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PromoVeritas
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brands and
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some of the
world's favourite
promotions right.

We are a team of marketing, digital, operations and legal experts who use our experience, knowledge, and passion to ensure that all types of promotions are structured and delivered seamlessly, securely and with full legal compliance anywhere in the world.

From prize draws to competitions to on-pack instant-wins, online or off-line we have run countless promotions across the globe, risk free.

Get in touch

For help with your HFSS product campaigns, or for advice on any aspect of running promotions get in touch with one of our team.

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All Change for HFSS Marketing August 2021

What is happening?

- Obesity costs the NHS around £6.1 billion a year and is getting worse.
- One of the ways the Government is trying to deal with this is to restrict the promotion of foods high in fat, sugar or salt (HFSS) at point of sale and through advertising online and social media.
- New legislation, from October 2022 will be some of the strictest in the world.

What is an HFSS product?

A product is deemed to be HFSS if it receives a score of four or more for food and one or more for drink, using the 2004/5 [Nutrient Profiling Model](#). However the proposed legislation will only affect prepacked products in the following categories as these are regarded as the biggest contributors to children's sugar and calorie intakes and are heavily promoted:

- Soft drinks, milk-based drinks, and juices with added sugar
- Cakes, puddings, and ice cream
- Chocolate confectionery
- Sugar confectionery
- Morning goods (e.g. pastries) incl. breakfast cereals
- Sweet biscuits
- Yogurts
- Pizza
- Ready meals and meal centres, including breaded and battered products
- Crisps and savoury snacks
- Chips and potato products
- Free refills of sugar-sweetened drinks in the out-of-home sector
- Out-of-home sandwiches, meals, starters and sides, children's meal bundles

Will all HFSS foods be banned from advertising?

No. The following categories, as well as natural foods high in fat such as cheese or avocados, are **out of scope**, and not covered by the bans:

- Garlic bread
- Pies and quiches
- Bread, even with extras e.g. nuts
- Savoury biscuits, crackers and crispbreads
- Cooking sauces and pastes
- Table sauces and dressings
- Processed meat products
- Pasta, rice & noodles with added ingredients or flavours
- Prepared dips & composite salad as meal accompaniments
- Egg products and dishes
- Sweet spreads





What are the key changes?

Restriction on price promotions and displays (by October 2022)

- **Banned:** the display of HFSS products at store entrances, aisle ends, promotional ends and checkouts and their online equivalents e.g., landing pages or shopping basket.
- **Banned:** price promotions for HFSS products, if linked to volume e.g., 50% extra free, buy one get one free or '3 for 2'.
- **Banned:** restaurants will not be able to offer free refills of fizzy sugary drinks.
- Will apply to all businesses in England selling prepacked food or drink; food retailers, online retailers, and even non-food retailers who may sell some food.

Exemptions

- If the company has less than 50 employees
- Stores below 2,000 square feet (185.8 sq. m)
- Specialist retailers e.g. chocolate shops, can still run displays

Restrictions on Television and online advertising (by end of 2022)

The BCAP Rules, overseen by ASA, already restrict HFSS advertising in the UK:

- HFSS products cannot be advertised on TV, online and out of home media if children under 16 make up over 25% of the specific audience.
- A ban on the use of Licensed characters and celebrities to promote HFSS products to children.
- A ban on promotions aimed at children & ads that promote pester power.

But the new law adds even more restrictions from January 2023

- **Banned:** No TV adverts between 5.30am and 9pm, and this is now to include all on-demand programme services under UK jurisdiction/ regulated by Ofcom
- **Banned:** Paid-for HFSS Online advertising – to include:
 - Paid-for influencer marketing e.g. sponsored posts
 - Paid-for online social media advertising e.g. promoted posts
 - Paid-for online display advertising e.g. banner ads or 'swipe to buy'
 - Paid for online video adverts e.g. during YouTube videos
 - Paid-for search listings, listings on price comparison sites or sponsored listings
 - Paid-for adverts sent via web widgets or newsletters
 - Paid-for in-game adverts, advertorials and advergames
 - Paid-for specific sponsorship

Note that organic online B2B ads on a brand's own website, and online 'Transactional content', such as product descriptions and images on the Ocado site, will still be allowed

BUT On-pack prize promotions will also still be allowed. So run more!

How to plan ahead for the new legislation

Adjust your marketing plans for 2022 and beyond:

- 'Fill Your Boots', increase marketing spend whilst you still can; run prize promotions and build a database and social media followers
- Shift funds into corporate or brand advertising and sponsorship, as long as there are no HFSS products shown
- Re-formulate products to take them out of the HFSS category, if possible
- Re-align advertising so it is aimed at parents not children and run post 9pm
- Shift funds into ads in digital-only audio media (e.g. podcasts, radio, music streaming) that are not currently covered by the new rules
- Consider keeping your business below 50 employees as these are exempt
- Increase use of organic non-paid for marketing and more focus on media that the brand controls, such as its website and social content
- Focus promotions on lesser-known products in your portfolio that are not in scope