



www.ppauk.org



www.snacma.org.uk

**PPA Food Law and Consumer (FLC) Committee
Minutes of the meeting 22 November 2023,
Teleconference**

Participants		Guest speakers	
Catharine Hall	KP Snacks (Chair)	Olivier Devaux	ESA
Vanessa Richardson	PPA (Secretariat)		
Gillian Black	Taylor's Snacks	Apologies	
James Blackband	Warp Snacks	Andrew Curtis	PPA (Secretariat)
Shane Green	McCain	Stuart Williams	PepsiCo
Rachel Hague	Taylor's Snacks		
Darren Hewish	Tayto Group		
Charlotte Pick	McCain		
Federica Tritschler	Lamb Weston		
Anina Toma	Taylor's Snacks		

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: Olivier Devaux (European Snacks Association - ESA)

Olivier Devaux (OD), Senior Public Affairs and Communications Manager at ESA, gave an update on the EU Packaging and Packaging Waste Regulation (PPWR). See slides for details.

OD explained that the plenary vote on the report of the European Parliament (EP) Committee on Environment, Public Health & Food Safety (ENVI) was taking place on the day of the FLC meeting and as a result, some of the information provided was subject to change. The Council of the European Union also still had to adopt its position.

After OD's presentation, the Secretariat opened the floor to questions. The Secretariat asked about timescales for completion of the proposals. OD explained that it is expected that the legislative proposals will be ready by end of Mar.24, as it is the EP's intention to complete this work within its mandate. A transition period of end of 2027 has been proposed. The Secretariat also asked if there are any labelling implications of the PPWR proposals, to enable recyclables segregation. OD stated that one of the biggest proposals from the European Commission's (EC) was to harmonise sorting instructions on packaging, but this has been heavily criticised by Member States (MSs) as the systems within some MSs currently work well (e.g., Nordics) and they would be unwilling to change.

OD also explained that one of the most significant changes to our snacks members in the UK is that the EC's proposals include a ban on plastic outers for snacks multipacks. The impact is not expected to be as great in the EU, where multipacks are not as prevalent, however, concerns were raised about sales of UK multipacks in the Republic of Ireland, as the same SKU is often sold in both markets.

[POST MEETING NOTE: On 23 November 2023, we informed members (FLC 340/22) that the EP adopted its report on the PPWR. On the 18 December 2023 the Council [adopted](#) its text on the PPWR. At the end of Jan.24, ESA co-signed a letter alongside the European Paper Packaging Alliance, the Confederation of European Paper Industries, FoodDrinkEurope and other European stakeholders which was sent to the EP, the EC and the Council, recommending, amongst other things, the inclusion of a 10% threshold for the definition of composite packaging in the PPWR. The outcome of the discussions so far is relatively positive, but discussions on the PPWR are still likely to continue until at least the end of Feb.24.].

3) Review of minutes (5 July 2023) and any actions arising

The Committee confirmed that the minutes of the previous FLC meeting on 5 July were correct and proceeded to review the actions arising from the meeting. To note:

- **Windsor Framework:** Action for members to send any questions on the Windsor Framework to the PPA Secretariat, who would collate and circulate responses to members. This was completed and was discussed later in the meeting.
- **General Buying Standards for Food and Catering Services (GBSF), CQUIN (Commissioning for Quality and Innovation) and HFSS promotional restrictions in England:** Still no update from NHS England. Item paused. To follow up after general elections.
ACTION: Secretariat to continue investigating interaction between GBSF x CQUIN x HFSS promotional restrictions in England under new government.
- **Regulatory review under Retained EU Law Act:** No comments received from members. Will be marked as completed and returned to as and when required.
- **FLC priorities document** – still ongoing work.
ACTION: Secretariat to continue to contact members individually to agree priorities for 2024.
- **Media Monitoring (MM) feedback:** Requested input on the MM service at the last meeting. Very little feedback received. Will be covered later during update.
- **CIPC data collection:** Marked as completed.
- **OHID (Office for Health Improvement and Disparities) contact:** PPA facilitated a member's factory visit in September. Great opportunity for members to show their efforts on product reformulation. Will be marked as completed for now, but if members are interested, please inform the PPA Secretariat.
- **Salt and sugar data (PPA 2022-23 call for data):** To be covered during meeting. Marked as completed.
- **Retained EU Law Policy Note:** Circulated after July FLC meeting (FLC 275/23). Marked as completed.
- **FSS consultation on Allergen Technical Guidance:** PPA responded to consultation in July. Marked as completed.
- **Nickel in potatoes:** No data received from members. Will be marked as completed but added to the list of ongoing data requests. Will appreciate any data from members.
- **Targeted EU consultation on sulphites:** Circulated to members in Aug.23. Marked as completed.
- **External speakers' suggestions Nov.23 meeting:** Completed.

4) Committee matters

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

- **The Food and Drink Federation (FDF) Associations Advisory Group (AAG) Meeting**
The PPA Secretariat attended the Jul.23 meeting of the FDF AAG. See slides for details. The next meeting of the AAG is scheduled for 4 Dec.23. It was agreed that certain items of interest to the PPA membership would be brought up again and that we would ask them to be included in the FDF priority list.

ACTION: Secretariat to raise the following key issues at the next FDF Associations: Intra-UK Regulatory Divergence, Precision Breeding, Acrylamide and GB Imports (Border Target Operating Model (BTOM)).

[POST MEETING NOTE: The PPA Secretariat attended the Dec.23 AAG meeting, but the minutes have not yet been issued].

- **Committee priorities**

The Chair of the Committee introduced the agenda, discussing the number of regulatory and policy developments of areas covered by the FLC Committee in 2023 and expected developments in 2024. The group then had a discussion on priorities for 2024, and what the Committee is currently doing well, where it could improve, including any services offered by PPA that may not be useful to members, with the aim of harnessing efficiencies and allowing the team to support members where they need most.

As an example, the Committee discussed the MM service with a view of exploring potential efficiencies. It was agreed that members would review the service and feedback to the Secretariat. The Secretariat also proposed to review the Media Monitoring guidelines and circulate it to members to feedback.

ACTION: Secretariat to propose changes to **Media Monitoring guidelines** and circulate draft to members for feedback and discussion.

[POST MEETING NOTE: Completed. MM guidelines amended on 14 February and changes already in place (FLC 075/24). Member feedback on MM emails were highly positive].

A list of draft priority areas for 2024 was shared with the Committee, and feedback was sought on areas which the FLC Committee should focus on directly (product-specific areas) and those horizontal areas in which FDF resources could be leveraged, e.g., input into FDF responses rather than submitting our own responses to certain consultations (Windsor Framework, regulated products, etc), or where non-sector-specific engagement would be more beneficial (e.g., ultra-processed foods (UPF)).

- **PPA salt/sugar reduction monitoring programme**

The Secretariat thanked members for submitting 2022/2023 data and noted the progress achieved by members on most products.

On the sugar data, the Secretariat referred to the OHID final year sugar monitoring report for the period 2015-2020, which had been published in Dec.22 (FLC 518/22). The report recognised the difficulty in achieving sugar reduction in some categories, incl. confectionery (to which sweet popcorn belongs). The Secretariat also informed members that OHID had previously informed that they had no plans to develop further sugar targets or start further monitoring programmes and will continue to consider the 2020 targets.

The Secretariat asked members if the PPA data on salt reduction could be shared with OHID. It was agreed that, as our data collection is limited (only top 5-10 products) and progress has been made, this data should not be shared to prevent the risk of further, more punitive targets being set. This should be reconsidered by the Committee once the year 1 salt target report has been published by OHID.

A member informed that the Gulf Standardisation Organization (GSO) had developed their own salt limit guidelines for the Gulf Cooperation Council (GCC) region. Depending on permissions, the Secretariat could potentially share the standard with any interested members.

ACTION: Secretariat to share with members the **GSO Guidelines on Salt Limits in Food Products** (pending confirmation of permission).

[**POST MEETING NOTE:** The GSO standard is not for further distribution, but if members are interested in information, please contact the Secretariat].

5) Updates

a) 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 Y1 progress report on the calorie reduction programme: [**POST MEETING NOTE:** The [Y1 calorie targets progress report](#) was published on 15 February 2024 (FLC 081/24)].
- OHID Y1 progress report on salt reduction programme: Due by end of 2024.
- Scottish Government (SG) Good Food Nation Plan: [**POST MEETING NOTE:** The [National Good Food Nation Plan](#) was published on 24 January 2024 and is being consulted on until 22 April 2024 (FLC 032/24)].
- OHID report on children's exposure to HFSS advertising: Delayed. Originally expected in Nov.23. No news.
- [2023 Welsh Chief Medical Officer \(CMO\) report](#): Published on 2 November 2023. States that businesses need to be more responsible in reformulating of products.
- [Major Conditions Strategy strategic framework](#): Published by the Department of Health and Social Care (DHSC) on 14 August 2023. Remains a focus for OHID. Makes reference to the reformulation programme and the work of the Food Data Transparency Partnership (FDTP), which we will discuss later.
- Front of Pack Nutrition Labelling: No ministerial steer, so no progress so far. No news.
- DHSC work on vit D fortification: Paused.
- 2018 Nutrient Profiling Model (NPM): No progress. OHID confirmed there are no plans to apply it retrospectively to existing regulations.
- Guidance on Nutrition and Health Claims: Worked paused.

i) HFSS Promotion restrictions (England and Devolved Administrations (DAs))

The Chair provided an update on developments on HFSS promotion restrictions in the UK and devolved administrations. See slides for details.

For England, please note the following:

- Government guidance on HFSS promotion restrictions: Last updated 29 September 2023. The Chair recommended that members consulted the new version as some product examples of products in/out of scope had changed. Members were encouraged to send their feedback on the impact seen on the implementation of the HFSS placement/location restrictions as the FDF is working on a year review.
ACTION: Members to send any feedback on the implementation of the HFSS placement/location restrictions to Secretariat.

For Wales, please note:

- Welsh Government (WG) consultations on enforcement of HFSS promotion restrictions and guidance: [**POST MEETING NOTE:** To date, these have not been published. Timescales remain at Q1 2024 for both].

For Scotland, please note:

- Scottish Government (SG) consultation on HFSS promotion restrictions: **[POST MEETING NOTE: The SG published its consultation on HFSS promotion restrictions in Scotland on 27 February 2024 (FLC 099/24), which includes restrictions on meal deals and temporary price reductions. The consultation closes on 21 May 2024].**

For Northern Ireland (NI), please note the following:

- New NI Obesity Strategy: **[POST MEETING NOTE: Despite confirmation from the Food Standards Agency (FSA) Northern Ireland on 20 November 2023 that no progress had been made, on 24 November 2023 the NI Department of Health (DoH) published its [consultation](#) on the new Obesity Strategy ‘Healthy Futures’ (‘Strategic Framework to Prevent the Harm caused by Obesity, and Improve Diets and Levels of Physical Activity’) (FLC 413/23). The consultation closing date has been extended until 1 March 2024. PPA issued its response to the consultation on 13 February 2024 (FLC 073/24)].**
- [FSA NI event on healthier and sustainable vending](#):
ACTION: Members interested in the FSA NI event on 12 March 2024 on healthier and sustainable vending in the public and private sectors to contact Secretariat.
[POST MEETING NOTE: The event invitation is now public and interested members can register directly (FLC 417/23)].

ii) LHF/HFSS advertising restrictions (UK-wide)

The Chair provided a very brief update on next steps related to the upcoming Less Healthy Foods (LHF)/HFSS advertising restrictions. See slides for details.

Please also note:

- DHSC/Department for Digital, Culture, Media & Sport (DCMS) response to consultation on secondary legislation on HFSS advertising restrictions: **[POST MEETING NOTE: To date, the consultation response has not been published. It is understood that DHSC still considers it a priority and that the response is expected “in the next few months”].**
- Advertising Standards Authority (ASA)/Committee of Advertising Practice (CAP) guidance consultation: **[POST MEETING NOTE: The [ASA/CAP guidance consultation](#) was published on 13 December 2023 and closed on 7 February 2024. PPA responded to the consultation via the FDF as no input was received from members (FLC 062/24)].**

iii) Consultations on enforcement and tertiary legislation on NHCs

The Chair covered the England and Welsh consultations on enforcement of NHCs, which propose to establish a regime of Improvement Notices (INs) for breaches under the NHC Regulation (Regulation (EC) 1924/2006) both in England and in Wales, and also proposed to revoke tertiary legislation rejecting/approving certain Health Claims (HCs) at Great Britain (GB) level. See slides for details.

[POST MEETING NOTE: On 6 February 2024, OHID published its [response](#) to the England consultations confirming their intentions to introduce an IN regime for NHC Regulation breaches in England and to remove redundant tertiary legislation rejecting/approving certain Health Claims at GB level (FLC 058/24). [The Nutrition and Health Claims \(England\) \(Amendment\) Regulations 2024](#) were published on 20 February 2024 introducing the use of INs for NHCs in England (FLC 087/24). The WG has not published its response to date].

iv) FDTP Health Working Group (WG)

The Chair provided an update on the work of the Health workstream of the [FDTP](#), which remains a priority for government. The Secretariat then discussed the meeting of the FDTP Consult Group, which was held on 9 November 2023. See slides for further details.

[POST MEETING NOTE: The FDTP Health WG met again on [1 December 2023](#) and continued with their discussions on health metrics to be applied and agree on deliverables over the next 6 months. The WG will hold its next meeting on 29 February 2024. The agenda has not yet been shared].

v) Other Diet & Nutrition updates

The Chair 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:

- UPF: **[POST MEETING NOTE:** On 25 January 2024, the House of Lords (HoL) Special Inquiry Committee on Diet, Health and Obesity was [launched](#), to “consider the role of foods, such as ‘ultra-processed foods’ (UPF) and foods high in fat, sugar and salt, in a healthy diet and tackling obesity”. On 20 February 2024 they published a [written call for evidence](#), which will close on 8 April 2024. The final report of the Committee is due on 30 November 2024].

b) Food Labelling, Composition & Regulation

i) Windsor Framework and the Northern Ireland Retail Movement Scheme (NIRMS)

The Secretariat provided a brief update on the latest status of the Windsor Framework and NIRMS. See slides for details. In addition:

- The Secretariat emphasised the importance of checking the specific commodity code against the EU Regulations to ensure they are in or out of scope.
- Members reported that some retailers are taking a blanket approach to applying ‘Not for EU’ labelling for all products, regardless of whether they are in scope of the requirements or not.
- Members were interested in learning the uptake of the green lane since its inception.

ACTION: Secretariat to investigate if FDF is collecting data on uptake of green lane and any issues being faced by manufacturers relate to the Windsor Framework.

[POST MEETING NOTE: On 31 January 2024 the UK Government published a Command Paper titled ‘[Safeguarding the Union](#)’ on proposals to amend the Windsor Framework, following reports of a deal between the UK Government and the NI Democratic Unionist Party (DUP) to restore power-sharing in NI. Proposals include replacing the green lane with a UK Internal Market System and also a commitment to apply GB-wide ‘Not for EU’ labelling to products placed on the market in GB (FLC 049/24). A [consultation](#) on the GB-wide ‘Not for EU’ labelling was launched on 2 February 2024, closing on 15 March 2024].

ii) Border Target Operating Model (BTOM)

The Secretariat talked about the BTOM and provided an update on the latest developments. See slides for details. In addition:

- Members reported discrepancies on the understanding of the new requirements by different EU MSs.
- The Chair asked the Secretariat to share links of upcoming webinars by the Department of Environment, Food & Rural Affairs (Defra) on the BTOM.

ACTION: Secretariat to send link to **webinar on TOM/BTOM to members** (only if relevant to members' products).

[POST MEETING NOTE: Completed. Links sent to members (FLC 402/23 and FLC 414/23)].

[POST MEETING NOTE: On 31 January 2024 the first phase of the BTOM came into force, introducing new requirements of health certification on imports of medium risk animal products, plants, plant products and high-risk food not of animal origin (HRFNAO) from the EU (FLC 055/24 and FLC 069/24)].

iii) Allergen labelling

The Secretariat updated the Committee on the latest developments on allergen labelling in the UK and at Codex Alimentarius level. See slides for details. In addition:

- Members discussed the issue of consumer acceptance of products labelled 'vegan' which also have Precautionary Allergen Labelling (PAL)
- Some members reported that, if PAL is required on their products, they have to carefully consider whether or not to use vegan claims.

iv) Other Labelling, Composition and Regulation updates

The Secretariat then provided a 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:

- Food Standards and Information Focus Group (FSIFG) Opinion on dairy designations used in plant-based products: **[POST MEETING NOTE: A meeting took place on 11 January 2024 to discuss the amended draft. FDF information on the proposals was circulated to members (FLC 022/24) and a PPA meeting to discuss the draft document with members took place on 2 February 2024 (FLC 035/24). Input was received from some members which PPA relayed to the FSIFG lead on 9 February 2024. It is expected that the document will be made available to Trading Standards Officers around Easter 2024].**
- Bread and Flour Regulations (BFR) Review: **[POST MEETING NOTE: The UK government response to the consultation on the BFR review was published on 17 January 2024 confirming, amongst other things, the introduction of the requirement to fortify non-wholemeal wheat flour with folic acid (FLC 019/24). The UK Government and devolved administrations propose to lay the new regulations in 2024. Discussions are still ongoing on labelling transitional provisions].**
- Department for Business and Trade (DBT) call for evidence on Better Regulation: **ACTION: Members to send any initial comments on the DBT call for evidence on Better Regulation to the Secretariat by no later than 1 December.**
[POST MEETING NOTE: The call for evidence closing date was extended until the 17 January 2024. PPA submitted its response to the DBT on 11 January 2024 (FLC 011/24)].
- Smoke Flavourings: **[POST MEETING NOTE: EU discussions ongoing. Proposal expected to be presented at the Apr.24 meeting of the Standing Committee on Plants, Animals, Food and Feed (SCoPAFF). Discussions now on transitional measures (FLC 079/24). In the UK, the FSA is currently considering their approach, which is likely to differ (possibly less strict) from the one adopted by the European Food Safety Authority (EFSA)].**

c) Food Safety and Sustainability

Due to time constraints these sessions were not covered during the meeting. Members were encouraged to read through the slides and revert back to the Secretariat with any applicable questions.

ACTION: Members to refer to final food safety and sustainability slides and relay any questions to the Secretariat.

6) Risk matrix

The Risk Matrix was discussed during the meeting and the following changes were agreed:

- Split up priorities of the obesity strategies of England and the devolved nations:
 - 'Northern Ireland obesity strategy' added to 'future issue' x 'moderate impact' [**POST MEETING NOTE:** This was subsequently amended to 'current issue' due to the unexpected publication of the NI Obesity Strategy on 24 November 2023].
 - 'England obesity strategy' added to 'managed issue' x 'big impact'.
 - 'Wales obesity strategy' remains under 'current issue' x 'big impact'.
 - 'Scotland obesity strategy' remains under 'current issue' x 'big impact'
- Removed 'Retained EU Law Act – UK' but added 'Future FSA reforms' under 'future issues' x 'moderate impact' as a new item.
- Moved 'Nutrient profiling model (Ofcom model review)' to 'managed issue' x 'big impact'
- Removed 'Hospital Food Review' from 'current issue' x 'small impact' but retained 'GBSF/CQUIN'.
- Added 'MOSH' (Mineral Oil Saturated Hydrocarbons) along with 'MOAH' (Mineral Oil Aromatic Hydrocarbons) under 'future issue' x 'small impact' as a new item.

ACTION: Secretariat to revise **Issues Matrix** as discussed at the meeting and circulate to members for approval.

[**POST MEETING NOTE:** The amended Issues Matrix was circulated to members on 5 December 2023 (FLC 420/23)].

7) AOB

Not discussed.

8) Next meeting dates

The Secretariat suggested to run three FLC meetings in 2024: in March (online), July (physical) and December (online), and proposed to circulate a Doodle poll with dates.

ACTION: Secretariat to issue a **Doodle poll** with proposed dates for the **FLC meetings in 2024**.

[**POST MEETING NOTE:** The Secretariat issued a Doodle poll with suggested dates on 5 December 2023 (FLC 421/23). Confirmation of the March and November dates was sent on 11 January 2024 (FLC 012/24). The July has now also been confirmed):

- **Online meeting: Thursday, 21 March 2024**
- **In person meeting: Wednesday, 10 July 2024 in London (UK Flour Millers offices)**
- **Online meeting: Thursday, 14 November 2024**].

Members were also invited to provide suggestions for future external speakers.

ACTION: Members are invited to provide suggestions of **external speakers for the 2024 FLC meetings**.

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)
Nickel	MOSH/MOAH
Dioxins	Tropane alkaloids
Glycoalkaloids	UK import/EU export issues (e.g., composites, HRFNAO)
Hydrocyanic acid (HCN)	Supply chain shortages (e.g., sunflower oil, lecithins, etc)/substitution issues