

Action on Salt & Sugar Response: Applying the new NPM to advertising and promotions restrictions

About Action on Salt and Sugar

Action on Salt & Sugar is a registered charity dedicated to improving population diets in the UK and worldwide. Our work focuses on the prevention of diet-related diseases, including hypertension, cardiovascular disease, obesity, and type 2 diabetes, by addressing the structural drivers of poor diet, namely excess salt and sugar.

We are a leading, independent public health group, based within the Research Action on Salt and Obesity Unit at the Wolfson Institute of Population Health, Queen Mary University of London. Supported by a network of 33 expert scientific advisors, we generate and translate high-quality evidence to inform policy, guide reformulation and support effective, population-level interventions.

For more information on our submission, please contact Sonia Pombo, Head of Research and Impact s.pombo@qmul.ac.uk

- Link to consultation portal [here](#)
- Link to draft impact assessment [here](#) (with comments from working group)
- Link to OHA NGO free sugars roundtable report [here](#)

Consultation questions

Applying the new NPM to the existing restrictions

Questions for all participants

The advertising and promotions restrictions are designed to reduce children's exposure to 'less healthy' food or drink products. The restrictions are currently underpinned by the UK NPM 2004 to 2005. We are proposing to apply the NPM 2018 (the new NPM) to the advertising and promotions restrictions to bring them in line with the latest dietary recommendations. This would bring into scope more food and drink products that are high in free sugars.

4. Do you agree or disagree that applying the new NPM to the advertising and promotions restrictions will improve population health?

Agree

Please provide any specific information or evidence to support your answer. (Optional, maximum 300 words)

The 2018 NPM is essential to support the government's ambition to create the healthiest generation of children ever. Evidence in the Impact Assessment (IA) shows the NPM could prevent 110,000 cases of childhood obesity and 520,000 cases in adults, alongside improvements in asthma, hypertension, depression and type 2 diabetes.

In 2015, SACN halved recommended free sugars intake to 5% of energy due to strong evidence of harm to children's health. Yet only 9% of 4-10-year-olds and 5% of teenagers meet this recommendation [1], and diet-related ill health continues to rise. Consumption of excess free sugars is the leading cause of dental caries [2] - the main driver of child hospital admissions [3] - and contributes to obesity, diabetes and some cancers. In 2024/25, 10.5% of reception-aged children were living with obesity, the highest level recorded outside the pandemic peak [4]. Fibre intakes also remain low, with 95% of teenagers failing to meet recommendations.

The current NPM reflects dietary guidance which is over 30 years old. Updating it will align policy with recommendations, capture free sugars better, and reward foods high in fibre, fruit and vegetables. It will also address the "health halo" effect, where products high in free sugars currently benefit from processed fruit being treated comparably to lactose and chopped or dried fruit, as we observed in survey on snack bars [5].

Early signs from placement regulations indicate positive progress [6]. Strengthening policy through the updated NPM is the next logical step to close loopholes [7] and protect children's health. The public supports the government taking stronger action on food companies [8].

We welcome views on how effective the new NPM would be at capturing more of the products that contribute the most to childhood obesity.

5. Do you agree or disagree that applying the new NPM to the advertising and promotions restrictions will capture the products that contribute to childhood obesity?

Agree

Please provide any specific information or evidence to support your answer. (Optional, maximum 300 words)

Our surveys have consistently shown wide variation in salt and sugars content within the same food categories, demonstrating that reformulation is possible and that some companies have already made progress. A significant number of products already pass the current NPM, while others remain high in salt, sugars or saturated fat [9-11]. We do not have sufficient resources to recalculate the updated NPM across our datasets for this consultation; however, the variation we observe suggests that while some companies may find the updated model challenging, many products could meet it through feasible nutritional adjustments.

The impact of the updated NPM will be greatest if it's applied to a broader range of categories. A product can score as less healthy under the NPM, but still fall outside restrictions because its category is not in scope. This creates a policy gap and sends a confusing message to the public.

For example, cheese can be classified as less healthy under the NPM, and is a key contributor of salt to population diets. High salt intake raises blood pressure, even in childhood, increasing the risk of heart attacks, strokes and kidney disease, which remain among the leading causes of death and disability [12-13]. Yet, cheese and other high-salt foods can continue to be advertised even when classed as less healthy. Other concerning unrestricted categories include savoury pastries, processed meats, garlic breads, coated nuts (beyond chocolate), meal kits and party foods.

Nesta estimates 60% of spending on HFSS products falls outside of the 13 categories [7]. Government should therefore expand the categories to include products that contribute significantly to unhealthy diets, and setting portion caps for the out-of-home sector. PAHO's NPM guidance has produced a list of foods that shouldn't be classified using their NPM, which includes unprocessed or minimally processed foods and culinary ingredients [14].

As part of the process for determining which products are in scope of the advertising and promotions restrictions, a product must fall into one of the categories of food and drinks products within the schedules of the regulations and be assessed as 'less healthy' by the NPM.

The NPM 2018 technical guidance provides businesses with the information they need to calculate whether a product is 'less healthy'.

If the technical guidance requires any further clarity to help you to determine if a product is classified as 'less healthy', please set this out. (Optional, maximum 300 words)

We believe that food businesses have all the information they need to estimate free sugar content in their food products, and that the real concern is that many products contain harmful free sugars content.

We attended a free sugars roundtable with other NGOs and academics, organised by the Obesity Health Alliance, whereby attendees agreed that the current technical guidance could offer further clarity by including a firmer set of assumptions (e.g. thresholds, rounding, negligible quantities) and further worked examples (including out-of-home and other complex products) [15].

As an NGO, to be able to fulfil our reformulation monitoring efforts, the information provided on food packaging is not transparent enough in isolation. There are potential ways around this; the NDNS estimates free sugars intake at a population level, which is supported by a set of assumptions [16]. PAHO have also issued a simple method for estimating the free sugars

content for their NPM [14]. DHSC should consider such methods to assist NGOs and academics.

Whilst we are not responsible for enforcement, this will assist us to confidently, consistently and accurately estimate free sugars to conduct research and have independent oversight, in the absence of ingredient-level data. This is also important for enforcement agencies such as the ASA and local authorities.

Understanding the impact on industry

Questions for individuals sharing their professional views and people responding on behalf of a business or organisation

What are the main challenges or operational issues that businesses might experience when implementing the new NPM? We welcome examples of actions businesses are taking to overcome these challenges. (Optional, maximum 300 words)

As an NGO, there are some challenging in accurately estimating free sugars using only publicly available information from product packaging (nutrition information panels and ingredients list), as businesses are not required by law to declare proportions for all ingredients. For some categories this may not an issue (soft drinks, crisps, biscuits) but categories such as ready meals and soups, which can contain a mixture of dairy, whole and pureed vegetables, are especially challenging. This was echoed by other NGOs and academics in the OHA free sugars roundtable [15]. By contrast, this should not be an issue for industry as they have access to detailed product specifications.

The existing NPM, and indeed labelling requirements, already accept estimates and accepted tolerances. Current EU legislation allows up to 20% variation in reported nutrition declarations to reflect natural variability, processing, and storage [17]. Clear assumptions in technical guidance would help standardise approaches and reduce legal risk, as seen in the 2022 Kellogg's case [18]. It is reasonable to expect industry to invest in more detailed product assessment for free sugars, improving transparency and understanding of the healthiness of the products they sell.

Industry has used the NPM since Ofcom's advertising regulations and in recent years overcame implementation challenges through collaboration and system development. We are confident similar progress can be made to ensure consistent calculation of free sugars under the updated NPM.

The government is committed to implementing proportionate regulation and minimising administrative burdens of new regulation on businesses.

If the NPM is reviewed and updated again in the future to reflect new dietary recommendations, what would be a proportionate timeframe for applying any future updates which supports alignment with the investment cycles of industry? (Optional, maximum 300 words)

We would support the NPM being regularly reviewed and updated to reflect our changing food system and the latest evidence-base on diet and health. However, we urge the government to learn from the lessons of the new NPM by ensuring updates are delivered in a timely manner, match the scale and urgency of the challenge in relation to dietary-health, and stakeholders are provided with a clear implementation plan of when the changes will take effect.

Timescale for applying the new NPM

Questions for all respondents

Subject to the consultation outcome, we would introduce an implementation period to allow businesses to adapt to any changes.

Do you agree or disagree that 12 months is a sufficient implementation period for businesses in scope of the advertising and promotions restrictions and enforcement authorities to adapt to the new NPM being applied? (Optional)

Agree

How can the government support businesses during an implementation period? (Optional, maximum 300 words)

Businesses are best placed to provide insights on how they can be most effectively supported during the implementation period. Researchers at the Centre for Food Policy at City St George's, University of London are currently conducting work to capture business perspectives on the new NPM, which may offer further valuable insight. We refer to their submission to this consultation, where it is referenced in more detail.

From experience, businesses consistently emphasise the importance of government delivering on committed policies and providing clear, consistent direction to support investment planning. Interviews with retailers stressed the importance of timely, clear and comprehensive guidance to facilitate effective implementation of the HFSS locations legislation [19]. Furthermore, uncertainty and delays risk undermining business confidence in the regulatory framework, creating a 'first-mover' disadvantage and a loss of engagement and buy-in [6]. The government can mitigate these risks by setting out a clear, credible implementation roadmap and ensuring that agreed timelines are adhered to.

Enforcement

Questions for all respondents

Guidance is available to support enforcement authorities in enforcing the advertising and promotions restrictions.

What kind of support would be useful to enable enforcement authorities to effectively adapt to the new NPM being applied to the advertising and promotions restrictions?
(Optional, maximum 300 words)

There is considerable learning to be drawn from the enforcement of existing HFSS location promotion regulations. Research by Jenneson [6], based on interviews with retailers, highlighted limited resources within local authorities to carry out compliance checks, gaps in training, access to nutrition and ingredient information, and the absence of a simple method for calculating scores under the current NPM. These findings align with OHA research [20], where trading standards officers reported being broadly familiar with the legislation but lacking the training needed to enforce it effectively, alongside competing priorities [21].

Further evidence [22] identified several measures the government could take to support successful implementation; developing a freely accessible HFSS calculator, providing targeted support for smaller businesses, and allocating additional resources to local authorities to strengthen enforcement capacity. Enforcement activity is a key driver of compliance. However, large retailers have reported very limited enforcement checks, largely confined to the initial months following the introduction of the legislation, and no financial penalties have been issued [23].

To ensure the new NPM is implemented effectively, government should introduce a comprehensive package of support for local enforcement authorities:

- Creating a freely accessible calculator to support consistent and accurate compliance checking
- Ensuring local authorities are adequately resourced to carry out enforcement checks
- Developing and delivering workforce training so that relevant officers have the necessary knowledge and skills to assess compliance

Consultation-stage impact assessment

Questions for people responding on behalf of a business or organisation

Do you agree or disagree that the transition cost calculations within the impact assessment reflect a fair assessment of the costs that would be faced by your organisation or business?

- **Not applicable**

Please provide any further evidence that could be used to improve our estimates. If you are referring to a specific calculation, please state which one. (Maximum 300 words)

n/a

Do you agree or disagree that the ongoing cost calculations within the impact assessment reflect a fair assessment of the costs that would be faced by your organisation or business?

- **Not applicable**

Please provide any further evidence that could be used to improve our estimates. If you are referring to a specific calculation, please state which one. (Maximum 300 words)

n/a

Questions for individuals sharing their professional views and people responding on behalf of a business or organisation

We are assessing how many advertisements there currently are for products that would be reclassified as ‘less healthy’ if the new NPM was applied to the advertising restrictions. If you have any evidence or data that would help inform our assessment, you will be asked to include it. (Optional, maximum 300 words)

n/a

Impact on groups with protected characteristics

Questions for all respondents

We would like to understand the impact of our proposals on people with protected characteristics. It is against the law to discriminate against anyone because of protected characteristics, which are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Do you think that this proposal is likely to impact on people who share a protected characteristic in a way that is different from those who do not share it?

- Yes

If you said 'yes', which protected characteristics do you think this applies to? Select all that apply. (Optional)

- age
- disability
- pregnancy and maternity
- race

If you selected any characteristics, how might the proposal impact people differently because of these characteristics? Provide any specific information or evidence to support your answer, including whether the impact is likely to be positive or negative. (Maximum 300 words)

We believe the proposal is likely to have a largely positive impact on some groups with protected characteristics, particularly children, the disabled, those on lower incomes, those living in deprived areas and some minority ethnic groups [23]. These groups are among those at greater risk of diet-related disease and may therefore benefit more from reduced exposure to advertising for less healthy food and drink.

The Food Foundation's Broken Plate 2026 report shows that households on the lowest incomes would need to spend 85% of their disposable income to afford a healthy diet, up from 74% in 2024 [24]. It also reports that the price gap between healthier and less healthy food is now the widest it has been in over a decade, with healthier foods becoming increasingly unaffordable compared with less healthy options.

There is also evidence that exposure to unhealthy food advertising is socially patterned. Research carried out by BiteBack and University of Liverpool found adverts for less healthy foods appeared six times more frequently per kilometre in the most deprived areas compared with the least deprived [25]. Younger adults from lower socioeconomic backgrounds are also more likely to report exposure to HFSS advertising [26].

Policies focused solely on individual behaviour are not effective in reducing these inequalities [27]. Instead, action is needed to address the wider determinants of health, including strengthening existing policies with the new NPM. However, the government should monitor industry loopholes, including whether restricted adverts are replaced by alcohol, gambling or vaping, as well as brand-only advertising, digital marketing, outdoor advertising and in-store promotional displacement.

Additional information you would like to submit

Questions for all respondents

We welcome any further information on impact you may have. You will be asked to include any further information you would like to provide to inform our final impact assessment. (Optional, maximum 300 words)

1. References as a separate word document
2. Recipe for Change and Action on Salt & Sugar reformulation report on discretionary food products
3. Action on Salt & Sugar report on savoury snacks, with documented variation in nutrition content, and 2004/5 NPM scores

If applicable, you can raise any further matters about this consultation. Please do not include any personal information. (Optional, maximum 300 words)

We welcome this consultation as an important next step to strengthening advertising and promotions regulations and achieving the government's ambition of raising the healthiest generation of children.

A response should be published within 12 weeks of this consultation closing. By early 2027, a clear and defensible mechanism for calculating free sugars, along with a set of assumptions, should be release. We do not believe a delay is required to resolve this issue, as work is well underway to mitigate this. A new NPM calculator should be commissioned and freely accessible to all for transparency and consistency.

Current exemptions and narrow scope of categories are limiting the policy's full potential, and allowing the advertisement and promotion of less healthy foods which contribute significantly to population fat, salt and energy intakes. Government should concurrently take steps to consider a wider range of food categories, address brand advertising exemptions [28] and extend restrictions to outdoor advertising [29].

We recognise the importance of supporting families through the cost-of-living crisis, which is having a detrimental effect on household food insecurity and access to good food. There are many actions the Government can and should take to shield households from rising prices, including the Healthy Start Scheme. But weakening or delaying public health measures such as the new NPM would not help families, and would undermine the Government's aim of creating the healthiest generation of children ever.

Finally, this should not result in any unwarranted delays to progress on the Healthy Food Standards.

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