

31 July 2006

Ernie Brown  
Scottish Executive  
Bill Team  
Area 3A  
Victoria Quay  
Edinburgh  
EH6 6QQ

Dear Mr Brown,

**CONSULTATION ON THE SCHOOLS (NUTRITION AND HEALTH PROMOTION)  
(SCOTLAND) BILL**

On behalf of the Scottish Food and Drink Federation (SFDF) I would like to thank you for the opportunity to comment on the aforementioned consultation.

**Background**

As you will be aware, SFDF represents the common interests of the food and drink manufacturing industry. We work to improve the environment in which the individual companies who make up the industry operate: be it legislative, economic, social or political. In so doing, we aim to help maximise the competitiveness and profitability of the industry.

59,300 people are employed in the food and drink sector in Scotland (54,000 in food industry alone) – some 11.8% of total British food and drink sector employees. The industry in Scotland also accounts for annual sales of around £4.2 billion (exc. whisky).

**Comments**

SFDF welcomes the opportunity to make comments on a range of issues raised and discussed within the consultation document as well as providing feedback on the questions it poses.

A summary of the key points made in this response are included below:

- SFDF advocates a ‘Whole Diet, Whole Lifestyle’ approach. It is our view that this approach – with equal importance attached to physical activity as diet - is what will succeed in improving general health.
- The importance placed on physical activity within the consultation document as a driver for improving the health of Scotland’s children is encouraging as is the commitment to educating children on the importance and benefits of a healthy lifestyle.

- In order to determine the likely impact / implications of the “defined nutrient standards” being set on a statutory footing, there is a need for further details / clarity on what is intended.
- SFDF believes that industry, as a key stakeholder in this process, can provide valuable insight and make a valued contribution, working with the Scottish Executive on the development of the proposed nutrient standards.
- The Target Nutrient Specifications (TNS) currently in place to assist caterers meet existing nutritional standards should remain as guidance rather than being placed on a statutory footing.
- Statutory nutrient specifications that effectively establish a “fixed target” would not allow the scope or flexibility required to be able to make phased reductions in fat, salt and sugar levels.
- These “fixed targets” could effectively reduce the range of products and choices on offer in schools.
- Banning products will not help to teach children how to build a balanced diet and may result in them going elsewhere for food and drinks. This is why we have proposed the GDA TNS scheme outlined in this response.
- Legislation which seeks to prohibit products from being supplied in schools may result in unintended consequences which run counter to the objectives of the proposed Bill.

### *Physical Activity and Education*

SFDF has consistently advocated a ‘**Whole Diet, Whole Lifestyle**’ approach. It is our view that this approach – with equal importance attached to physical activity as diet - is what will succeed in improving general health. We are therefore encouraged by the importance placed on physical activity in this consultation (Sections 7-9 & 18-20), as a driver for improving the health of Scotland’s children.

SFDF believes that in order to successfully influence and encourage change in lifestyles (including those of schoolchildren), there is a need for a widespread and widely supported public education campaign to promote healthier lifestyles that combine balanced diets and physical activity. The industry is committed to participating, together with the rest of the food chain and advertising industries, in a Government led campaign of public education on healthy eating and healthy lifestyles. We are therefore further encouraged by the Scottish Executive’s commitment to educating school pupils of the importance and benefits of pursuing a healthy lifestyle (Section 23).

### *Nutrient Standards*

*“We proposed that the Bill will place a duty on local authorities to ensure that food and drinks provided by them in local authority schools meet defined nutrient standards” (Section 36)*

*“Defined nutrient standards for food and drinks provided in schools will go beyond those in place at present” (Section 37).*

As provider of school meals, it is unquestionably right for the Scottish Executive to consider the quality of meals and the nutritional balance of what is offered across a weekly menu. Furthermore, given the importance of instilling good nutritional habits at an early age, the

Executive clearly has a role to play in terms of ensuring an appropriate context for all school children to learn about healthy living – balanced diet, physical activity, etc.

However, with regard to the consultation document there is no indication of what is intended in terms of the nature and scope of the “defined nutrient standards” being proposed. In order to determine the likely impact / implications of such “standards” being set on a statutory footing, there is a need to be clear on what is intended.

SFDF would be interested to know if the standards are going to be any of the following, or a combination of them:

- The TNS guidelines put on a statutory footing
- Food based guidelines for lunches and/or other school occasions
- Bans on certain products at lunch time or other school occasions
- New nutrient based guidelines for lunches and/or other meal occasions

If the proposed statutory “defined nutrient standards” are different from the current nutrient specifications, what will be the knock-on impact for the TNS - and their current status as guidance?

In the recent publication **Hungry for Success: Nutrient Specifications for Manufactured Products (Revised May 2006)**, SFDF was encouraged that these specifications were to remain as guidance to assist caterers when devising options that will allow them to meet nutrient standards for the weekly lunch menu as a whole.

If the introduction of statutory “defined nutrient standards” results in the TNS also becoming statutory – effectively introducing “fixed targets” – this will be problematic both in terms of future reductions in fat, salt and sugar levels and may indeed result in unintended consequences which run counter to the objectives of the proposed Bill.

#### *Fat, Salt and Sugar Reductions*

FDf members are committed to continuing to reduce levels of fat, salt and sugar in products and providing lower fat, lower salt and lower sugar options where technologically possible, safe and acceptable to consumers. This is one of the 7 commitments from the FDF Food and Health Manifesto. The [Delivering on Our Commitments](#) report, published in September 2005 shows the very real progress industry has made regarding product reformulation and SFDF acknowledges the recognition of these achievements in Hungry for Success literature outlining the original TNS.

Where further reductions in fat, salt and sugar levels can be made, it will alter product taste and texture and affect palatability. Therefore scope must be allowed for stepped reductions to be made gradually, over time, to allow children’s palates to adjust to these changes. Nutritional standards will only make a difference if children consume the food and drink on offer.

#### *Need for Flexibility*

It is important that the TNS currently in place to assist caterers meet existing nutritional standards remain as guidance rather than being placed on a statutory footing. Statutory

nutrient specifications that effectively establish a “fixed target” would not allow the scope or flexibility required to be able to make phased reductions in fat, salt and sugar levels.

If there is no scope for manufacturers to make these stepped reductions, it could prevent products which do not conform to a particular target nutrient specification (fat, salt or sugar) from being made available in schools and this will have an impact on the range of products and choices available (and the continued viability of this market possibly being questioned). Children will vote with their feet if a range of appetising choices are not available to them at school lunches, in tuckshops and in vending machines and this would run counter to the Executive’s objective to increase the uptake of school meals (*Section 40 & 41*).

The costs associated with product reformulation can be significant. However, if sufficient time is allowed – a minimum of 2 years - to make reductions, some of these costs can be incorporated into a normal product development cycle. This is another clear benefit for having the flexibility to make stepped reductions which would not be possible if the nutrient specifications or nutrient standards define “fixed targets”.

### *Need for a Pragmatic Approach*

Any mechanism that seeks to ban products which fail to meet “defined nutrient standards” could have a negative impact on a local authority’s ability to increase the uptake of school meals (and may actually create an increased desire for the banned foods). If children cannot purchase the food and drinks that they enjoy from tuckshops or through vending, they may go elsewhere. Not only does this have a potential impact on the level of consumption of school meals (if children spend lunchtime outwith school), it gives schools less opportunity and scope to instil good nutritional habits in its pupils.

SFDF accepts that the Scottish Executive wish to treat schools as a protective environment. However children need to learn within that environment, how to balance their diets and make healthier choices when they will have unconstrained choice available to them. SFDF does not believe that blanket bans on certain foods will reduce the incidence of obesity: we are not aware of any evidence to support this approach.

For school food other than lunches, such as vending, SFDF would like to put forward an approach which proposes target nutrient specifications based on Guideline Daily Amounts (GDAs). This scheme will help children learn to manage consumption across all food categories rather than simply banning access to some foods for a limited specified period (see appendix).

SFDF believes that the TNS GDA approach outlined in the appendix is more likely to teach children about how to eat appropriate portion sizes of foods that have higher levels of calories and/or fat, sugars and salt within a balanced diet. It would allow children to have a little of the foods they enjoy, without feeling guilty because they are banned; an approach that might create an increased desire for them.

This GDA TNS scheme would ensure that any snack-food available must provide no more than 10% of a child’s GDA for calories, saturated fat, sugars and salt but does not ban any category of food including confectionery. The scheme would also ensure that only drinks which do not exceed 5% of the child GDA for sugars and calories were provided in schools.

The proposed TNS GDA thresholds are simple to understand and have a clear, rational basis. They would be no more complicated to administer than outright bans which we know, from experience from proposed bans and restrictions in English schools, are fraught with anomalies.

Government has an opportunity through industry's proposals for managed change, to achieve lasting results in schools and beyond. Children will learn to manage their eating and manufacturers and caterers will be challenged and incentivised to product innovation. In this way children's habits can be formed for life and there is also the opportunity to introduce new, 'healthier options' for adults.

Banning products will not help to teach children how to build a balanced diet and SFDF would express concern at a Bill which sought to prohibit any type of food or drink from being supplied in schools. Consumption of some foods with, for example, higher salt or fat levels is perfectly fine as long as they are not consumed all the time or to excess. Including plenty of appropriate choices along with fruit and vegetables will ensure that the overall balance is achieved. Therefore, SFDF would urge the Executive to take a pragmatic approach to its development of the proposed Bill, which takes into account the possible impacts and unintended consequences that may occur if products are prohibited from schools.

I trust that these comments will be taken into consideration. As noted, in addition to these comments, SFDF has provided feedback on the questions posed in the consultation document (below) and an appendix which provides more details on the TNS GDA approach. Should you require further input or comment from SFDF please do not hesitate to contact me.

Yours sincerely,

**Steven Birrell**  
**Executive**

## **SFDF RESPONSE TO CONSULTATION QUESTIONS**

### **1. Do you agree that local authorities should be under a duty to ensure that food and drinks which they provide in their schools, including nurseries, meet defined nutrient standards?**

In principal, yes. As provider of school meals, it is unquestionably right for the Scottish Executive to consider the quality of meals and the nutritional balance of what is offered across a weekly menu. Furthermore, given the importance of instilling good nutritional habits at an early age, the Executive clearly has a role to play in terms of ensuring an appropriate context for all school children to learn about healthy living – balanced diet, physical activity, etc.

However, with regard to the consultation document there is no indication of what is intended in terms of the nature and scope of the “defined nutrient standards” being proposed. In order to determine the likely impact / implications of such “standards” being set on a statutory footing, there is a need to be clear on what is intended.

It is important that the target nutrient specifications currently in place to assist caterers meet existing nutritional standards remain as guidance rather than being placed on a statutory footing. Statutory nutrient specifications that effectively establish a “fixed target” would not allow the scope or flexibility required to be able to make phased reductions in fat, salt and sugar levels.

Any mechanism which seeks to ban products which fail to meet “defined nutrient standards” could have a negative impact on a local authority’s ability to increase the uptake of school meals. Banning products will not help to teach children how to build a balanced diet and SFDF would express concern at a Bill which sought to prohibit any type of food or drink from being supplied in schools.

SFDF would also be interested to know if there will be any modelling on what changes to macro and micronutrient intakes (including calories) may occur if the statutory nutrient standards are implemented.

### **2. Where children are attending independent schools, and where the provision of food and drinks are arranged or funded, by a local authority, should the food and drinks meet defined nutrient standards?**

SFDF does not feel it is in a position to comment on whether or not the Scottish Executive should introduce legislation that places a duty on independent schools to ensure that food and drinks supplied meet defined nutrient standards.

### **3. Should local authorities be under a duty to promote uptake of school meals in their schools, including free school meals?**

If the food and drink provided for school meals is appetising and good value then this can act as driver for increased uptake. Children will also opt for foods that they are familiar with, so the lunches provided should not seem too dissimilar to what they enjoy and are familiar with.

However, if the introduction of “defined nutrient standards” results in a number of food and drink products being prohibited from sale in schools, by restricting choice and the range of foods on offer, school children might opt for lunch elsewhere instead. Therefore, the unintended consequence of such restrictions might be a **reduction** in the number of children taking school meals, contrary to the stated aim of increasing the uptake of school meals.

As the consultation acknowledges, some parents prefer to provide their child with a packed lunch and this is the preferred lunch option for some children as well. With regards to the proposal to provide advice to parents and pupils on packed lunches (Section 39), information which can help children learn about balanced diets could be worth considering but it should not seek to dissuade parents from including particular categories of food and drink products.

#### **4. Should local authorities be under a duty to ensure that those taking free school meals can do so anonymously, as far as is practicable?**

Yes. SFDF recognises the need to provide free school meals and any efforts taken to allow children to take free school meals anonymously are worthwhile.

The consultation notes (Section 40) that 67% of those entitled to take a free school meal did so on the day surveyed. However, it is worth considering that there may be a number of other reasons other than a perceived stigma associated with free school meals, as to why those entitled to a free meal did not do so, including absence from school, attendance at sports clubs or other lunchtime activities or a preference to eat lunch elsewhere/packed lunch.

#### **5. Should local authorities have the power to provide children in local authority schools with free drinks, fruit, vegetables, bread or cereal based snacks, which meet defined nutrient standards?**

Yes. Children do get hungry between meals, especially if they are active. If children are being encouraged to be physically active then the provision of these snacks could be beneficial.

However, it may be worth considering that some children may opt to eat snacks throughout the day and not have a school lunch, especially if the choices available for lunches are not appetising or appealing. This would run counter to the stated objective of increasing the uptake of school meals.

A definition of “cereal based snacks” is required.

#### **6. Should there be a duty on Scottish Ministers and local authorities to endeavour to ensure that all local authority schools are health promoting schools?**

Yes – as noted previously, the Executive has a role to play in terms of ensuring an appropriate context for all school children to learn about healthy living.

SFDF believe that in order to successfully influence and encourage change in lifestyles (including those of children) there is a need for a widespread and widely supported public education campaign to promote healthier lifestyles that combine balanced diets and physical

activity. The industry is committed to a participating, together with the rest of the food chain and advertising industries, in a Government led campaign of public education on healthy eating and healthy lifestyles.

In pursuing its objective to ensure that all Scottish schools become health promoting schools by 2007, the Scottish Executive must ensure that guidance provided to local authorities, schools, caterers, industry and other stakeholders is unambiguous. Clear guidance is required in order to minimise difficulties arising as a result of different interpretations by schools and local authorities.

## Appendix

### Outline of the GDA TNS scheme

In the context of the work of the Scottish Executive to develop Standards for School Food, SFDF proposes an approach to restrict the supply of foods which are particularly high in calories, saturated fat, total sugars and salt per portion for food which is to be eaten outside the lunch-time offering. This approach is linked to the development of a target nutrient specification (TNS) scheme using a GDA threshold based on portions.

SFDF has already developed the basis for such a scheme:

- It would be based on a 10% GDA threshold for calories, sat fat, total sugars and salt for children aged 11-18 years.
- For drinks, a 5% threshold is recommended for calories and total sugars.
- This approach would be applied to snack foods that are accessed by pupils from tuck shops and vending machines.
- It would also be applied to breakfast cereals served as part of a breakfast club meal and sandwiches that could be bought as a snack.
- The 10% threshold is in keeping with Caroline Walker Trust Guidelines which have been used as a basis for the nutrient standards for school meals.
- As well as having a nutritional basis the scheme must also be simple, so the 10% threshold should apply to all nutrients and to all food categories. No food categories would be excluded from the scheme or be banned from schools.

When this GDA TNS scheme was evaluated using a range of snack foods, including chocolate, breakfast cereals and sandwiches, 49% of products 'passed' and 51% failed on one or more nutrients. We therefore see this as an approach which does remove from vending and tuck shops the snacks which exceed certain nutrient thresholds for calories, saturated fat, sugars and salt. However it does not totally exclude any individual product category. Further, such an approach would encourage manufacturers to modify portion sizes and/or to change product composition, as well as to produce new products which would meet the criteria.

The Scottish Executive would need to give guidance on what products would be allowed in schools; with its alternative approach, industry would be willing to explore the idea of an independent accreditation process so that school caterers etc. would be clear about which were products that met the scheme's criteria.

## The Food and Drink Manufacturing Industry

The Scottish Food and Drink Federation (SFDF) represents the food and drink manufacturing industry in Scotland.

The food and drink manufacturing industry in Scotland has a gross output of around £6.5bn and accounts for circa £2.5bn of total UK exports and 11.8% of the UK sector workforce.

SFDF is a devolved division of the Food and Drink Federation (FDF), the voice of the UK food and drink manufacturing industry. As the largest manufacturing sector in the UK, food and drink manufacturers employ over 500,000 people and have a combined annual turnover of £70bn. UK food and drink exports in 2005 were almost £10bn.

The following Associations are members of the Food and Drink Federation:

ABIM	Association of Bakery Ingredient Manufacturers
ACFM	Association of Cereal Food Manufacturers
BCA	British Coffee Association
BCCCA	Biscuit, Cake, Chocolate and Confectionery Association
BOBMA	British Oats and Barley Millers Association
BSIA	British Starch Industry Association
CFA	Chilled Food Association
CIMA	Cereal Ingredient Manufacturers' Association
EMMA	European Malt Product Manufacturers' Association
FA	Food Association
FOB	Federation of Bakers
FPA	Food Processors' Association
GPA	General Products Association
IDFA	Infant and Dietetic Foods Association
MSA	Margarine and Spreads Association
NABIM	National Association of British and Irish Millers
NACM	National Association of Cider Makers
SB	Sugar Bureau
SIBA	Society of Independent Brewers
SMA	Salt Manufacturers' Association
SNACMA	Snack, Nut and Crisp Manufacturers' Association
SPA	Soya Protein Association
SSA	Seasoning and Spice Association
UKAMBY	UK Association of Manufacturers of Bakers' Yeast
UKTA	UK Tea Association

Within FDF there are the following sectoral organisations:

FF	Frozen Food Group
LDT	Lifestyle and Dietary Trends Group
MG	Meat Group
ORG	Organic Food and Drink Manufacturers' Group
SG	Seafood Group
VEG	Vegetarian and Meat Free Industry Group
YOG	Yoghurt and Chilled Dessert