

Citizen Participation and Public Petitions Committee

7th Meeting, 2023 (Session 6), Wednesday 3
May 2023

PE2003: Prohibit reward systems in fast food chains

Petitioner	Lewis McMartin
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to stop fast food chains from promoting unhealthy food choices by banning the use of reward systems.
Webpage	https://petitions.parliament.scot/petitions/PE2003

Introduction

1. This is a new petition that was lodged on 13 February 2023.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition while the petition remains under consideration. At the time of writing, 22 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE2003: Prohibit reward systems in fast food chains

Petitioner

Lewis McMartin

Date Lodged:

16/01/22

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to stop fast food chains from promoting unhealthy food choices by banning the use of reward systems.

Previous action

I contacted the Scottish Government on 22/08/22 and received a response on 14/09/22 from the Diet and Healthy Weight Unit. In the letter I was told Scottish Ministers are keen to address the issue but this is dependent “to a large extent on whether powers are devolved to the Scottish Parliament or reserved to Westminster”. I have not had any correspondence since and no action has been taken.

Background information

Fast food chains are “rewarding” customers with points for every food/drink item they purchase. Customers can then exchange these points for more unhealthy items. These meals are known to have zero nutritional value, so this is simply boosting the restaurant’s profits whilst adding to the nation’s health crisis, especially young people.

Soft Drinks Industry Levy was introduced to help reduce the nation’s sugar consumption, meaning everyone was penalised in an attempt to reduce the nation’s waistline.

There are proposed tighter rules around the advertising of food and drinks high in fat, sugar and salt but the UK Government has decided to delay their implementation of these until 01/01/24.¹

In 2019, 66% of adults aged 16+ were overweight, including 29% who were obese.

Our future generations are growing up obese because they are lured in with these absurd promotions. Our NHS which has been pushed to its limits, has to deal with chronic health conditions that arise from poor diet and obesity.

¹ Note by the Clerk: The UK Government announced in December 2022 a further delay to the implementation of the ban on TV and online advertising of unhealthy food to October 2025.

Annexe B

The logo for SPICe (The Information Centre) is displayed within a purple and blue rounded rectangular banner. The text 'SPICe' is in white, bold, sans-serif font, while 'The Information Centre' and 'An t-Ionad Fiosrachaidh' are in a smaller, white, sans-serif font below it.

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2003](#): Prohibit reward systems in fast food chains lodged by Lewis McMartin

Brief overview of issues raised by the petition

The petitioner wants incentives in the form of points or other rewards to be prohibited in fast food chains in Scotland. He believes that such rewards contribute to obesity and poor health in Scotland, as well as impacting health services in the treatment of poor diet and obesity-related chronic conditions.

Background

Some large fast food outlets announced [reward schemes](#) in 2022 whereby customers can earn points every time they purchase food and drink, which they can then redeem once they have accrued a certain number. The scheme works through the companies' apps.

Obesity in Scotland

According to [ScotPHO – the Scottish Public Health Observatory](#):

- “Obesity is recognised both as a complex disease in its own right and as a risk factor for other non-communicable diseases such as cancer, Type 2 Diabetes and decreases life expectancy.
- In 2020, almost two thirds (63%) of the adult population (16 years +) were categorised as "Overweight including obesity".
- For adults, Average BMI has risen steadily and significantly over the 24-year period between 1995 – 2019, by 2019 almost two-thirds of adults were within overweight or obese classifications.

- There is an inequality in obesity risk with people who live in communities marginalised by poverty at an increased risk. Average BMI is patterned by level of deprivation with those from the most deprived areas consistently showing higher BMIs compared to the least deprived.
- Scotland has among the highest levels of obesity prevalence for men and women among OECD countries.”

Following a public consultation the Scottish Government published their obesity strategy in 2018, [A Healthier Future: Scotland's Diet and Healthy Weight Delivery Plan](#). The delivery plan works towards five key outcomes:

- children have the best start in life - they eat well and have a healthy weight
- the food environment supports healthier choices
- people have access to effective weight management services
- leaders across all sectors promote healthy weight and diet
- diet-related health inequalities are reduced

Childhood obesity

The Scottish Government aims to reduce the number of children at risk of obesity by 2030.

In England, the Commons Health Select Committee repeatedly called for greater action around marketing of products high in fat, sugar and salt to children (see - [Childhood obesity - brave and bold action \(2015\)](#)) Since then a levy has been introduced on sugar sweetened beverages, with the revenue raised initially being used to fund schemes to improve children's health and wellbeing (See <https://www.gov.uk/topic/business-tax/soft-drinks-industry-levy>). This particular tax revenue stream is now treated as general tax revenue.

In 2018 the WHO published a report, [Taking Action on Childhood Obesity](#). In this report, all countries agreed to a set of global targets to stop increases in childhood obesity, including no increases in overweight among children by 2025.

Out of home food environment and proposed legislation

Following the publication of the [‘Scottish Government Diet and Healthy Weight Delivery Plan’](#) in 2018, Food Standards Scotland (FSS) carried out a public consultation, which it reported on in 2019, on [‘Proposals to Improve the Out of Home Food Environment in Scotland.’](#) However, questions on reward schemes were not included.

The Scottish Government consulted on similar proposals in 2019 - [Reducing health harms of foods high in fat, sugar, or salt: consultation analysis](#) . In 2021 the UK Government appear to have taken relatively similar steps - [Promotions of unhealthy foods restricted from October 2022](#) .The legislation implementing these measures applies only to England under public health policy powers. It also appears only to cover ‘prepackaged food items’. Restaurants are specifically excluded.

The [Programme for Government](#) in Scotland 2022-3 announced a Public Health (Restriction of Promotions) Bill and noted “the Bill will include provisions for restricting food and drink promotions to protect public health”. This looks like it will take a similar approach to that taken in England, and the Scottish Government carried out a [consultation between July and September 2022](#). Section 4 of the Consultation includes mention of out of home services, but the proposals again would only cover pre-packed targeted foods and non-pre-packed soft drinks with added sugar offered as part of unlimited refills for a fixed charge.

The [UK Internal Market Act 2020](#) (IMA) might be relevant in decisions the Scottish Government makes to limit the promotion and sale of what are deemed unhealthy foods, such as those that are high in fat, sugar and salt (HFSS foods). However, the Scottish Government appear to be able to restrict certain promotions. The UK legislation relating to trade, industry, retail and advertising and how they impact on devolved matters is a complex area and the impact and implementation of the IMA is not yet clear or tested in this area.

Anne Jepson
Senior Researcher
10 February 2023

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C

Scottish Government submission of 13 February 2023

PE2003/A: Prohibit reward systems in fast food chains

Diet and Healthy Weight Delivery Plan

Improving diet and levels of healthy weight is a priority for the Scottish Government. Our [Diet and Healthy Weight Delivery Plan](#), published in 2018, sets out a comprehensive range of actions we are taking to support people to eat well and have a healthy weight. A key focus of our plan is on improving the food environment to better support and encourage people to make healthier choices and reducing diet-related health inequalities. Key actions being taken forward are set out in detail below.

Restricting promotion of food and drink high in fat, sugar or salt.

We are committed to introducing legislation to restrict promotions of food and drink high in fat, sugar or salt (HFSS) both in store and online where they are sold to the public. Last summer, we [consulted on our proposals for restricting HFSS promotions](#). The consultation ran for 12 weeks from 1 July to 23 September 2022.

The consultation set out that the food and drink we are considering targeting would include, among other things, confectionery, cakes, crisps and soft drinks with added sugar. It was proposed that only pre-packed foods within targeted categories would be within scope of the restrictions. This is because nutrition and ingredients information is more readily available on pre-packed foods, allowing a [nutrient profile model](#) to be used to identify HFSS products.

The types of restrictions we are considering targeting include both price promotions, such as multi-buys, and location restrictions, such as checkouts and front of store. Promotional rewards systems, such as those described in the petition, were not specifically consulted on. However, as part of our consultation, we also sought views on whether there were other types of promotions that should be restricted, beyond

those set out in the consultation. In the letter to which the petition refers, officials encouraged the petitioner to share their views with the Scottish Government and provided details of how to participate in the consultation, which was live at the time. We are currently considering the responses to the consultation and will publish an external analysis report and policy response in due course. Officials will inform the Committee once these are published.

Out of Home Action Plan

In addition, the Out of Home (OOH) sector has an important role to play in providing access to affordable, healthier food choices and in helping to inform consumers about what is in their food. In September 2021, we published our [Out of Home Action Plan](#), which set out actions to support people to eat well when eating out and ordering in. These include, among other things:

- A consultation on mandatory calorie labelling at the point of choice in OOH settings;
- A new Code of Practice for Children's Menus;
- A new Eating Out, Eating Well Framework; and
- Coherence on wider food policy through the Ministerial Group on Food.

Also pertinent to the petition appears to be work led by Food Standards Scotland and Public Health Scotland to develop the Eat Out Eat Well Framework and Code of Practice for Children's Menus. When developed, the Framework and Code of Practice will support the OOH sector to change the way it procures, prepares, promotes and positions food in restaurants, cafes and eateries to help people eat a healthier diet. We aim to pilot the Framework and Code of Practice in business year 2023/24 with a view to rolling it out in 2024/25.

In relation to the consultation on mandatory calorie labelling, this closed on 1 July 2022 and we will publish an independent analysis of the results soon.

I hope the Committee finds this information helpful.