

THE FOOD (PROMOTION AND PLACEMENT)
(ENGLAND) REGULATIONS 2021
PRODUCTS IN SCOPE

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THE REGULATIONS

The Food (Promotion and Placement) (England) Regulations 2021

<https://www.legislation.gov.uk/ukdsi/2021/9780348226195>

- Agreed in December 2021
- Published in April 2022

DHSC's **guidance** on the Regulations

<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>



THE PROVISIONS

Volume Promotions in Scope	Exempt:
<ul style="list-style-type: none">• Multibuys (e.g. BOGOF, buy 6 save 25%)• Extra free (e.g. 50% extra free)• Volume promotions with loyalty points or discounts (e.g. buy 3 get 1000 loyalty points)• Includes promotion with non specified food or drink products	<ul style="list-style-type: none">• Relevant special offers (e.g. meal deals, 'dine in for 2')• Multipacks• Price reductions / discounts
Location Promotions in Scope	Exempt:
<ul style="list-style-type: none">• Within the prohibited distance of store entrance• Covered external areas• Within 2m of checkout facility• Within 2m of designated queuing area• End of aisles (in main customer route) and structures within 50cm	<ul style="list-style-type: none">• In aisle promotions (unless they fall into the front of store perimeter)• Island displays (unless in restricted areas)
Online Equivalent Locations in Scope	
<ul style="list-style-type: none">• Home page• When searching/browsing non-specified products or other specified categories – cross promotions• 'favourite product' / 'recommended for you' pages (some exemptions apply)• Checkout page	



PRODUCTS IN SCOPE - THE CRITERIA

1. Is the retailer selling the product in scope?
2. Is the product pre-packed?
3. Is the product in a category of foods in scope?
4. Is the product HFSS?

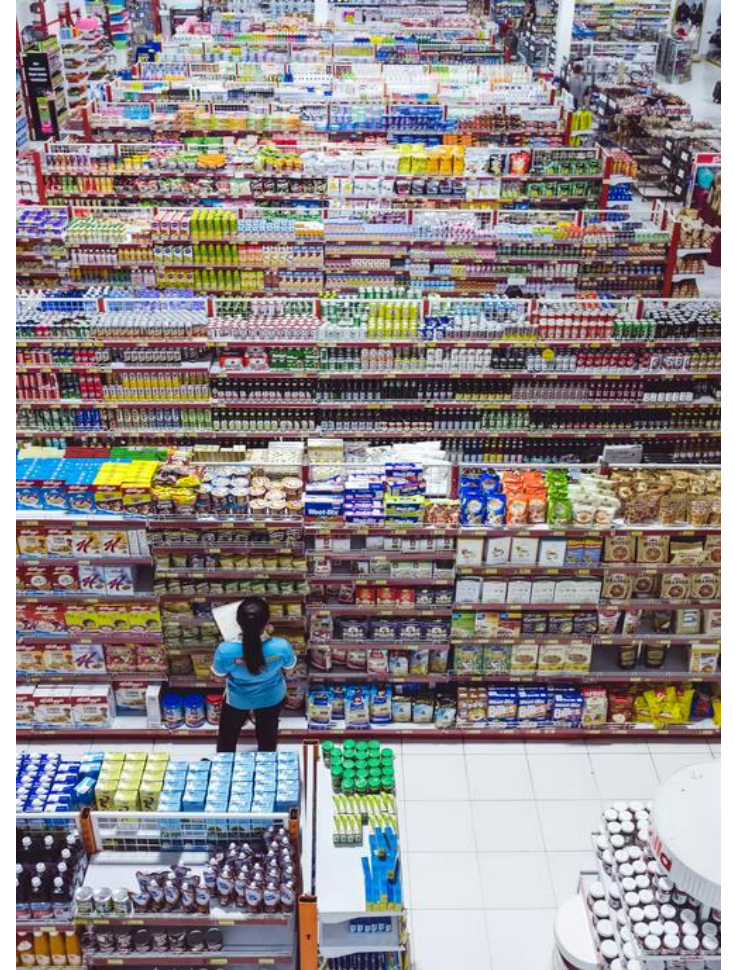
All 4 criteria need to be met for the product to be in scope of the Regulation



THE RETAILER



Not in-scope



In-scope



PRE-PACKED FOODS

Only prepacked foods are in-scope of this regulation.

Prepacked foods - defined as per FIC (i.e. excludes pre-packed for direct sale).



In-scope



Not in-scope



Not in-scope



In-scope

The new legislation focuses on **13 certain product groups**

PRODUCT CATEGORIES IN SCOPE



Cat1: Soft drinks with added sugars



Cat2: Crisps and savoury snacks



Cat3: Breakfast cereals



Cat4: Confectionery



Cat5: Ice creams & Ice lollies



Cat6: Cakes



Cat7: Biscuits



Cat8: Breakfast bakery



Cat9: Desserts & Puddings



Cat10: Yoghurt



Cat11: Pizza



Cat12: Potato-based products



Cat13: Ready meals



Despite their HFSS score and status, the legislation does not restrict the placement and promotions of these product categories*. *Under current advertising restrictions, some of these products are already restricted.*



Condiments, dips and sauces



MFP (unless specified), including processed meats



Pies and anything in Savoury pastry



Cheese



Cooking sauces



Savoury crackers (not sold in individual packs)



Fruit, veg & nuts (including salted)



Baby food



Packaged sandwiches, sushi & salads



BWS

PRODUCT CATEGORIES OUT OF SCOPE



PRODUCT CATEGORIES IN SCOPE

Title: Year: Number: Type: All UK Legislation (excluding originating from the EU) [Advanced Search >](#)

The Food (Promotion and Placement) (England) Regulations 2021

UK Statutory Instruments ▶ 2021 No. 1368 ▶ Whole Instrument

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What Version

Latest available (Revised)

Original (As made)

Opening Options

More Resources

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

STATUTORY INSTRUMENTS

2021 No. 1368

FOOD, ENGLAND

PUBLIC HEALTH, ENGLAND

The Food (Promotion and Placement) (England) Regulations 2021

Made 2nd December 2021

Coming into force 1st October 2022

Guidance

Restricting promotions of products high in fat, sugar or salt by location and by volume price: implementation guidance

Published 6 April 2022

- Contents
- Summary
- Introduction
- Definitions
- Which businesses must comply with the promotions restrictions
- What food is in scope
- Volume price promotions
- Free refills
- Location promotions

Summary

Purpose

This guidance document has been developed to:

- help illustrate how the provisions of the [Food \(Promotion and Placement\) \(England\) Regulations 2021](#) (the regulations) work
- provide assistance to those affected by the regulations in understanding and



Low/No Alcohol Drinks

4.—(1) The following are “exempt soft drinks”—

- (a) alcohol substitute drinks which meet specified conditions, and
- (b) soft drinks of a specified description which are for use for medicinal or other specified purposes.

(2) For the purposes of sub-paragraph (1)(a), the specified conditions are—

- (a) condition 1 provided for by paragraph (2) of regulation 9 (exempt soft drinks: alcohol substitute drinks) of the **SDIL** Regulations, and
- (b) one or more of conditions 2, 3 and 4 provided for by paragraphs (3) to (5) of regulation 9.

(3) For the purposes of sub-paragraph (1)(b)—

- (a) the specified purposes are the purposes provided for by paragraph (1) of regulation 10 (exempt soft drinks: for medicinal or other purposes) of the **SDIL** Regulations, and
- (b) the specified descriptions are the descriptions provided for in paragraphs (2) and (3) of regulation 10.

Exempt soft drinks: alcohol substitute drinks

9.—(1) The conditions specified for the purposes of section 30(4)(b) are—

- (a) condition 1; and
- (b) one or more of conditions 2, 3 and 4.

(2) Condition 1 is that—

- (a) the soft drink—
 - (i) is in packaging comparable to, and marketed in a way that is comparable to, the particular kind of alcoholic beverage to which it is similar; and
 - (ii) is not marketed in a way which is directed at, or is likely to appeal particularly to, people under eighteen years of age; and
- (b) when the soft drink is advertised or sold, it is advertised or sold as a direct replacement for the particular kind of alcoholic beverage to which it is similar.

(3) Condition 2 is that the soft drink is made from an alcoholic beverage by a process of de-alcoholisation by which the alcoholic strength of the beverage is reduced to 1.2% or lower.

(4) Condition 3 is that—

- (a) the soft drink is manufactured using a fermentation or distillation process during which—
 - (i) alcohol is produced; but
 - (ii) the alcoholic strength of the product of fermentation or distillation never exceeds 1.2%; and
- (b) such product is not diluted or mixed with any other substance, unless, in the case of a product of distillation, that substance has dissolved into the product.

(5) Condition 4 is that the soft drink is manufactured by blending an alcoholic beverage of cider, beer, wine or made-wine with fruit juice, with or without the addition of water or other ingredients, to make a soft drink that is similar to the alcoholic beverage used in its production.

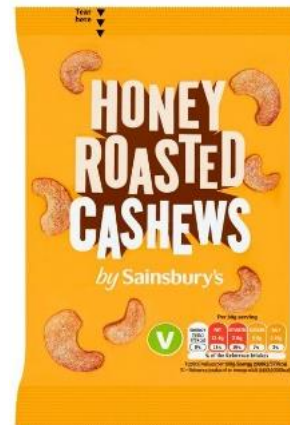
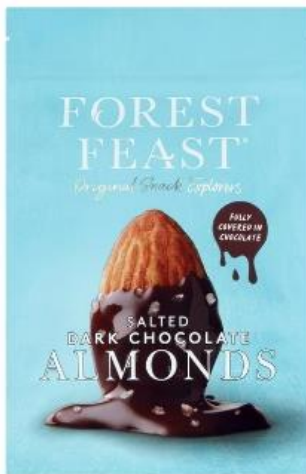


Category 4 – confectionery & sweets

Principle:

(1) All products predominantly found in the ‘confectionery’ aisle, including chocolate and sweets, and ‘free from’ confectionery products (2) Products marketed as ‘protein bars’ or ‘high protein’ may fall under this category if they possess the ingredients or other features of a confectionery bar. If their ingredients contain cereal or nuts, they may fall under category 7 (3) Products that have features and ingredients that indicate they are a type of confectionery will be determined on a case-by-case basis

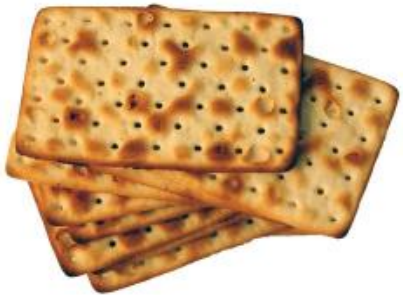
In scope	Out of scope
chocolate-coated nuts, peanuts, seeds and fruit	sweet coated nuts (other than chocolate-covered nuts) – for example, honey coated, syrup coated, carob coated, sweet chilli flavours, and mixes of sweet and salty or savoury



Category 2 – savoury snacks

Principle:

All crisps and products eaten as alternatives or eaten on the same eating occasion as crisps





Category 13 – ready meals

This category is generally intended to cover those products that are to be consumed as the main meal



In-scope



Not in-scope



Category 13 – ready meals

In scope

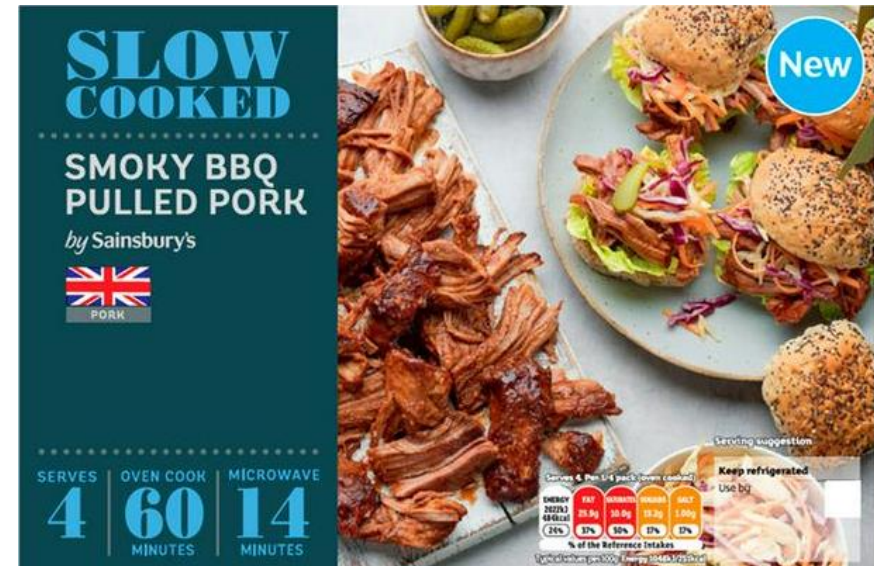
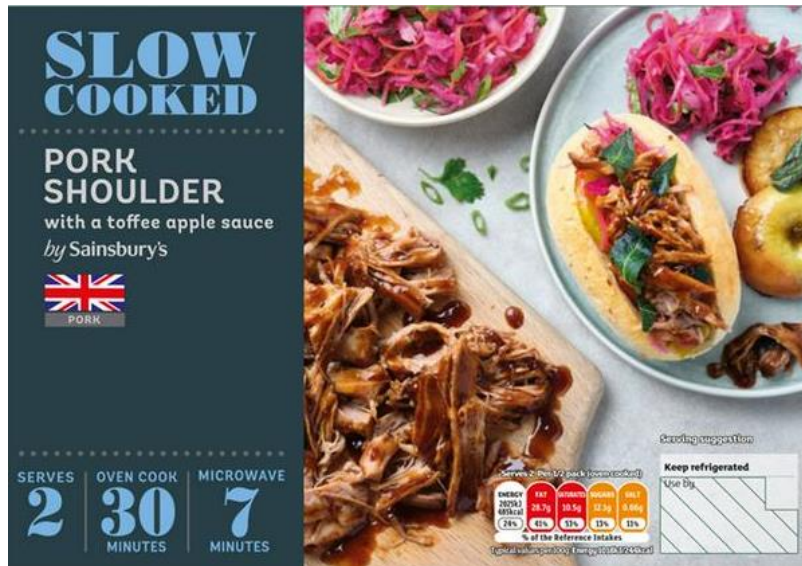
Meat in/with a sauce

Out of scope

Marinated / glazed meat

Principle:

Out of scope if 'no significant liquid remains to be poured over the food'





Category 13 – ready meals

Products featured are to illustrate product types in scope and does not take into account NPM score

Products that are marketed as ready for cooking or reheating without requiring further preparation and intended to be consumed as a complete meal.

Products, other than products that contain pastry, in or with a sauce (but not a marinade, glaze, dressing, seasoning or similar accompaniment) that are marketed as ready for cooking or reheating without requiring further preparation and intended to be consumed as the main element of a meal.

3) Breaded or battered–
(a) vegetable, fish, shellfish, meat, or poultry products
(b) substitute fish, shellfish, meat or poultry products including fish fingers, fish cakes, chicken nuggets and breaded meat substitute.

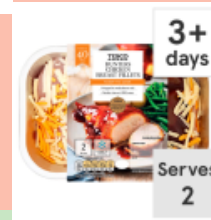
IN SCOPE

Filled & Stuffed Pasta
Vegetable curries, Dhal,
Rustlers Burgers
Loaded /'Dirty'/ topped fries/wedges
Noodle based main dish e.g. Singapore
noodles, chowmien
Shepard's/ Cottage/ Fish Potato topped pies

Ready meals with
and without
carbohydrate
element

Added value MFP if sauce is already on
the product or sold alongside the
product

Fish Fingers, breaded fish fillets, scampi, lightly
dusted products
Chicken nuggets, breaded chicken steaks,
kieve s, goujons,
Vegetarian alternatives e/g/ veg fingers,
breaded vegetable burgers



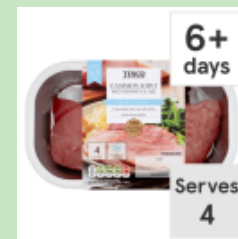
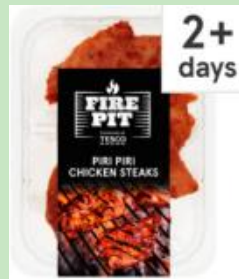
OUT OF SCOPE

Fajita Kits or similar meal kit style products
Dried noodles
Pot noodles
Products deemed as starters e.g. Spring rolls, gyoza,
wontons, prawn toast
Pastry Savoury Pies e.g. Chicken & ham pie
Quiches, Pork pies, Sausage rolls,
Sushi & Sandwiches

Cooked and Processed Meats e.g. ham, salami, bacon,
cooked chicken pieces
Smoked Fish
Plain raw meats cuts e.g. steaks, chicken breast
Meat cuts coated in a marinade

Food not aimed to be consumed as
a main meal / meal centre – party
food

Glazed & marinated products.
Products with sauce which is
absorbed in the meat/fish when
cooked





BRC GUIDANCE - PRODUCT CATEGORIES

[brc-hfss-guidance-products-in-out-of-scope-june-2022.pdf](https://www.brcglobal.com/~/media/Files/2022/06/brc-hfss-guidance-products-in-out-of-scope-june-2022.pdf)

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