

<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	4 <sup>th</sup> April 2024
<b>Subject:</b>	Healthy Advertising		
<b>Report of:</b>	Director of Public Health	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Health and Wellbeing		
<b>Is this a Key Decision:</b>	Yes	<b>Included in Forward Plan:</b>	Yes
<b>Exempt / Confidential Report:</b>	No		

### Summary:

The purpose of this report is to seek the Cabinet's approval to adopt a healthier food and drink advertising policy for council-owned sites in Sefton.

### Recommendation(s):

- (1) Agree the proposed policy and immediate implementation.
- (2) Champion this approach with other Local Authorities and stakeholders with advertising space in the borough

### Reasons for the Recommendation(s):

Implementation of this policy will support Sefton Council meet multiple priorities:

- Reducing inequalities
- Improved health - specifically diet-related diseases such as obesity, diabetes, cancer, heart disease and tooth decay as well as saving local health and social care services money.
- Climate change
- At negligible cost - this policy is expected to maintain advertising revenues and has done so when implemented by other local authorities

The policy also supports the aims of Sefton's Healthy Weight Plan.

### Alternative Options Considered and Rejected: (including any Risk Implications)

None

### What will it cost and how will it be financed?

#### (A) Revenue Costs

- 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.

- Evidence from other places who have implemented this type of policy does not suggest there would be any revenue loss.

**(B) Capital Costs**

None

**Implications of the Proposals:**

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>	
No	
<b>Legal Implications:</b>	
No	
<b>Equality Implications:</b>	
The equality Implications have been identified and mitigated. An EIA is attached to this report.	
<b>Impact on Children and Young People: Yes</b>	
<p>Living with overweight or obesity is problematic as both an adult and child. For both 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 and 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.</p> <p>Consistent conclusions show that marketing impacts children’s dietary health through a multitude of means and this relationship can be explained by increased children’s purchase requests and consumption in response to exposure. 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 and research provides compelling evidence of a cause-and-effect relationship between food marketing and obesity.</p>	
<b>Climate Emergency Implications:</b>	
The recommendations within this report will	
Have a positive impact	Yes
Have a neutral impact	No
Have a negative impact	No
The author has undertaken the Climate Emergency training for report authors	Yes
Foods and drinks with low nutritional value and a big climate impact pose a double threat. These products sacrifice the environment, while also not meeting dietary requirements and encouraging over-consumption. Globally, food contributes roughly	

30% of overall greenhouse gas emissions. Beef, palm oil, sugars and cocoa are leading causes of deforestation and extinction and very prominent in high fat, salt and sugar products.

### **Contribution to the Council's Core Purpose:**

Protect the most vulnerable: Yes.  
The impact of unhealthy advertising will not be felt equally across society, with lower income households facing mounting challenges when it comes to managing finances with advertising focused on calorie dense food rather than calorie nutritious food.

Facilitate confident and resilient communities:  
Substantial evidence from the UK illustrates the connection with unhealthy advertising and its impact on obesity and overweight and makes clear how healthy advertising can contribute to a positive change in consumer habits by broadening healthier food and drink choices

Commission, broker and provide core services: N/A

Place – leadership and influencer: Yes  
Implementation of this proposal will enable Sefton to be an active influencer in LCR through a united approach to champion this policy with other local authorities and stakeholders with advertising space in the borough.

Drivers of change and reform: Yes  
Implementation of this proposal will enable Sefton to be an active influencer in LCR through a united approach to champion this policy with other local authorities and stakeholders with advertising space in the borough.

Facilitate sustainable economic prosperity: N/A

Greater income for social investment: N/A

Cleaner Greener Yes  
Locally individual packaging and the convenience of 'drive through' and 'food on the go' options for foods high in fat, salt and sugar increases the amount of and opportunities for littering, impacting our local area and wildlife. Although specific brands are not banned from advertising it is hoped that there will be a small reduction in purchases of this type of food.

### **What consultations have taken place on the proposals and when?**

#### **(A) Internal Consultations LD/FD**

The Executive Director of Corporate Resources and Customer Services (FD7550/24.....) and the Chief Legal and Democratic Officer (LD.5650/24....) have been consulted and any comments have been incorporated into the report.

#### **(B) External Consultations**

Desk top research and consultation with other local authorities has been undertaken. This type of policy has now been implemented in nine local authorities 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.

The University of Sheffield have used the Transport for London research to produce modelled estimates on the possible reduction in obesity cases should this type of restriction be adopted in other local authorities and researchers have indicated a positive impact relationship since replacing unhealthy advertising with healthier options. In addition, 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 energy from high fat, salt and sugar products, and the average weekly purchases of chocolate and sweet confectionery fell by 19.4%. This equates to a 1000 calorie decrease in energy from unhealthy food purchases in Londoners' weekly shopping.

Advertising before and after the Transport for London's Healthier Food Advertising Policy  
<https://content.tfl.gov.uk/policy-guidance-food-and-drink-advertising.pdf>

University of Sheffield Healthy Advertising Research  
<https://www.sheffield.ac.uk/news/junk-food-advertising-restrictions-prevent-almost-100000-obesity-cases-and-expected-save-nhs-ps200m>

### **Implementation Date for the Decision**

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

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### **Appendices**

Equality Impact Assessment

### **Background Papers:**

None

## 1. Background

- 1.1 Cabinet Member considered this proposal on the 8<sup>th</sup> of March 2024. The background information below includes context, local position, relationship to current policy and strategies as well as broader examples of where this policy has been implemented. The summary also provides information indicating how the policy works.
- 1.2 Sefton Council has a number of strategies and policies to support those most in need by tackling inequalities and supporting our most disadvantaged communities. The Child Poverty Strategy, Welfare Reform Anti-Poverty programme and Healthy Weight Action Plan are just some of the actions currently in place to tackle inequality and support the most vulnerable.
- 1.3 Implementation of a formal healthier food and drink policy will support the work currently underway by improving advertising seen by Sefton residents and reducing negative pressures and influences, particularly in our most disadvantaged communities. The increasing financial barriers and the fact that food inflation particularly has soared to a record annual rate of 11.6% in October 2022<sup>1</sup>, with staples such as tea bags, milk and fresh food all becoming more expensive with rising prices, means that more families are experiencing food insecurity. Unhealthy advertising increases the challenges for people who are trying to achieve or maintain a healthy weight. Implementation of this policy will support Sefton Council to meet multiple priorities:
  - reduce inequalities.
  - improve health - specifically diet-related diseases such as obesity, diabetes, cancer, heart disease and tooth decay as well as reducing dependency on health and social care.
  - support policy on climate change
  - at negligible cost - this policy is expected to maintain advertising revenues and has done so when implemented by other local authorities
  - support the aims of Sefton's Healthy Weight Plan.

## 2. Current Context

- 2.1 It is widely recognised that rates of obesity amongst both adults and children are rising nationally and locally and that this is becoming a serious public health issue. The risks to physical and mental health from overweight and obesity are great and include a range of serious non-communicable diseases. Living with overweight or obesity is problematic as both an adult and child. For both it

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<sup>1</sup> The Guardian <https://www.theguardian.com/business/2022/nov/02/uk-food-prices-soar-by-fastest-rate-on-record-as-cost-of-living-crisis-bites>

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 and 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.

2.2 In 2018 Sefton Council signed the Healthy Weight Declaration, in which a commitment is made to restrict unhealthy food and drink advertising. 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. There is substantial evidence that junk food marketing is a problem.<sup>2</sup> Consistent conclusions show that marketing impacts children's dietary health through a multitude of means and this relationship can be explained by increased children's purchase requests and consumption in response to exposure. 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 and research provides compelling evidence of a cause-and-effect relationship between food marketing and obesity.<sup>3</sup>

2.3 It is also worth noting that exposure to advertising for food delivery services, billboard advertising and advertising in recreational environments is associated with increased odds of obesity in adults<sup>4</sup> and in conjunction with this relationship, there is a parallel link between areas of higher deprivation and higher rates of obesity. We know that the number of children and young people living with obesity remains high. Nationally, data from the National Child Measurement Programme<sup>5</sup> shows that 10.1% of reception aged children are living with obesity, rising to 23.4% in year 6. Locally, 11.2% of children in Reception at Sefton schools in 2021/22 were living with obesity. This is higher than estimates from before the COVID-19 pandemic. 3.2% of Reception aged children were living with severe obesity. Again, higher than in pre-pandemic years. Sefton's rates of children living with obesity generally increase with increasing deprivation. In 2021/22, the Y6 obesity rate in the most deprived quintile (28.7%) was more than 1.5 times that of

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<sup>2</sup> 13 Kelly, B., Vandevijvere, S., Ng, S., Adams, J., Allemandi, L., Bahena-Espina, L., ... & Swinburn, B. (2019). Global benchmarking of children's exposure to television advertising of unhealthy foods and beverages across 22 countries. *Obesity Reviews*, 20, 116-128.

<sup>3</sup> 16 Norman, J., Kelly, B., Boyland, E., & McMahon, A. T. (2016). The impact of marketing and advertising on food behaviours: evaluating the evidence for a causal relationship. *Current Nutrition Reports*, 5(3), 139-14

<sup>4</sup> Yau, A., Adams, J., Boyland, E. J., Burgoine, T., Cornelsen, L., De Vocht, F., ... & Cummins, S. (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. *BMJ open*, 11(4), e048139.

<sup>5</sup> <https://digital.nhs.uk/data-and-information/publications/statistical/national-child-measurement-programme/2020-21-school-year>

children living in the least deprived quintile (17.2%). The gap in obesity prevalence between the most deprived and least deprived quintiles is smaller for the Reception cohort (6.5%). However, it has more than doubled since before the pandemic. In 2021/22, the prevalence of reception children in the most deprived quintile living with obesity was 13.6%, almost double the rate in the least deprived quintile (7.1%). National data also shows that children living in the most deprived areas were more than twice as likely to be living with obesity compared to those living in the least deprived areas.<sup>6</sup>

- 2.4 Causes of overweight and obesity are complex and multi-factorial and often a consequence of interplay between a wide variety of variables, however, the social, cultural, and environmental landscape as an influencer is powerful. Adopting a healthier food and drink advertising policy is just one part of this approach but something which is within the gift of the council. It is important to note that within the proposed policy no brand is banned from advertising. The policy requires them to simply swap their unhealthy products for healthier ones to comply. For example, a brand that often advertises high fat, salt and sugar 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.
- 2.5 This type of policy has now been implemented in nine local authorities 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.<sup>7</sup> 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.
- 2.6 The University of Sheffield have used the Transport for London research to produce modelled estimates on the possible reduction in obesity cases should this type of restriction be adopted in other local authorities and researchers indicate a have indicated a positive impact relationship since replacing unhealthy advertising with healthier options.<sup>8</sup> In addition, 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 energy from high fat, salt and sugar products, and the average weekly purchases of chocolate and sweet confectionery fell by 19.4%.

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<sup>7</sup> <https://evidence.nihr.ac.uk/alert/advertising-ban-was-linked-to-lower-purchases-of-unhealthy-food-and-drink/>

<sup>8</sup> <https://ijbnpa.biomedcentral.com/articles/10.1186/s12966-022-01331-y>

This equates to a 1000 calorie decrease in energy from unhealthy food purchases in Londoners' weekly shopping.<sup>9</sup>

- 2.7 It is acknowledged that Sefton Council only own a proportion of the advertising space in the borough 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 estates 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 futures ones from this type of advertising. 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 in fact this brings Sefton in line with other local authorities who have already done so, and several more who are working towards it. Knowsley Council currently lead the way across Cheshire and Merseyside and will support the other eight local authorities to do the same thereby creating a sub-regional stance on unhealthy food and drink advertising.
- 2.8 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. The proposed healthier food and drink advertising policy will also reflect 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.

### **3 How the Policy Works**

- 3.1 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 held 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.
- 3.2 The Nutrient Profiling Model gives points based on their 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.

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<sup>9</sup> <https://ijbnpa.biomedcentral.com/articles/10.1186/s12966-022-01331-y>

- 3.3 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.
- 3.4 Also restricted are adverts where food and drink that are high in fat, salt and sugar are featured although 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.
- 3.5 In Sefton, an external agency manages the advertising on our council-owned sites. Changes to the advertised content are passed via the Communications Team for approval before being applied to the site. If we do make any changes to what type of advertising is acceptable, we will need to ensure the team are aware of the changes and that the external agency is aware of the policy. Should any queries or discrepancies arise these can be managed by the Communications and Public Health teams.
- 3.6 The policy is written in such a way that it could be adopted by any local authority in Cheshire and Merseyside thereby creating a standardised approach which will further safeguard residents and visitors as they travel across authority boundaries.
- 3.7 This report does not include any commissioning or procurement of services, however, council owned advertising sites are predominantly used by local companies, advertising their local services. The proposed restrictions would not affect the services that are currently advertised on these sites and would allow local services to continue using council owned sites.
- 3.8 Implementation of this policy may attract media attention. Other areas implementing the same type of restriction have been subject to lobbying against the decision.