

# Luton

## Healthier Food and Drink Advertising Policy

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## 1. Introduction

The advertising policy document created by Luton Borough Council is widely considered as best practice for local authorities seeking to adopt their own healthier food advertising policies.

The policy seeks to complement existing council strategies, including the Luton 2040 vision, which give consideration to maintaining healthy weight, improving infant nutrition, becoming a carbon neutral town and the development of the public realm and anti-poverty policies.

Luton has also been working with the Institute of Health Equity to prioritise health equity as a Marmot Town. One of the eight 'Marmot principles' is aimed at reducing health inequalities is to 'create and develop healthy and sustainable places and communities'. Tackling unhealthy advertising helps to create health promoting environments thereby contributing towards this principle.

The work of this policy is reflective and also considers wider national legislative and strategy changes such as the new Health and Care Bill 2023<sup>1</sup>. Similar policy work has been undertaken by the Mayor of London across the Transport for London advertising estate, and by other local authorities such as Barnsley, Bristol City, Royal Borough of Greenwich, Haringey, Merton, and Southwark Councils under the leadership of Sustain who developed a comprehensive toolkit on implementing healthier food advertising policies.

Luton will be part of a select group of local authorities focused on pioneering work to normalise streets free from unhealthy food and drink advertising, and create healthier, happier spaces for all.

**This document constitutes a formal addendum to the council's Advertising and Sponsorship Policy and should be read and applied in concert with that Policy. This policy details further guidance relating to restrictions of High Fat, Salt and/or Sugar (HFSS) products and requirements for advertising approvals.**

## 2. General Principles

**2.1** The UK Nutrient Profiling Model (NPM) is widely used and has been subject to rigorous scientific scrutiny, extensive consultation, and review. Furthermore, the scoring system it uses

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<sup>1</sup> [Health and Care Bill: advertising of less healthy food and drink](#) This bill will introduce a 9pm watershed for advertising of less healthy food or drink on TV, and a restriction on paid-for advertising of less healthy food or drink online, simultaneously, from 1 January 2023. All on-demand programme services (ODPS) under the jurisdiction of the UK, and therefore regulated by Ofcom, will be included in the TV watershed. Other ODPS will be subject to the online restriction because they are not regulated by Ofcom. This policy will be implemented UK wide.

balances the contribution made by beneficial nutrients that are particularly important in children's diets.<sup>2</sup>

**2.2** Guidance on how to identify whether a product is considered HFSS under the NPM is available [here](#).

**2.3** The outcome of any reviews or revisions of the NPM will be taken into consideration in applying our policy.

**2.4** Luton Borough Council or its representatives may request evidence of nutrition information of food and drink products advertised, and in line with the Food Standards Agency recommendations, the council expects any laboratory used for nutrition analysis to have ISO 17025 accreditation and this should be by the United Kingdom Accreditation Service (UKAS).

### 3. Exceptions

**3.1** There are no exceptions to the policy offered on council-owned advertising sites. Luton Borough Council understands there may be some limited unintended consequences of applying this policy, but agrees that bringing healthier food to Luton should be the main focus. Therefore any related consequences to the Policy do not justify the public expenditure required to establish, run and monitor a general exceptions process. All companies can still advertise, as long as they replace HFSS products with healthier products in their advertisements.

### 4. Content featuring only non-HFSS products

**4.1** These would normally be approved but would still need to comply with other sections of the council's Advertising and Sponsorship Policy.

### 5. Content featuring only HFSS products

**5.1** Where proposed content features only food and/or drink which is rated HFSS, such copy would be rejected.

**5.2** It is therefore recommended that, before committing to advertising production, advertisers should discuss their eligibility with the council or its agents.

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<sup>2</sup> Child/Children's diet means a diet with components in the food that children should eat less of. It has therefore been concluded that the NPM model is the best way of identifying food that contributes to child obesity. Such food and drink is not only purchased directly by children but is bought for them by others.

## 6. Content where there is a range of food/drink featured, some of which is HFSS

**6.1** The advertising or promotion of HFSS products is unacceptable under the policy, so a range or meal could not feature them (e.g. fish, chips and peas could only be advertised if all products were non-HFSS). This would also apply to any meal settings being shown, including those for restaurants, aggregator platforms and delivery services.

**6.2** It is the responsibility of advertisers and/or sponsors and their agents to verify the status of the products featured using the NPM. The council and their agents can support small businesses (under 250 employees) in identifying their NPM food scores where needed.

## 7. Content where no food or drink is featured directly but the advertisement is from or features a food and/or drink brand

**7.1** Advertisements where the brand's logo is included but no products, such as a brand values campaign, directional signage to a store, app or website, promotional advertising which is price-led but features no products such as '50% off everything' or similar, advertising about a business or its performance, and/or content such as slides delivered by a sponsor at an event sponsored by a food or drink brand.

**7.2** Food and drink brands (including food and drink service companies or ordering services) will only be able to place such advertisements if the advertisement promotes healthier options (i.e. non-HFSS products) as the basis of the copy.

**7.3** Where advertisers are uncertain about the classification of proposed copy under these guidelines, they should discuss this with the council or its agents.

## 8. Advertisements or other content where food and drink is shown 'incidentally' i.e. it is not the subject of the advertisement but it is included (or implied) by visual or copy

**8.1** HFSS products should not be promoted by being featured in advertisements for other products. It is the responsibility of advertisers and their agents to verify the HFSS status of the products featured using the NPM.

**8.2** Where a food or drink item is featured incidentally and does not relate to a specific identifiable product which can be assessed for its HFSS status, advertising copy may be rejected by the council or its agents on the basis that the advertisement promotes the consumption of HFSS foods.

## 9. Advertisements or other content where food or drink is referenced in text, through graphical representation or other visual representation

**9.1** HFSS products should not be promoted through references in text, graphical images or other visual representations of food and drink. Where a food or drink item is featured in this way and does not relate to a specific identifiable product which can be assessed for its HFSS status, copy may be rejected by the council or its agents on the basis that it promotes the consumption of HFSS foods.

## 10. Indirect promotion of HFSS food and/or drink

**10.1** Where a product is non-HFSS but falls within a category covered by the Office for Health Improvement and Disparities (OHID) recommendations for sugar<sup>3</sup> or calorie reduction<sup>4</sup>, the product should always carry a prominent product descriptor to help differentiate it from non-compliant products (e.g. where an advertisement features a non-HFSS pizza or burger, the image should be accompanied by prominent text that names the specific product and retailer).

**10.2** Children should not be shown in advertisements for products which are compliant in a category which is covered by OHID's recommendations for sugar or calorie reduction.

## 11. Portion sizes

**11.1** The NPM model is based on nutrients per 100g of a product, rather than recommended portion size. Advertisers should always ensure that they promote products in portion sizes which encourage healthy eating. For products that are non-HFSS but fall within a category covered by OHID's recommendations for sugar or calorie reduction, the product should be displayed as a single portion, unless agreed otherwise by the council or its agents.

**11.2** If advertisers, sponsors and/or agencies are unsure about how to interpret this, or any other aspect of these guidelines, they are encouraged to get in touch with the council or its

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<sup>3</sup> OHID (2017) Sugar Reduction: achieving the 20% A technical report outlining progress to date, guidelines for industry, 2015 baseline levels in key foods and next steps. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604336/Sugar\\_reduction\\_achieving\\_the\\_20\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604336/Sugar_reduction_achieving_the_20_.pdf)

<sup>4</sup> OHID (2020) Technical report: guidelines for industry, 2017 baseline calorie levels and the next steps. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/915367/Calorie\\_reduction\\_guidelines-Technical\\_report\\_070920-FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/915367/Calorie_reduction_guidelines-Technical_report_070920-FINAL.pdf)

## 12. Decision table

This has been adapted from the HFSS Policy Guidance Note published by Barnsley Metropolitan Borough Council in 2022.

Advertisement Content	Outcome	Example(s)	Notes
Only non-HFSS products featured	<b>Approved</b>	An advertisement for fresh fruit and vegetables	Subject to compliance with overall Advertising & Sponsorship Policy
Only HFSS products featured	<b>Rejected</b>	An advertisement for chocolate confectionary	
Includes a range of products: some are HFSS and some are non-HFSS	<b>Rejected</b>	An advertisement for a meal deal that includes both a HFSS product (e.g. chocolate bar) and a non-HFSS product (e.g. fruit)	All food/drink products that are advertised must be non-HFSS
While no food or drink is directly displayed, the advertisement is from (or features) a food/drink brand	<b>Possibly approved</b> - only if healthier products (non-HFSS) are being displayed	A fast-food business advertising only non-HFSS products ( <b>approved</b> )	Many brands and their logos have strong HFSS product association. Some HFSS products also share the same name as the actual brand name, making it difficult to separate the brand name from the associated product
		A fast-food business advertising a competition or an affiliation to an event ( <b>rejected</b> )	
Indirect promotion of food/drink by being incidentally shown: advertisement includes visual or copy references to HFSS foods	<b>Possibly approved</b> - only if healthier products (non-HFSS) are being promoted	A travel firm advertising holiday offers which happens to contain images of bananas ( <b>approved</b> )	Regardless of whether the food is the actual focus of the advertisement, if it can be reasonably considered to promote HFSS products it will be rejected
		A travel firm advertising holiday offers which happens to contain images of ice creams and soft drinks ( <b>rejected</b> )	
Food/drink is referenced in the text either through graphical representations or other visual representation (e.g. cartoons)	<b>Possibly approved</b> - only if healthier products (non-HFSS) are being promoted	An advertisement that contains a cartoon image of apples ( <b>approved</b> )	Regardless of whether the food is the actual focus of the advertisement, if it can be reasonably considered to promote HFSS products it will be rejected
		An advertisement that contains a cartoon image of a pizza ( <b>rejected</b> )	
Indirect promotion of HFSS food and/or drink by including	<b>Possibly approved</b> - only if prominent	An advertisement featuring a non-HFSS ice cream that includes prominent text that accompanies the image	Including product descriptors helps to differentiate non-HFSS foods from non-compliant products that visually look the

relevant product descriptors	text accompanies the image naming the product and retailer	naming the specific product and retailer <b>(approved)</b>	same. This is necessary where the product falls into a category typically associated with HFSS products (such as ice cream and pizza).
		An advertisement featuring a non-HFSS ice cream but with no accompanying explanatory text <b>(rejected)</b>	
Portion sizes	<b>Possibly approved</b>	An advertisement for a non-HFSS 16-inch pizza that displays a portion (e.g., 3 slices) and that also displays clear text naming the product and retailer as per the row above <b>(accepted)</b>	To encourage healthy eating, advertisers should always ensure that they promote products in portion sizes. With products that are non-HFSS but fall within a category covered by OHID's recommendations for sugar or calorie reduction, the product should be displayed as a single portion.
		An advertisement for a non-HFSS 16-inch pizza that displays an image of the full pizza <b>(rejected)</b>	

## Appendices

Appendix A: visual examples of adverts

### Appendix A: Visual examples

Examples of impact of advertising policy on TfL network – before and after shots (source: Sustain). Note that the same brands are still permitted to advertise (Deliveroo, McDonalds) the only change is to the subject meeting the non-HFSS requirements.



