

Geoff Ogle
Chief Executive, Food Standards Scotland
Pilgrim House, Old Ford Road
Aberdeen, AB11 5RL
Geoff.Ogle@fss.scot

Clare Haughey MSP
Convener
Health, Social Care and Sport Committee
Scottish Parliament
EH99 1SP

Date: 18/11/25

Dear Clare Haughey MSP,

The Food (Promotion and Placement) (Scotland) Regulations (SSI 2025/303)

About Food Standards Scotland (FSS)

Food Standards Scotland (FSS) was established in April 2015 as Scotland's public sector food body, with a statutory duty to protect the health and wellbeing of consumers in relation to food and feed law and food standards. Our priorities include public health and consumer protection, tackling preventable foodborne illness, addressing food crime, and promoting healthy diets. FSS is part of the Scottish Administration but operates independently of Scottish Ministers and industry, reporting directly to the Scottish Parliament through the Health, Social Care and Sport Committee.

FSS's Role in Shaping the Draft Regulations

FSS has a statutory responsibility to improve Scotland's diet and support food environments to be conducive to good health. We have consistently provided evidence and analysis to the Scottish Government demonstrating the impact of retail promotions on purchasing patterns and dietary intake. Our data consistently show that promotions are disproportionately skewed towards foods high in fat, sugar, or salt (HFSS), encouraging purchasing more than was intended. This evidence underpins our long-standing

recommendation to restrict HFSS promotions and informed the development of the **Food (Promotion and Placement) (Scotland) Regulations** now being considered by the committee.

Over the last 6 years, we have worked closely with the Scottish Government officials to support consultations, provide expert advice and deliver robust data to support the policy development and subsequent regulations. We have also collaborated with Public Health Scotland to publish a [joint statement](#) advocating for comprehensive restrictions alongside robust monitoring and evaluation of impact.

Positive Aspects of the Regulations

We welcome the **Food (Promotion and Placement) (Scotland) Regulations** laid before parliament on 30 October 2025. They represent an important first step towards creating a healthier food environment and align closely with measures in England and Wales.

The regulations contain several important strengths. The introduction of a ban on multi-buy offers and free refills represents a significant step in reducing impulse purchasing which contributes to overconsumption of unhealthy products. Similarly, the inclusion of placement restrictions such as limiting the positioning of HFSS items at checkouts, aisle ends, store entrances and equivalent locations online, will further reduce unnecessary exposure to products that do not support a healthy diet. In addition, the alignment of these measures with wider UK policy provides welcome clarity and consistency for retailers operating across national boundaries, supporting effective implementation and compliance.

General Response - A welcome first step

While these regulations represent an important step forward, they do not yet address the full range of promotional practices that evidence suggests would deliver the greatest public health impact. For example, including temporary price reductions could lead to a substantially greater reduction in calories purchased. Future policy should consider broader and more ambitious measures to keep pace with the evolving retail strategies.

Comments on Specific Provisions

Although the proposed regulations are welcome, some limitations require attention. In addition to temporary price reductions mentioned above, meal deals (such as those commonly purchased in supermarkets at lunchtime) remains a concern, given that these are among the most widespread forms of price promotion in Scotland. On a more positive note, there is also evidence that meal deals are possible without excessive calories too. Nonetheless, it is encouraging that the Government has indicated its intention to revisit temporary price reductions in a future phase of policy review.

In addition, applying the restrictions only to businesses with more than 50 employees risks leaving smaller retailers including the communities they serve, outside the policy's reach, and has the potential to perpetuate existing inequalities. It is important to recognise the capacity issues that affect smaller businesses, but the answer to that is not to exclude

them but to give more time. Finally, the exclusion of non-prepacked products, such as loose bakery items, creates loopholes that reduce the overall effectiveness of the regulations.

Future Action – Strengthening the Regulations

To maximise the public health impact of this policy and to ensure it contributes meaningfully to reducing inequalities, we encourage future Governments to consider strengthening the regulatory framework. In addition to expanding the range of promotion types covered, such as temporary price reductions, meal deals, and loyalty pricing schemes, smaller retailers should be included but with appropriate support and reasonable timescales. Recent research has demonstrated a high prevalence of promotion in the out of home food environment which may be driving consumers to purchase more than they had originally intended.

It will also be essential that robust monitoring and evaluation arrangements are established to assess the policy's impact over time and inform future improvements. We are aware that this work is in train and have been involved in the designing of the scope of this evaluation strategy. We will use the outputs of this to provide future recommendations to the Scottish Government, to MSPs and to others based on the findings.

In conclusion, we welcome the introduction of these mandatory measures as an important first step, but the FSS Board believes that Scotland must move swiftly and decisively toward more ambitious reforms to create a healthier food environment. Economic growth and public health are not mutually exclusive, but the current imbalance, where high sales of HFSS products undermine health and contribute to avoidable pressure on the NHS in tackling diet-related ill health must be addressed if we are to support achievement of Scotland's dietary goals. A food environment that contributes to increased work absence driven by dietary factors will not improve productivity nor economic performance so the arguments for change are both health led and economically related. We urge the Committee to accept the regulation and commit to accelerated implementation and stronger action to safeguard the health of future generations.

We greatly value the Committee's leadership on this issue and look forward to continued collaboration to strengthen Scotland's food environment for the benefit of all.

Yours sincerely,



Geoff Ogle