MINUTES	Ref: NWG/24/033
Meeting date: **16 April 2024**	
Group Meeting: **Nutrition WG meeting**	
Location: **Teams**	

ATTENDEES

Hayley Marson	Morrisons
Claire Foden	Iceland
Rebecca Brown	Marks & Spencer
Ellie Howard	Asda
Charlotte Farrar	Asda
Vicky Pennington	Boots
Aoife McKernan	Co-op
Laura Farrell	Tesco
Anca Popescu	LEON
Ellie Bain	Sainsbury's
Nilani Sritharan	Sainsbury's
Maddie Thomas	Sainsbury's
Emer Lowry	Waitrose
Amanda Gillies	Spar
Orla Prendiville	Starbucks
Katie Hipwell	Starbucks
Charlie Parker	Ocado
Jessica Martin	McDonalds
Mandeep Rana-Burke	Subway
Rachel Bradford	KFC
Helen Allan	Dominos
Alexandra Howard	Krispy Kreme
Andrea Martinez-Inchausti	BRC

1. FDTP

DHSC has confirmed companies who are part of the health group of the FDTP are able to share information on the metrics being discussed and the papers which have been shared with the group. They are keen to get as much feedback as possible to help them move forward.

The members of the group explained they are looking at a wider range of potential metrics and measures for those metrics – more than 10. They are asking to assess these against a framework previously agreed. At this stage they are just asking for first views. They are not asking for a detail analysis. At their next meeting, they will be going through all the feedback received.

They have acknowledged that out of home is in a very different place than in home/retail, and therefore the metrics may have to look different, providing there is a strong justification. There is no firm view at the moment on what good looks like. It will be a group of metrics based on what is possible.

It was agreed a meeting will be set for next week to go through feedback on the proposed metrics. An invite and papers will be shared shortly. As well as views on the metrics, members were encouraged to think about experiences of reporting on these metrics to date, resources required, timing implications, issues with data, etc.

There was a brief conversation about the metrics being right for today / based on what is possible versus future proving them.

2. HFSS

The Scottish Government has an open consultation on the detail elements of the implementation of their future HFSS legislation. A draft response for comments will be shared later today. It is worth noting that Scotland is actively considering including the out of home sector in the scope the future provisions.

Wales is a step behind but also looking at similar legislation. In Wales they have ruled out covering out of home in the scope, but they are considering covering loose foods and foods pre-packed for direct sale.

One element common to both is the intention to not exempt meal deals from the restrictions applicable to volume promotions. A number of options on how to restrict those have been suggested. Andrea had shared a table summarising these.

Feedback from some members shared ahead of the meeting suggested that the impact of the different options may be slightly different depending of the type of business, internal processes, etc.

Overall members understood that option is the default. This option will not be allowed any HFSS element in a meal deal. This will mean that most current ready meals will not be permitted going forward.

Option 4 (only suggested by Welsh Government), which suggest setting up a cap for the whole meal deal, e.g. only lunch meals below 500kcals can be sold, is very difficult to implement. Different caps will need to be set for different types of meals deals. Additionally, it will be very difficult to manage operationally with the current systems; the tills currently cannot add calories or other nutrients. It will also very difficult to find a way to explain to consumers. A member asked whether a better option would be to each element of the meal deal, e.g. the snack part of the lunch meal deal can have a maximum of 200kcals. Other members felt that the difficulty with this is the per portion element as a cap. Some branded products only provide information per 100g as legally required, and there are snacks, e.g. a Mars bar Duo which is two portions, although people are likely to consumer both at ones.

It was also felt that if a cap is set, Governments are likely to use PHE guidance of 400/600/600 calories. A 600 cap for a lunch meal deal would very tight but 600 calories for a dinner bundle would not be doable.

Option 2 and 3 were the most interesting.

Option 3 introduces a new concept – discretionary foods, which will need to be defined. Without this definition it is difficult to understand the impact. The benefit of this proposal is that all mains are likely to be exempt; however, all lunch mains are already out of scope and many of the dinner mains are non-HFSS.

Option 2 seems the least restrictive, if businesses are able to choose which element they can exempt. However, this will result in potential different approaches for each business, which would be confusing to consumers.

Any of these approaches will require system changes and possibly further request of data from brands. This takes time to plan and to execute and a 12-month transitional period is not long enough.

It was agreed that based on this conversation, members will look into the proposed options in more detail, specially option 2 and 3, and we will have a further discussion at our next meeting in May.

3. FOLIC ACID

The summary of responses and government response to the amendment to the Bread and Flour Regulations which will require the fortification of flour with folic acid, were published a few months ago. The draft regulation is now with WTO. DEFRA is aiming to lay the draft law in Parliament before the summer recess. The law comes into force on 1 October 2024 and has to be complied with by 1 October 2026.

Because of the way flour is produced, the only way of making it work is by either underdeclaring folic acid or overdeclaring it on pack. Labelling colleagues have estimated the quantity of products affected to be between 1500 and 2000 for a big/medium size retailer.

BRC and other members of the industry had a meeting with DEFRA recently and as well as questioning some of our data and concerns, e.g. they suggested if there is an issue with implementation products can be removed from sale until fully compliant, they suggested enforcement is for TSOs. The issue was discussed at the supermarket primary authorities meeting on 9 April.

They have asked us to keep them updated and present progress at the next meeting in July. One action agreed with labelling colleagues is to request a risk statement from FSA/DEFRA on the COT opinion. This will help rule out or not some possible enforcement approaches.

4. McCance

Andrea had received feedback from quite a few members on the categories and the ways in which they use McCance. All respondents use it for single ingredients or blends / mixes of single ingredients, e.g. bags of mixes vegetables. Categories names were produce, eggs, rice, pasta, dairy including cheese without added ingredients and protein. One member uses it for alcohol.

McCance data is also used to verify claims on simple ingredients, both on pack and on general website healthy eating communication, e.g. eggs are a source of protein.

There was some feedback about its presentation. The Excell sheet has limited operational functionality and to get all the nutrition information for a product several tabs have to be open.

This feedback will be provided to Quadrant.

A member mentioned that Quadrant has a database with McCance which is free and much easier to navigate:

https://quadram.ac.uk/UKfoodcomposition/login-register/

5. UPF Parliamentary enquiry

The group briefly discussed the House of Lords Food, Diet and Obesity Committee enquiry into Food, Diet and Obesity with a strong focus on ultraprocessed foods. So far, the evidence provided has been very unbalanced. BRC is giving evidence on 18 April, alongside Charlie Bingham, who claims his ready meals are non-UPFs and GreenBank. The group felt that the presence of the investor will result in points / questions being made about mandatory reporting of certain metrics.

BNF has submitted robust evidence to the committee. BRC should read it before attending before it.

Andrew needs to focus on a lot of the positives things the sector has done, and the fact that most fruit, vegetables, protein and ingredients are sold by retailers. It is not all about processed foods. It would be interesting to look up what are the 5 top best-selling products in retail, likely to include chicken breasts, bananas and milk.

A meeting with CEOs on UPFs took place on 9 April. They agreed the BRC should be strengthened and BRC should make sure we are aware of the latest scientific evidence. The group agreed that it would make sense for BRC to lease with BNF on this work. They have agreed a set of project work, much of which is confidential.

6. NUTRITION VERIFICATION

The group confirmed they verify nutrition information through analysis yearly for ambient products like breakfast cereals and tinned goods.

7. CASH

CASH has been telling some members that other retailers are working with them and providing product data. Some members explained they had sent a spreadsheet with their data for the last report on cheese but had not corrected their information. Another member explained they corrected some of the information they had shared. For cheeses many of the products in the list were no longer on sale.

Most members are still of the opinion that there is no value engaging with them.

They are preparing two new surveys. One for pre-packed goods on snacks, covering cakes, biscuits, popcorn, etc. One a couple of members had been contacted about this survey.

They are also doing a report on kids' meals in the out of home sector.