

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2003](#): Prohibit reward systems in fast food chains lodged by Lewis McMartin

Brief overview of issues raised by the petition

The petitioner wants incentives in the form of points or other rewards to be prohibited in fast food chains in Scotland. He believes that such rewards contribute to obesity and poor health in Scotland, as well as impacting health services in the treatment of poor diet and obesity-related chronic conditions.

Background

Some large fast food outlets announced [reward schemes](#) in 2022 whereby customers can earn points every time they purchase food and drink, which they can then redeem once they have accrued a certain number. The scheme works through the companies' apps.

Obesity in Scotland

According to [ScotPHO – the Scottish Public Health Observatory](#):

- “Obesity is recognised both as a complex disease in its own right and as a risk factor for other non-communicable diseases such as cancer, Type 2 Diabetes and decreases life expectancy.
- In 2020, almost two thirds (63%) of the adult population (16 years +) were categorised as "Overweight including obesity".
- For adults, Average BMI has risen steadily and significantly over the 24-year period between 1995 – 2019, by 2019 almost two-thirds of adults were within overweight or obese classifications.
- There is an inequality in obesity risk with people who live in communities marginalised by poverty at an increased risk. Average BMI is patterned by level of deprivation with those from the most deprived areas consistently showing higher BMIs compared to the least deprived.
- Scotland has among the highest levels of obesity prevalence for men and women among OECD countries.”

Following a public consultation the Scottish Government published their obesity strategy in 2018, [A Healthier Future: Scotland's Diet and Healthy Weight Delivery Plan](#). The delivery plan works towards five key outcomes:

- children have the best start in life - they eat well and have a healthy weight
- the food environment supports healthier choices
- people have access to effective weight management services
- leaders across all sectors promote healthy weight and diet

- diet-related health inequalities are reduced

Childhood obesity

The Scottish Government aims to reduce the number of children at risk of obesity by 2030.

In England, the Commons Health Select Committee repeatedly called for greater action around marketing of products high in fat, sugar and salt to children (see [- Childhood obesity - brave and bold action \(2015\)](#)) Since then a levy has been introduced on sugar sweetened beverages, with the revenue raised initially being used to fund schemes to improve children's health and wellbeing (See <https://www.gov.uk/topic/business-tax/soft-drinks-industry-levy>). This particular tax revenue stream is now treated as general tax revenue.

In 2018 the WHO published a report, [Taking Action on Childhood Obesity](#). In this report, all countries agreed to a set of global targets to stop increases in childhood obesity, including no increases in overweight among children by 2025.

Out of home food environment and proposed legislation

Following the publication of the [‘Scottish Government Diet and Healthy Weight Delivery Plan’](#) in 2018, Food Standards Scotland (FSS) carried out a public consultation, which it reported on in 2019, on [‘Proposals to Improve the Out of Home Food Environment in Scotland.’](#) However, questions on reward schemes were not included.

The Scottish Government consulted on similar proposals in 2019 - [Reducing health harms of foods high in fat, sugar, or salt: consultation analysis](#) . In 2021 the UK Government appear to have taken relatively similar steps - [Promotions of unhealthy foods restricted from October 2022](#) .The legislation implementing these measures applies only to England under public health policy powers. It also appears only to cover ‘prepackaged food items’. Restaurants are specifically excluded.

The [Programme for Government](#) in Scotland 2022-3 announced a Public Health (Restriction of Promotions) Bill and noted “the Bill will include provisions for restricting food and drink promotions to protect public health”. This looks like it will take a similar approach to that taken in England, and the Scottish Government carried out a [consultation between July and September 2022](#) . Section 4 of the Consultation includes mention of out of home services, but the proposals again would only cover pre-packed targeted foods and non-pre-packed soft drinks with added sugar offered as part of unlimited refills for a fixed charge.

The [UK Internal Market Act 2020](#) (IMA) might be relevant in decisions the Scottish Government makes to limit the promotion and sale of what are deemed unhealthy foods, such as those that are high in fat, sugar and salt (HFSS foods). However, the Scottish Government appear to be able to restrict certain promotions. The UK legislation relating to trade, industry, retail and advertising and how they impact on devolved matters is a complex area and the impact and implementation of the IMA is not yet clear or tested in this area.

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