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**PPA Food Law and Consumer (FLC) Committee
Minutes of the meeting 14 March 2023,
Teleconference**

<u>Participants</u>		<u>Guest speakers</u>	
Catharine Hall	KP Snacks (Chair)	Andrea Martinez Inchausti	BRC
Andrew Curtis	PPA (Secretariat)	Holly Farmer	DHSC
Vanessa Richardson	PPA (Secretariat)	Lindsay Roome	Defra
Shane Green	McCain		
Rebecca Lass	PepsiCo	<u>Apologies</u>	
Irena Obretenova	Valeo Foods	Gillian Black	Taylor's Snacks
Federica Tritschler	Lamb Weston	Jyoty Modha	PepsiCo
Meredith Williams	McCain		
Stuart Williams	PepsiCo		

1) Welcome and anti-trust guidance

Members were asked to note the PPA anti-trust statement as practiced in meetings and to reply to the email previously sent accordingly.

2) Invited Guest Speaker: Andrea Martinez Inchausti (British Retail Consortium - BRC)

Andrea Martinez Inchausti (AMI), Deputy Director Food Policy at the BRC, provided an update on the implementation of the Regulation on Restricting Promotions on food and drink high in fat, sugar and salt (HFSS) in England, on policy developments in the UK devolved administrations and also on the consultation on the UK-wide advertising restrictions of HFSS products.

HFSS promotional restrictions:

- England:** The BRC has been working with members on the implementation of The Food (Promotion and Placement) (England) Regulations 2021, as amended, for the past 2-3 years and developed guidance on product categories in scope of the restrictions (latest update FLC 052/23). AMI explained that the spreadsheet is a live document and welcomed members to provide any feedback to improve the document. AMI talked about the role of the Primary Authority Supermarket Group (PASG) which meets regularly to discuss enforcement issues. At these meetings there were calls for pragmatism in the initial post-implementation period (until the 2022-23 New Year). The BRC's feedback is that the number of challenges in 2023 have been limited and most have been easily resolved between enforcers and retailers. One of the issues pointed out by enforcement is that the Regulations do not require businesses to disclose information on relevant store area to enable enforcement officers to determine whether or not a business is exempt from compliance with current location/placement restrictions. The burden of proof lays with enforcement. This is particularly confusing as the rules on size-based exemptions differ between HFSS promotional restrictions and Sunday trading restrictions. In terms of challenges, AMI discussed a recent challenge of a type of party food that was categorised as a main meal (cat. 13). She talked about the subjectivity of category 13 (what is considered a main meal by one may not be for someone else) and that the challenge was eventually dropped by

enforcement. She also discussed another challenge where a HFSS product had been incorrectly classed as non-HFSS by the manufacturer, and therefore placed at a restricted area by a retailer. This issue was resolved by the parties involved and no formal challenge was taken forward. She said that no online challenges had occurred, possibly because of how confusing the rules are. AMI then talked about the low levels of engagement of the current Department of Health and Social Care (DHSC) administration and the lack of certainty on next steps to determine whether or not volume price restrictions may be further delayed due to the ongoing cost-of-living crisis.

- **Wales:** AMI informed members of Welsh plans to publish a further consultation on implementation and enforcement of HFSS promotional restrictions sometime in April.23. She said that the Welsh Government (WG) has not been upfront on their plans, but that all policies should have been agreed by the time the consultation is launched. However, the BRC thinks that the main points of difference between the Welsh and the English provisions will be that the Welsh policy is likely to be extended to loose and Prepacked for Direct Sale (PPDS) products, that free-standing units are likely to be included in the scope of the Regulations, irrespective of where they are placed in the store, and the potential inclusion of Temporary Price Reductions (TPRs) and meal deals. AMI also said that, due to the enforcement issues based on business size in England, Wales intends to make it mandatory for businesses to provide proof of store area. The BRC has been active in discussions with the WG, alerting them of the likely impact of the policy on the cost of the shopping basket, and that they managed to secure a meeting with the Deputy Health Minister on 28 March, in which they were hoping to, if not prevent the publication of the policy, at least to tone down some of the proposals. **[POST MEETING NOTE:** The WG consultation on implementation and enforcement of HFSS promotional restrictions has not yet been launched].
- **Scotland:** AMI said that the current political scene in Scotland, together with the lack of popularity of other legislative proposals (e.g., Deposit Return Scheme (DRS), employment and human rights, alcohol advertising) has forced the Scottish Government (SG) to put the work on the HFSS promotional restrictions on hold for a while, but it is understood that the SG is likely to follow a similar path to the WG in terms of policy.

HFSS advertising restrictions:

AMI stated that the BRC has developed their position alongside and in alignment with the Incorporated Society of British Advertisers (ISBA) and the Food and Drink Federation's (FDF). The BRC's response to the UK-wide consultation on HFSS advertising restrictions focusses on the definition of product categories and the need for timely guidance to ensure operability of the provisions. AMI said that the BRC plans to update their product category guidance to include products in scope of the future advertising restrictions, which will include prepacked, loose, PPDS and products consumed in Out-Of-Home (OOH).

AMI also talked about the BRC's work with the Advertising Standards Authority (ASA), whom they believe will be nominated as the frontline regulator. They have asked for clarification on a number of points and requested practical implementation of the provisions as some discussions held with DHSC have been concerning, e.g., brand advertising exemption. AMI provided examples of brand associations that could render online material in scope of the paid-for online advertising restrictions, warning members of the potential pitfalls of the regulation as it stands. She emphasised the importance of practical guidance to be developed, and asked PPA to echo the message in our consultation response.

The Secretariat opened the floor to questions. A member asked about the potential consequences of divergence in promotional restrictions within the UK. AMI reassured members that, in her discussions with the WG and the SG, both governments appeared clear on the importance of alignment in terms of product categories, as any form of deviation is likely to lead to cost and burden for businesses. She also reiterated that the HFSS advertising restrictions are UK-wide, and therefore it is even more important that there is alignment in the product categories in scope.

The Secretariat asked a question on potential implications of divergence on online promotions, e.g., meal deals and TPRs. AMI said that retailers have some mechanisms at their disposal to deal with differing

pricing requirements, e.g., minimum unit pricing for alcohol in Scotland, but nevertheless these are complex processes, and this has been highlighted to the SG and WG. She also emphasised that these regulations apply to the placement of products in stores or websites, not necessarily the placing of products on the market. For example, AMI said that companies physically based in England, whose website is also hosted in England, but which are selling products in Wales, do not need to comply with Welsh legislation, making compliance even more complicated for retailers.

A member asked a question about enforcement, and whether local authorities were likely to start sampling and testing products to verify HFSS compliance. AMI said that she does not think authorities are likely to go down the analysis route and proactively challenge compliance. She said that the views of the Chair of the PASG is that non-compliance is much more obvious and there is no need to get to that level of detail. AMI, however, noted that many local authorities struggle to understand the Nutrient Profiling Model (NPM).

A final question was asked about products in scope of the England promotional restrictions versus those in scope of the advertising restrictions. AMI explained that the promotional restrictions apply primarily to prepacked products and the advertising restrictions will apply to all products, whether they are prepacked, loose or PPDS, with the caveat that the advertising restrictions will only apply to 'identifiable' products. She also explained that the advertising restrictions include a new category for sandwiches (cat. 14). AMI also clarified that the changes to the BRC category guidance will refer primarily to the differences in settings, occasions and transactions that would not be covered within the promotional restrictions but will be covered by advertising restrictions.

The Chair asked if the BRC had decided as to whether they would ask for a definition of 'brand advertising' or 'identifiable product' in the Regulation or if they thought this would be better placed in guidance. AMI said that based on the discussions with DHSC and the ASA, they thought it was unlikely that they would include these definitions within the Regulations and therefore the BRC was going to ask for the exemption on brand advertising to be made clearer within the Regulations and that further detail should follow in guidance.

The Secretariat thanked AMI for her time and offered PPA's support on future discussions.

3) Invited Guest Speaker: Lindsay Roome (Department for Environment, Food and Rural Affairs - Defra) and Holly Farmer (DHSC) – Food Data Transparency Partnership (FDTP)

Lindsay Roome (LR) from Defra and Holly Farmer (HF) from DHSC introduced themselves and gave an overview on the work of the FDTP, the structure, any decisions that have already been made and how they plan to engage with external stakeholders. LR also talked about the eco workstream of the FDTP, which is being led by Defra, as that has been developed further than the other two workstreams (i.e., health and animal welfare).

LR talked about the complexity of supply chains and the need for collaborative work between Government, industry and consumers to bridge the data gap. However, LR also recognised it is not possible to include all players in the development work.

See slides for details.

Within the eco workstream, LR recognised that this work could take years to develop, but that initial focus would be given on consistent measurement and communication of scope 3 Greenhouse Gas (GHG) emissions and consistent methodology for the voluntary use of eco-labels/environmental labelling, and that the industry is likely to already have access to this data.

HF then talked briefly about the health workstream, explaining that this work is in its initial stages of planning, but that an industry co-Chair has now been appointed, Susan Barrett, CEO of the Institute of Grocery Distribution (IGD). HF they are still looking at nominations for the Working Group.

In terms of scope, HF said that the health workstream is likely to consider metrics in line with the Government's Obesity Strategy and they think that these metrics are likely to build on existing frameworks the industry is familiar with from other government-led initiatives, such as the reformulation programmes, Front-of-Pack Nutrition Labelling (FOPNL) and the NPM. HF also said that there is an assumption that large companies already have access to some of this data, and similarly DHSC is committed to working with businesses through the open design process and pre-consultation to ensure that any proposed reporting requirements are feasible to businesses.

A member asked about timeframes for updating businesses on the health workstream. HF said there was no specific timescales but that they were pressing ahead with the work on membership, and they expected to inform businesses within the next few weeks.

The Chair asked about timescales for public consultation. LR said that the Government aimed to consult at the end of 2023, as per the Government Food Strategy published in 2022. However, given the number of changes within Government, these timescales may prove challenging, but no changes have been agreed as of yet. Therefore, the original timescales still stand, and any changes would be communicated.

The Secretariat asked LR about Defra's plans for stakeholder engagement for businesses that are not actively engaged in the development of the FDTP and what plans are there for the consultation(s). On engagement, LR said that they have tried to design the FDTP groups to represent as many sectors as possible, acknowledging it is impossible to involve the whole industry. However, LR said that Defra is happy to take part in other discussion forums, including future PPA meetings, to provide updates on developments. On the specificity of the consultations, LR said that this is still being considered by the Working Group. Ambitions are high, but pragmatic decisions may need to be taken. However, no decisions had yet been made.

The Secretariat asked a question specific to the scope of the health workstream and whether there were plans to collect data from manufacturers, or if data would only be required from retailers. HF said no decisions had been made on that, but that it was likely that data would be required across the board.

The Secretariat concluded with a remark that it may be good to invite Defra and DHSC to a future FLC meeting once the work on the FDTP has progressed further.

[POST MEETING NOTE: We have been made aware that both the Health and the Animal Welfare workstreams have been paused. However, Defra seems to be progressing the Eco workstream with the same scope noted above, and that plans for a consultation are still set for end of 2023. The Office for Health Improvement and Disparities (OHID) has not confirmed that the work on Health has been paused].

4) Review of minutes (30 November 2022) and any actions arising

The Committee confirmed that the minutes of the previous FLC meeting on 30 November were correct and proceeded to review the actions arising from the meeting. To note:

- **Slack** – No further comments from members. Slack is an online communications tool and document management system (PPA circulars). Will remove item and add reminder to members who are interested in using system, e.g., in emails to new members.
- **OHID contact:** Changes within Government seem to have affected OHID's direction of travel (and questioned their mandate) and therefore contact has been poor across the board. **[POST MEETING NOTE:** PPA held a meeting with OHID on 12 May 2023 (FLC 173/23). The Year 12 report of the National Diet and Nutrition Survey (NDNS) will be released in Spring.24. PPA will contact OHID then to gather relevant data but will have to further explore solutions for data analysis].
- **Better Health App and Good Choice badge:** No interest reported from members so will mark as complete.
- **FSIFG draft enforcement opinion on dairy terms:** No progress. Will be covered later during update.
ACTION: PPA to continue to monitor activity.

- **Salt and sugar data (PPA annual survey):** 2021-22 data analysis now finalised. As not all crisping members shared data the report was published as a partial report.
ACTION: PPA to issue call for 2022-23 salt/sugar data around May-June.23.
- **Update on FDTP:** Completed following update from Defra/DHSC during meeting. Will continue to follow this topic as part of the Issues Matrix.
- **General Buying Standards for Food and Catering Services (GBSF), CQUIN (Commissioning for Quality and Innovation) and HFSS promotional restrictions in England:** Meeting between PPA and NHS team responsible for hospital food held in Feb.23. No further communication from team. Also discussions between PPA and BRC, but they also have not had joy in obtaining information on hospital food.
ACTION: Secretariat to follow up with NHS.
[POST MEETING NOTE: PPA Secretariat followed up with NHS contacts on 18 May. Awaiting a response].
- **Food labelling review:** No comments received from members. PPA extended request to other food law changes members would be interested in which could be explored as part of discussions with Government officials working on the Retained EU Law Bill (REUL).
ACTION: Members to contact PPA with any food labelling, hygiene, safety or compositional changes to legislation they would like to be addressed as part of a future UK law review.
- **Food Standards Agency (FSA) REUL Bill paper:** Secretariat circulated to members in Dec.22 (FLC 523/22). Completed.
- **Suggestions for guest speakers for future FLC meetings:** The Secretariat had not received any suggestions for external speakers for future meetings, so request has been carried over.
ACTION: Members to suggest guest speakers and/or topics for future FLC meetings (suggestions incl. FSA on allergens, additives or contaminants, FSA/Defra on the Retained EU Law Bill, Nesta, Defra on the Food Data Transparency Partnership (FDTP), Trading Standards, BRC, OHID, European Snacks Association (ESA), European Potato Processors Association (EUPPA).
- **FLC priorities document** – still ongoing work.
ACTION: Secretariat to contact members individually to discuss priorities for 2023.
- **FLC Terms of Reference (ToR) and Chair appointment:** Proposed changes to the FLC ToR were discussed at the Dec.22 meeting and the document was circulated to the Committee for comments (FLC 533/22). The FLC also agreed to re-appoint Catharine Hall (CH) as Chair of the Committee at the Dec.22 meeting. CH's appointment was endorsed by the PPA Board in Dec.22, who also endorsed the updated Committee ToR. The updated ToR and CH's appointment was communicated to the FLC in Dec.22 (FLC 550/22). Completed.
- **Nesta report:** The Secretariat contacted Nesta to request early sight of their report on calorie reduction, but Nesta refused to provide a copy ahead of publication. Agenda item to be discussed at the meeting. Completed.
- **FSA consultation on the revision of Food Law Code of Practice in England:** PPA did not respond to consultation as there was no interest from members. Completed.
- **Issues Matrix Dec.22:** Proposed changes to the FLC Issues Matrix were circulated to members after the Dec.22 meeting for consultation (FLC 536/22). No objections were received and therefore the amended document was circulated to the FLC in Dec.22 (FLC 546/22). Completed.

5) Committee matters

Three items were discussed as part of this agenda item – see slides for details:

- **Review of the PPA Media Monitoring (MM) process, incl. the 2022 annual MM report**
The Secretariat explained the current process, as outlined in the PPA MM guidelines (last issued in Jan.21) and went through the main points of the 2022 annual summary, which was sent to members in Jan.23 (FLC 016/23). The Secretariat then requested feedback from members on the usefulness of the MM emails (and whether they read the emails and the half-yearly/yearly summaries) and asked if they had any feedback on if/how the service could be improved, e.g., any topics that are not being monitored (or anything that is monitored but not useful), with particular consideration to the limited

resources of the Secretariat. The Secretariat will then review the service and update the MM guidelines based on any feedback received.

ACTION: Members to provide feedback on the usefulness of MM service and provide any feedback/suggestions on if/how they could be improved.

ACTION: Members who do not currently subscribe to the MM service and would like to start receiving MM emails to contact the Secretariat.

ACTION: Secretariat to review service based on feedback received and revise the MM guidance accordingly.

- **The Food and Drink Federation (FDF) Associations Meeting**

Following FDF Chief Scientific Officer's, Kate Halliwell, participation at the PPA Board Meeting in Feb.23, the Chair told members about the FDF Associations Group meetings, which take place quarterly, and are an opportunity for Trade Associations that are members of the FDF to raise any issues of relevance with the FDF which, in turn, may be able to further escalate them with the Government, NGOs, or cascade matters down to its own Committees. The Chair explained that PPA is looking at how to best make use of its participation at these forums. The Secretariat stated that the next FDF Associations Meeting was due to take place in April. The Chair explained that the FDF Associations meeting will be added as a standing agenda item to all FLC meetings to enable PPA to feedback on any relevant discussions to the Committee and also to offer members an opportunity to raise any issues/concerns they would like to have discussed at FDF-level.

[POST MEETING NOTE: PPA did not attend the April meeting due to a diary clash. The meeting minutes have not yet been circulated. The next 2023 meetings are on 24 July and 4 December].

ACTION: Members to submit any points they would like PPA to raise at the next/future FDF Associations meeting.

- **The FSA Strategic Study on the Future of the Food System**

The Secretariat then provided an update on the FSA study on the Future of the Food System. The study was commissioned by the FSA but carried out by Camrosh, a third-party consultancy company.

The aim of this study is to provide the FSA with an overview of emerging issues that are likely to impact the UK food system in the next 5 to 10 years to help them to make strategic policy decisions and to mitigate any negative impacts. It was conducted in three parts: a survey in Jan.23, followed by an online interview and a workshop, both held in Feb.23. Panel representatives included Government departments, trade associations, industry (incl. Tesco and Danone) and academia. See slides for details. The FSA expects to publish the report around April/May. PPA expects to receive a copy of the report before it is published, due to their representation. **[POST MEETING NOTE: To date, the study has not yet been finalised].**

ACTION: Secretariat to follow up with Camrosh. **[POST MEETING NOTE: PPA Secretariat followed up with Camrosh on 18 May. Awaiting a response].**

6) Updates

a) Food Safety

The Secretariat gave an update on recent developments in the area of contaminants and pesticides relevant to members. See slides for details.

Please also note the following:

i) Acrylamide

- UK discussions: FSA's Acrylamide survey is expected to be published before summer. Focus is likely to be on vegetable crisps and vegetable fries (such as potato fries).
- Acrylamide continues to be listed as a priority in the FSA's contaminants programme.
- The Secretariat is aware that the UK is watching closely EU developments and stated that the FSA has been supportive of Benchmark Levels (BMLs) proposed by the industry in the EU, but that

Maximum Levels (MLs) may be considered for some foodstuffs. However, any developments at UK level will lag behind (estimated a min. 2-3 years).

- EU discussions: FoodDrinkEurope has informed that there were not many developments at the Working Group and SCoPAFF (Standing Committee on Plants, Animals, Food and Feed) discussions in Feb.23.
- ESA, alongside EUPPA and Europatat, wrote a joint letter ahead of the discussions in Feb.23 to preempt the potential impact of the regulations as proposed (on MLs for potatoes) on farmers and on the need for a robust impact assessment.
- On slide 16, the suggested BMLs for vegetable crisps and fruit crisps are incorrect, and should read as follows:
 - Fruit crisps/chips: 250 µg/kg
 - Vegetable crisps and other than potato and cereal crisps: 700 µg/kg
- Although not included in the EU proposals so far, Commission officials have in the recent past referred to acrylamide in popcorn and roasted nuts (almonds in particular) and therefore BMLs cannot be ruled out for these products at some point in the future.

ii) 3-MCPD and glycidyl esters

- The UK's position so far is that MLs may not be needed as levels are already controlled through Good Manufacturing Practice (GMP). Please note that EU legislation currently apply in Northern Ireland (NI).
- FSA would welcome industry data on 3-MCPD and glycidyl ester. The Secretariat encouraged members to supply data to PPA to enable us to collate and submit it to the FSA.
- EU discussions: Limits already established for oils, but proposals to extend MLs to finished products.
- FoodDrinkEurope had submitted a letter to the Commission on proposals to introduce MLs for 3-MCPD in E471 (based on concerns that levels in E471 could contribute a significant amount to the overall calculations). The Secretariat does not believe this to be a concern to our sector.

iii) Furans

- No developments at UK level. Please note that EU legislation currently applies in NI.

iv) Glycoalkaloids

- At EU level, there was an event about the Myglinka project held earlier in Mar.23, where project managers spoke to representatives of EUPPA. There are 30 potato varieties that are being considered at the moment: 10 crisping, 9 chipping and 1 from the starch sector.
- Under the previous phase, potatoes were being subjected to intense light stress followed by analysis of the levels of solanine and chaconine in the product. Now researchers will look at other stressors, such as chemical stress, disease, mechanical and how it affects varieties.
- They are also looking at specific varieties for French fries and crisps. The worst crisping performers were Austin and Papageno, which are not widely used in the UK.
ACTION: Secretariat to report on key points from EUPPA Task Force. **[POST MEETING NOTE:** The draft report from the meeting has been shared with FLC members – FLC 107/23].
- There have been no developments at UK level. Please note that EU legislation currently applies in NI.

v) T-2 & HT-2

- At EU level, T-2 and HT-2 were to be considered at a Commission Agricultural Contaminants Working Group meeting on 21 March 2023 and subsequently at the next SCoPAFF meeting on 21 April 2023. The Secretariat expects T-2 and HT-2 to be included in SCoPAFF's meeting agenda where proposed MLs are likely to be agreed upon, in which case they will come into force from 1 July 2024. **[POST MEETING NOTE:** We still have not seen the proceedings from these meetings, but T-2 and HT-2 were not included in the agenda of the SCoPAFF meeting. However, the Commission

has more recently informed that MLs are still under discussion (There are new proposed levels for T-2 and HT-2 for some products, but levels in cereal snacks remain the same, i.e., 20 µg/kg) but they expect that the new MLs will apply from 1 July 2024 (FLC 163/23)]

- At UK level, the Secretariat explained that the January.23 report from the Committee on Toxicity (COT) covers several cereal products, incl. unprocessed cereals, which is potentially problematic as often these can be unrelated. Manufacturers may want to work towards the lowest possible level to comply with MLs in their finished product.

vi) Deoxynivalenol (DON)

- The Secretariat is not aware of any further developments at UK level. Please note that EU legislation currently applies in NI.

vii) Chlorpropham (CIPC)

- EU discussions: The Potato Value Chain (PVC) 2021/22 CIPC monitoring report was sent to the Commission in Dec.22. This indicated that lower CIPC contamination levels can be achieved. It is likely that the temporary Maximum Residue Limits (tMRL) may be further reduced in the future, but there are no indications on timescales. **[POST MEETING NOTE:** Minutes of the SCoPAFF meeting held 13-14 Feb.22 confirm that this was discussed. Based on the new data, the existing MRL could be lowered to either 0.25 mg/kg (97.5th percentile of the data population) or to 0.2 mg/kg (95th percentile). Nevertheless, as the modification of the tMRL from 0.4 mg/kg to 0.35 mg/kg introduced by Regulation 2023/377 is not yet applicable, it is appropriate to wait for its applicability before further reducing the MRL, and the Commission proposed to postpone the discussion on this issue].
- The Secretariat reminded members to provide data on CIPC levels for the 2022/23 monitoring season.
ACTION: Members to support CIPC data collection
- UK discussions: A 10 mg/kg MRL still applies at GB level. The Chemicals Regulation Division (CRD) of the Health and Safety Executive (HSE), which is responsible for the regulation of pesticides in the UK, has started looking at CIPC data but the latest indication from them is that no changes are expected before 2024. Please note that EU legislation currently applies in NI.

b) Sustainability

i) Extended Producer Responsibility (EPR):

- The Secretariat gave a brief update on the latest developments on EPR, in England and in the devolved administrations. See slides for more information.
- **[POST MEETING NOTE:** On 21 April, the UK Government published The Packaging Waste (Data Reporting) (England) (Amendment) Regulations 2023, amending The Packaging Waste (Data Reporting) (England) Regulations 2023. These Regulations will come into force on 30 June 2023, will extend to England only and will apply to data reported from the 1 January 2023. Devolved Administrations will also be amending their 2023 data reporting regulations to take account of the changes (FLC 139/23)].
- EPR fees have not yet been established and there are ongoing discussions about who the EPR administrator should be (i.e., public or private).
- **[POST MEETING NOTE:** The FDF is heavily involved in discussions, and we will keep members updated on new developments].
- **[POST MEETING NOTE:** The Welsh Statutory Instrument (SI) has not yet been published.]

c) Nutrition and Health

The Secretariat gave an update on diet and health policy timings and highlighted some events which were not further discussed during the meeting, i.e.:

- OHID first calorie monitoring report (2024 targets) – now expected to be delivered in two parts: first for prepacked products (due in Spring.23) and the second part on the OOH sector, expected in the Summer. **[POST MEETING NOTE:** OHID has said that the 2024 calorie target report will be published “in the next few months”. They have not confirmed if the report will be published in two parts].
- OHID first salt monitoring report (2024 targets) – Now expected early in 2024.

i) HFSS Promotional restrictions (Devolved)

The Secretariat provided a very brief update on HFSS promotional restrictions in the UK devolved nations, as most points had already been covered during AMI’s presentation. See slides for details. **[POST MEETING NOTE:** The WG consultation on implementation and enforcement of HFSS promotional restrictions has not yet been launched].

For NI, please note the following:

- NI is finalising work on their ongoing obesity strategy, called A Fitter Future to All.
- FSA NI engaged with PPA in January about plans to develop nutritional standards for vending machines placed in council premises, to promote healthier standards, with particular focus on crisps and savoury snacks.
- They proposed to set a calorie cap for savoury snacks sold in vending machines in council owned property, like council offices, registry offices, parks, museums, leisure centres of 250 kcal per portion, with a potential exemption for nuts – supported by PPA members.
- This would then be reduced to 200 kcal per portion – but were not able to expand on timeframes. PPA members expressed concerns around this.
- They were also exploring further expanding this to other types of council establishments, like police stations.
- They also expressed concerns over the provision on healthier snacks, which they believed to be a barrier with wholesalers.
- NI currently working on new Obesity Strategy - Whole Systems Approach.
- FDF said that the strategy and consultation were expected in Apr.23, although FSA NI previously told us this would be published later in 2023. **[POST MEETING NOTE:** To date, the new NI obesity strategy has not been published].

ii) HFSS advertising restrictions (UK-wide)

The Secretariat provided an update on the upcoming HFSS advertising restrictions. See slides for details.

Please also note:

- **PPA response to DHSC/Department for Digital, Culture, Media & Sport (DCMS) consultation on secondary legislation on HFSS advertising restrictions:** **[POST MEETING NOTE:** PPA replied to the consultation on 29 March 2023. The main points made by PPA were around brand advertising (explicit exclusion from the regulation, but definition of ‘identifiable product’ to be laid in guidance, request for amendment of the UK Advertising Codes to align with new provisions, exclusion of ‘owned media’, incl. retailer websites (which should be considered ‘transactional content’) and reference to compliance with 2004/05 NPM model (and not the 2011 guidance) (see FLC 113/23)].
- **CAP guidance pre-consultation:** **[POST MEETING NOTE:** The Committee of Advertising Practice (CAP) who, alongside the Broadcast Committee of Advertising Practice (BCAP), write the UK Advertising Codes, launched a short informal pre-consultation on part of the proposals for the CAP

guidance on the future advertising restrictions which closed on 4 May 2023. The ASA/CAP are not legally allowed to launch their consultation until they are legally appointed as regulators. The CAP pre-consultation focussed on the 'identifiable product' test, which is key to the future advertising restrictions. (FLC 295/22). The CAP draft document refers to the products in scope of the future Government advertising restrictions as 'less healthy foods' (LHF) rather than HFSS, to differentiate these from products in scope of the existing self-regulatory UK advertising restrictions].

- **ASA/CAP guidance and DHSC guidance on product categories:** [POST MEETING NOTE: CAP has informed us that the final ASA/CAP guidance is expected to be published in 2024, and DHSC has told the FDF that guidance on product categories and use of NPM not expected until 6 months before implementation of the Regulations, i.e., Feb.25].

iii) Other Diet & Nutrition updates

The Secretariat provided an overview of other key developments on diet and nutrition, including updates from the FDF Diet and Health Committee (DHC) and Nutrition Working Group (NWG) meetings. See slides for details. In addition:

- **Ultra-Processed Foods (UPF):** [POST MEETING NOTE: The British Nutrition Foundation (BNF) has now published its position statement on UPF as well as the proceedings from the roundtable held in July.22 (FLC 169/23). The FDF has also launched new web page on food processing. The Scientific Advisory Committee on Nutrition (SACN) will consider the BNF work as part of SACN's review of UPF which is due in June.23 (both OHID and the FSA were observers at the BNF roundtable)].
- **FDF 'Systems Approach':** The FDF have been working with Prof Paul Gately, from Leeds Beckett University on ways to bring all players (industry, Government, local authorities, academics, NGOs) together to tackle obesity.
- **Nesta:** Members agreed during the meeting for PPA to keep in touch with Nesta, due to their influence, but not to proactively engage with their work at present.

d) Food Labelling, Composition & Regulation

i) REUL Bill

The Chair provided a brief update on the REUL Bill, noting that not many developments had taken place since the Dec.22 meeting. She noted that the timescales of sunseting all EU law by the end of Dec.23 were extremely challenging and therefore there should be more focus on the Jun.26 deadline to review any pieces of legislation in need of reform and preserving all other EU legislation.

The FDF committees have been working to identify legislation that may benefit from reform by 2026 but have been cautious of the potential for further EU divergence.

[POST MEETING NOTE: On 10 May 2023, the UK Government announced its plans to remove the REUL Bill's sunset clause and replace with a positive list of EU laws intended to be revoked. The Bill would return to the Lords on 15 and 17 May 2023 at Report Stage. The legal text of the tabled amendment has not yet been made public (FLC 162/23)].

ii) Windsor Framework

The Secretariat gave a brief update on the Windsor Framework, which had been published at the end of February.23. See slides for details. Also see UK Command Paper, Sector Explainers and EU Draft Regulation.

The Secretariat then talked about the EU draft legal text, which had recently been shared with PPA, highlighting the potential implications of the rules on 'Not for EU' labelling for products accessing NI through the green lane. Other questions asked were if companies could choose to send products via the red lane if they were accessing both the UK and EU markets.

[POST MEETING NOTE: This topic remains high on the FDF agenda and further updates have now been shared with the FLC (see latest update FLC 170/23). It is still unclear which products will be subject to different types of labelling, although we do not expect that crisps/snacks and frozen potatoes in general will require product-level labelling (although box-level and shelf-edge are likely to be needed). At present, it is expected that labels will need to be applied to products on a UK-wide basis. It is also now understood that companies are able to send products into NI via the red lane if they choose, but then they will be subject to stricter border controls. There are also concerns about capacity at red lanes. Other expected developments are:

- Legal scrutiny in UK and EU Parliaments: Apr-Jun.23
- Operational guidance: exp. from 18 May 2023
- Green/red lanes implemented: from 1 Oct. 2023
- Box- and shelf-level 'Not for EU' labelling: from 1 Oct. 2023 – applicable to all products sent to NI through a green lane
- Product-level labelling for SPS goods: gradual implementation from Oct.23-Oct.25].

iii) Bread and Flour Regulations (BFR)

The Secretariat provided a quick update on expected developments on the BFR review (see slides for more details) and reminded members of a recent challenge from Defra (FLC 091/23) on PPA's estimated costs related to re-labelling of products and packaging write-off, given in our response to the Defra consultation in 2022 (FLC 502/22).

ACTION: Members to reply to PPA's request for evidence on re-labelling costs and packaging write-off costs resulting from the review of the Bread and Flour Regulations (BFR) (FLC 091/23) **[POST MEETING NOTE:** PPA replied to Defra on 20 March 2023, reiterating some of our initial costs. The FDF has been recently requested to provide similar data to Defra in May.23].

iv) Other Labelling, Composition and Regulation updates

Due to time constraints, the Secretariat provided a very brief overview of other important labelling, compositional and regulation updates, including those from the FDF Food Law and Labelling Committee (FLL) meeting. See slides for details. In addition:

- **Defra guidance on Fresh/Pure/Natural:** **[POST MEETING NOTE:** Defra to pick up the work on the guidance on Fresh, Pure and Natural after the Codex meeting at the end of May.23].
- **EU Directive on Green Claims:** **[POST MEETING NOTE:** EU proposal on Green Claims was published on 22 March 2023].
- **UK Food Hypersensitivity Programme (allergens):** **[POST MEETING NOTE:** The FSA consultation on the revision of the Technical Guidance on food allergen labelling was launched on 27 March 2023, closing on 22 May 2023 (FLC 110/23). PPA draft response shared with members on 12 May 2023 (FLC 167/23)].

7) AOB

There were no AOBs raised.

8) Risk matrix

Due to time constraints, the Secretariat suggested to revise the Risk Matrix after the meeting to be circulated to members for further input.

ACTION: Secretariat to review and circulate Issues Matrix. **[POST MEETING NOTE:** Completed on 21 March 2023 (FLC 100/23). Amended Issues Matrix sent to members on 29 March 2023 (FLC 114/23)].

The following changes were made:

- Added 'Windsor Framework' added a new issue under 'current issue' x 'big impact'.
- Removed high profile label from 'Brexit/Devolution-associated issues' (under 'current issue x 'big impact').
- Split 'Food Data Transparency Partnership (FDTP)' into 'FDTP Environment workstream' and 'FDTP Health workstream'
- Added 'FDTP Health workstream' as a new issue under 'future issue' x 'big impact'
- Added 'FDTP Environment work' to 'Eco-labelling' as a new issue under 'future issue' x 'moderate impact'

9) Next meeting dates

The next FLC meetings will be held on:

- 5 July 2023 - physical
ACTION: Secretariat to explore location for next FLC meeting on 5 July (physical meeting)
ACTION: Members to inform availability for a potential back-up meeting in London on 20 July (if meeting on 5 July is not possible) [**POST MEETING NOTE:** To be held at the UK Flour Millers office in central London (FLC 158/23)].
- 22 November 2023 - online

ADDENDUM:

On an ongoing basis, members are invited to submit to the Secretariat any product data held on:

3-MCPD	Mycotoxins (aflatoxins, ochratoxin A, patulin, fusarium toxins, fumonisins, deoxynivalenol (DON) and zearalenone (ZEA))
Acrylamide	Perfluoroalkyl substances (PFAS)
Cadmium	Pesticides (CIPC)
Dioxins	Tropane alkaloids
Glycoalkaloids	UK import/EU export issues (e.g., composites, HRFNAO)
Hydrocyanic acid (HCN)	Sunflower oil shortages/substitutions/issues (e.g., sunflower oil, lecithins, etc)