



Consultation on proposals to improve the Out of Home food environment in Scotland

Food Standards Scotland

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Consultation Document



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Introduction by Food Standards Scotland Chair

Food Standards Scotland's primary concern is consumer protection and our vision is to deliver a food and drink environment in Scotland that benefits, protects and is trusted by consumers.

This includes a statutory duty to improve the extent to which people in Scotland have diets conducive to good health. Our aim is to enable everyone to eat well, have a healthy balanced diet and make more good food choices when they are eating in and out of the home.

In Scotland, we eat out a lot. This includes when we are 'on the go', for example grabbing something quick for lunch or picking up a hot drink and snack on the way to work. Eating out is now a big part of our everyday lives and therefore we need to adapt to this significant change in our eating environment. However, many of the choices in the Out of Home sector can be less healthy and lead to us eating more than we realise. Over time this easy access to high calorie food and drink will contribute to weight gain.

Obesity and diet related ill health is one of Scotland's biggest health concerns, costing around £4.6 bn every year. With two thirds of adults in Scotland already overweight or obese, the health consequences of a poor diet are already very real and they impact the nation's economy and productivity. It is estimated that up to a quarter of our calories may come from eating outside the home, so it is important that the out of home sector plays its part to improve the Scottish diet.

This consultation takes into account the diversity of the out of home sector and we welcome any positive actions that the sector is already taking to support healthier choices. However, given that this sector is projected to grow, change is needed now to make out of home food and drink healthier. Clear calorie labelling is also crucial to enable consumers to make informed choices about the food they buy and eat outside the home.

For the past 20 years we have been missing our Scottish Dietary Goals. There is no single solution to tackle our poor diet and this is reflected in the wide range of actions presented in the Scottish Government Diet and Healthy Weight Delivery Plan, which includes the proposal to develop an Out of Home Strategy for Scotland. The responses to this consultation will help inform FSS' recommendations to Ministers on the development of this Strategy. The Out of Home sector has an important part to play in helping deliver our vision of a healthier Scotland.

Ross Finnie, Chair of Food Standards Scotland.

Proposals to improve the Out of Home food environment in Scotland

1. Purpose of this document

The proposal to develop an Out of Home Strategy for Scotland was included in the recently published Scottish Government (SG) Diet and Healthy Weight Delivery Plan, which sets out a package of actions designed to help people make healthier choices, change their eating habits and live healthier lives.¹

The measures proposed in this Food Standards Scotland (FSS) consultation are designed to complement and contribute to the actions encompassed within the SG Diet and Healthy Weight Delivery Plan. Responses to these measures will help inform the development of recommendations.

In line with the Scottish Dietary Goals², caterers, manufacturers and suppliers across public, private and voluntary sectors will need to consider and adopt a number of different types of measures which are primarily focussed on the reduction of calories³, fats, sugars and salt.

FSS is therefore consulting on proposals to improve the Out of Home environment which will help inform FSS' recommendations to Ministers on the development of a Scottish Government Out of Home Strategy. As part of on-going strategic development, FSS will undertake business impact assessments on the elements of the Strategy.

¹ The Scottish Government. A healthier future. Scotland's diet and healthy weight delivery plan (2018): <https://www.gov.scot/Publications/2018/07/8833>

² The Scottish Government. Revised Dietary Goals for Scotland (2016): <https://www.gov.scot/Resource/0049/00497558.pdf>

³ Calories shortened expression of kilocalories (kcal)

2. Introduction

Scotland's food and drink sector is a real success story, making an important contribution to the economy and society. However, as a nation we have a diet that is too high in calories, fats, sugars and salt. The prevalence of diet related diseases such as type 2 diabetes, heart disease and some cancers, as well as overweight and obesity remains stubbornly high,⁴ affecting all sectors of the Scottish population.⁵ The most deprived areas are disproportionately affected.⁵ We cannot continue on our current health trajectory.

Eating outside the home can contribute to our excess intakes of calories, fats, sugars and salt. The issue is not so much about the occasional indulgence or treat as eating out is now commonplace and part of everyday life in Scotland. Whether it's grabbing something for breakfast on the way to work, buying a sandwich for lunch, meeting friends for coffee and cake, ordering a takeaway or enjoying family meals out together, it all counts. It has been estimated that, on average, up to 25% of our calories may come from eating out.⁶ Given that the Out of Home sector is projected to grow,⁷ its' impact on diet and health will become increasingly significant.

Almost all of us (98%) eat outside the home at some point over the year. We make around 960 million visits to Out of Home establishments each year in Scotland.⁸

Food education and personal responsibility have a part to play in changing the way we eat and the choices we make. However, we know that relying on education and personal responsibility will not drive the scale of change needed to improve diet and health in Scotland, nor will it reduce the inequalities gap. For this reason, the focus of this consultation is specifically on the contribution the Out of Home sector could make to help Scotland become a healthier nation.

We recognise that the Out of Home sector is diverse, with businesses varying in size, business models, and customer bases. Also, many establishments no longer prepare dishes from scratch which means that food provided by suppliers is an important part of the Out of Home landscape. Taking account of this diversity, the responses we receive from this consultation will be used to guide the development of an overarching Out of Home Strategy for consideration by the FSS Board, with recommendations from FSS being provided to Scottish Ministers in 2019.

⁴ The Scottish Government. Scottish Health Survey 2017 (2018): <https://www.gov.scot/Publications/2018/09/9247>

⁵ The Scottish Diet – It needs to change 2018 update (2018): <https://www.foodstandards.gov.scot/publications-and-research/publications/the-scottish-diet-it-needs-to-change-2018-update>

⁶ Public Health England. Sugar Reduction: Achieving the 20%. A technical report outlining progress to date, guidelines for industry, 2015 baseline levels in key foods and next steps (2017): <https://www.gov.uk/government/publications/sugar-reduction-achieving-the-20>

⁷ NPD Group. Continuing strength of delivery to bring home the bacon in Britain's food service industry over next two years (press release, 2018): <https://www.npdgroup.co.uk/wps/portal/npd/uk/news/press-releases/continuing-strength-of-delivery-to-bring-home-the-bacon-in-britains-foodservice-industry-over-next-two-years/>

⁸ Food Standards Scotland 2018 data purchased from Kantar Worldpanel, report in preparation.

2.1 The Scottish Out of Home landscape

There are an estimated 39,000 Out of Home businesses in Scotland, see Annexe D for breakdown. Approximately half of Out of Home visits in Scotland are made to branded businesses and half are made to independent businesses.⁹

We eat out around three or four times a week. This may seem a lot but when you consider that lunch and snack times are the most popular times to eat out, this is perhaps less surprising. Most visits are made to shops and supermarkets, fast food outlets and takeaways, coffee shops and bakeries.⁹

Chips, cakes and pastries, specialty coffees and sugary soft drinks are among the top foods and drinks purchased outside the home.⁹ Given the high calorie content of these types of foods¹⁰, there is a need to rebalance the Out of Home offering towards more nutritious lower calorie menu options. This is supported by consumers reporting that they would like more healthy options when eating out.¹¹

2.2 Out of scope

The following areas are out with the scope of this consultation.

2.2.1 School Food

Scottish Government has already consulted on proposed changes to the statutory school food regulations. Therefore, school food is not covered in this Out of Home consultation.¹²

2.2.2 Food provided for hospital patients

Standards relating to food for hospitals patients¹³ are covered by separate guidance and therefore not covered in this Out of Home consultation.

2.2.3 Prison food

For the purposes of this consultation prison food is not considered as Out of Home as NHS Health Scotland is already working with the Scottish Prison Service in this area.

2.2.4 Promotion and marketing of targeted HFSS foods Out of Home

The promotion and marketing of discretionary high fat, sugar or salt food (HFSS) categories including, among other things, confectionery, biscuits, cakes, savoury snacks and sugary soft drinks, where they are sold to the public is subject to a

⁹ Food Standards Scotland. An assessment of the out of home food and drink landscape, 2015 (2016): <https://www.foodstandards.gov.scot/publications-and-research/publications/an-assessment-of-the-out-of-home-food-and-drink-landscape-in-scotland>

¹⁰ For the purpose of this consultation 'food' refers to food and drink

¹¹ Food in Scotland Consumer Tracking Survey - Wave 6 (2018): <https://www.foodstandards.gov.scot/news-and-alerts/food-standards-scotland-research-shows-healthy-eating-remains-a-top-concern-for-scots>

¹² The Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008: <https://www.legislation.gov.uk/sdsi/2008/9780110816456/contents>

¹³ NHS Health Facilities Scotland. Food in Hospitals (2016): <https://news.gov.scot/news/hospital-food>

separate Scottish Government consultation on reducing health harms of foods high in fat, sugar or salt.¹⁴ Measures relating to the promotion and marketing of these foods Out of Home are therefore excluded from this FSS consultation.

2.3 Scope of this Out of Home consultation

With the exception of the parts of the Out of Home sector detailed in 2.2 above, this consultation covers all the food and drink we eat outside the home. This includes the food we eat 'on the go' such as on the way to work, school or home, at lunch or snack times or when commuting.

Included are:

- Cafes, all types of restaurants, takeaways, pubs/bars, vending machines, workplace canteens, hotels, leisure and entertainment venues.
- Supermarkets and convenience stores who provide "food on the go"
- Places where we purchase food when commuting or travelling.
- Manufacturers and suppliers of food and drink to the Out of Home sector
- Food delivery services, including online.

Question 1

Do you agree that the businesses listed above should be included within an Out of Home strategy for Scotland?

- Yes
- No

If No, please explain.

¹⁴ The Scottish Government. Reducing health harms of foods high in fat, sugar or salt (2018): <https://consult.gov.scot/health-and-social-care/reducing-health-harms-of-foods/>

3. Calorie reduction

Many Out of Home foods are too high in calories which is why calorie reduction is at the heart of this consultation. The high calorie content of many options can make it very easy for us to unwittingly eat more than we need or want.

Many Out of Home options contribute disproportionately to recommended daily intakes of around 2500 calories for men and 2000 for women.¹⁵ Evidence shows that food purchased outside the home is skewed towards less healthy choices.¹⁶ Large portion sizes, excess fats, added sugars and insufficient fruits and vegetables all contribute to the problem.

As it is common for us to order more than one course, the calorie content of a full meal can be very high. Increased choice can also lead to increased calorie intake.¹⁷ For example, multiple small plates or sharing plates can contain more calories than a single standard dish and cause us to eat more than we realise.

Reducing portion size can be used as a means of reducing calories. On the other hand, setting ideal portions is not a solution given that individual requirements for calories vary depending on age, gender, height and body weight. The quest for ideal portion sizes is further complicated by recipe composition. For example, the calorie content of a lasagne can vary depending on the ingredients used with little or no perceivable change in portion size. Therefore, prescribing a portion size for a lasagne is not feasible. However, a general commitment to reduce portion sizes or alternatively to set calorie or energy density limits are plausible options.

Whilst we cannot prescribe ideal portion sizes, there are a number of other ways in which calories may be reduced.

- Reducing portion sizes of energy dense foods
- Replacing energy dense foods with low energy dense foods
- Tackling menu items containing excessive calories
- Providing small or half portions

¹⁵ Ormston, R., McAteer, G. and Hope, S. Informed decisions? Availability of nutritional information for a sample of out of home food outlets in Scotland (2017) Food Standards Scotland: <https://www.foodstandards.gov.scot/publications-and-research/publications/availability-of-nutritional-information-for-a-sample-of-out-of-home-food-ou>

¹⁶ Food Standards Scotland. An assessment of the out of home food and drink landscape, 2015 (2016): <https://www.foodstandards.gov.scot/publications-and-research/publications/an-assessment-of-the-out-of-home-food-and-drink-landscape-in-scotland>

¹⁷ Raynor, H.A. and Epstein, L.H. Dietary variety, energy regulation and obesity (2001). Psychological Bulletin, 127 (3), 325:41: https://www.researchgate.net/publication/11946738_Dietary_variety_energy_regulation_and_obesity

3.1 Energy dense foods

The high calorie content of many Out of Home options indicates that portion sizes are too large. For example cakes, biscuits and pastries purchased Out of Home have been shown to contain twice as many calories compared with similar items in supermarkets.¹⁸

Online information collected from popular eating out establishments, shows that a quarter of main meals contain in excess of 1000 calories, equivalent to half an average woman's daily calorie requirement.¹⁹ In addition, a recent survey of a sample of chips shops in Glasgow showed the average portion of chips was close to 1000 calories, indicating very large portions.²⁰

3.2 Low energy dense foods

While portions of energy dense foods should reduce, it would be helpful to **increase** portions of vegetables and fruits. Not only do they provide essential nutrients but they also have a low energy density (calories per 100g). This means they can add bulk to dishes and replace high energy dense ingredients. Replacing fats and sugars, which we know are consumed in excess by the Scottish population,²¹ with fruit and/ or vegetables is therefore an important way of improving the nutritional quality and reducing calories of meals and dishes provided Out of Home.

Table 1 below provides examples of the wide range of calories in foods commonly eaten outside the home. This shows that there is considerable scope to reduce calories and still have our favourite foods.

Table 1 – Approximate calorie ranges of common menu items*

Food Type	Approximate calorie ranges
Cooked Breakfasts	500 - 1570
Fish and Chips	650 - 1900
Burger and Chips	470 - 1900
Pizzas	380 - 1600
Starters and Small Plates	140 - 1730
Sandwiches and wraps	160 - 700
Paninis and Baguettes	220 - 1000
Chips/Fries	220 - 1440
Sides (excl. regular chips/fries)	70 - 910
Desserts	150 - 1420
Cinema popcorn	210 - 1180
Cakes and pastries	60 - 760
Specialty Coffee (excl. black coffee)	50 - 420
Milkshakes	200 - 1030
Food on the go meal deals	200 - 1500

* Source: consumer information, available online or on printed materials.

¹⁸ Public Health England. Sugar Reduction: Achieving the 20%. A technical report outlining progress to date, guidelines for industry, 2015 baseline levels in key foods and next steps (2017): <https://www.gov.uk/government/publications/sugar-reduction-achieving-the-20>

¹⁹ Ormston, R., McAteer, G. and Hope, S. Informed decisions? Availability of nutritional information for a sample of out of home food outlets in Scotland (2017). Food Standards Scotland: <https://www.foodstandards.gov.scot/publications-and-research/publications/availability-of-nutritional-information-for-a-sample-of-out-of-home-food-ou>

²⁰ Obesity Action Scotland. Chips to go (2018): <http://www.obesityactionsotland.org/media/1203/chips-factsheet2.pdf>

²¹ Food Standards Scotland. The Scottish diet, it needs to change. 2018 update (2018): <https://www.foodstandards.gov.scot/publications-and-research/publications/the-scottish-diet-it-needs-to-change-2018-update>

3.3 Addressing excess calories

Caterers, manufacturers and businesses who supply food for the catering industry all have a role in reducing calories and resetting the norms away from excessive consumption. There are many ways in which calories may be reduced. It is likely that multiple measures will be required to reduce calories and that no single measure will be sufficient overall.

Possible measures which caterers, retailers, manufacturers and businesses who supply food could adopt to reduce calories include:

- reducing portion sizes
- changing recipes e.g. by reducing fats and sugars and increasing fruit/vegetable/bean/pulses and fibre content
- applying maximum calorie limits
- applying maximum energy densities (calories per 100g)
- ensuring **single serve packs** of products such as soft drinks, confectionery and savoury snacks are available as an alternative to large packs containing multiple servings (e.g. standard size packets of crisps rather than 'grab bags')
- redesigning menus to exclude very high calorie menu items.

Question 2

Which of the following measures should be taken to reduce excessive calorie contents of food and drinks eaten outside the home?

Please tick as many as you think apply.

- reducing portion sizes
- changing recipes e.g. by reducing fats and sugars and increasing fruit/vegetable/bean/pulses and fibre content
- applying maximum calorie limits
- applying maximum energy densities (calories per 100g)
- ensuring **single serve packs** are available as an alternative to packs containing multiple servings
- excluding very high calorie menu items
- Other (please specify)

Please explain your answer/s.

3.4 Provision of small or half portions

As well as redesigning recipes and menus, Out of Home businesses should make small or half portions of standard menu items widely available.

Not all customers want large portions. Those with smaller appetites and those who are watching their weight may appreciate not feeling overwhelmed by large portions or wasting food on the plate. Results from the FSS Food in Scotland consumer tracking survey suggests that the majority of people in Scotland (79%) support greater availability of small and half portions of standard menu items.²²

Customers should be offered the choice of smaller portions when eating out. By this we mean smaller portions of meals and discretionary foods such as puddings, biscuits, cakes and pastries. The provision of **multiple** small plates however can be more calorific than a single standard meal and therefore this should not be taken as a way of fulfilling the requirement for small or half portions.

Question 3

Do you agree that consumers should routinely have easy access to small or half portions?

- Yes
- No

Please explain your answer.

²² Food in Scotland Consumer Tracking Survey - Wave 6 (2018): <https://www.foodstandards.gov.scot/news-and-alerts/food-standards-scotland-research-shows-healthy-eating-remains-a-top-concern-for-scots>

4. Consumer Information

Consumers have the right to calorie and nutrition information about the food they eat outside the home.

Calorie labelling helps us make informed choices about the food we buy and eat. This information is readily available on pre-packaged products we buy in shops and supermarkets, but currently there is insufficient information to allow us to make the same informed choices when eating out.

There are two distinct places where consumers may be able to find nutrition information about food eaten outside the home. These are:

- calorie labelling at the point of choice e.g. on menus, labels on shelves and display cases and on web pages where consumers select the food items they wish to purchase for delivery or collection
- more comprehensive nutritional information provided online or on printed materials.

4.1 Calorie Labelling at point of choice

In the same way that price information is clearly visible, calorie labelling at the point of choice should be available to help us make informed decisions about the food and drink we purchase when eating out. By this, we mean calorie labelling on menus, labels on shelves or display cases, and on web pages where consumers select the food items they wish to purchase for delivery or collection.

Emerging evidence now shows that calorie labelling on menus reduces calorie intakes.²³ It is also evident that calorie labelling can be a driver for businesses to change their recipes to reduce calories in their dishes.²⁴

It has been estimated that only a quarter of Out of Home businesses currently provide calorie labelling at the point of choice.²⁵ This contrasts starkly with the near universal provision of calorie and nutrient information on pre-packaged products available in retail outlets.

The FSS Food in Scotland consumer tracking survey shows consumer demand for calorie labelling in Scotland, with 68% of participants agreeing that cafés and restaurants should display calories on menus.²⁶ A similar picture exists for other

²³ Crockett, R.A., King, S.E., Marteau, T.M. et al. Nutritional labelling for healthier food or non alcoholic purchasing and consumption (2018). Cochrane Database of Systematic Reviews: <http://cochranelibrary-wiley.com/doi/10.1002/14651858.CD009315.pub2/full>

²⁴ Food Standards Scotland. An evaluation of a pilot on the use of MenuCal within small and medium Scottish food businesses (2018): <https://www.foodstandards.gov.scot/publications-and-research/publications/an-evaluation-of-a-pilot-on-the-use-of-menucal-within-small-and-medium-scot>

²⁵ Department of Health. Public Health Responsibility Deal (2013): <http://webarchive.nationalarchives.gov.uk/20130104155639/http://responsibilitydeal.dh.gov.uk/>

²⁶ Food in Scotland Consumer Tracking Survey - Wave 6 (2018): <https://www.foodstandards.gov.scot/news-and-alerts/food-standards-scotland-research-shows-healthy-eating-remains-a-top-concern-for-scots>

parts of the UK with Public Health England (PHE) reporting 79% of survey respondents in favour of calorie labelling²⁷ and Diabetes UK showing a demand of around 60%.²⁸

Whilst the responsibility for calorie labelling lies with the businesses who sell food to consumers, those who supply ready-prepared food or meal components for assembling on the premises also have a responsibility to provide clear nutritional information to support the businesses they supply.

Businesses who provide calorie information online should also ensure that this information is provided at the point of choice, where it is most visible and relevant. It is not valid to argue that because calorie information is available on a website that there is no need to also provide it at the point of choice.

4.1.1 Support for smaller businesses to provide calorie labelling

Many businesses have the resource required to access and use commercially available nutrition programmes to calculate the calorie content of their menu items. FSS recognises that this may not be the case for smaller businesses where calorie labelling may be more burdensome. Therefore, with small businesses in mind, FSS has purchased and piloted MenuCal,²⁹ a free to access online tool that can be used to assist with calorie and allergen labelling.

MenuCal ensures that each user has their own secure account where their recipes and menus can be stored. MenuCal can be found at the following link:
<https://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/menucal>

Question 4

Should calorie labelling at the point of choice* apply in Scotland?

**point of choice includes calorie labelling on menus, labels on shelves or display cases, and on web pages where consumers select the food items they wish to purchase*

- Yes
- No

Please explain your answer.

²⁷ Public Health England. Calorie reduction: The scope and ambition for action (2018):

<https://www.gov.uk/government/publications/calorie-reduction-the-scope-and-ambition-for-action>

²⁸ Diabetes UK. Public Views on food labelling survey (2018): http://www.comresglobal.com/wp-content/uploads/2018/03/J303701_Diabetes-UK_Food-Labelling_Data-Tables_January-2018.pdf

²⁹ Food Standards Scotland. An evaluation of a pilot on the use of MenuCal within small and medium Scottish food businesses (2018): <https://www.foodstandards.gov.scot/publications-and-research/publications/an-evaluation-of-a-pilot-on-the-use-of-menucal-within-small-and-medium-scot>

Question 5

As a food business, would MenuCal help you to provide calorie labelling?

- Yes
- No

Please explain your answer.

Question 6

As a food business, what additional support would you require to provide calorie labelling?

4.2 Mandatory or voluntary calorie labelling at point of choice

There may be a case for **mandatory** rather than voluntary calorie labelling.³⁰ Recently, the UK Department of Health and Social Care (DHSC) launched a consultation on **mandatory** calorie labelling in **England only**.³¹

Question 7

Should calorie labelling at point of choice be made mandatory in Scotland?

- Yes
- No

Please explain your answer.

In its' consultation the DHSC makes reference to specific exemptions from mandatory calories labelling for different sizes of business.

Question 8

Should any business be exempt from mandatory calorie labelling at the point of choice?

- Yes
- No

If yes, which types of business should be exempt and why?

³⁰ Food Standards Scotland. Diet and nutrition board paper. Proposals for setting the direction for the Scottish diet (2016): <http://www.foodstandards.gov.scot/publications-and-research/fss-board-meeting-20-january-2016>

³¹ Department of Health and Social Care. Mandating calorie labelling in the out of home sector (2018): <https://consultations.dh.gov.uk/obesity/mandating-calorie-labelling/>

4.3 Full nutrition information for consumers

Around 60% of branded businesses produce nutrition information, of varying quality, on websites³² and many also provide it on printed materials, such as leaflets and tray liners. This information should be standardised to ensure that it can be used to compare different menus and menu choices directly and clearly.

Currently, it can be hard to tell what the nutritional information provided refers to. For example, the nutrition information for a ‘burger’ may relate to a number of possibilities such as the burger alone, the burger and bun or the burger, bun and chips. This needs to be changed so that descriptions of the menu items are fully transparent.

We are aware that there is recognition within the sector that businesses should display nutritional information in a standard way. Therefore a standard should be developed to include a full description of the food/drink, the portion weight and nutritional information expressed per portion and per 100g/mls, as shown in **Table 2** below.

Table 2 – Proposed standard for the provision of calorie and nutrition information Out of Home

Clear description of menu items corresponding to the nutritional information provided	<i>e.g. Chicken burger, bun and salad</i>	
Portion size (g/ml)*		
	Per portion	Per 100g/100ml
Energy (kcal)		
Energy (kj)		
Fat (g)		
Saturated fat (g)		
Total carbohydrate (g)		
Sugars (g)		
Protein (g)		
Salt (g)		
<p><i>* Where a menu item could reasonably be consumed by more than one individual (e.g. pizza) then the number of portions contained in the item should also be stated (e.g. one portion is ½ a 10 inch pizza).</i></p>		

³² Ormston, R., McAteer, G. and Hope, S. Informed decisions? Availability of nutritional information for a sample of out of home food outlets in Scotland (2017). Food Standards Scotland: <https://www.foodstandards.gov.scot/publications-and-research/publications/availability-of-nutritional-information-for-a-sample-of-out-of-home-food-ou>

Question 9

Where nutrition information is provided online and on printed materials should it be standardised in the way set out in the table above?

- Yes
- No

Please explain your answer.

Question 10

Where nutrition information is provided online and on printed materials, should it be **mandatory** that it is standardised in the way set out in the table above?

- Yes
- No

Please explain your answer.

5. Promotion and marketing

As a result of promotion and marketing, consumers may purchase more calories than originally intended. However, there is an opportunity to use promotion and marketing to encourage consumers to choose healthier options.

5.1 Out of scope

There is a separate SG consultation on reducing health harms of discretionary HFSS foods where they are sold to the public, which includes confectionery, biscuits, cakes, savoury snacks and soft drinks with added sugar.³³ Therefore the **promotion and marketing of discretionary HFSS foods**, where they are sold to the public, is excluded from this Out of Home consultation.

5.2 In scope

In addition to possible SG mandatory measures for discretionary foods, we plan to encourage food business to take their own measures to change their promotion and marketing practices. This includes seeking reductions in upselling and upsizing of non-discretionary HFSS foods and reductions in the promotion and marketing of large or multiple portions. Such deals may be viewed as offering good value for money. However, when set against longer term consequences such as overweight and obesity related health harms, the value of such practices to the consumer must be questioned.

Evidence shows that the types of foods purchased outside the home are skewed towards less healthy choices³⁴ and therefore this needs to be rebalanced. Positive promotion and marketing of healthier food choices would be a key step to address this.

Food outside the home could be improved by:

- businesses dropping practices that encourage overconsumption
- businesses positively marketing and promoting fruit and vegetables
- raising consumer awareness and motivating behaviour change through the use of social marketing campaigns such as the recent FSS 'say no to upsizing' campaign.³⁵

³³ The Scottish Government. Reducing health harms of foods high in fat, sugar or salt (2018): <https://consult.gov.scot/health-and-social-care/reducing-health-harms-of-foods/>

³⁴ Food Standards Scotland. An assessment of the out of home food and drink landscape, 2015 (2016): <https://www.foodstandards.gov.scot/publications-and-research/publications/an-assessment-of-the-out-of-home-food-and-drink-landscape-in-scotland>

³⁵ Food Standards Scotland (2018): <https://www.foodstandards.gov.scot/consumers/healthy-eating/its-time-to-say-notoupsizing>

Question 11

Which actions would change promotion and marketing practices to support healthier eating outside the home?

Please tick as many as you think apply.

- businesses dropping practices that encourage overconsumption
- businesses positively marketing and promoting healthier choices
- raising consumer awareness through the use of social marketing campaigns
- other (please specify)

Please explain your answer.

6. Children and young people eating outside the home

We need to change the culture in Scotland to ensure that children and young people have access to a wide range of healthy food choices when eating out.

In Scotland, the aim is to halve childhood obesity by 2030.³⁶ We all have a responsibility to ensure that the food provided for children supports a healthy diet. The Out of Home industry has a part to play to help us achieve this and to ensure that children and young people have access to food of good nutritional quality to support their growth and development. There is public support for action to improve children's food Out of Home, with around 80% of people agreeing that children's menus should be healthier.³⁷ The practice of providing separate children's menus is commonplace across the UK. This may be less common in other parts of Europe where children and young people may be more likely to eat the same types of food as adults when eating out. Children in Scotland would benefit from being able to experience a wider range of food when eating outside the home.

6.1 Food provided in the vicinity of schools

Children and young people have many opportunities to access food and drink 'on the go' over the course of a day or week, including on the way to and from school. Whilst food provided in schools is regulated, food purchased out with school is not. In a sample of 13-15 year olds around 75% bought food and drink out with school twice a week, rising to 90% in more deprived areas. These young people purchased food and drink from takeaways, newsagents, supermarkets, grocery or corner shops. Items frequently purchased at lunchtime included chips, sandwiches, and discretionary products such as confectionery, crisps and savoury snacks, and sugary soft drinks.³⁸

Planning policy has been identified as a potential lever for changing the Out of Home environment including in the vicinity of schools.^{39, 40, 41, 42} A Planning (Scotland) Bill is currently being considered by the Scottish Parliament. Once the Bill has concluded its Parliamentary process, SG will then conduct a review of the Scottish Planning Policy. This is currently envisaged to commence in 2019. The review will include

³⁶ The Scottish Government. A healthier future. Scotland's diet and healthy weight delivery plan (2018): <https://www.gov.scot/Publications/2018/07/8833>

³⁷ Food in Scotland Consumer Tracking Survey - Wave 6 (2018): <https://www.foodstandards.gov.scot/news-and-alerts/food-standards-scotland-research-shows-healthy-eating-remains-a-top-concern-for-scots>

³⁸ Wills, W.J., Kapetanaki, A., Rennie, K. et al. The influence of deprivation and food environment on food and drink purchased by secondary school pupils beyond the school gate (2015). Food Standards Scotland: <https://www.foodstandards.gov.scot/publications-and-research/publications/food-and-drink-purchasing-by-secondary-school-pupils-beyond-the-school-gate>

³⁹ Foresight, Tackling Obesity: Future Choices https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287937/07-1184x-tackling-obesity-future-choices-report.pdf

⁴⁰ Food Standards Scotland. Diet and nutrition board paper. Proposals for setting the direction for the Scottish diet (2016): <http://www.foodstandards.gov.scot/publications-and-research/fss-board-meeting-20-january-2016>

⁴¹ Food Standards Scotland Board paper, Setting the direction for the Scottish diet one year on (2017) <http://www.foodstandards.gov.scot/publications-and-research/fss-board-meeting-8-march-2016>

⁴² Beyond the School Gate - Improving Food Choices in the School Community <https://www2.gov.scot/Publications/2014/05/4143/downloads>

public engagement which will allow SG to explore a range of topics, including the food environment, with interested groups and individuals.

Question 12

What types of actions could be taken to improve the food provided Out of Home in the vicinity of schools?

6.2 Children eating Out of Home

Evidence shows that children up to 12 years have more ice cream, breaded chicken, sugary drinks, chips and burgers when eating out than the adults they are accompanied by.⁴³ This reflects the general nature of children's menus which can contain a limited selection of healthy options, often offered at a low price to attract families into restaurants.

Children's menus have fewer choices than the full menu and they frequently include products such as sugary drinks and ice cream as well as breaded/fried savoury items. High sugar desserts are also commonly on offer. It is of concern that around a fifth of children's meals, where information is provided, contain high levels of salt.⁴⁴ Around 80% of consumers agree that children's menus should offer more healthy choices.⁴⁵ Children would benefit by being exposed to as wide a range of choices and food experiences as the adults that they are with. For these reasons we would like to explore whether there is a place for menus specifically targeted at children in Scotland.

On the other hand, there are some businesses that have adopted better practices regarding children's menus, for example by offering fruit and/or vegetables, plain milk and tap water as standard.⁴⁶ These practices could be considered as a basis for improving children's menus to ensure they support healthy eating.

⁴³ Food Standards Scotland. An assessment of the out of home food and drink landscape, 2015 (2016): <https://www.foodstandards.gov.scot/publications-and-research/publications/an-assessment-of-the-out-of-home-food-and-drink-landscape-in-scotland>

⁴⁴ Ormston, R., McAteer, G. and Hope, S. Informed decisions? Availability of nutritional information for a sample of out of home food outlets in Scotland (2017). Food Standards Scotland: <https://www.foodstandards.gov.scot/publications-and-research/publications/availability-of-nutritional-information-for-a-sample-of-out-of-home-food-ou>

⁴⁵ Food in Scotland Consumer Tracking Survey - Wave 6 (2018): <https://www.foodstandards.gov.scot/news-and-alerts/food-standards-scotland-research-shows-healthy-eating-remains-a-top-concern-for-scots>

⁴⁶ Setterfield, L., Eunson, J. and Murray, L. Marketing strategies used within premises by a sample of out of home businesses in Scotland (2018): Food Standards Scotland. <http://www.foodstandards.gov.scot/publications-and-research/marketing-strategies-used-within-premises-by-out-of-home-businesses>

Question 13

Which of the following should be changed to improve food provided for children:

Please tick as many as you think apply.

- Less reliance on menus specifically for children
- Provision of children's portions from adult menu items
- Increased use of vegetables and fruit in dishes, sides and desserts
- Reduced reliance on breaded/fried products
- Reduced reliance on chips
- Plain water and milk offered as standard options
- Reduction of drinks with added sugar
- Reduction of high sugar dessert options
- Reduction of confectionery and crisps
- No changes are required
- Other (please specify)

Please explain your answer/s.

7. Enabling change

Award schemes which recognise and promote good practice may encourage businesses to provide healthier food and better consumer information. In turn this may support and encourage consumers to make positive choices when eating out.

Currently in Scotland, the *healthyliving award* (HLA)⁴⁷ recognises businesses that meet agreed nutrition criteria. This is set to improve the balance of menus towards healthier choices through changing the provision, preparation and promotion of food options. The HLA has achieved success in specific subsectors of the Out of Home market, in particular hospitals, community and office/work settings. However, to date the HLA only reaches a fraction of Out of Home establishments in Scotland. Given the scale of the challenge we face in improving Scotland's poor dietary health, other approaches with a broader reach must now be considered.

The Scottish Government's Health Care Retail Standard (HRS) applies to retailers in health care settings such as hospitals, who provide food 'on the go' including meal deals for visitors and staff. The HRS is based on nutrition criteria which is set to improve the balance of provision and promotion of healthier foods in these settings.⁴⁸

Going forward, we would like to ensure that **all** businesses are able to make changes and respond positively to an increasing consumer demand for healthier options. We recognise that any future recognition scheme(s) will need to be flexible to accommodate different business types and that more than one approach may be required to encompass the diversity of the sector.

Question 14

Do you agree that recognition schemes are an effective means of supporting healthier eating in the Out of Home sector?

- Yes
- No

If yes, please outline your views on the key components required for a flexible recognition scheme(s)

If no, what other approaches would enable businesses to make the changes needed?

⁴⁷ healthyliving award (2018): <http://www.healthylivingaward.co.uk/caterers/what-do-i-need-to-do>

⁴⁸ The Scottish Government. Criteria for the healthcare retail standard (2016): <https://www.gov.scot/Publications/2016/07/2024>

8. The public sector as an exemplar

Food and drink served within the Scottish public sector should provide a positive example and set the standard for healthy eating, even where catering services are contracted out.

The public sector provides food to a large number of people in various settings including health and social care, prisons, schools, government, local authorities, leisure centres, and visitor attractions.

The expectation is that all public sector establishments should act as an exemplar by providing calorie labelling, taking action to reduce calories and making improvements to children's food where applicable.

By providing an example of healthy eating, public sector establishments have the opportunity to positively influence personal and family food choices and contribute to changing social norms.

Question 15

Do you agree that the following actions should be adopted by the public sector?
This includes health and social care settings, local authorities, leisure centres and visitor attractions, including where catering services are contracted out.

Note this question does not apply to school food, hospital food for patients or prison food.

- Calorie labelling at the point of choice
- Reducing portion sizes
- Provision of small or half portions
- Changing recipes to lower calories by reducing fats and sugars and increasing fruit/vegetable/bean/pulses and fibre content
- Caterers redesigning menus to exclude very high calorie menu items
- Improvements to food for children where served
- No promotion or marketing of HFSS foods, including no upselling or upsizing

Yes

No

Please explain your answer.

9. Inequality

We are aware that people living in the most deprived areas are disproportionately affected by poor diet and health in Scotland. In taking forward an Out of Home Strategy, FSS will consider potential impacts of any proposed changes to the Out of Home sector on the people of Scotland by undertaking an inequalities impact assessment. Therefore to help inform this assessment, please consider the question below.

Question 16

Would the proposals outlined in this consultation impact on the people of Scotland with respect to:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Ethnicity
- Religion or belief
- Sex
- Sexual orientation
- Socioeconomic disadvantage

Please explain your answer, considering both potentially positive and negative impacts, supported by evidence, and, if applicable, advise on any mitigating actions we should take.

10. Any other comments

Question 17

Please outline any other comments you wish to make.

18. Annexe A – Consultation Process

Responding to this Consultation

1. We are inviting responses to this consultation by 28th February 2019.
2. Please respond to this consultation using the Food Standard Scotland's consultation hub, Citizen Space. You can access and respond to this consultation online at: <https://consult.foodstandards.gov.scot/nutrition-science-and-policy/proposals-to-improve-the-out-of-home-environment-i>
3. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 28th February 2019.

Handling your response

4. If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and treat it accordingly.
5. All respondents should be aware that Food Standards Scotland is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.
6. If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document to:

Proposals to Improve the Out of Home Food Environment Consultation
Food Standards Scotland
Pilgrim House
Old Ford Road
Aberdeen, AB11 5RL
7. To find out how we handle your personal data, please see our privacy policy: <https://www.foodstandards.gov.scot/privacy>.

Next steps in the process

8. Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <https://consult.foodstandards.gov.scot/>. If you use the consultation hub to respond, you will receive a copy of your response via email.

9. Following the closing date, where consent has been given, responses will be analysed and considered along with any other available evidence.
10. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

11. If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at dietpolicy@fss.scot.

Food Standards Scotland consultation process

12. Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.
13. You can find this consultation on our website via the following link: <https://consult.foodstandards.gov.scot/nutrition-science-and-policy/proposals-to-improve-the-out-of-home-environment-i> where you will be able to download, read and respond to the consultation. You can give us your views either online, by email or by post.
14. Where consent is given, responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis. Depending on the nature of the consultation exercise the responses received may:
 - Indicate the need for policy development or review
 - Inform the development of a particular policy
 - Help decisions to be made between alternative policy proposals
15. While details of particular circumstances described in a response to a consultation exercise may inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

19. Annexe B – Respondent information form



PROPOSALS TO IMPROVE THE OUT OF HOME ENVIRONMENT CONSULTATION PAPER

RESPONDENT INFORMATION FORM

This form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.foodstandards.gov.scot/privacy>

Are you responding as an individual or on behalf of an organisation?

- Individual
- Organisation

Full name of individual or organisation

If you are responding on behalf of an organisation, what type of organisation is it?

- Caterer
- Small caterer (fewer than 10 employees)
- Retailer
- Manufacturer
- Supplier to the Out of Home sector
- Food and drink industry representative bodies
- Local government
- Health Board
- Public sector organisation
- Third sector organisation
- Research organisation
- Other

If other, please specify:

So that we can acknowledge your response, please provide the following information:

Phone Number

Address

Postcode

Email

Food Standards Scotland would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option '*Publish response only (without name)*' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option '*Do not publish response*', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

In order to produce a comprehensive analysis of the consultation, responses received will be analysed by a third party on behalf of Food Standards Scotland. This analysis will then be used to inform further development of an Out of Home Strategy. Do you consent to your consultation response being analysed by a third party?

Please note that without explicit consent (selecting yes) your response will not be included in the analysis.

- Yes
- No

Are you content for Food Standards Scotland to contact you again in relation to this consultation exercise?

Yes

No

20. Annexe C – Summary of consultation questions

Question 1

Do you agree that the businesses listed above should be included within an Out of Home strategy for Scotland?

- Yes
- No

If No, please explain.

Question 2

Which of the following measures should be taken to reduce excessive calorie contents of food and drinks eaten outside the home?

Please tick as many as you think apply.

- reducing portion sizes
- changing recipes e.g. by reducing fats and sugars and increasing fruit/vegetable/bean/pulses and fibre content
- applying maximum calorie limits
- applying maximum energy densities (calories per 100g)
- ensuring **single serve packs of** are available as an alternative to packs containing multiple servings
- excluding very high calorie menu items
- Other (please specify)

Please explain your answer/s.

Question 3

Do you agree that consumers should routinely have easy access to small or half portions?

- Yes
- No

Please explain your answer.

Question 4

Should calorie labelling at the point of choice* apply in Scotland?

**point of choice includes calorie labelling on menus, labels on shelves or display cases, and on web pages where consumers select the food items they wish to purchase*

- Yes
- No

Please explain your answer.

Question 5

As a food business, would MenuCal help you to provide calorie labelling?

- Yes
- No

Please explain your answer.

Question 6

As a food business, what additional support would you require to provide calorie labelling?

Question 7

Should calorie labelling at point of choice be made mandatory in Scotland?

- Yes
- No

Please explain your answer.

Question 8

Should any business be exempt from mandatory calorie labelling at the point of choice?

- Yes
- No

If yes, which types of business should be exempt and why?

Question 9

Where nutrition information is provided online and on printed materials should it be standardised in the way set out in the table above?

- Yes
- No

Please explain your answer.

Question 10

Where nutrition information is provided online or on printed materials, should it be **mandatory** that it is standardised in the way set out in the table above?

- Yes
- No

Please explain your answer.

Question 11

Which actions would change promotion and marketing practices to support healthier eating outside the home?

Please tick as many as you think apply.

- businesses dropping practices that encourage overconsumption
- businesses positively marketing and promoting healthier choices
- raising consumer awareness through the use of social marketing campaigns
- other (please specify)

Please explain your answer.

Question 12

What types of actions could be taken to improve the food provided Out of Home in the vicinity of schools?

Question 13

Which of the following should be changed to improve food provided for children:

Please tick as many as you think apply.

- Less reliance on menus specifically for children
- Provision of children's portions from adult menu items
- Increased use of vegetables and fruit in dishes, sides and desserts
- Reduced reliance on breaded/fried products
- Reduced reliance on chips
- Plain water and milk offered as standard options
- Reduction of drinks with added sugar
- Reduction of high sugar dessert options
- Reduction of confectionery and crisps
- No changes are required
- Other (please specify)

Please explain your answer/s.

Question 14

Do you agree that recognition schemes are an effective means of supporting healthier eating in the Out of Home sector?

- Yes
- No

If yes, please outline your views on the key components required for a flexible recognition scheme(s)

If no, what other approaches would enable businesses to make the changes needed?

Question 15

Do you agree that the following actions should be adopted by the public sector?
This includes health and social care settings, local authorities, leisure centres and visitor attractions, including where catering services are contracted out.

Note this question does not apply to school food, hospital food for patients or prison food.

- Calorie labelling at the point of choice
- Reducing portion sizes
- Provision of small or half portions
- Changing recipes to lower calories by reducing fats and sugars and increasing fruit/vegetable/bean/pulses and fibre content
- Caterers redesigning menus to exclude very high calorie menu items
- Improvements to food for children where served
- No promotion or marketing of HFSS foods, including no upselling or upsizing

Yes

No

Please explain your answer.

Question 16

Would the proposals outlined in this consultation impact on the people of Scotland with respect to:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Ethnicity
- Religion or belief
- Sex
- Sexual orientation
- Socioeconomic disadvantage

Please explain your answer, considering both potentially positive and negative impacts, supported by evidence, and, if applicable, advise on any mitigating actions we should take.

Question 17

Please outline any other comments you wish to make.

21. Annexe D – Breakdown of the estimated number of Out of Home businesses in Scotland

Table 3: Estimated number of Out of Home businesses in Scotland, using data from the Food Hygiene Information Scheme⁴⁹

Category of food business	Number (as of 24/10/18)
Restaurant/café/canteen	10547
Takeaway/sandwich shop	4785
Mobile caterers	1949
Pub/bar/nightclub	4278
Other catering premises	5034
Retailers - supermarkets/hypermarkets	1209
Retailers - other	8737
Hotels/bed & breakfasts/guest houses	2934
TOTAL	39473

Excluded are: Caring premises, Distributors/Transporters, Farmers/Growers, Importers/Exporters, Manufacturers/packers and School/college/university.

⁴⁹ Data extracted from Food Hygiene Information Scheme: <https://www.foodstandards.gov.scot/consumers/food-safety/buying-food-eating-out/food-hygiene-information-scheme/about-the-food-hygiene-information-scheme>

22. Annexe E – Glossary

Term	
Food	For the purpose of this consultation, this includes food and drink.
Out of Home food environment	The Out of Home sector covers all the food and drink we eat outside the home, and from takeaways.
Food on the go	Food and drink bought from supermarkets, convenience stores and other Out of Home businesses, which is taken away and eaten elsewhere (other than home).
Calories	Shortened expression of kilocalories (kcal).
Energy density	Energy density, also known as calorie density, is the amount of calories in a specific weight of food, e.g. kcals per gram or per 100g.
High fat salt and/or sugar foods (HFSS)	HFSS are food and soft drink products that are high in fat, salt or sugar, which have been defined using the UK Department of Health nutrient profiling model (NPM) The NPM takes account of energy, saturated fats, total sugars and sodium together with fruit, vegetables and nut content, fibre and protein to provide a single nutrient profiling score.
Discretionary foods	Discretionary foods, as defined by FSS, are a subset of HFSS foods, comprising confectionery, sweet biscuits, crisps, savoury snacks, cakes, sweet pastries, puddings and sugar containing soft drinks. For more information on discretionary foods, refer to the FSS Briefing paper. ⁵⁰
Point of choice	Includes calorie labelling on menus, labels on shelves or display cases, and on web pages where consumers select the food items they wish to purchase for delivery or collection.
Branded businesses	These are well known businesses with multiple outlets across the UK and/or Scotland.
Upselling	The practice of encouraging consumers to purchase additional items.
Upsizing	Is where consumers are asked if they wish to purchase larger sizes for minimal additional cost.

⁵⁰ Briefing on Discretionary Foods, Food Standards Scotland <https://www.foodstandards.gov.scot/publications-and-research/publications/briefing-on-discretionary-foods>