

# **BRITISH SOFT DRINKS ASSOCIATION - WRITTEN EVIDENCE (FDO0119)**

## **British Soft Drinks Association response to the House of Lords Food and Public Health outcomes enquiry**

### **Executive Summary**

1. The British Soft Drink Association (BSDA) welcomes the opportunity to input into the House of Lords Select Committee on Food, Diet and Obesity's inquiry into public health outcomes and food that is ultra-processed (UPF) or high in fat, sugar, and salt (HFSS).
2. BSDA aligns with the UK government's current evidence-based approach to HFSS foods, and strongly advocates for the continuation of public health strategies grounded in empirical evidence. We recognise the importance of combating obesity and promoting healthier lifestyles. Alignment with evidence-based policies, helps to ensure a sustainable and informed approach to dietary choices for all.

### **Background**

3. BSDA represents UK producers of soft drinks, including carbonated, still, and dilutable drinks, fruit juices and bottled waters. Our membership includes the majority of Britain's soft drinks manufacturers as well as franchisors, importers, and suppliers to the UK soft drinks industry.

### **Responses to enquiry questions**

4. To note, the BSDA has focussed our response on priority issues for our members and have not responded to questions 1 – 4 on trends in food, diet and obesity and evidence on drivers and impacts of obesity:
  - 4.1. Key trends in food, diet and obesity, and the evidential base for identifying these trends.
  - 4.2. The primary drivers of obesity both amongst the general population and amongst distinct population and demographic groups.
  - 4.3. The impacts of obesity on health, including on children and adolescent health outcomes.
  - 4.4. The influence of pre- and post-natal nutrition on the risk of subsequent obesity, and the specific influences on the diet of children and adolescents that contribute to the risk of becoming obese.

5. **The definition of a) ultra-processed food (UPF) and b) foods high in fat, sugar, and salt (HFSS) and their usefulness as terminologies for describing and assessing such products.**

5.1. It is important to acknowledge that there is currently no legal definition for processed foods, including UPFs, leading to various classification systems being used. While the NOVA classification, notably used for UPFs, provides a framework, its criteria has been critiqued for ambiguity and inconsistency, hindering consistent application and comparison of research findings. Moreover, The Government's Scientific Advisory Committee on Nutrition (SACN)<sup>1</sup> published a position statement on processed foods and health in July 2023, which highlights uncertainties regarding the health impacts of processing, emphasising the need for caution and continual review based on robust scientific evidence. We welcome SACN continuing to monitor the evidence on this topic to ensure that dietary recommendations are informed by the latest and most robust science.

- 5.2. A study which analysed the functionality of the NOVA food classification system found that the criteria used are ambiguous, inconsistent, use subjective terms and often give less weight to existing scientific evidence on impacts of nutritional content, instead proposing processing as the cause of negative health impacts<sup>2</sup>. Further inconsistencies in the NOVA category include the classification of tea and coffee, with added sugar, as unprocessed/ minimally processed yet "for diets with the highest intakes of added sugar, tea and coffee... are one of the top sources of added sugars"<sup>3</sup>. This can lead to confusion and inconsistency in assigning foods to the NOVA categories, even amongst food and nutrition experts<sup>4</sup>. This in turn makes it difficult to compare research in the scientific literature as even when the same system is used, the classification of foods varies depending on the individual researcher.
- 5.3. The definition of HFSS foods, established by the Nutrient Profile Model (NPM) as developed by the Food Standards Agency (FSA) in 2004-2005, offers clarity and transparency. The NPM employs clear parameters based on established nutrition science, facilitating consistent assessment of products' healthfulness. The model is used globally in various approaches like the European Nutriscore label, and informs governmental policies, including restricting the store placement of certain products in England.
- 5.4. The NPM is a scoring system, which uses nutrient information per 100g of a product to assign a score to determine whether a product is considered 'healthy' or 'less healthy' (drinks scoring one or more

are considered 'less healthy'). Despite its name, the model includes seven components: energy, saturated fat, sugars, salt, fruit & vegetables, fibre, and protein. Each individual component has underpinning nutrition science linking it to health outcomes, with protein included as a marker for a variety of micronutrients.

55. While there are limitations to any nutrient profile, the UK NPM is a useful and established tool to assess the healthfulness of products. The parameters are clear and based on established science. Unlike the NPM, the UPF categorisation presents challenges in aligning with government nutrition policies, potentially complicating efforts to improve the nutritional profile of food and drinks. Given its well-established status and broad industry understanding BSDA would encourage the continued use of the 2004/5 NPM. The NPM serves as the foundation for a number of enacted regulations, namely the Food (Promotion and Placement) (England) Regulations 2021 while further measures, including volume-based restrictions, are due to be implemented in England, Scotland, and Wales in 2025. Meanwhile, the Soft Drinks Industry Levy Regulations (SDIL) 2018 taxes soft drinks which have 5g or more sugar per 100ml and existing advertising codes prohibit the promotion of HFSS products to audiences below the age of 16 across various media platforms. Introducing additional classification groups would undermine the credibility of these policies while also risk creating confusion within the regulatory landscape; hindering effective efforts to improve public health outcomes.

56. It is imperative to recognise that the soft drink industry has proactively engaged with regulatory measures to address public health concerns. However, the effectiveness of such measures lies not only in their implementation but also in their coherence and consistency across the broader food and drink environment. As the UK continues to navigate the complexities of public health and dietary choices, it is essential to maintain a balanced approach that considers the multifaceted factors influencing consumer behaviour. Collaboration between industry stakeholders, policymakers, and public health experts is crucial to developing evidence-based solutions which ensure clarity and consistency within regulatory frameworks.

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1 <https://www.gov.uk/government/publications/sacn-statement-on-processed-foods-and-health>

2 <https://www.sciencedirect.com/science/article/pii/S0924224421001667>

3 Ibid

4 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9436773/>

**6. How consumers can recognise UPF and HFSS foods, including the role of labelling, packaging, and advertising.**

- 6.1. We recognise the importance of empowering consumers to make informed choices about their diet. The Government's [Eatwell Guide](#) serves as a valuable resource, simplifying nutrition advice and promoting a balanced diet in line with population dietary guidelines. BSDA supports public health campaigns that promote practical messaging, facilitating adherence to the Eatwell Guide's recommendations.
  
- 6.2. Consumer surveys indicate an increasing awareness of the term 'ultra-processed foods' (UPF)<sup>5</sup>, yet many consumers struggle to classify foods based on processing levels<sup>6</sup>. Soft drink manufacturers, including BSDA members, play a vital role by providing essential nutrition information on labels and digital platforms. The widely adopted 'traffic light' labelling system aids consumer decision-making.
  
- 6.3. The 'traffic light' label colour codes on a 100g/ml basis, whether the food contains a high, medium, or low amount of fat, saturated fat, sugar, and salt. It also gives information on the amount of energy the food provides. The levels for high and low are set by Government. Whilst these labels do not directly link to the NPM score, they provide context for consumers as to the amount of each nutrient included within a product.

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5 <https://www.nutrition.org.uk/news/2023/beans-on-toast-may-be-ultra-processed-but-can-still-be-part-of-a-healthy-diet/>

6 <https://www.igd.com/Portals/0/Downloads/Ultra-processed-foods-a-consumer-perspective-report.pdf>

64. There is currently no universally agreed upon definition for UPFs. In terms of labelling, it is worth noting that global approaches vary, and none currently include considerations for processing levels or UPF definitions. BSDA stands against labelling schemes that may unfairly stigmatise foods instead we call for emphasising the safety and suitability of all foods. We believe that clear nutrition labels should empower consumers to make informed choices, allowing them to integrate a variety of foods into a balanced diet by considering nutritional content and appropriate portion sizes.
  65. We are not aware of any labelling approach that considers the level of processing or uses a UPF definition. The Chilean 'Warning Label' scheme, often cited, focuses on labelling HFSS products, using a nutrient-based approach. Such labelling contradicts Codex Alimentarius (CAC/GL 1-1979), which establishes that "claims that induce doubt about the safety or can lead to fear in the consumers, are not allowed". Instead, clear nutrition labels should aid consumers in understanding how foods contribute to a balanced diet, including their nutritional profile and appropriate portion sizes.
  66. The BSDA is collaborating with our members and regulators to prepare for the further HFSS advertising restrictions, due to come into force in October 2025. BSDA members are committed to responsible advertising practices and ask the UK Government to publish guidance and secondary legislation by mid-2024 to ensure that businesses have time to prepare ahead of implementation.
- 7. The cost and availability of a) UPF and b) HFSS foods and their impact on health outcomes.**
- 7.1. It is essential to note that while price plays a significant role in consumer choices, it is ultimately determined by retailers. The assertion that soft drink prices directly reflect public health overlooks the complex interplay of market dynamics and regulatory measures. For instance, the implementation of SDIL on soft drinks exceeding 5g/100ml has led to price differentials for consumers. This measure represents a proactive step by the industry and government to increase consumer choice. Soft drink producers remain committed to collaborating with stakeholders to address public health challenges, but it is imperative that interventions are evidence-based, equitable, and considerate of the diverse factors influencing dietary choices.

8. **The role of the food and drink industry in driving food and diet trends and on the policymaking process.**

- 8.1. Soft drink producers, including BSDA members, are dedicated to playing their part in improving the nation's health. Many of our members partook extensive voluntary action to contribute toward the sugar reduction effort, prior to the introduction of SDIL in 2018. Action to achieve this included new product development, with zero and low- calorie options available as an alternative to most regular products, widening the availability of smaller pack sizes, increasing advertising spend on low and no calorie drinks and voluntarily agreeing not to advertise high sugar soft drinks to children under 16 – a year ahead of the CAP code revision.
- 8.2. The soft drinks industry plays a crucial role in ensuring the safety and authenticity of consumed products through compliance with rigorous regulations. We emphasise the importance of government advice being informed by independent expert committees and subject to wide stakeholder consultation. This ensures proposed policies are effective, economically viable, and practical. Collaboration between government, industry, and NGOs is essential, with transparency regarding conflicts of interest. Drawing on industry expertise, including food scientists and nutritionists, is vital for developing policies that promote public health while considering the broader economic impact on this vital sector of the UK economy.

9. **Lessons learned from international policy and practice, and from the devolved administrations, on diet-related obesity prevention.**

- 9.1. Lessons learned from international policy and practice highlight the importance of a collaborative, holistic approach involving both public and private stakeholders in tackling diet-related obesity. The soft drinks sector in Europe exemplifies this approach, with it delivering a 17.7% added sugars reduction since 2015, outperforming its 10% reduction target and steadily increasing the share of low- and no-calorie options<sup>7</sup>. However, data from various European countries, including Denmark, Germany, Ireland, Portugal, and Slovenia, underscores the need for nuanced strategies, as sugar- sweetened soft drinks are often not the primary contributor to total sugar intake<sup>8</sup>. This emphasises the necessity for comprehensive, evidence-based policies while fostering cooperation between industry and regulatory bodies to promote healthier consumption habits effectively.

10. **The effectiveness of Government planning and policymaking processes in relation to food and drink policy and tackling obesity.**

10.1 Soft drinks producers in the UK have demonstrated a proactive approach to addressing public health concerns by leading significant efforts in calorie and sugar reduction through extensive reformulation endeavours. Kantar Worldpanel data indicates a substantial decrease of 43.5% in take-home sugar from soft drinks between March 2014 and March 2020, with seven out of every ten soft drinks sold in the UK being low or no sugar in 2022 (Global Data).

10.2 The implementation of the SDIL undoubtedly catalysed additional efforts within the industry to reduce sugar content. However, it is important to note that there is no evidence thus far that SDIL has reduced levels of obesity in the UK. While the soft drinks sector acknowledges the importance of addressing obesity concerns, through offering a wide variety of soft drinks – many which contain no, or few calories – we encourage balanced diets, while providing enjoyment and hydration to consumers.

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<sup>7</sup> <https://www.unesda.eu/non-communicable-diseases-ncds/>

<sup>8</sup> <https://www.fooddrinkeurope.eu/reformulating-a-healthier-drinks-environment/>

**11. The impact of recent policy tools and legislative measures intended to prevent obesity.**

11.1 Please see BSDA's response to question 10.

**12. Policy tools that could prove effective in preventing obesity amongst the general population, including those focussed on the role of the food and drink industry in tackling obesity.**

12.1 We recognise there is no easy fix to tackle obesity and the need for a holistic approach to achieve public health goals. As soft drinks producers, we see a focus for us in two broad areas: continuing our innovation to provide increasing choice for consumers as well as clear and consistent messaging.

12.2 The BSDA and its members have made substantial progress to date with reformulation and innovation, resulting in the development of products with an improved nutritional profile as well as offering appropriate portion sizes. We are committed to working with the Office for Health Improvement and Disparities (OHID), along with NGOs and consumers, to drive further progress and ensure that policy is practical for industry.

12.3 Policy tools aimed at preventing obesity among the general population should be grounded in robust evidence and avoid discrimination against specific categories, including the soft drink industry. It is essential that any measures implemented consider the complex interplay of factors contributing to obesity, including diet, physical activity, and socioeconomic factors. Collaborative approaches between policymakers, public health experts, and industry stakeholders are key to developing effective strategies that promote balanced lifestyles and support informed consumer choices.

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