction so that our environment starts to look more like our *Eatwell Guide*.

**Baroness Boycott:** That is really interesting. If you could send us a note suggesting how you think that annual—or however often—review should take place and who should do it, that would be good. It could become part of our recommendations.<sup>24</sup>

**The Chair:** Sir John, do you have anything to add?

**Sir John Hegarty:** No, it has all been said. I will constantly say “an even playing field”.

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<sup>23</sup> Note from witness: The current disconnect between the NPM being used in current UK food policies is confusing for citizens who may believe that reformulated coco pops mean that they are a healthy daily breakfast or snack choice for their children.

<sup>24</sup> Note from Professor Christina Vogel: Regular review and modification of NPM and regulations is essential to ensure that UK food policy is aligned with the current dietary guidelines and the latest scientific evidence. This review should occur every 3 years in recognition of the need for time for industry to implement changes (likely 12-24 months). It is recommended that this review be conducted by Food Standards Authority or Scientific Advisory Committee on Nutrition and involve a review of evidence on implementation, enforcement and effectiveness for the whole population and vulnerable groups.

Q117 **Baroness Browning:** Good morning. I refer to my interests in the register. Given the subject matter today, I should also declare that I am a fellow of the Institute of Sales Management.

What is your assessment of the Government's current approach to regulating food packaging and labelling? In particular, have you noticed any change in either direction since we left the single market, whose regulations, of course, we had to comply with?

**Professor Christina Vogel:** UK labelling rules are weak. There are strong labelling laws on microbial risk and food safety, but our labelling rules on nutritional safety are quite weak. We have a voluntary, not mandatory, front-of-pack scheme. The back-of-pack scheme is there, but it is not very well used by consumers. There is a huge body of evidence to show that a front-of-pack and more comprehensive, overarching label is more effective, but, again, it is not the lever; it is part of a suite of interventions that are required.

We know that there are a huge number of requirements for food labelling, but many of them relate to allergens or microbial risk, as I mentioned. There is absolutely nothing for infants and toddlers, even in infant formula, which is a huge risk. At the moment, breastmilk legislation says that infant formula should be distinguished from follow-on formula, but that is not done. A recent report by colleagues at UCL revealed that in 94% of cases there are adverts for follow-on formula on infant formula.<sup>25</sup> There is a huge amount more that could be done.

Not a lot of people use the ingredients list, but it could be important to require that whole foods, fibre and whole-fibre foods be included.

**Sir John Hegarty:** I am not an expert on food packaging, but I have witnessed how you can use imagery to encourage the idea that something is healthy when it is highly questionable. My personal observation is that it needs to be much tighter.

**Baroness Browning:** Is the size of typeface a problem? Like a lot of people, I wear reading glasses, but when I am going round the supermarket, I cannot read the back of packages.

**Professor Christina Vogel:** Yes, which is why much of the research says that people prefer front-of-pack labels. People can often decipher why that fits and they will accurately categorise a scale of healthfulness of different products using a front-of-pack rather than a back-of-pack label. Back-of-pack labels are used by those who are health conscious and have higher levels of educational attainment.

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<sup>25</sup> Note from witness: See <https://www.cambridge.org/core/journals/public-health-nutrition/article/content-analysis-of-onpackage-formula-labelling-in-great-britain-use-of-marketing-messages-on-infant-followon-growingup-and-specialist-formula/EE27A74B42833757D258B62F9CCD3480> and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10715500/pdf/archdischild-2023-325767.pdf>

I think you are right about the size. Perhaps that is an area for research, but it should not take up much space, because we know that labelling is a component of a suite of packages and that price promotions, positioning, marketing and advertising are probably more important in shifting dietary patterns.

Q118 **The Earl of Caithness:** Is there any research to show how much time people spend looking at the front of a label or the back of the packet? If so, please can you send that to us?

**Professor Christina Vogel:** I do not know, but I will definitely look it up. I know that the preference is for front of pack and for a comprehensive measure—something like the Nutri-Score that is used in Europe, rather than our voluntary nutrient-specific requirement. There is also some evidence to suggest that people like a colour—something that very clearly says, “This is better for you”.<sup>26</sup>

Q119 **Lord Brooke of Alverthorpe:** We have more or less gone over the ground of what are likely to be the most effective strategies for regulating food packaging and labelling. Do you have anything more to add?

**Professor Emma Boyland:** We have done some research on characters on packaging. An Action on Salt survey found that over 50% of foods with a character on the pack were high in fat, sugar and salt. We have done some studies on brand characters, which are made by the brand and used only by that brand, and licensed characters, such as Peppa Pig or a Disney character. When they are placed on a pack, they influence children’s choices and taste preference and drive their likelihood of requesting that purchase from parents.<sup>27</sup> The legislation needs to get much tighter on how those sorts of characters can be used to entice children to request and consume unhealthy products.

**Professor Christina Vogel:** We talked about colour coding being helpful for identifying more healthful products. There is also evidence that warning labels and the composite measures are much more helpful for people to determine unhealthy products, and that discourages unhealthy purchases.

On the question of looking seriously at mandating labelling a product if it is an HFSS—high fat, salt and sugar—product, there have been discussions on ultra-processed foods that I do not disagree with. We should move with where the science is, but allowing enforcement to be accurately and efficiently conducted and having a HFSS label is really important.

We should look seriously at legislation for labelling the content of baby and toddler foods—not just infant formula and follow-on formula but the

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<sup>26</sup> Note from witness: See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7352904/>, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8491916/pdf/pmed.1003765.pdf> and <https://link.springer.com/article/10.1007/s10389-007-0101-9>

<sup>27</sup> Note from witness: See <https://www.sciencedirect.com/science/article/pii/S0022347616303912>

whole suite of first infant foods and snack foods for infants. They are very high in sugar. Public Health England did a review in 2019 and some good recommendations came out of that. Parents we speak to are calling for that. They trust the commercial industry and companies, because the products have the right pictures on them and the right names, and they feel right. Parents want to trust to them, and there is no other more official information available than that packaging, so there needs to be much heavier and stronger legislation on infant and toddler foods.<sup>28</sup>

**Q120 Lord Brooke of Alverthorpe:** Sir John, I have a question about past advertising and moving away from humour. We had a massive campaign on AIDS many years ago, which you will recall. Could you comment on the effectiveness or otherwise of that? We also had big government campaigns on tobacco, but we have never had anything on high fat, sugar and salt. Do you think that the previous two campaigns, on tobacco and AIDS, worked, and should we try that approach?

**Sir John Hegarty:** The tobacco campaign was a very long-running campaign. We started working on it in—it sounds terrifying to say it—1968. I worked on it for about eight years, and then it continued. The AIDS campaign was eventually successful, but it was a constant campaign. Campaigns work because you develop a relationship with your audience and they begin to listen to what you say. AIDS was a particularly outstanding campaign, because it was a huge health issue. People had never heard of it before. There was fear around it, the Government moved in and the message was that ignorance can kill you. It was a very effective campaign, but it existed in a very unique place, in the sense that we had never experienced anything like it before.

We have become used to the word “obesity”. Could the Government run a campaign? I am sure they could. I would just plead, first, for mandatory legislation defining healthy foods. I would urge the Government not to fall into the trap that they have constantly fallen into. About 30 years ago, we were saying to people, “Eat margarine. It’s healthier than butter”, which we now know is rubbish, and 10 years ago they were telling you to drive a diesel car because they reduced the tax on diesel. Now we know that was wrong.

I am all for mandatory, but you have to be very careful that you thoroughly research it and have the right information to encourage people to eat healthy food, because it is such an enormous issue. I go back to my point about using humour to make your point. Fight these companies with the tools they use, such as characters. We have to engage with all the things that they are doing. My idea is to use a smiley face and a pukey face and to ask, “How much puke is in that?” That is what you will get people doing. I apologise for rambling.

**Q121 Baroness Jenkin of Kennington:** In response to the first question,

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<sup>28</sup> Note from witness: See and  
<https://www.sciencedirect.com/science/article/pii/S0195666324000618>  
<https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-022-14637-0>

Emma in particular said that there were a handful of companies. You will not be surprised to hear that we have had difficulty getting the food industry to come in front of this committee. It would be very helpful if you could tell us, perhaps when you write to us, who you think would be the most effective people.

**The Chair:** If you have contact details, that would be helpful.

Q122 **Lord Krebs:** Christina, you mentioned the Nutri-Score system, which is a voluntary scheme in some European countries and is derived from the nutrient profiling model. You said that people prefer Nutri-Score to the multiple traffic light system. If we were to recommend mandatory labelling, it would be interesting to have the evidence that you referred to.

**The Chair:** It would be very helpful if you could send that in.<sup>29</sup>

**Professor Christina Vogel:** May I add a quick point? I recommended that we have a HFSS warning label, and I agree with that, but if there is no HFSS warning label on Coco Pops, that is very confusing for consumers. The current nutrient profile needs to be reviewed and updated so that it is at least aligned with our current dietary guidelines before such a warning label is introduced. Or that could be part of its introduction.<sup>30</sup>

**The Chair:** Thank you, that is very helpful indeed. Thank you all for your evidence this morning, it has been extremely interesting, and thank you in anticipation of any further evidence that you will send us.

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<sup>29</sup> Note from Professor Christina Vogel: See <https://onlinelibrary.wiley.com/doi/10.1111/jhn.12758>, <https://link.springer.com/article/10.1007/s11747-019-00663-9> and <https://www.mdpi.com/2072-6643/13/3/900>

<sup>30</sup> Note from witness: I recommend implementing the 2018 NPM with immediate effect for regulations where 2004/05 NPM is currently being used because the latter model is out of date with current UK dietary guidelines. This should then be regularly reviewed against scientific evidence.