



Paper for information:

The attached documents in this paper were sent out with the 2nd consultation in July 2005. They include:

- Cover letter from Rosemary Hignett.
- Annex A – Consultation document
- Annex B – Nutrient Profiling Model WXY
- Annex C - Examples

To: Interested Parties

27 July 2005

Food Promotions and Children's Diets – Consultation on Nutrient Profiling

I am writing to seek your views on a proposed nutrient profiling model, which the Agency has developed to help support Ofcom's work to further regulate the advertising and promotion to children of foods that are high in fat, saturated fat, salt and sugar. The development of the proposed model follows a range of consultation activity undertaken by the Agency earlier this year. This work is described in detail in the attached consultation package (Annex A). Further detail is also given in my letters of 25 November 2004 and 1 June 2005.

Throughout the development of the model, work has been overseen by an expert working group, comprising independent nutritionists and dieticians, as well as representatives from industry and a consumer group. In addition, the Agency has sought the views of the Scientific Advisory Committee on Nutrition (SACN) on the model, and has included SACN members on the expert working group. The model has been tested throughout its development to ensure that it classifies foods in accordance with the views of nutrition and dietetic experts, and is consistent with healthy eating advice (including the Balance of Good Health, and consumer advice such as the Department of Health's "5-a-day" guidance).

The proposed final model

The proposed final model (full details of which are given in Annex B) takes account of the energy, saturated fat, total sugar, and sodium content of the food, as well as the amount of protein, fibre and fruit and vegetables that it contains. The model therefore identifies foods high in fat, salt or sugar, while recognising the importance of cereal, meat and dairy based foods and fruit and vegetables to the diet.

The model is a "simple scoring" system, in which points are allocated on the basis of the level of each nutrient (or food component) in 100g of the food. This enables food products to be classified on the basis of their overall points score. The Agency is proposing that the definition of "high in saturated fat, salt or sugar" should apply to **foods** scoring four points or more, and **drinks** scoring one point or more.

The expert working group felt that the model should also be used to identify foods that are "healthier choices", and the positive promotion of these encouraged. The Agency is proposing a provisional definition of "healthier choice" as those foods scoring zero points or less.

The model takes account of many of the comments received during the earlier consultation exercise. As a result, the proposed model is significantly more straightforward for food companies, enforcement bodies and regulators to use in

practice than earlier models. The model is based on the data that is currently provided in on-pack nutritional labelling, therefore obviating the need for extensive further analysis by manufacturers.

Attached at Annex C is a table showing how the model scores a range of foods from the product categories most heavily advertised during children's TV programming (i.e., soft drinks, breakfast cereals, fast foods, confectionery and snacks). The table also shows how the model can be used to classify a wider range of foods in the diet. The table is based on data from McCance and Widdowson food composition tables. The foods shown in the table are therefore representative recipes, and the composition of individual branded foods may be different.

Your Views

We are now inviting your views on the effectiveness of the proposed model. In particular, we are interested in your views on the following two points:

- Have the refinements introduced since the last consultation improved the technical and practical applicability of the model for use as a tool to help to improve the regulation of broadcast advertising, sponsorship and promotion of food and drink aimed at children?
- Have the refinements improved the classification of individual foods by the model – particularly those in respect of which concerns were raised in the earlier consultation?

All responses to the consultation will be made public (unless respondents request otherwise) and considered when making a recommendation to the Board on the Agency's final model which will be made available to Ofcom to use to help classify foods for the purpose of broadcast advertising controls. Further details on the consultation process and how to respond are provided in the attached consultation package. Please ensure your comments reach us by **26 September 2005**.

Yours faithfully,

Rosemary Hignett

Head of Nutrition Division

ANNEX A

Promotion of Food to Children: Consultation on Nutrient Profiling

Please send your response to: Shifra Marikar
Food Standards Agency
Room 115c, Aviation House
125 Kingsway
London, WC2B 6NH

or by email to: promokidsfood@foodstandards.gsi.gov.uk

Please ensure your response reaches us by **Monday 26 September 2005.**

27 July 2005

A nutrient profiling model has been developed by the Agency to support Ofcom's work on tightening the rules on broadcast advertising of foods that are high in fat, saturated fat, salt or sugar to children. This supports commitments in both the White Paper: *Choosing Health*¹, and the Agency's Action Plan on Food Promotions and Children's Diets. More details were given in Rosemary Hignett's letters of 25 November 2004 and 1 June 2005. A team of consultants and an expert stakeholder group has assisted the Agency in the development of a model.

Background

The Agency has undertaken a number of consultative activities to subject its initial nutrient profiling model to external scrutiny and assessment. This model scored foods according to their level of:

- Energy density, saturated fat, non-milk extrinsic sugars and sodium;
- Calcium, Iron, n-3 polyunsaturated fatty acids, and fruit and vegetables.

On 25 November 2004, the Agency launched a public consultation on this initial model, seeking stakeholders views on the:

- Assessment of its scientific basis and the way in which it has been developed
- Its effectiveness
- Its further development and testing

¹ This work complements that being taken forward as part of the Scottish Action Plan *Eating for Health, Meeting the Challenge*, the Welsh strategy *"Food and Wellbeing"* and the proposed *Food and Nutrition Strategy for Northern Ireland*.

Over 80 responses were received from a wide range of stakeholders including food manufacturers, public health bodies, local authorities and consumer organisations. A full summary of responses is available on the Agency's website.²

On 25 February 2005 the Agency held a scientific workshop to assess the scientific basis of the model. The workshop, which was attended by around 30 nutrition academics from the UK as well as policy makers from overseas, supported the use of the model for regulatory purposes, and in particular for the intended use in relation to broadcast advertising. The applicability of the model to different age groups was discussed at the Scientific Workshop. A note of the outcomes of the scientific workshop is available on our website.³

The Agency also sought the views of the Scientific Advisory Committee on Nutrition (SACN) on the model. SACN members submitted responses to the formal consultation exercise, and discussed the model at their February meeting⁴. The Committee was supportive of the model and the way in which it was developed, and members of its committee have been involved in subsequent model refinement work.

Work to refine the initial model

The responses to the consultation activities indicated that there was general support for the way in which the model classifies a wide range of foods. However, a number of suggestions to refine and further improve the model were received. In total 21 possible refinements were considered by the expert group and of these it recommended that the following five warranted further investigation.

1. An alternative approach to take account of *carbohydrate quality* – i.e., the inclusion of criteria for fibre and for total sugars (to replace NME sugars).
2. A refinement to take account of the nutrient density of foods, by *introducing a water content criterion*.
3. A different approach to recognising the importance to the diet of foods from the meat, fish and alternatives category of the Balance of Good Health: i.e., the *inclusion of protein* as an alternative marker to iron, calcium and n-3 PUFAs.
4. A *refinement to differentiate further within the fats and oils category*; for example by capping the points score for energy density, or removing the energy density criterion.
5. A *refinement to the weighting of scores for fruit and vegetable based foods*: i.e., introducing a lower ceiling in the points score for fruit and vegetable content.

² www.food.gov.uk/healthiereating/nutres/nutprof/

³ <http://www.food.gov.uk/news/newsarchive/2004/nov/signconsult>

⁴ Minutes of the meeting are available from www.sacn.gov.uk

The contractor that had developed the initial model was commissioned by the Agency to take this work forward in consultation with the expert working group.

These refinements were initially tested one by one to identify whether they were likely to improve the efficacy of the model, for the purposes of classifying foods. The refinements that showed promise were then combined to produce the latest model.

This improved model was considered by the expert group to have several scientific, technical and practical advantages over the initial model and to be easier to apply as a tool to improve the regulation the broadcast advertising of foods high in saturated fat, salt or sugar to children.

It is based on the following criteria:

- energy;
- saturated fat;
- total sugars (instead of NMES);
- sodium;
- fibre;
- protein (instead of iron, calcium and n-3 PUFAs) and;
- fruit and vegetables

The current model is now judged to be more effective in distinguishing between, and identifying, healthier cereal based products; and also addresses concerns raised in the consultation about its application to fortified foods. Full details of the current model are given in Annex B.

The substantive differences between the current model and the initial one are:

- ***The addition of a criterion for NSP fibre*** – thereby addressing concerns that some cereal based products (in particular breakfast cereals) had not been appropriately classified by the initial model;
- ***The replacement of NME sugars with a measure of total sugars*** – addressing the practical difficulties of analysing for NME sugar.
- ***The replacement of measures of Calcium, Iron and n-3 PUFAs with a single protein criterion*** – simplifying the application of the model and addressing concerns relating to the fortification of foods.
- ***Capping the maximum scores for protein, fibre and fruit and vegetables at five points*** – thereby more appropriately balancing the scores allocated for these substances, against those allocated for energy, saturated fat, sugar and sodium.
- ***Removing the drinks multiplier, and setting a separate overall threshold for the classification of drinks*** – simplifying the application of the model. The expert group noted that this approach could also be applied to other distinct food categories, including spreadable fats, if appropriate – but since the promotion of these spreads is not currently aimed at children, it would not be necessary to do so at this point.

In view of the practical issues associated with measuring fibre content, the effect of two different ways of measuring fibre (Englyst and AOAC method) on the performance of the model was also investigated. Due to the limited data available for AOAC fibre, this testing focussed on a smaller range of categories (although it included breakfast cereals and other key contributors to fibre intake). The expert group recognised that retailers and manufacturers are increasingly using the AOAC method for fibre analysis but agreed that the Englyst method should be the primary method for use in conjunction with the model, because of the need to link levels to expert advice on intakes (current COMA advice relates to NSP fibre).⁵ This decision could be reconsidered if public health advice were to be reviewed.

Application of the current Model

The initial model, which was developed for children aged 11-16, has been found to be equally applicable from a scientific point of view, subject to further consideration of the threshold for salt, to all people over the age of five years⁶.

The expert group agreed to define “high in saturated fat, salt or sugar” as those **foods** scoring 4 points or more; and those **drinks** scoring 1 point or more.

The Expert Working Group agreed that the model should also be used to identify foods that are “healthier choices” and the positive promotion of these encouraged. The Agency is therefore proposing a provisional definition of “healthier choices” as those foods with an overall points score of zero or less. Foods scoring 1, 2 or 3 points would therefore be classified as “intermediate”. The Expert Group did not feel it was appropriate to set a similar threshold in the case of drinks, in view of the different role played by drinks in nutrient intake. The Group therefore agreed to differentiate only between drinks to which further advertising restrictions might apply (i.e., “high in saturated fat, salt or sugar”) and to those to which they would not (i.e., “healthier choices”).

The effective application of the model will clearly be dependent on the use of accurate and reliable compositional data for the foods in question, and it may be necessary to agree protocols for the manner in which this data is derived and provided to regulators.

Further Testing of the current Model

To address the concern expressed by some stakeholders that the panels of “indicator foods” on which the original statistical tests used to assess the accuracy of the model had been based, had not been devised by nutrition professionals, further

⁵ Department of Health. *Dietary Reference Values for Food, Energy and Nutrients in the United Kingdom*. (Report on Health and Social Subjects, No. 41). London: HMSO, 1991.

⁶ <http://www.food.gov.uk/healthiereating/nutlab/>

work has been undertaken to develop new indicator panels based on the views of practising nutrition and dietetic professionals by using an on-line questionnaire.

The on-line questionnaire was sent to members of the Nutrition Society and to dietitians on the BDA's paediatric and community registers. Respondents were asked to provide demographic information on their qualifications and experience, to ensure that only respondents with the relevant level of expertise were included in the exercise. Each respondent was asked to rank 40 foods (selected at random from a master list of 120), as 'more healthy' or 'less healthy' on a six point scale. The respondents were instructed to regard a 'more healthy' food as a food that a person who is aiming to eat healthily could eat frequently and/or in large amounts; and a 'less healthy' food as a food they should eat infrequently and/or in small amounts. The 120 foods included in the exercise were chosen with reference to NDNS data to ensure the list was representative of actual diets. The list therefore included foods from each major food group, and included a large number of composite foods.

Responses from over 700 nutrition and dietetic professionals were received and included in the analysis. On the basis of these responses, the average rating for each of the 120 foods was determined. There was a high level of agreement between the nutrition and dietetic professionals as to the appropriate rating of each food. The average rating for each food was then compared to the points score for that food as given by the current model. There was a good correlation between the scores, demonstrating a strong level of agreement between the values given by the current model and the views of nutrition and dietetic professionals. A full report of the exercise will be published in the autumn.

SACN Involvement

SACN originally discussed the profiling model at its February meeting as part of the public consultation exercise then underway. At that meeting, the Committee supported the need for the development of a nutrient profiling model, and was supportive of the approach taken to develop the model. It also requested the opportunity to comment further as work to develop the model further was taken forward. Two SACN members have been involved in the discussions by the expert working group on refinements to the model and an update on progress was provided for the SACN meeting in June. The results of the refinement and model testing work will be formally considered by SACN as part of this final consultation exercise and will be taken into account before the Board considers the proposed final model in October this year.

Your Views

We are now inviting your views on the work undertaken to refine the nutrient profiling model on which we previously consulted. In particular, we are interested in your views on the following two points:

- Have the refinements improved the technical and practical applicability of the model for use as a tool to help to improve the regulation of broadcast advertising, sponsorship and promotion of food and drink aimed at children?
- Have the refinements improved the classification of individual foods by the model – particularly those in respect of which concerns were raised in the earlier consultation?

All responses to the consultation will be made public and considered when making a recommendation to the Board on the Agency's final model which will be made available to Ofcom to use, to help classify foods for the purpose of possible advertising controls. Please ensure your comments reach us by **26 September 2005**.

Regulatory Impact Assessment

The Agency intends to make the final model available to Ofcom to use as a basis for their proposals for improving the regulation of broadcast advertising aimed at children, on which it is expected they will consult later in the year. Ofcom will publish a Regulatory Impact Assessment (RIA) to accompany that consultation.

A full RIA to accompany the Agency's Action Plan on Food Promotions and Children's Diets (from which the nutrient profiling work stems) was prepared, and considered by the Agency's Board at their July 2004 open meeting.⁷

How to respond

Please send your response to the address below, or alternatively e-mail your response to promokidsfood@foodstandards.gsi.gov.uk

Shifra Marikar
Food Standards Agency
Room 115c, Aviation House
125 Kingsway
London, WC2B 6NH

The closing date for the consultation is **Monday 26 September 2005**, please ensure your response reaches us by this date. We would be grateful if you could draw this consultation to the attention of any organisations or individuals who may have an interest. If you have any queries about the consultation process, or the Agency's policy in this area, please contact:

Shifra Marikar: 020 7276 8014
shifra.marikar@foodstandards.gsi.gov.uk

⁷ <http://www.food.gov.uk/multimedia/pdfs/fsa040705a4.pdf>

Confidentiality of responses & publication of personal data

All views and comments received by the Agency will be made available for public examination. If you would prefer your comments NOT to be made publicly available, please indicate this clearly in your response. As the publication of responses may include personal data, such as your full name and contact address details, would you please advise us of any objections to this by fully completing and returning the attached Publication of Personal Data Form together with your response to the consultation. If you do not request confidentiality in your response, this will override any confidentiality disclaimer generated by your organisation's IT system or included as a general statement on your fax cover sheet.

A copy of this consultation package, which is being sent to interested parties throughout the UK, is available on our website at www.food.gov.uk, where a summary of the responses received will be published in due course. A Welsh version of this letter is available on request from FSA Wales (wales@foodstandards.gsi.gov.uk).

This consultation has been prepared in accordance with the Cabinet Office's Code of Practice on Written Consultation, available at: <http://www.cabinet-office.gov.uk/regulation/consultation/code.asp>.



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ANNEX B**The Current Nutrient Profiling Model (WXY)**

This is a “simple scoring” system, where points are allocated on the basis of the nutritional content in 100g of the food or drink. There are three steps to working out the overall score for the food or drink - as follows:

1. Step one: Work out total ‘A’ points

A maximum of ten points can be awarded for each nutrient.

Total ‘A’ points = (points for energy) + (points for saturated fat) + (points for sugars) + (points for sodium)

The following table indicates the points scored, depending on the content of each nutrient in 100g of the food:

Points ⇒	0	1	2	3	4	5	6	7	8	9	10
Energy (kJ)	≤ 335	>335	>670	>1005	>134 0	>167 5	>201 0	>234 5	>268 0	>301 5	>33 50
Sat Fat (g)	≤ 1	>1	>2	>3	>4	>5	>6	>7	>8	>9	>10
Total Sugar (g)	≤ 4.5	>4.5	>9	>13.5	>18	>22.5	>27	>31	>36	>40	>45
Sodium (mg)	≤ 90	>90	>180	>270	>360	>450	>540	>630	>720	>810	>90 0

2. Step two: Work out total ‘C’ points

A maximum of five points can be awarded for each nutrient / food component.

Total ‘C’ points = (points for protein) + (points for NSP fibre) + (points for fruit and veg content)

The following table indicates the points scored, depending on the content of each nutrient / food component in 100g of the food:

Points ⇒	0	1	2	3	4	5
Protein (g)	≤ 1.6	>1.6	>3.2	>4.8	>6.4	>8.0
NSP Fibre (g)	≤ 0.7	>0.7	>1.4	>2.1	>2.8	>3.5
Fruit & Veg (%)	≤ 40	>40	>60	-	-	>80

3. Step three: Work out overall score

Overall score = (total ‘A’ points) minus (total ‘C’ points)

- A **food** is classified as “high in saturated fat, salt or sugar” where it scores **4 points or more**.
- A **drink** is classified as “high in saturated fat, salt or sugar” where it scores **1 point or more**.

ANNEX C

Examples of Foods Rated by the Current Model

The following examples are based on data from McCance and Widdowson Food Composition Tables. These data are representative of foods on the market, although some variation within products is to be expected (e.g., between different brands of corn flakes). **The following is intended as an indicative list.**

The overall points score for each food is given below in parentheses.

▪ Breakfast Cereals

High in saturated fat, salt or sugar: Bran Cereal (6); Sugar Coated Puffed Oats (7); Corn Flakes (10); Honey and Nut Corn Flakes (14)

Intermediate Products: Muesli (3); Shreddies (3)

Healthier Choices: Shredded Wheat (-6); Oatmeal (-5); Ready Brek (-5); Weetabix (-3); Muesli with no added sugar (-2);

▪ Fast Food

High in saturated fat, salt or sugar: Takeaway Quarter-pounder with Cheese (5); Takeaway Chicken Nuggets (6); French Fries (7); Takeaway Hamburger (7);

Intermediate Products: Cheese and Tomato Thin Base Pizza (3); Takeaway Egg Fried Rice (3)

Healthier Choices: Takeaway Stir Fried Vegetables (-4); Takeaway Pizza Fish Topped (-3)

▪ Confectionery

High in saturated fat, salt or sugar: Candied popcorn (11); Chew Sweets (15); White Chocolate (18); Chocolate Wafer Bar (18); Mixed Toffees (25)

▪ Snacks

High in saturated fat, salt or sugar: Roasted and Salted Peanuts (10); Dry Roasted Peanuts (13); Potato Crisps (16); Corn Snacks (22)

Intermediate Products: Plain Popcorn (3); Fruit Fromage Frais (3); Fruit Maltloaf (3)

Healthier Choices: Strawberries (-5); Cherries (-4); Grapes (-2); Low Fat Fruit Yoghurt (0)

▪ Drinks

High in saturated fat, salt or sugar: Lemonade (1); Cola (2); Thick Takeaway Milkshake (2)

Healthier Choices: Orange Juice (-4); Apple Juice (-3); Skimmed Milk (-2); Semi-skimmed Milk (0); Whole milk (0); Tea without milk (0)

▪ **Other Foods**

High in saturated fat, salt or sugar: Potato Croquettes, fried (4); BLT sandwich, white bread (5); Microwave chips (6); Economy Burgers (12); Chocolate Fudge Cake (15); Streaky Bacon, fried (18)

Intermediate Products: Mashed Potato (with butter) (1); White Bread (1) Spaghetti Bolognese (1); Roasted Chicken Leg (2); Pork loin chops (2); Lasagne (3); Cod Fish Fingers (3)

Healthier Choices: Apples (-5); Fresh Pasta (-4); Grilled Chicken Breast (-4); Wholemeal Bread (-3); Bananas (-1); Roasted Beef Topside, lean (-1); Roast Leg of Lamb, lean (0); Low Fat Yoghurt (0)