

ANTONY SO - WRITTEN EVIDENCE (FDO0048)

Summary of evidence: Introduction, paragraphs 1-3; Background, paragraphs 4-6; Key findings on HFSS, paragraphs 7-15; Key findings on food industry lobbying, paragraphs 16-28.

Annex 1: Illustrative list of meetings with DHSC and DCMS policymakers, July 2020 – July 2021.

Annex 2: Illustrative list of meetings of the food industry with BEIS, Defra and DIT policymakers, January 2020 – September 2021.

Introduction

1. I am a freelance agrifood and food policy analyst based in London. I have worked on food-related issues for international and national trade associations, chambers of commerce, strategic communications agencies and at City, University of London's Centre for Food Policy. I recently served as a research assistant to Emeritus Professor of food policy Tim Lang.¹ I am submitting written evidence in a personal capacity.
2. The evidence set out below relates to Question 8 of the House of Lords Select Committee on Food, Diet and Obesity's call for evidence: "*The role of the food and drink industry in driving food and diet trends and on the policymaking process*".
3. The following evidence draws on work and research into food industry lobbying that I carried out for the Food Research Collaboration, an independently funded initiative of the Centre for Food Policy, in 2022.^{2 3}

Background

4. Given the major economic impact of the food and drink industry -the Food and Drink Federation estimates that food and drink manufacturing contributes £38 billion to the economy annually and employs over 472 000 people⁴- the industry's interactions with policymakers and its influence or impact on the policymaking process are matters of public interest.

¹ <https://www.antonyso.online>

² <https://foodresearch.org.uk/publications/to-discuss-business-food-and-drink-industry-lobbying-in-the-uk/>

³ <https://foodresearch.org.uk/publications/shaping-the-debate-has-corporate-lobbying-impacted-uk-laws-on-promoting-products-high-in-fat-salt-and-sugar/>

⁴ <https://www.fdf.org.uk/fdf/business-insights-and-economics/>

5. On the one hand, lobbying (or advocacy) is an integral part of a healthy democracy⁵, allowing interested parties to present data and arguments to policymakers and thus helping politicians to make good public decisions. On the other hand, leading food policy analysts have stated that *“the job of food lobbyists is to make sure that the government does nothing to impede clients from selling more of their products and does as much as possible to create a supportive sales environment”* and that *“huge sums are expended by food companies to ensure that their interests are protected and promoted when new regulations or responses to health...matters are being considered”*.^{6 7}
6. In 2022, the Food Research Collaboration examined interactions between the food industry and policymakers in departments highly relevant to the food system (Department for Business, Energy and Industrial Strategy; Department for Environment, Food and Rural Affairs; Department for International Trade; Department of Health and Social Care; Department for Digital, Culture, Media and Sport) by analysing the publicly available data about government officials and ministers’ meetings, hospitality, gifts and overseas travel released by these departments to www.gov.uk on a quarterly basis for the purposes of *‘government efficiency, transparency and accountability’*.⁸

Key findings on food industry lobbying

Specific findings on foods high in fat, salt or sugar (HFSS)

7. The Food Research Collaboration found that between July 2020 -when the government launched its policy paper on tackling obesity with the dual aims of *“end(ing) promotion of HFSS products by volume (for example, buy one get one free) and location both online and in store in England”* and *“to ban HFSS products being shown on TV and online before 9pm”*⁹- and July 2021, ministers at the Department of Health and Social Care and at the Department for Digital, Culture, Media and Sport held regular meetings with representatives from both the food and drink industry and from the media industry to discuss HFSS advertising.

⁵ See Executive Summary from Transparency International UK’s *Lifting the Lid on Lobbying* (2015), p2-3.

[https://www.transparency.org.uk/sites/default/files/pdf/publications/TI-UK Lifting the Lid on Lobbying.pdf](https://www.transparency.org.uk/sites/default/files/pdf/publications/TI-UK%20Lifting%20the%20Lid%20on%20Lobbying.pdf)

⁶ Marion Nestle (2013) *Food Politics: how the food industry influences nutrition and health – Revised and expanded tenth anniversary edition*, p110.

⁷ Tim Lang and Michael Heasman (2015) *Food Wars: the global battle for mouths, minds and markets*, p145.

⁸ <https://www.gov.uk/government/government-efficiency-transparency-and-accountability>

⁹ <https://www.gov.uk/government/publications/tackling-obesity-government-strategy/tackling-obesity-empowering-adults-and-children-to-live-healthier-lives>

8. The data analysed by the Food Research Collaboration indicated that the majority of meetings on HFSS advertising were led by advertising and media businesses, whereas food and drink businesses had a less active lobbying role. A list of corporations and trade associations that met with ministers to specifically discuss HFSS advertising is included in Annex 1.
9. The data also indicated that the advertising and media industry forged links with the food and drink industry: joint meetings between ministers and representatives from these sectors occurred as early as December 2020. This would suggest that there was a level of cooperation or message alignment between the media, advertising and food sectors. This is a relatively widespread practice: Swinnen (2018) has noted that the formation of temporary or long-lasting political and lobbying coalitions is a common method of informing food policy.¹⁰
10. The ambition set out in July 2020 in the Department of Health and Social Care's initial policy paper was not matched by the reality set out by the same department's guidance document¹¹ published in 2022 and updated in 2023.
11. While section 4 of the DHSC's 2020 policy paper recognises that "*on average the portions of food or drink that people eat out or eat as takeaway meals contain twice as many calories as their equivalent bought in a shop. Research suggests that food we eat outside the home makes up 20 to 25% of adult calorie intake*", the DHSC's 2022 guidance document confirms that "*the out of home sector, even if they sell prepacked HFSS food and drink*" is exempt from volume price promotion and location restrictions.
12. As a result, out of home businesses such as coffee shops or cafes (including cafes located in department stores, supermarkets, convenience stores and petrol stations); sandwich bars or shops; dessert shops or houses; bakery stores; restaurants at travel hubs; hotel restaurants; pub restaurants; chain restaurants or branded casual dining restaurants; quick service restaurants and visitor attraction or entertainment venues (such as cinemas and restaurants in theme parks) are not obliged to comply with location and volume price regulations.

¹⁰ Swinnen, J. (2018) 'Political Coalitions in Agricultural and Food Policies', in Swinnen, J (ed.) *The Political Economy of Agricultural and Food Policies*, pp. 13-34.

¹¹ <https://www.gov.uk/government/publications/restricting-promotions-of-products-high-in-fat-sugar-or-salt-by-location-and-by-volume-price/restricting-promotions-of-products-high-in-fat-sugar-or-salt-by-location-and-by-volume-price-implementation-guidance>

13. While section 6 of the DHSC's 2020 policy paper states the intention "*to ban HFSS products being shown on TV and online before 9pm*", the DHSC's 2022 guidance document lists '*key exclusions*' that are out of scope of restrictions.
14. As a result, foods falling under the category of '*key exclusions*' include fruit juices; infant formula; raw, coated, roasted or flavoured nuts; meat jerky; cake decorations such as icing and sauces; whipped cream and flavoured or sweetened creams; syrups; condensed caramel; tinned or canned fruit; garlic bread and cheese garlic bread; potato salads; retail meal kits; breaded ham or charcuterie products; meat and processed meat products such as ham, salami, chorizo, bacon, gammon, chicken thighs, grills, burgers, sausages and steaks; savoury pies; and sandwiches.
15. Given the differences between the ambition set out in 2020 and the reality set out in 2022, and the large number of interactions between ministers and private sector representatives, the Food Research Collaboration found that it was reasonable to conclude that businesses were able to successfully put pressure on the government to apply only light-touch regulation.

General findings on industry lobbying

16. The Food Research Collaboration also examined the publicly available details of meetings of food industry representatives and policymakers at the Department for Environment, Food and Rural Affairs, the former Department for Business, Energy and Industrial Strategy, and the former Department for International Trade between January 2020 and September 2021.
17. There was evidence that policymakers met with industry representatives from the retail sector, the farming sector, large food brands and farming input manufacturers. An illustrative list of corporations and trade associations that held meetings at the departments referenced in paragraph 16 is included in Annex 2.
18. The Food Research Collaboration found that food industry lobbying in the UK is only semi-transparent. Transparency can be general or specific, seemingly at the participants' discretion. Four key issues were identified.
19. Firstly, only in-person meetings between industry representatives and policymakers are listed in the publicly available transparency disclosures. Although the transparency disclosures comprehensively list hospitality enjoyed by policymakers, there is no indication of what political or business issues may have been discussed between industry representatives and policymakers during breakfasts, lunches, dinners, receptions and events. Details of phone calls, emails or messages

between industry representatives and policymakers or their staffers are not made available.

20. Secondly, the rules over which policymakers are expected to disclose details of their meetings with industry representatives appear to differ across departments.
21. For instance, meetings of industry representatives with ministers and with permanent secretaries are routinely made public. However, meetings between food industry interests and other high-ranking civil servants who may also have a significant impact or influence on policy (such as Directors General, Directors, Deputy Directors and Chief Scientific Advisers) are not available for public scrutiny.
22. In addition, while special advisers at the former Department for Business, Energy and Industrial Strategy and at the former Department for International Trade were required to report their meetings with business stakeholders^{12 13}, special advisers at the Department for Environment, Food and Rural Affairs are only required to report their meetings with 'senior media figures'.¹⁴
23. Thirdly, the descriptions of the 'purpose of meeting' can often be very broad and lead to descriptions that merely state the obvious.
24. For example, in January 2021 Defra's Parliamentary Secretary of State met with representatives from the Food and Drink Federation, UK Hospitality, the British Retail Consortium, and the National Farmers' Union "to discuss current issues", and in February 2021 met with representatives from the UK Seafood Exports Working Group "to discuss seafood export issues". In January 2021, the then Business Secretary had conversations with UK Hospitality, the British Beer and Pub Association, Marks & Spencer's and Tesco described as "Introductory call as new Secretary of State", and held meetings in April 2021 and in June 2021 with representatives from Sainsbury's, Deliveroo and Starbucks "to discuss business". In February, May and June 2021, the then International Trade Secretary met with representatives from the National Farmers' Union four times "to discuss trade and agriculture", and in August 2021 met with representatives from the National Pig Association "to discuss pork exports and market access issues".

¹² <https://www.gov.uk/government/collections/beis-special-advisers-gifts-hospitality-and-meetings>

¹³ <https://webarchive.nationalarchives.gov.uk/ukgwa/20210511040231/https://www.gov.uk/government/publications/dit-special-advisers-gifts-hospitality-and-meetings-january-to-march-2020>

¹⁴ <https://www.gov.uk/government/collections/defra-special-advisors-gifts-hospitality-and-meetings#2020>

25. Finally, disclosures of meetings between industry representatives and policymakers can describe what the participants anticipate will be discussed, rather than on what was actually discussed. There is often little to no information on what specific political issues were discussed and which outcomes were sought by business stakeholders.
26. The Food Research Collaboration concluded that the UK could adopt lessons from the lobbying disclosure practices in Ireland and in Canada, where transparency appears to be more stringent and provides the public with a clear picture of the longer-term interests of industry lobbyists. Reforms to UK lobbying could enhance transparency and ensure public trust in policymaking.
27. Ireland's Register of Lobbying provides a detailed overview of an organisation's lobbying, including the specific policy under discussion; the intended result of the lobbying activity; the name of the person primarily responsible for lobbying policymakers; the forms of lobbying involved; and the names of the public officials who are lobbied.¹⁵
28. Canada's Office of the Commissioner of Lobbying is an independent Agent of Parliament responsible for regulating lobbying at the federal level, providing information about the organisations that undertake lobbying; the names of individual lobbyists; the government institutions and public office holders that are actively lobbied; the specific policies or programmes under discussion, as well as the subject matters under discussion and the communication techniques used.¹⁶

¹⁵ <https://www.lobbying.ie>

¹⁶ <https://lobbycanada.gc.ca>

Annex 1

Illustrative list of meetings with DHSC and DCMS policymakers, July 2020
– July 2021

July 2020 to September 2020 ¹⁷

- On July 7, the Parliamentary Under Secretary of State (Minister for Vaccines and Public Health) Jo Churchill met with the chef and campaigner **Jamie Oliver** and the NGOs **the Obesity Health Alliance** and **the Food Foundation** “to discuss the government’s obesity strategy”.
- On September 30, the Minister of State for Patient Safety, Suicide Prevention and Mental Health Nadine Dorries met with **Wera Hobhouse MP** and the eating disorder charity **Beat** “to discuss obesity strategy”.

October 2020 to December 2020 ¹⁸

- On October 6, November 3 and November 30, the Minister of State for Media and Data John Whittingdale met with Dame Carolyn McCall, the Chief Executive of **ITV** to discuss “*High in Fat, Sugar and Salt (HFSS) Advertising*” as well as other issues.
- On December 16, John Whittingdale met with Alex Mahon, the Chief Executive of **Channel 4**, to discuss HFSS advertising.
- On December 16, John Whittingdale hosted a ‘broadcasting roundtable’ to discuss the HFSS consultation. The participants of the roundtable included senior representatives from the **BBC, ITV, Channel 4, S4C, Viacom, ITN, the Local TV Network, RadioCentre, Global, Bauer Media, Wireless, Sky** and **Ofcom**.
- On November 12 and November 13, the Minister of State for Digital and Culture Caroline Dinenage held meetings with **the Advertising Association; the Interactive Advertising Bureau; the Incorporated Society of British Advertisers; the Institute of Practitioners in Advertising** and **the Advertising Standards**

¹⁷ <https://assets.publishing.service.gov.uk/media/62d9128e8fa8f50bfcd3f577/dhsc-ministers-meetings-july-to-september-2020-updated.csv/preview>
https://assets-origin.publishing.service.gov.uk/media/60128b198fa8f565547e315e/DCMS_Ministerial_meetings_1st_July_to_30th_September_2020.csv/preview

¹⁸ <https://assets.publishing.service.gov.uk/media/62d90f44e90e071e798d11e4/dhsc-ministers-meetings-october-to-december-2020-updated.csv/preview>
https://assets.publishing.service.gov.uk/media/6094fc3bd3bf7f6d5a002d27/DCMS_Ministerial_meetings_1st_Oct_31st_Dec_2020.csv/preview

Authority "to discuss High Fat, Salt and Sugar Advertising".

- On December 9, Caroline Dinenage held a further meeting with representatives from **the Interactive Advertising Bureau; the Incorporated Society of British Advertisers; the Ad Association;** and **the Institute of Practitioners in Advertising** "to discuss the government's consultation on a restriction of online HFSS advertising".
- On December 10, Caroline Dinenage met with **News UK; the Professional Publishers Association; the Interactive Advertising Bureau; Google; TikTok; the Association of Online Publishers; Facebook; Twitter; TechUK; The Guardian;** and **the News Media Association** "to discuss the government's consultation on a restriction of online HFSS advertising".
- On December 14, Caroline Dinenage met with **Google** "to discuss the government's consultation on a restriction of online HFSS advertising".
- On December 16, Caroline Dinenage met with representatives from both the advertising industry and the food and retail industries. As well as **the Interactive Advertising Bureau; the Incorporated Society of British Advertisers; the Advertising Association,** and **the Institute of Practitioners in Advertising,** the meeting included attendees from **Just Eat; Mars; McDonalds; Mondelez; Pepsi; Red Bull; Sainsbury's; Unilever; General Mills; Ferrero; Coca-Cola** and **Asda.**

January 2021 to March 2021 ¹⁹

- On January 26, Jo Churchill met with the confectionery group **Ferrero** to discuss the Government's obesity strategy.
- On March 22, Jo Churchill met with **Henry Dimbleby** (co-founder of Leon Restaurants and the Sustainable Restaurant Association, non-executive board member of the Department for Environment, Food and Rural Affairs, and author of the government-commissioned independent review of the food system), also to discuss the government's obesity strategy.
- John Whittingdale held several meetings to discuss HFSS advertising restrictions. Two meetings were held with **ITV's** Chief Executive

¹⁹ <https://assets.publishing.service.gov.uk/media/62d90d1d8fa8f50c08c53404/dhsc-ministers-meetings-january-to-march-2021-updated.csv/preview>
https://assets.publishing.service.gov.uk/media/60f00e428fa8f50c7683871e/DCMS_Ministerial_meetings_1st_Jan_31st_Mar_2021.csv/preview

Dame Carolyn McCall, as well as individual meetings with Ronan Harris (**Google's** Managing Director for the UK and Ireland), Alex Mahon (Chief Executive of **Channel 4**) and Dana Strong (Chief Executive of **Sky Group**).

- On March 17, John Whittingdale hosted a roundtable with the **Commercial On-Demand and Broadcasting Association** (COBA), and representatives from **Discovery, Walt Disney, Sky** and **BT Sport**.

April 2021 to June 2021 ²⁰

- In May, Jo Churchill met with **the British Retail Consortium**, the trade association representing interests of UK retail businesses, "to discuss Government's healthy weight strategy".
- In June, Jo Churchill met twice with **Henry Dimbleby**, also "to discuss Government's healthy weight strategy".
- In June, John Whittingdale met with media group **ViacomCBS** for a "regular catch-up discussing HFSS".

July 2021 ²¹

- On July 20, Jo Churchill met with representatives from **UK Hospitality, the British Retail Consortium, the Association of Convenience Stores, the British Soft Drinks Association, the Food and Drink Federation, Tesco, Deliveroo, Just Eat, Uber Eats, the Nationwide Caterers Association** and **the British Takeaway Campaign** "to discuss advertising restrictions policy".
- On July 21, Jo Churchill met with representatives from **the Interactive Advertising Bureau, the Incorporated Society of British Advertisers, the Institute of Practitioners in Advertising, the Advertising Association, Group M, Publicis UK, Karmarama, Omnicom, Interpublic** and **WPP**, also "to discuss advertising restrictions policy".
- On July 6 and 7, John Whittingdale met with **the Commercial On-Demand and Broadcasting Association** (COBA), as well as

²⁰ <https://assets.publishing.service.gov.uk/media/62d910d0d3bf7f285d9754af/dhsc-ministers-meetings-april-to-june-2021-updated.csv/preview>
https://assets-origin.publishing.service.gov.uk/media/61f2832c8fa8f5388e978103/Ministerial_meetings_1st_April_to_30th_June_2021.csv/preview

²¹ <https://assets.publishing.service.gov.uk/media/61f293688fa8f5388df28b64/Q2-2021-Ministerial-Meetings.csv/preview>
https://assets-origin.publishing.service.gov.uk/media/61f2894e8fa8f538879fb1c4/Ministers_meetings_1st_July_to_30th_September_2021.csv/preview

representatives from the broadcasters **A&E, Sky, Channel 4, ViacomCBS** and **ITV** “to discuss High Fat, Salt and Sugar advertising restrictions and the impact on broadcasters”.

- On July 20, Caroline Dinenage met with **UK Hospitality, Uber Eats, Just Eat, Deliveroo, the Scottish Retail Consortium, the British Soft Drinks Association, ACS, the National Federation of Fish Friers** and **the Food and Drink Federation** in order to “hear feedback on the Government’s High Fat, Sugar and Salt (HFSS) consultation response”.
- On July 21, Caroline Dinenage met with **the Interactive Advertising Bureau, the Incorporated Society of British Advertisers, the Institute of Practitioners in Advertising, the Advertising Association, Group M, Publicis, Karmarama, Omnicom, Interpublic** and **WPP** also “to hear feedback on the Government’s High Fat, Sugar and Salt (HFSS) consultation response”.

Annex 2

Illustrative list of meetings of the food industry with BEIS, Defra and DIT policymakers, January 2020 – September 2021 ^{22 23 24}

Retailers

- **Tesco** participated in at least 25 meetings or discussions with senior policymakers. These included seven meetings with Paul Scully, the Minister for Small Business, Consumers and Labour Markets; six meetings with George Eustice, the Environment Secretary; four meetings with Greg Hands, the Minister of State for Trade Policy; five meetings with the Business Secretary Kwasi Kwarteng; and two meetings with the International Trade Secretary Liz Truss.
- **Asda** similarly took part in over twenty meetings, which included nine meetings on Covid-19 with Paul Scully; six meetings with George Eustice, including a discussion on “*concerns relating to supply chains and CO2 shortages*”; and a discussion on “*increasing domestic consumption of United Kingdom seafood*” with Victoria Prentis, the Parliamentary Under Secretary of State at the Department for Environment and Rural Affairs.
- The leading pub retailer and brewer **Greene King** took part in at least 23 meetings. The majority of these meetings were with other hospitality operators. However, Greene King appears to also have secured an introductory call with Kwasi Kwarteng, as well as with Paul Scully, to discuss the Government’s response to Covid-19.

Farming sector

- **The National Farmers’ Union** had over 50 meetings with ministers. These included regular meetings of the so-called ‘**Food 4**’ (the NFU along with **the Food and Drink Federation**, the trade association representing the interests of food and drink manufacturers; **UK Hospitality**, the trade association representing the interests of hospitality businesses; and **the British Retail Consortium**, the trade association representing the interests of

²² <https://www.gov.uk/government/collections/beis-ministerial-gifts-hospitality-travel-and-meetings#2020>

²³ <https://www.gov.uk/government/collections/ministers-hospitality-gifts-meetings-overseas-travel#2020>

²⁴ <https://www.gov.uk/government/publications/dit-ministerial-gifts-hospitality-travel-and-meetings>

retail businesses) to discuss the impact of Covid-19 and Brexit. The National Farmers' Union is particularly successful at securing high-level meetings: over the space of nine months, the NFU met with George Eustice seven times, and with Liz Truss five times.

- Regional affiliates of the NFU also met with senior politicians. Representatives of **NFU Scotland** and **NFU Cymru** met with Greg Hands on at least seven occasions to discuss "*the benefits of (free trade agreements) for the food and drink sector*", and in particular the UK- Australia free trade agreement.

Big food brands

- **Unilever** secured 10 meetings with senior policy-makers across the three studied departments. These included meetings "*to discuss business*" with Kwasi Kwarteng, with the Secretary of State for Business, Energy and Industrial Strategy, Alok Sharma, and "*to discuss the UK investment environment*" with Lord Grimstone, the Minister for Investment.
- The world's largest food and beverage company **Nestlé** took part in nine meetings with ministers, including George Eustice, Greg Hands, Victoria Prentis and Lord Grimstone.
- **Mondelēz** had less high-level access than one might anticipate for a leading multinational corporation. In the first nine months of 2021, the snacks company met once with Kwasi Kwarteng; once with Greg Hands; and once with the Minister for Energy, Clean Growth and Climate Change, Anne-Marie Trevelyan.
- In contrast, the multinational beverage company **Diageo** held 24 meetings with Government officials in the three studied departments. These included six meetings with Greg Hands; five meetings with the Minister for International Trade, Ranil Jayawardena; and four meetings with Liz Truss.
- **Coca Cola** secured five meetings with three ministers. These included discussions on "*the UK future investment landscape*" with Lord Grimstone, and on "*economic recovery*" with Paul Scully. Coca Cola also met with Greg Hands on three occasions, including as part of the Brexit Business Taskforce on Agri-Food.

Farming input manufacturers

- **CF Fertilisers**, the UK's leading manufacturer of agricultural fertilisers, held six meetings with four ministers. These included discussions on "*energy intensive industries and the transition to Net Zero*" with Lord Grimstone; on "*decarbonisation costs*" and on "*Net*

Zero” with the Minister for Business, Energy and Corporate Responsibility, Lord Callanan; a discussion on energy with Kwasi Kwarteng; and two discussions on decarbonisation and the Energy White Paper with Anne-Marie Trevelyan.

5 April 2024