POLICY NOTE

THE FOOD (PROMOTION AND PLACEMENT) (SCOTLAND) REGULATIONS 2025

SSI 2025/303

The above instrument was made in exercise of the powers conferred by sections 6(4), 16(1)(e) and (f), 26(3) and 48(1) of the Food Safety Act 1990 and section 52 of the Food (Scotland) Act 2015. The instrument is subject to negative procedure.

Summary Box

The purpose of these regulations is to restrict the promotion and placement of targeted foods high in fat, sugar or salt (HFSS) where they are sold to the public. Regulations aim to make the balance of products available on promotion healthier; reduce overconsumption of HFSS products that can contribute to overweight and obesity; and contribute to reducing population levels of overweight and obesity and their consequent health harms. Regulations will apply to qualifying business (both in store and online). These regulations are being made under powers in the Food Safety Act 1990 and the Food (Scotland) Act 2015.

Policy Objectives

Population levels of obesity and overweight are a significant driver of negative health outcomes in Scotland. The Scottish Government and the Convention of Scottish Local Authorities (COSLA) set out in the co-produced 2025 Population Health Framework that improving diet and healthy weight was one of two key priorities for improving population health.

There is clear evidence between people's diet, their weight and their risk of developing a range of non-communicable diseases such as type 2 diabetes and cardiovascular disease. Improving the nation's diet and promoting healthy weight is important to improve people's overall health and reduce the risk of diet and weight-related ill health. Modelling[1] by Public Health Scotland forecasts a 21% increase in the annual burden of disease in Scotland between 2019 and 2043 without additional efforts, with the majority of this forecast estimated to be caused by non-communicable diseases that are preventable.

In 2024[2] 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).

Evidence[3] is clear that promotional offers and the placement of food and drink products has a significant effect on purchasing behaviours and purchase volumes.

[1] https://www.scotpho.org.uk/media/2178/sbod-forecasting-briefing-english-november2022.pdf
[2] https://www.gov.scot/publications/scottish-health-survey-2024-volume-1-main-report/pages/10--obesity/
[3] https://www.storre.stir.ac.uk/bitstream/1893/26290/1/Martin%20et%20al%202017_NHSHS_PromotionsOnHFSSFoodDrink.pdf

Restricting promotions of food and drink high in fat, sugar or salt (HFSS) is intended to shift the balance of promotions towards healthier options, making it easier for people to reduce volume and impulse purchase of HFSS food and drink and to make healthier choices.

The primary aim of the 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.

These regulations are part of a suite of actions intended to help create a food environment that supports healthier lives and will contribute to improvements in population levels of healthy weight – in line with the priority set out in our Population Health Framework[4].

The 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.

Due to practical considerations, location restrictions – where a product can be displayed - will not apply to specialist retailers (e.g. chocolatiers, confectioners, cake shops) and in stores with a floor area of less than 185.8 m^2 (2,000 sq. ft).

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

The restriction on free refills of soft drinks with added sugar applies 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.

The policy aligns with equivalent policies to restrict the promotion of less healthy food and drink in England and in Wales.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their

[4] https://www.gov.scot/publications/scotlands-population-health-framework/

view, The Food (Promotion and Placement) (Scotland) Regulations 2025 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

Several public consultations have been run over the course of the development of this policy.

A consultation in 2017-18[5] included questions on restricting promotions. An analysis[6] of this was published in April 2018.

In 2018, following a commitment in A healthier future: Scotland's diet and healthy weight delivery plan,[7] the Scottish Government publicly consulted on proposals[8] to restrict the promotion and marketing of targeted HFSS food and drink ('food') where they are sold to the public. Analysis of the consultation[9] was published in September 2019.

A further consultation[10] on restricting HFSS promotions was conducted in 2022. The independent consultation analysis[11] is available on the Scottish Government website.

Building on feedback from previous consultations the Scottish Government consulted in 2024 on the detail of proposed regulations, seeking views on the following:

- targeted foods within the scope of restrictions;
- price promotions within the scope of restrictions, including meal deals and temporary price reductions;
- the approach to placement restrictions of targeted foods in store and online;
- the qualifying businesses within the scope of restrictions, including proposed exemptions;
- the proposed approach to enforcement and implementation.

The consultation ran from 27 February to 21 May 2024. A total of 362 responses were received and analysed. The number of responses received from individuals was 279, representing 77% of total respondents. The number of responses received from industry (including representative bodies, retailers, manufacturers) was 37, representing 10% of total respondents. The number of responses received from public, and third sector organisations was 46, representing 13% of total respondents.

---

[5] https://www.gov.scot/publications/healthier-future-action-ambitions-diet-activity-healthy-weight-consultation-document/
[6] https://www.gov.scot/publications/healthier-future-action-ambitions-diet-activity-healthy-weight-analysis-consultation/
[7] https://www.gov.scot/publications/healthier-future-scotlands-diet-healthy-weight-delivery-plan/
[8] https://consult.gov.scot/health-and-social-care/reducing-health-harms-of-foods/
[9] https://www.gov.scot/publications/reducing-health-harms-foods-high-fat-sugar-salt-consultation-analysis/
[10] https://www.gov.scot/publications/consultation-restricting-promotions-food-drink-high-fat-sugar-salt/
[11] https://www.gov.scot/publications/consultation-analysis-restricting-promotions-food-drink-high-fat-sugar-salt/

Overall, feedback to the proposals can be summarised as follows:

- **Individuals** gave mixed responses. Support tended to be on the basis that action is needed to support diet and healthy weight. Opposition tended to reflect general disagreement with the overall premise of restricting the sale of particular foods and state intervention. Concerns were also raised around cost-of-living pressures and the impact of restrictions on food prices.
- **Industry stakeholders** were generally supportive of proposals where these align with equivalent regulations for England to minimise regulatory burden; strongly oppose restricting meal deals and temporary price reductions; suggest comprehensive guidance is required to support implementation.
- **Public and third sector stakeholders** were very supportive of proposals, particularly proposals to include temporary price reductions within scope of restrictions; wanted regulations to be as comprehensive as possible to maximise positive public health impact and reduce loopholes.

The independent consultation analysis[12] and Scottish Government policy response[13] have been published.

The consultation ran in parallel with an extensive programme of stakeholder engagement. This included one-to-one meetings and a series of Ministerial roundtable discussions with key stakeholders, industry representative bodies, retailers, out of home sector, manufacturers as well as public health organisations. Overall, the findings from the consultation analysis align with the feedback received during discussions with stakeholders. The findings also broadly echo the feedback to previous consultations (2018 and 2022). Individual responses to the consultation were mixed with general agreement on the need for actions but no consensus on what actions should look like. It should be noted that public consultation respondents are self-selecting, and consultation responses are not necessarily representative of the views of the wider population.

In January 2025, Food Standards Scotland's wave 19 consumer tracking survey[14] of a representative sample of 1009 adults noted that:

- 70% of participants agreed that there are too many promotional offers on foods high in fat, salt and sugar; and
- 54% of participants agreed that promotional offers on foods high in fat, sugar and salt should be banned (an increase of 5% from the wave 18 survey in mid 2024).

[12] https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-analysis/2025/06/consultation-analysis-response-proposed-regulations-restrict-promotions-food-drink-high-fat-sugar-salt/documents/consultation-analysis-response-proposed-regulations-restrict-promotions-food-drink-high-fat-sugar-salt/consultation-analysis-response-proposed-regulations-restrict-promotions-food-drink-high-fat-sugar-salt/govscot:document/consultation-analysis-response-proposed-regulations-restrict-promotions-food-drink-high-fat-sugar-salt.pdf

[13] https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-analysis/2025/06/restricting-promotion-food-drink-high-fat-sugar-salt-hfss-consultation-detail-proposed-regulations-scottish-government-response/documents/restricting-promotions-food-drink-high-fat-sugar-salt-hfss-consultation-detail-proposed-regulations/restricting-promotions-food-drink-high-fat-sugar-salt-hfss-consultation-detail-proposed-regulations/govscot:document/restricting-promotions-food-drink-high-fat-sugar-salt-hfss-consultation-detail-proposed-regulations.pdf

[14] https://www.foodstandards.gov.scot/science-and-evidence/food-in-scotland-consumer-tracker-survey-wave-19

A broad range of evidence, including the feedback to the consultation and outputs from the programme of stakeholder engagement, has been used to inform the final regulations. The approach to restricting the promotion of less healthy food and drink will be consistent with equivalent polices in England and Wales and is expected to deliver positive benefits for public health, whilst minimising regulatory burden for businesses and the potential for costs to be passed through to consumers.

Impact Assessments

A full suite of impact assessments has been completed on the policy and SSI. Impact assessments have been published on the Scottish Government website and are summarised below:

An **Equalities Impact Assessment** has been carried out. Overall, the policy is expected to have a positive impact on public health across all population groups including people with protected characteristics.

The evidence suggests the policy may have differential impacts across different population groups, primarily due to differences in consumption patterns, shopping behaviours and responsiveness to promotions. Children are particularly likely to benefit due to their higher consumption of HFSS foods, though adults and other groups more likely to be affected by obesity, are also expected to see positive outcomes.

Groups more reliant on particular foods within scope of restrictions, such as ready meals, may be marginally impacted by the policy in terms of the affordability of HFSS versions. However, the policy does not restrict the sale of HFSS foods, just the promotion of them, and any effects will be dependent on producer and retailer behaviour. For instance, some products may be reformulated to no longer be assessed as HFSS, and would therefore not be subject to restriction.

Some variation in impact may occur depending on where people shop. For instance, discount retailers use fewer volume-based promotions than supermarkets, so groups more likely on average to shop at discount retailers, e.g. young adults, may benefit less from the policy. However, location-based restrictions will still apply, ensuring positive effects on health due to that aspect of the restrictions.

The policy seeks to make the balance of foods available on promotion healthier which is anticipated to positively impact the health of groups purchasing foods in targeted categories.

A **Fairer Scotland Duty Impact Assessment** was carried out. Overall, the policy is expected to have a positive impact on public health across all population groups including people socio-economically disadvantaged. Those with socioeconomic disadvantage stand to benefit the most due to higher likelihood of eating energy dense diets, being at risk of diet-related health inequalities and with higher rates of obesity than other groups.

There is some evidence to suggest that lower socio-economic groups shop more frequently at discount retailers which may reduce their exposure to promotions and thus the impact of volume based (but not location based) promotion restrictions. The evidence is unclear regarding whether there is a differential response to promotions.

Given current cost of living considerations people experiencing socio-economic disadvantage may be sensitive to product price changes and so could be disproportionately impacted by any cost increases that may result from the implementation of the policy. The decision to be consistent with equivalent policies in England and in Wales is expected to mitigate these concerns, by minimising the regulatory burden and any associated costs for businesses in relation to implementing the policy, which reduces the likelihood of costs being passed to the consumer in the form of higher prices.

A **Children's Rights and Wellbeing Impact Assessment** was carried out. Overall, this found that the regulations to restrict HFSS promotions have the potential to benefit the health of all children living in Scotland and to a greater extent than the general population, because evidence suggests that children consume a higher volume of HFSS products than adults. The policy supports Article 24 which includes children's rights to healthy food. The regulations are expected to improve the food environment, encouraging heathier food choices and supporting people, including children and young people, to maintain a healthy weight in line with the vision for everyone in Scotland to live healthier lives for as long as possible.

An **Island Communities Impact Assessment** was carried out. Overall, this found that regulations to restrict HFSS promotions are not likely to have an effect on an island community which is significantly different from its effect on other communities. Similarly, it is not anticipated that there will be significant effects on a specific island community compared to other island communities.

A **Business and Regulatory Impact Assessment (BRIA)** has been carried out and the impact of the policy on business was considered in detail as part of arriving at a final decision and in the development of regulations. In line with the Better Regulation agenda and principles, extensive engagement was undertaken with business throughout the development of the policy and will continue as business prepares for implementation. Engagement through consultation, round table discussions and one to one meetings has included manufacturers, retailers, wholesalers, trade associations and individuals. The independent Regulatory Review Group was also engaged as the forum for the early identification and mitigation of implementation challenges associated with regulations.

The potential regulatory burden, including costs for business, of regulations was highlighted by stakeholders in feedback to the consultation. Scottish Government considered carefully the potential impact of the policy, balancing impacts on both health and businesses, as part of arriving at its decision on this policy. The final policy to restrict HFSS promotions is consistent with equivalent policies in England and in Wales which is expected to mitigate concerns regarding regulatory burden and minimise potential increased costs as far as possible.

The costs of the policy have been estimated across the primary affected sectors of the economy: retail; manufacturers; and government. This includes the estimated transition costs to businesses, reduced profits, and enforcement costs to local government.

The expected benefits from the policy include reduced NHS and social care costs, increased economic output and improved quality of life from reduced health harms. Estimated changes in calorie consumption from SRUC and University of Aberdeen economic modelling was input into the Department of Health and Social Care Calorie model (v3) to provide estimated monetised benefits.

The estimated costs and benefits of the central modelled scenario is summarised below:

Recurring Costs (annual), 2024 prices	One-off transition costs, 2024 prices	Present Value of costs (25 years), 2024 prices	Benefits Present Value (25 years), 2024 prices	Net Present Value (25 years), 2024 prices
£1.7million	£1.9million	£29.5million	£2287.4million	£ 2258million

Other impact assessments

Consideration was given to the range of impact assessments available. After completing screening, it was concluded that the Strategic Environmental Assessment and the Data Protection impact assessment were not required. The environmental effects of the policy are expected to be minimal and there is no impact on data protection. Full assessments have therefore not been completed.

Financial Effects

The policy regulates the sale of targeted HFSS products and is expected to have a negligible effect on central government expenditure. The policy will be enforced by local authorities, with potential costs set out in the BRIA. Scottish Government is supporting COSLA and local authorities with preparing for enforcement, including ensuring adequate resource to support implementation.

Scottish Government
Population Health Directorate
29 October 2025