

Breakdown of Scottish Government spending on looking into restricting promotions of food high in fat, sugar and salt (HFSS) over the last five years.

Table 1: Breakdown of Scottish Government spending around consideration of restricting promotions of HFSS foods in the financial year 2018-19.

Description	Cost
Publication of <i>Consultation on Reducing Health Harms of Foods High in Fat, Sugar or Salt</i> .	£614. 60
<i>Impact of non-price promotions on discretionary sales.</i> Systematic review of marketing evidence and recommendations paper.	£8,400
Kantar Worldpanel data	£15,000
Total spend:	£23,400.00

Table 2: Breakdown of Scottish Government spending around consideration of restricting promotions of HFSS foods in the financial year 2019-20.

Description	Cost
Consultation on <i>Reducing Health Harms of Foods High in Fat, Sugar or Salt</i> - Consultation analysis	£25,420.80
Consultation on <i>Reducing Health Harms of Foods High in Fat, Sugar or Salt</i> - Publication of consultation analysis report	£1,267.08
Reducing health harms of foods high in fat, sugar or salt - Economic modelling	£111,996
Kantar Worldpanel data	£9,985
Total spend:	£148,668.88

Table 3: Breakdown of Scottish Government spending around consideration of restricting promotions of HFSS foods in the financial year 2020-21.

Description	Cost
Kantar Worldpanel data	£10,000
Total spend:	£10,000

Table 4: Breakdown of Scottish Government spending around consideration of restricting promotions of HFSS foods in the financial year 2021-22.

Description	Cost
Total spend:	£0

Table 5: Breakdown of Scottish Government spending around consideration of restricting promotions of HFSS foods in the financial year 2022-23.

Description	Cost
Reducing health harms of foods high in fat, sugar or salt - Economic modelling - Publication of final report and briefing paper	£2,079.30
Consultation on <i>Restricting promotions of foods high in fat, sugar or salt</i> - Publication of consultation paper	£736.21
Consultation on Restricting promotions of foods high in fat, sugar or salt - Publication of consultation analysis report	£1,507.08
Research to understand price and placement marketing strategies used within premises and online by out of home businesses in Scotland	£49,000
Research to understand price and placement marketing strategies used within premises and online by out of home businesses in Scotland - Publication of research	£959.42
Consultation on <i>Restricting promotions of foods high in fat, sugar or salt</i> - Consultation analysis	£19,149
Consultation on Restricting promotions of foods high in fat, sugar or salt - Workshops with people with lived experience	£6,768
Total spend:	£80,199.01

Table 6: Breakdown of Scottish Government spending around consideration of restricting promotions of HFSS foods in the financial year 2023-24*.

Description	Cost
Total spend:	£0

*Data on spend provided from April 2023 – September 2023.

ANNEX B

Details of consultations published about the restriction of promotions on foods high in fat, sugar and salt in the last ten years.

There have been three consultations published about this topic in the last ten years. Full details of the consultations and their published responses can all be found on www.consult.gov.scot, or by searching publications on www.gov.scot.

However, if helpful, please find links below to the consultation documents:

- 26 October 2017 – 31 January 2018: [Consultation on A healthier future: Actions and ambitions on diet, activity and healthy weight](#) (this consultation included questions on restricting promotions)
- 2 October 2018 – 9 January 2019: [Consultation on Reducing the health harms of foods high in fat, sugar or salt](#)
- 1 July – September 2022: [Consultation on Restricting promotions of foods high in fat, sugar or salt](#)

Briefings prepared for Ministers regarding the restrictions of promoting food high in fat, sugar and salt between January 2023 and 15 September 2023.

Please find enclosed the following documents:

- **Document 1** - Briefing note for Ministerial Working Group on Food (January 2023)
- **Document 2** - Publication of consultation analysis reports on restricting promotions of HFSS foods and mandatory calorie labelling (January 2023)
- **Document 3** - Briefing contribution for Alcohol roundtable (January 2023)
- **Document 4** – Submission on Public Health (February 2023)
- **Document 5** – Media lines on proceeding to legislation (February 2023)
- **Document 6** – Submission on Public Health Bill (February 2023)
- **Document 7** – Briefing contribution (March 2023)
- **Document 8** – Commission for FM and Cabinet Secretary of Health and Social Care (March 2023)
- **Document 9** – Briefing for incoming Minister (March 2023)
- **Document 10** – Updated submission to Ministers on Public Health Bill (April 2023)
- **Document 11** – Annex A – submitted alongside document 10 (April 2023)
- **Document 12** – Briefing for the Scottish Bakers’ Conference (April 2023)
- **Document 13** – Background note for Parliamentary Question S6W-18133 (May 2023)
Full question and answer can be found at <https://www.parliament.scot/chamber-andcommittees/questions-and-answers>
- **Document 14** – Background note for Parliamentary Question S6W-16890 (May 2023)
Full question and answer can be found at <https://www.parliament.scot/chamber-andcommittees/questions-and-answers>
- **Document 15** – Briefing contribution for Ministerial attendance at the Soil Association Roundtable (May 2023)
- **Document 16** - Briefing for Ministerial statement (May 2023)
- **Document 17** – Additional questions for Parliamentary statement (May 2023)
- **Document 18** – FMQ brief for Parliamentary statement (May 2023)
- **Document 19** – Briefing for NCD Alliance meeting (May 2023)
- **Document 20** – Briefing for meeting with Food and Drink Federation Scotland (June 2023)
- **Document 21** – Policy recommendations (July 2023)
- **Document 22** – Extract relating to promotions restrictions from PHS/FSS executive meeting brief (August 2023)
- **Document 23** – Briefing for Big Breakfast event (August 2023)
- **Document 24** – Contribution to Go Local briefing (August 2023)
- **Document 25** – Extract relating to promotions restrictions from NCD Alliance brief (September 2023)
- **Document 26** – Extract relating to promotions restrictions from HSC Committee Session Brief (September 2023)
- **Document 27** – Briefing for Ministerial meeting with Obesity Action Scotland (September 2023)
- **Document 28** – Private Secretary Minute for invitation to meet with Scotland Food and Drink (May 2023)

ANNEX D

REASONS FOR NOT PROVIDING INFORMATION

Information is out of scope of the request

Where information has been identified as out of scope of your request, this has not been included. 'Out of scope' is defined as information relating to policy areas other than those included in your request and some background information that does not relate to the policy area detailed in your request.

An exemption applies

An exemption under section 38(1)(b) (personal information) of FOISA applies to some of the information you have requested. This exemption relates to personal information, specifically the names of Scottish Government staff below Senior Civil Service grade and names of external stakeholders.

Disclosing this information would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

An exemption applies, subject to the public interest test

Section 29(1)(a) of FOISA (The formulation or development of Scottish Government policy) applies to some of the information requested. This exemption applies to information relating to policy that is currently being developed. This exemption is in place to allow open and honest discussions within government about policy matters and to ensure these discussions will not be made public before policies are fully developed. It helps to ensure that government officials can have candid conversations while formulating policies that affect the public without the immediate requirement for full disclosure.

30(b)(i) of FOISA (free and frank provision of advice) applies to some of the information requested. These exemptions apply because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice and exchange of views for the purposes of deliberation. The exemptions recognise the need for Ministers and officials to have a private space within which to discuss and seek advice and views from external stakeholders before the Scottish Government reaches a settled public view.

An exemption under section 36(1) of FOISA (confidentiality of communications) applies to some of the information requested as it falls under legal professional privilege. The exemption preserves the confidentiality of legal advice and encourages frank and open discussions between government officials and their legal advisors. This ensures that government decision-makers can make well-informed choices while safeguarding sensitive legal information.

These exemptions are subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemptions. We have found that, on balance, the public interest lies in favour of upholding the exemptions. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate.

However, there is a greater public interest in allowing a private space within which officials can provide free and frank advice and views to Ministers in briefing. It is clearly in the public interest that Ministers can properly provide sound information to Parliament (to which they are accountable), and robustly

defend the Government's policies. They need full and candid advice from officials to enable them to do so.

There is also greater interest in allowing Ministers and officials a private space within which to communicate with appropriate external stakeholders as part of the process of exploring and refining the Government's policy position on proposals to restrict the promotion and marketing of foods high in fat, sugar or salt, until the Government as a whole can adopt a policy that is sound and likely to be effective. This private space is essential to enable all options to be properly considered, so that good policy decisions can be taken based on fully informed advice and evidence, such as that provided by food and drink businesses. Premature disclosure is likely to undermine the full and frank discussion of issues between the Scottish Government and these stakeholders, which in turn will undermine the quality of the policy making process, which would not be in the public interest.