

OPEN

Corporate Policy Committee

03 October 2024

A Healthier Food and Drink Advertising Policy

Report of: Helen Charlesworth-May, Executive Director of Adults, Health and Integration

Report Reference No: CP/32/24-25

Ward(s) Affected: All

Purpose of Report

- 1 This report proposes the adoption by Cheshire East Council of a 'healthier food and drink advertising policy'. This would require advertisers to swap references to or illustrations of unhealthy food and non-alcoholic drink products in adverts on the Council's land, buildings or vehicles, for their healthier option food and non-alcoholic drink products. This is proposed as part of our efforts to prioritise our residents' health and wellbeing and to reduce health inequalities in the borough.
- 2 The report outlines the background to and rationale for implementing the policy. The draft policy document is attached as Appendix One.
- 3 If the policy is adopted it would contribute to two of the Council's objectives, 'Fair' and 'Green'. It would also contribute to three of the four strategic outcomes of the Cheshire East Joint Local Health and Wellbeing Strategy:
 - Cheshire East is a place that supports good health and wellbeing for everyone
 - Our children and young people experience good physical and emotional health and wellbeing
 - That more people live and age well, remaining independent...

Executive Summary

- 4 The Department of Health and Social Care recognised in July 2020 that tackling obesity is one of the most significant long-term health challenges this country faces [Tackling obesity: empowering adults and children to live healthier lives - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/tackling-obesity-empowering-adults-and-children-to-live-healthier-lives)
- 5 There is clear evidence that advertisements for unhealthy food and drink products directly and indirectly impact upon what we eat¹. Young people who recall seeing junk food adverts every day are more likely to be obese². Cheshire East Council has high rates of child and adult excess weight and widening health inequalities.
- 6 There are significant inequalities in child excess weight levels with higher rates reported for children living in disadvantaged households, children with disabilities and children from specific ethnic backgrounds. Both children and adults from lower socio-economic groups are 50% more likely to be exposed to such advertisements for high fat, salt, or sugar (HFSS) foods³.
- 7 A number of other local authorities (for example Barnsley, Bristol and Southwark and Knowsley and Sefton locally) and Transport for London (TfL) have introduced an advertising restriction on all food and non-alcoholic drink products that are HFSS. This restriction is across all local authority owned sites (for example bus stops, roundabouts, park railings) and the entire TfL estate.
- 8 It is proposed that Cheshire East Council should adopt a similar policy and this is attached as Appendix One

RECOMMENDATIONS

The Corporate Policy Committee is recommended to:

1. Approve and agree the adoption of the draft Healthier Advertising Policy (food and non-alcoholic drink) set out in Appendix One
2. Delegate to the Director of Public Health the responsibility to roll out the policy across the Council and take any necessary actions to implement the approved policy.

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

² <https://www.cancerresearchuk.org/about-us/cancer-news/press-release/2018-03-15-obesity-risk-doubles-for-teens-bombarded-with-junk-food-adverts>

³ Yau, A. et al. (2021) 'Sociodemographic differences in self-reported exposure to high fat, salt and sugar food and drink advertising: A cross-sectional analysis of 2019 UK panel data', Accessed via: <https://bmjopen.bmj.com/content/11/4/e048139>

Background

- 9 Cheshire East, as part of the Cheshire and Merseyside Marmot Community is signed up to the recommendations of the 'All Together Fairer' report [All Together Fairer | Champs Public Health Collaborative](#). These set out a collaborative approach to addressing health inequalities across the region. Similarly, Cheshire East Council's Corporate Plan seeks to support those most in need and reduce health inequalities. Implementation of a formal healthier food and drink advertising policy will help to achieve these aims by improving the advertising content that is seen by residents.
- 10 Implementation of this policy will contribute to a number of the Council's priorities including:
 - Reducing inequalities
 - Improving health - specifically diet-related diseases such as obesity, diabetes, cancer, heart disease and tooth decay as well as saving local NHS services money
 - Contributing to reducing the impacts of climate change
 - Having minimal impact upon the Medium-Term Financial Strategy; the policy is expected to maintain advertising revenues and has done so when implemented by other local authorities.
- 11 The policy also supports the aims of the Cheshire East Healthy Weight Plan (endorsed by the Cheshire East Health and Wellbeing Board in March 2024).
- 12 It is widely recognised that the rates of obesity amongst both adults and children are rising nationally and locally and that this is becoming a serious public health issue:
 - 63.8% of adults aged 18 years and over in England were estimated to be overweight or living with obesity (2021-22)
 - 62.5% of adults in Cheshire East are estimated to be overweight or obese (2021-22)
 - 21.1% of adults in Cheshire East are estimated to be obese (2021-22)

- 21.3% of reception aged children (4-5yrs) in England are estimated to be overweight (including obesity) (2022-23)
 - 21.2 % of reception aged children (4-5yrs) in Cheshire East are estimated to be overweight (including obesity) (2022-23)
 - 36.6% of year 6 (10-11yrs) children in England are estimated to be overweight (including obesity) (2022-23)
 - 32.1% of year 6 children (10-11yrs) in Cheshire East are estimated to be overweight (including obesity) (2022-23)
- 13 The risks to physical and mental health from being overweight and obese can include a range of serious non-communicable diseases. Living with overweight or obesity is problematic as both an adult and child; it reduces quality of life, creates physical, psychological, social and emotional problems, and for children affects educational performance which can also have a lasting influence on life experiences. A child with obesity is much more likely to continue experiencing obesity into adulthood; experience poorer life outcomes in the long-term and have a shorter life than a person of healthy weight. Treating obesity-related illness costs the NHS at least £6.1billion each year with this predicted to rise to £9.7billion by 2050.
- 14 Unhealthy food and drink advertising is a contributor to the numbers of people being overweight and obese. Research shows exposure to advertising for food and drinks high in fat, salt and sugar is linked to a strong preference for these products, more snacking, eating more calories, and these products replacing healthier ones in our diet.
- 15 Adverts often promote high fat, salt and sugar food and drink as part of a normal diet, with marketing frequently targeted at young people and associated with fun cartoon characters or toy collections, specifically aimed at children. The evidence base showing the negative impact on children's diets at ages 3-12 is particularly strong.
- 16 Analysis has found there to be inequality in exposure to these types of adverts with those in more deprived areas seeing them more regularly which widens health inequalities. This is likely to be a combination of greater exposure to adverts in general, for example, on bus shelters, bus tickets, telephone boxes, billboards and social media, as well as direct marketing placement decisions for this cheap, energy dense and 'family-friendly' food. This constant and often repeat exposure (on the route to school or work) increases brand awareness and influences preferences. Evidence suggests this contributes to the obesity promoting environment and is therefore a key area for intervention.

- 17 In conjunction with this relationship there is a parallel link between areas of higher deprivation and higher rates of obesity. Findings from the Crewe JSNA published in 2023 show that around 27% of reception children living in the six most deprived wards in Crewe are overweight (including obesity), compared to 21.3% in Cheshire East as a whole. This gap widens further by year 6 and 42% of children living in those six Crewe wards have excess weight compared to just less than one-third, 32.1% in Cheshire East overall.
- 18 Data for 2021-22 estimates that 62.5% of Cheshire East adult residents are living with overweight or obesity. Parts of Cheshire East also have high rates of diet-related illnesses (cardiovascular diseases, some cancers, hypertension, diabetes, poor oral health), many of which are contributing to the lower life expectancy within our population. This is particularly the case in Crewe.
- 19 Causes of overweight and obesity are complex and multi-factorial and often a consequence of interplay between a wide variety of variables and determinants related to individual biology, eating behaviours and physical activity, set within a social, cultural, and environmental landscape. Tackling them requires a whole-system, multi-layered, evidence-based approach. The Cheshire East Health and Wellbeing Board recently (March 2024) approved a 'Healthy Weight Implementation Plan' that will take this holistic approach. Adopting a healthier food and drink advertising policy is just one part of this but is something which is within the gift of the Council.
- 20 It is important to note that within the proposed policy no brand is banned from advertising. The policy requires them to simply swap their advertising of unhealthy products for healthier ones to comply. For example, a brand that often advertises high in fat and salt burgers may no longer be able to advertise those products. However, it could advertise a healthier version of their burger or another healthier menu item instead. Similarly, brands associated with sugary drinks would not be able to advertise these products but could advertise their non-sugar alternatives.
- 21 This type of policy has now been implemented in a number of local authorities (for example Barnsley, Bristol and Southwark and Knowsley and Sefton locally) in addition to the entire Transport for London network. No revenue losses have been reported as a result as advertisers have worked proactively and constructively to produce advertising which adheres to the policy. Most of these adverts are for national (and some international) brands, so compliant advertising content already exists. This can be used by the same companies at a local level, or it can be adapted to meet the local Healthier Food and Drink Advertising policy. Alongside this, Transport for London has also

welcomed new advertisers with campaigns advertising their healthier products.

- 22 An independent evaluation of Transport for London's policy conducted by the London School of Hygiene and Tropical Medicine found there has been an estimated 6.7% decrease in average weekly household purchases of products deriving their energy content from high fat, salt and sugar, and the average weekly purchases of chocolate and sweet confectionery fell by 19.4%.
- 23 It is acknowledged that Cheshire East Council only own a small proportion of the advertising space in the borough (for example sponsorship signs on roundabouts managed through ANSA) and there is already a restriction covering some unhealthy or sensitive products such as alcohol or gambling. However, research by Kantar (a market research company) on behalf of the UK government indicates there is expected to be a 22% displacement of adverts for unhealthy food from online and television to out of home, including local authority advertising estate, as advertising companies switch their spend away from TV and online which is soon to be regulated. Implementing a formal policy such as this now, safeguards our current sites and any potential future sites from this type of advertising.
- 24 Implementing a healthier food and drink advertising policy demonstrates the Council's commitment to health and wellbeing and reducing health inequalities. There is limited risk in adopting such a policy and this brings Cheshire East in line with other local authorities who have already done so, and with Councils across Cheshire and Merseyside that are also progressing the endorsement of a similar Policy, establishing a sub-regional stance on unhealthy food and drink advertising.
- 25 The collective action across Cheshire and Merseyside is supported by several other sub-regional stakeholders including the Beyond Programme for Children and Young People (NHS), the Strategic Overweight and Obesity Project (part of the Cheshire and Merseyside Cancer Alliance) and the Health Equity Group.
- 26 The proposed healthier food and drink advertising policy reflects the Public Services (Social Value) Act 2012 which states that all public bodies are required to consider how their services impact on the economic, social, and environmental well-being of the area. It is also in line with the World Health Organisation recommendation that all countries should implement advertising restrictions on high fat, salt and sugar food and drink, especially for children.

How the Policy Works

- 27 The policy uses the Nutrient Profiling Model to distinguish between food and non-alcoholic drinks which are high in fat, salt and sugar and healthier options using their nutritional content per 100g. This model was written by academics on behalf of the Food Standards Agency and is now owned by the Department of Health and Social Care. It has been used since 2007 to restrict unhealthy food and drink advertisements on children's programming across national television.
- 28 The Nutrient Profiling Model gives points based on a product's energy, sugar, saturated fat, and sodium. It subtracts points for fruit, vegetables, and nut content, protein, and fibre. The advertising industry are familiar with this model and chose to adopt it for existing, but quite limited, voluntary restrictions.
- 29 Some brands have strong associations with unhealthy products. Because of this, advertising for food and drink brands is also restricted. All adverts for a food and drink brand must include prominent promotion of a compliant product. This would include, for example, directional signage to a fast-food restaurant.
- 30 Also restricted are adverts where food and drink that are high in fat, salt and sugar are featured although they may not be the main focus of the advert. For example, a financial services advert featuring an ice cream. The advertiser would be required to amend the copy to remove the ice cream.
- 31 Examples of adverts used before and after policy implementation are included at Appendix Two.
- 32 The policy has been written utilising a template created for all authorities in Cheshire and Merseyside to use, thereby creating a standardised approach which will further safeguard residents and visitors as they travel across authority boundaries.

Consultation and Engagement

- 33 Engagement with relevant Cheshire East Council and ANSA colleagues has taken place.

Reasons for Recommendations

- 34 The Joint Local Health and Wellbeing Strategy and the Council's Corporate Plan both have a focus upon reducing health inequalities and improving the health and wellbeing of our residents. Adopting the Healthier Food Advertising Policy will contribute to achieving these outcomes.

- 35 Other local authorities in Cheshire and Merseyside are progressing the adoption of the policy as part of our response to 'All Together Fairer' to create a consistent sub-regional approach.

Other Options Considered

- 36 The alternative option is to not introduce a policy. This will hamper efforts to reduce the levels of overweight and obesity in the borough.

Option	Impact	Risk
Do nothing	There would be no restrictions on the advertising of foods that are HFSS on Cheshire East property.	The potential benefits of such a restriction in relation to the levels of overweight and obesity would be lost.

Implications and Comments

Monitoring Officer/Legal

- 37 The changes introduced by the Health and Social Care Act 2012, as well as divesting responsibility for the provision of public health services onto local authorities, also placed a duty on every local authority to take such steps as it considers appropriate for improving the health of the people in its area. In addition, it provided a requirement to have regard to guidance issued on such matters by the Secretary of State.
- 38 The 2012 Act aimed to provide better integration of health and social care services with other activities that affected health.
- 39 Other legislation such as the Care Act 2014, also provide local authorities with duties regarding promoting individual wellbeing and preventing needs for care and support.
- 40 The current proposals are in line with the statutory duties outlined and lie within the remit of the committee.

Section 151 Officer/Finance

- 41 There is no cost involved with the implementation of this policy. This is because the policy is simply swapping out the unhealthy food advertising for healthier food advertising. It is also worth noting that currently Cheshire East has a relatively small advertising estate (signs on roundabouts, banners on park railings) which is managed via ANSA.

- 42 If the advertising estate should increase in the future, there is a chance this may attract food and drink advertising. Any advertising company would be responsible for determining that any proposed advertised products meet the rules including the Nutrient Profiling Model and therefore the administration cost would not fall to Council Officers.
- 43 Evidence from other places that have implemented this type of policy does not suggest there would be any revenue loss.
- 44 There is no impact on any on the Council's approved budget/ Medium Term Financial Strategy (MTFS).

Policy

- 45 Adopting this new Healthier Food Advertising Policy will have beneficial impacts that link to the Corporate Plan.

An open and enabling organisation	A council which empowers and cares about people	A thriving and sustainable place
<p>Look at opportunities to bring more income into the borough:-</p> <p>Our Alternative Service Delivery Vehicles (ASDV) delivering for our residents and generating a profit (with shareholder dividend) from commercial activities, reducing financial pressures on the council</p>	<p>Reduce health inequalities across the borough</p> <p>...help and encourage people to take responsibility for their own health and wellbeing through regular exercise and diet</p>	<p>A great place for people to live, work and visit</p>

Equality, Diversity and Inclusion

- 46 There are no specific equality, diversity or inclusion issues associated with the implementation of this Policy. An EDI Impact Assessment has been drafted and is attached as Appendix Three.

Human Resources

- 47 There are no human resources implications of this report.

Risk Management

48 The risks associated with this report are primarily linked to the risk of reduced advertising income. However, as referenced above evidence from elsewhere indicates that there won't be a negative impact.

Rural Communities

49 There are no specific implications affecting rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

50 As set out above there is a significant issue in the borough with the numbers of overweight and obese children and young people. The introduction of this policy as part of a more holistic approach will contribute to slowing the growth in numbers and, in due course, seeing reductions.

Public Health

51 The introduction of the policy will have a positive impact upon the public's health, particularly in those less affluent areas where there are higher levels of overweight and obesity.

Climate Change

52 Reducing the levels of consumption of foods and drinks that are high in fat, salt and sugar will, over time, benefit population health, as part of a holistic approach to being active and eating a healthy diet. Linking the policy to active travel initiatives and access to green spaces for example can facilitate an overall healthier lifestyle, with positive impacts in relation to climate change.

Access to Information	
Contact Officer:	Guy Kilminster, Corporate Manager Health Improvement Guy.kilminster@cheshireeast.gov.uk
Appendices:	Appendix One – the draft 'Healthier Advertising Policy (food and non-alcoholic drink). Appendix Two – Examples of adverts used before and after policy implementation. Appendix Three - EDI Impact Assessment

Background
Papers:

[Tackling obesity: empowering adults and children to live healthier lives - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/tackling-obesity-empowering-adults-and-children-to-live-healthier-lives)