



ACS Submission: Applying the new NPM to the existing restrictions

Questions for all respondents

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.

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

- Agree
- **Neither agree nor disagree**
- Disagree
- Don’t know

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

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

ACS (Association of Convenience Stores) is a trade association representing over 50,000 convenience retailers across the UK. ACS Members include Co-op, BP and thousands of independent retailers, many of which trade under brands such as Spar, Premier and Londis.

While we recognise the policy intent behind the question, ACS does not take a position on the public health effectiveness of using the new model. These matters are best answered by specialist public health and nutrition expertise, supported by relevant evidence.

From an operational perspective, any change to the underpinning NPM has significant implications for how products are classified across advertising, in-store displays and promotions, which are underpinned by the Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024 and the Food (Promotion and Placement) (England) Regulations 2021. These impacts will require updates to retailer systems, store layouts and supplier data flows, which is the focus of the submission below.

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
- **Neither agree nor disagree**

- **Disagree**
- **Don't know**

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

The question of whether applying the new NPM will capture the products that contribute to childhood obesity it is best answered by qualified public health and nutrition experts.

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)

From an operational perspective, the existing NPM technical guidance is generally clear in setting out the principles for determining whether products fall within scope; however, its practical application across large, fast-moving retail supply chains can be complex. Convenience retailers rely on data provided through multiple wholesalers and suppliers, and the absence of a standardised NPM calculator or centrally issued output increases the risk of inconsistent interpretation and duplication of effort.

In practice, this can result in variations in classification depending on how nutritional data is inputted or updated across different systems. Greater clarity and standardisation in how NPM results are generated for example through a government issued calculator would support more reliable implementation, reduce administrative burden, and improve alignment across suppliers, wholesalers and retailers.

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)

The introduction of the new NPM within the HFSS advertising and location/promotions restrictions presents significant operational challenges for convenience retailers which are set out below.

Data flow through supply chain

A key challenge is the timely and accurate flow of product classification data through the supply chain. Convenience retailers often rely on manufacturers, wholesalers, symbol groups and third-party data providers to populate product information in pricing, promotions and compliance systems. Any delay or inconsistency in NPM classifications creates a risk that

products are incorrectly included or excluded from promotions, increasing the likelihood of inadvertent non-compliance.

Epos updates

There will also be substantial system and operational reconfiguration requirements. Retailers use EPOS, pricing and promotional planning systems that must be updated whenever product eligibility changes. This requires IT resource, testing and coordination across multiple systems and suppliers. The burden is particularly significant for retailers operating *outside* integrated supply chains, where classification changes are not automatically transferred through the distribution network and may require manual updates and verification at multiple stages.

Space and Display Changes

Changes to product eligibility will also have practical implications at store level. Convenience stores operate in highly space-constrained environments, meaning even relatively small changes in the number of products in scope can require planogram revisions, shelf resets and changes to promotional displays. These activities require staff time away from day-to-day trading operations and can be especially challenging for small and independent retailers with limited resources.

When the HFSS location restrictions were originally introduced, ACS estimated implementation costs of around £13,000 per store. While the impact of applying the new NPM is likely to be lower, bringing additional products into scope will nevertheless generate further costs and operational disruption.

Divergence across the UK

Finally, regulatory divergence across the UK adds complexity for businesses in the case of promotion and location restrictions since the application of the new model is England only while the advertising is UK wide. This will impact businesses operating in multiple nations, requiring different compliance approaches and increasing the risk of operational error.

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)

ACS believes that a minimum implementation period of 18 months following the publication of final guidance would be an appropriate timeframe for applying any future updates to the NPM. It is essential that this period begins only once businesses have access to complete guidance, classification criteria and any supporting tools required to determine whether products fall within scope of the restrictions.

An 18-month implementation period would provide sufficient time for product classification information to be communicated through the supply chain, for retailers and suppliers to update compliance, pricing and promotional systems, and for stores to make any necessary changes to layouts, planograms and promotional activity. This is particularly important in the convenience sector, where retailers often rely on wholesalers, symbol groups and third-party providers for product data and compliance information.

The implementation period should also take account of policy development and legislative activity within the devolved administrations, an important consideration that is not fully

reflected in the consultation. In the context of the HFSS promotion and location restrictions, there is currently limited clarity on whether Scotland and Wales will adopt the updated NPM, and if so, what implementation timelines would apply. This uncertainty creates additional complexity for businesses operating across the UK, particularly those managing centralised product, pricing, promotional and compliance systems. A longer implementation period would help businesses plan for and accommodate potential divergence between nations, while avoiding the need for multiple rounds of system changes and compliance reviews.

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**
- **Neither agree nor disagree**
- **Disagree**
- **Don't know**

ACS disagrees. The implementation period should be a minimum of 18 months for businesses and enforcement authorities to adapt to the application of the new NPM, and should begin only once final guidance has been published. Businesses require complete certainty on the scope of the restrictions, product classification methodology and any supporting tools before implementation planning can begin.

An implementation period of at least 18 months is justified by the complexity of the legislation and the practical experience of implementing the existing HFSS promotion and location restrictions. Businesses required significant lead-in time to understand the detailed guidance, assess products against the nutrient profiling criteria, adapt systems and processes, and train staff. Updating the NPM would trigger a similar exercise across the food supply chain, requiring manufacturers to reassess products and communicate revised classifications, wholesalers and symbol groups to update product data, and retailers to amend compliance systems, promotional plans and operational processes. Given the interconnected nature of these supply chains, changes cannot be implemented simultaneously and require sufficient time to cascade through each stage of the market.

To provide certainty for businesses and support effective implementation, the requirement for a minimum 18-month implementation period following publication of final guidance should be reflected in the statutory instrument. This would ensure that future implementation timelines are clear, predictable and aligned with business planning and investment cycles.

It has also been suggested in the consultation that the government will look at applying the new NPM to the government's commitment in its Ten-year Health Plan to introduce mandatory healthier food reporting policy. As this policy has not yet been formalised, consideration needs to be given to timeframes to ensure proper readiness.

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

Government can support businesses most effectively by ensuring that communication and guidance are published as early as possible and developed in partnership with industry. Early engagement is essential to allow retailers, suppliers and wholesalers sufficient time to understand the implications of any changes, update systems and processes, and communicate requirements throughout the supply chain.

In addition to publishing final technical guidance, government should provide practical implementation support, including clear and accessible FAQs addressing common classification and compliance questions, webinars and stakeholder briefings explaining the changes and their practical implications, and concise summary materials that can be easily shared with businesses of all sizes. Visual guidance, such as flowcharts, decision trees and infographics, would be particularly valuable for smaller retailers with limited compliance resources.

Given the complexity of product classification and the diversity of the convenience sector, ongoing engagement with trade associations, retailers, wholesalers and manufacturers throughout the implementation period will be critical. A collaborative approach between government and industry will help identify practical challenges early, improve consistency of implementation, and minimise unnecessary costs and disruption for businesses.

Enforcement

Questions for all respondents

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)

This answer is best provided by the relevant enforcement authority.

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?

- Agree
- Neither agree nor disagree
- **Disagree**
- Don't know
- 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)

The transition cost calculations do not appear to fully reflect the complexity and cost of implementing the proposed changes. In particular, the impact assessment does not appear to account for the potential divergence between advertising and promotion restrictions, whereby advertising restrictions could be based on the updated Nutrient Profiling Model (NPM) across the UK while promotion restrictions remain subject to the existing framework and apply only in England. This would require businesses to operate multiple compliance regimes simultaneously, creating additional costs associated with product classification, systems changes, staff training, legal review and ongoing compliance monitoring.

The assessment also appears to underestimate the cross-border implications for businesses operating across the UK. Different nutrient profiling criteria applying to different restrictions and potentially different nations would increase complexity for retailers, manufacturers and advertisers trading across multiple jurisdictions. Businesses would need to maintain separate compliance processes, promotional strategies and governance arrangements, increasing both administrative burden and the risk of inadvertent non-compliance.

Finally, the impact assessment appears to treat implementation as a single transition event. However, if other UK nations subsequently choose to align their promotion restrictions with the updated NPM, businesses may face further rounds of implementation, system updates, retraining and supplier engagement. These cumulative transition costs, together with the operational complexity arising from regulatory divergence across the UK, do not appear to be fully reflected in the current estimates.

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?

- Agree
- Neither agree nor disagree
- **Disagree**
- Don't know
- 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)

See above.