

Healthier Advertising Policy (food and non-alcoholic drink)

Adopted 31 July 2024

Healthier Advertising Policy (food and non-alcoholic drink) guidance

1. Background

- 1.1 Evidence shows that advertisements for unhealthy food and drink products directly and indirectly impact what we eat.¹ Young people who recall seeing junk food adverts every day are more likely to be living with obesity.² Figures from the latest 2022/23 National Child Measurement Programme show rates of excess weight and obesity in Cheshire West and Chester have risen, going against the decreasing regional and national trends. 1 in 5 (21.1%) Reception aged children, are living with overweight or obesity, rising to 1 in 3 (34.7%) Year 6 children and over two-thirds (68.3%) of adults³.
- 1.2 There are significant inequalities in child excess weight levels with higher rates reported for children living in disadvantaged households, those living with disabilities and from specific ethnic minority backgrounds. Furthermore, both children and adults from lower socio-economic groups are 50% more likely to be exposed to advertisements for high fat, salt, or sugar (HFSS) food and drink products.⁴
- 1.3 Transport for London (TfL) and 12 other Local Authorities have introduced an advertising restriction on all food and non-alcoholic drink products that are high in fat, salt and/or sugar (HFSS). This restriction is across all advertising opportunities on the TfL estate and Local Authority owned sites (including bus stops, taxi wraps and stations).

2. General Principles

- 2.1 The UK Nutrient Profiling Model (NPM) has been adopted by Cheshire West and Chester Council to identify HFSS products. This approach is consistent with other local authorities who have implemented healthier advertising policies⁵ and is based on the evidence that the NPM 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.
- 2.2 The NPM was developed by the Food Standards Agency (FSA) in 2004-2005 to provide Ofcom, the broadcast regulator, with a tool to differentiate of foods based on their nutritional composition, in the context of television advertising foods to children. NPM is widely used and has been subject to rigorous scientific scrutiny, extensive stakeholder consultation, and review. Furthermore, the scoring system it uses

¹ Critchlow, N. et al. (2020) 'Awareness of marketing for high fat, salt or sugar foods, and the association with higher weekly consumption among adolescents: a rejoinder to the UK government's consultations on marketing regulation'. Accessed via: <https://pubmed.ncbi.nlm.nih.gov/32434618/>

² Cancer Research UK (2018). Accessed via: <https://www.cancerresearchuk.org/about-us/cancer-news/press-release/2018-03-15-obesity-risk-doublesfor-teens-bombarded-with-junk-food-adverts>

³ OHID Public Health Profiles. Accessed via [Fingertips | Department of Health and Social Care \(phe.org.uk\)](https://www.phe.org.uk/fingertips)

⁴ Yau, A. et al. (2021) 'Sociodemographic differences in self-reported exposure to high fat, salt and sugar food and drink advertising: A cross-sectional analysis of 2019 UK panel data', Accessed via: <https://bmjopen.bmj.com/content/11/4/e048139>

⁵ Knowsley, Sefton, Bristol City, Barnsley and Sheffield Councils, also the London Boroughs of Haringey, Southwark, Merton Greenwich and Tower Hamlets.

balances the contribution made by beneficial nutrients that are particularly important in children's⁶ diets, with components in the food that children should eat less of.

- 2.3 Guidance on how to identify whether a product is considered HFSS under the NPM is available [here](#). All potential advertisers should familiarise themselves with the NPM's technical guidance on how to identify whether a product is considered HFSS under the NPM. In any case of doubt, it is for the advertiser to show that the featured product is not HFSS. A summary table detailing a range of examples of advertising and the outcome based on this policy can be found in Appendix 1.
- 2.4 Any revisions to the NPM will be reflected in the advertisement decisions made by the Council.
- 2.5 It is the responsibility of advertisers and their agents to verify the status of the products featured using the NPM.
- 2.6 Cheshire West and Chester Council or its representatives may request evidence of the nutrition information for food and drink products advertised. In line with the Food Standards Agency recommendations, Cheshire West and Chester Council expects any laboratory used for nutrition analysis to have ISO 17025 accreditation by the United Kingdom Accreditation Service (UKAS).

3. Content featuring only non-HFSS products

- 3.1 These would normally be approved (please see Appendix 1 for an example) but would still need to comply with existing principles and procedures relating to any advertising carried by Cheshire West and Chester Council⁷.

4. Content featuring only HFSS products

- 4.1 Where proposed content features only food and/or drink which is rated HFSS, such copy would be rejected.
- 4.2 It is therefore recommended that, before committing to advertising production agreements, advertisers should discuss their eligibility with the Council or its agents.

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

- 5.1 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

⁶ Child/Children means a person/s below the age of 18. This is in line with the Convention on the Rights of the Child's definition: www.unicef.org/child-rights-convention/convention-text

⁷ Chester West and Chester Council (2024) Advertising and Sponsorship Policy. Accessed via: [advertising-and-sponsorship-policy \(cheshirewestandchester.gov.uk\)](https://www.cheshirewestandchester.gov.uk/advertising-and-sponsorship-policy)

being shown, including those for restaurants, aggregator platforms⁸ and delivery services.

- 5.2** It is the responsibility of advertisers and their agents to verify the status of the products featured using the NPM.

6. Content where no food or drink is featured directly but the advertisement is from or features a food and/or non-alcoholic drink brand

- 6.1** This may include:

- 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

(See Appendix 1 for example decision table)

- 6.2** 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.

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

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

- 7.1** 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.

- 7.2** 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 products.

8 Advertisements where food and drink is referenced in text, through graphical representations or other visual representation

- 8.1** 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 products.

⁸ Aggregator platform is a tool that pulls content from various web services and publishes or offers them on one website.

9 Indirect promotion of HFSS food and/or drink

- 9.1** Where a product is non-HFSS but falls within a category covered by the Office for Health Improvement and Disparities recommendations for sugar or calorie reduction⁹, the product should always carry a prominent product descriptor to help differentiate it from noncompliant 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).
- 9.2** Children should not usually be shown in advertisements for products which are compliant in a category which is covered by the Office for Health Improvement and Disparities recommendations for sugar or calorie reduction.

10 Portion sizes

- 10.1** 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 the Office for Health Improvement and Disparities recommendations for sugar or calorie reduction, the product should be displayed as a single portion.
- 10.2** If advertisers and/or agencies are unsure about how to interpret this, or any other aspect of these guidelines, they are encouraged to contact the Council or its agents and work together on a solution to avoid submitted copy requiring changes or being rejected.

11 Exceptions

- 11.1** There are no standard exceptions to the policy offered on Council-owned advertising sites.

12 Alignment Council-wide

- 12.1** New advertising sites within future developments will be subject to this policy.

⁹ Office for Health Improvement and Disparities: Sugar, salt and calorie reduction and reformulation. Accessed via: [Sugar, salt and calorie reduction and reformulation - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Appendix 1: Guidance for decisions regarding advertising including high fat, salt, or sugar food and non-alcoholic drinks

1. Example Decision Table

The table below, adapted from Barnsley Council's Advertising policy, outlines examples of a range of advertisements and what the policy outcome would likely be.

Advertisement Content	Outcome	Example(s)	Notes
Only non-HFSS products featured	Approved	An advertisement for fresh fruit and vegetables	Subject to compliance with the Council's overall Advertising Policy.
Only HFSS products featured	Rejected	An advertisement for sweet pastries	
A range of products, some of which are HFSS and some of which are non-HFSS	Rejected	An advertisement for a meal deal that includes a chocolate bar (HFSS) as well as fruit (non-HFSS)	All food/drink items being advertised must be non-HFSS.
No food or drink directly displayed but the advertisement is from (or features) a food/drink brand	Possibly approved – only if healthier options (non-HFSS) are being promoted	A fast-food business advertising only non-HFSS products (approved)	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 (rejected).	
Food and drink is shown 'incidentally' i.e., it is not the subject of the advertisement but is included (or implied) by visual or copy	Possibly approved – only if healthy products (non-HFSS) are being displayed	A travel firm advertising holiday offers which happens to contain images of oranges (approved)	If the advertisement can be reasonably considered to promote HFSS products it will be rejected regardless of whether the food is intended focus of the advertisement.
		A travel firm advertising holiday offers which happens to contain images of ice creams (rejected)	

Food and drink is referenced in the text, through graphical representations or other visual representation (not a real product being advertised)	Possibly approved – only if healthy products (non-HFSS) are being promoted	An advertisement that contains a cartoon image of carrots (accepted)	If the advertisement can be reasonably considered to promote HFSS products it will be rejected regardless of whether the food is an actual product.
		An advertisement that contains a cartoon image of chocolate (rejected)	
Indirect promotion of HFSS food and/or drink	Possibly approved – only if prominent text accompanies the image naming the product and retailer	An advertisement featuring a non-HFSS ice cream that includes prominent text that accompanies the image naming the specific product and retailer (accepted)	A prominent product descriptor helps to differentiate it from non-compliant products. This is necessary where the product falls into a category typically associated with HFSS products (such as ice cream).
		An advertisement featuring a non-HFSS ice cream but with no accompanying explanatory text (rejected)	
Portion sizes	Possibly approved – see Notes column	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 (accepted)	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.
		An advertisement for a non-HFSS 16-inch pizza that displays an image of the full pizza (rejected)	