The Food (Promotion and Placement) (Scotland) Regulations 2025

Fairer Scotland Duty Assessment

October 2025

Scottish Government
Riaghaltas na h-Alba

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Title of policy, strategy or programme

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Summary of aims and expected outcomes of regulations

The primary aim of this policy is to reduce the public health harms associated with the excess consumption of calories, fat, sugar and salt including the risks of developing obesity, type 2 diabetes, various types of cancer and other conditions such as cardiovascular disease. The regulations are part of a wide-ranging suite of actions to support healthier diets and healthy weight. This policy is also aimed at reducing diet-related health inequalities, including in relation to socioeconomic disadvantage.

The food environment and the options available and promoted to us shape our health. It is often skewed towards the promotion of less healthy food and drink, which can encourage people to purchase more than they need or intend and consume additional calories.

By restricting promotions on high fat, sugar or salt (HFSS) foods, the policy aim is to shift the balance of promotions towards healthier options, making it easier for people to reduce volume and impulse purchase of high fat, sugar or salt (HFSS) food and drink and make healthier choices. Evidence indicates that action to improve the food environment will contribute to improvements in population levels of healthy weight – in line with the priority set out in the Population Health Framework.

The Framework is based on five key interconnected prevention drivers of health and wellbeing:

- Prevention Focused System
- Social and Economic Factors
- Places and Communities
- Enabling Healthy Living
- Equitable Access to Health and Care

Restricting the promotions of less healthy food and drink has been identified as an early priority action under the Framework.

The Good Food Nation (Scotland) Act 2022 provides the framework for clear, consistent and coherent future Scottish food policy including cross-public agency action.

Restricting the promotion of less healthy food and drink is a population level intervention and is expected to have a positive impact on public health across population groups. Focusing on transforming the food environment is more likely to help improve diet and weight and be more effective in reducing health inequality than only encouraging individual behaviour change.

Regulations will make it easier for people to make healthier food choices by:

- targeting food categories that are significant contributors of calories, fat and sugar to the Scottish diet and are the food categories of 'most concern to childhood obesity' as described in the UK-wide reformulation programmes;
- restricting promotions of pre-packed food and drink products within targeted food categories that are HFSS;
- restricting certain price promotions of targeted HFSS foods, such as multi-buy offers (for example buy one get one free) and free refills of soft drinks with added sugar;
- restricting the placement of targeted HFSS foods in prominent locations in store and online.

Location restrictions - where a product can be displayed - will not apply to the following for practical considerations:

- specialist retailers (e.g. chocolatiers, confectioners, cake shops); and
- stores with a floor area of less than 185.8 m^2 (2,000 sq. ft).

The promotion and location restrictions (with the exception of the restriction on free refills of soft drinks with added sugar) will apply to businesses with 50 or more employees that offer prepacked targeted HFSS foods to the public, both in store and online (excluding out-of-home businesses such as restaurants, cafes and takeaways).

The restriction on free refills of soft drinks with added sugar will apply to business with 50 or more employees that offer such soft drinks for sale to the public (in store).

Where businesses operate under a franchise or franchise like agreement, the employees of the businesses operating under those agreements are treated as employees of the franchisor and not of separate businesses, for calculating whether the franchisor business has 50 or more employees.

Scottish Government plans for restriction of promotions align with equivalent policies to restrict promotion of less healthy food and drink in England and in Wales.

Summary of evidence

Diet and Health

Evidence suggests that people in lower socioeconomic status (SES) groups are at greater risk of the negative health effects of poor diet than other parts of the population in Scotland.

In 2024, approximately two out of three adults in Scotland were living with overweight or obesity (66%), and 33% of children were at risk of overweight (including obesity). This is higher than average for people from lower SES

backgrounds with 71% of adults in the most deprived areas of Scotland living with overweight or obesity, compared to 61% of adults in the least deprived areas; a similar pattern is seen in children.

Evidence consistently shows that people living in areas of higher deprivation are more at risk of diet-related health inequalities. Prevalence of negative health outcomes such as cardiovascular diseases and cancer are highest in more deprived areas. People living in more deprived areas face particular challenges in consuming a healthier diet due to a lack of access to healthy, affordable food[1]. People from lower SES groups tend to eat more HFSS foods[2] and less vegetables and fruit.

The lowest income households tend to be lone parent households. The large majority of lone parents are women[3] and these households tend to experience the highest levels of food insecurity rates. People experiencing poverty and food insecurity are more likely to consume cheaper, less healthy foods. This then contributes to poorer health outcomes for people experiencing poverty, which has a reinforcing effect (for example, through impacting on labour market participation).

Population impacts

Restriction of promotions of less healthy food and drink is a population level intervention. The prevalence of both price and placement promotions in store and online is such that that all consumers, regardless of characteristics, are exposed on a regular basis, and thus likely to be positively impacted to some extent.

A differential impact may occur due to differences in where people shop or in how different groups respond to promotions. There is some evidence to suggest that lower SES groups shop more frequently at discount retailers which may reduce their exposure to promotions and thus the impact of the regulations. The evidence is mixed regarding whether there is a differential response to promotions.

There is limited evidence on where different groups in the population do their grocery shopping. A Public Health Scotland rapid evidence briefing on shopping behaviours found some association between lower SES and a tendency to shop in local stores. Several consultation responses raised concerns that exemptions from restrictions for businesses with less than 50 employees may reduce the positive impact of the policy and exacerbate diet-related health inequalities, due to the distribution of smaller businesses in areas of higher deprivation. Scottish Government analysis shows a pattern for the smallest businesses being relatively more prevalent in more deprived areas.

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[1] Improving Scotland's diet and weight; It's time to put health first: Transforming our food environment; - England's poorest areas are fast food hotspots - GOV.UK (www.gov.uk)

[2] Scottish Health Survey 2018: supplementary tables - gov.scot (child diet); Consumption of discretionary foods and drinks and other categories of dietary concern in adults (16+ years) - Food Standards Scotland (adult sugar-sweetened beverage intake); Dietary Intake in Scotland's CHildren (DISH) research report - Food Standards Scotland

[3] Lone parent families - Tackling child poverty priority families overview - gov.scot (www.gov.scot); Pre-pandemic inequalities in the burden of disease: a Scottish Burden of Disease study | medRxiv

In addition, regulations will apply to small businesses that have entered into a franchise or franchise like agreement, (where the total number of employees of the franchisor and the businesses operating under those agreements is 50 or more). This will bring qualifying franchise stores over 2000 sq. ft. into scope of both price and location restrictions and qualifying franchise stores with a floor area of less than 2000 sq. ft. into scope of price restrictions. Stores under 2000 sq. ft. will be exempt from location restrictions on the basis of practical considerations. However, this means that regulations will apply to medium and large businesses where 85% of spend occurs.

The inclusion of franchise type arrangements means the benefit of the policy in terms of improving the food environment and reducing the risk of obesity reaches more communities. Leeds University's research evaluating HFSS product placement legislation in England found that, using the Priority Places for Food Index – an index used to identify which communities or areas are most at risk of food insecurity – "the impact of the legislation on sales of in-scope HFSS products was consistent in supermarkets across all deciles of the Priority Places for Food Index, indicating that the legislation was equitable."

Research by Food Standards Scotland and a Scottish Government commissioned survey on shopping behaviours in 2023 supports an understanding that those from lower SES groups have a greater tendency to shop in discount retailers. A much smaller proportion of groceries are bought on price promotion in discounters compared to other supermarkets. In 2021 the percentage of food and drink purchased on price promotion in discounters was 4.7% compared to 28.3% in supermarkets[4]. This will be mitigated by the fact that location restrictions will apply in these stores, so the policy is still expected to have a positive impact on these groups.

There is no indication that smaller convenience type stores are frequented any more or less by SES groups. The consumer survey found that all groups only obtain a relatively small percentage of their shopping from local/convenience stores with no difference by SES measures.

The Scottish Government BRIA conducted an analysis of health impacts based on distribution of small businesses by SIMD and concluded that exempting retail stores below 2000 sq. ft. from location restrictions in Scotland does not present particular concerns in relation to total population health impact.

Evidence is mixed regarding the response of lower SES groups to promotions and potential impact of promotion restrictions. Earlier analysis suggested those on lower incomes purchase less on promotion but there was little difference by SIMD (an area based measure of deprivation that is more comprehensive than income alone). However, those from more deprived areas could see a calorie reduction of 135.2 on average per person each week compared to 220.5 for those in the least deprived areas perhaps as a result of greater frequenting of discounters. There is also some evidence to indicate that the more expensive versions of products are often

[4] Monitoring retail purchase and price promotions in Scotland 2021 - Food Standards Scotland; Monitoring retail purchase and price promotions in Scotland (2014 - 2018) - Food Standards Scotland

promoted which don't result in cost savings overall for consumers[5]. More recent analysis by Food Standards Scotland suggests again there may be little difference by SIMD on purchasing on promotions.

The Scottish Government commissioned the Poverty Alliance to recruit and facilitate two workshops considering the impact of restricting promotions on less healthy food and drink items on people living on low incomes. Key findings from this engagement activity were that the overall intent of the policy supported. There were some mixed views on the potential impacts on health outcomes and on the risk of unintended consequences.

Restricting promotions on less-healthy snacks was generally supported whereas restrictions on items that could be used as meals received mixed responses with concern about the potential effects on some people.

However, through this engagement some people set out that promotion restrictions may not have a significant impact on their shopping habits as they are more likely to plan their shop in advance, shop at discounters and tend to not purchase products on promotion.

It is noted that promotions tend to encourage excess or unintended spend, which those on very low incomes try to avoid. Parents in particular welcomed plans to remove placement of HFSS foods at prominent locations such as till points reporting it made it easier to avoid unintended spend when shopping with children.

A rapid evidence review of the impact of promotions on HFSS food and drink on consumer purchasing and consumption behaviour and effectiveness of retail environment interventions found "the majority of purchases made on promoted food are unplanned and lead to additional expenditure that squeezes the budgets of low-income households, minimising promotions creates opportunities to alleviate the financial pressures on disposable income of poorer households more broadly."

On balance, whilst concerns raised through engagement have been considered, the findings of this evidence review suggest that promotions on food are not supporting low income households to reduce food costs and may increase their expenditure on food. This aspect of the policy is therefore considered unlikely to have a differential negative impact on low income communities.

Summary of assessment findings

The policy is expected to have a positive impact on public health across all population groups including those experiencing socio-economic disadvantage. This is on the basis that around 40% of all take home food and drink is purchased on price promotion in Scotland with little or no difference in the proportion of energy purchased on promotion according to household SIMD. Less healthy food and drink

[5] Monitoring retail purchase and price promotions in Scotland (2014 - 2018) - Food Standards Scotland; Monitoring Retail Purchase and Price Promotions in Scotland 2019-2022 - Food Standards Scotland

categories were more frequently purchased on promotion (around 50% of purchase) compared to the staple, healthier categories (around 30% of purchase).

A rapid evidence review found that price promotions increased the volume of customer purchases, leading to unplanned spend and increased shopping costs. This review suggests that whilst promotions may appear to offer better value for customers, evidence shows that overall, they are more likely to increase the cost of food shopping rather than reduce costs. It is therefore not anticipated that restricting promotions of HFSS products are likely to have a differential impact on low income households.

Businesses within scope of the policy

Feedback from those with lived experience of socioeconomic disadvantage suggests that shopping habits are strongly influenced by access and affordability considerations, with people shopping around and accessing larger stores to find the cheapest options where possible, including at discounter stores. People in rural areas were more likely to shop online to find the most affordable options. It is therefore expected that people living in low-income areas will still benefit from the policy despite small businesses (i.e. with fewer than 50 employees, that are not a member of a franchise or franchise like arrangement) being excluded from the scope of the policy.

The mixed evidence on how people experiencing socio-economic disadvantage may respond to promotions makes it difficult to quantify the extent of any differential impact. However, given the prevalence of price and placement promotions it is likely that action to restrict HFSS promotions will positively impact those experiencing socio-economic disadvantage overall, with minimal likelihood of negative impacts given evidence that purchases on promotion may increase the cost of food shopping.

Sign off

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