

# Cumberland Council Directorate Management Team

## Healthier Food Advertising Policy

### Summary:

The Food Cumberland Strategic Framework stipulated assessing options for developing a Healthier Food Advertising Policy to prevent high fat, salt and sugar containing products from being advertised on Council-owned advertising spaces, as well as considering wider health and wellbeing outcomes as part of the process. A Healthier Food Advertising Policy is a key component of a whole systems approach to healthy weight in Cumberland, working alongside health partners to help residents make healthier choices easy whilst recognising that there is not a one size fits all solution to address food-related ill health.

High Fat, Salt and Sugar (HFSS) marketing is associated with a strong preference for HFSS products, increased snacking, increased calorie consumption and a reduction in healthier foods. Children and adults in lower socio-economic groups are 50% more likely to be exposed to HFSS product advertising, which contributes to higher obesity rates and worsens health inequalities<sup>1</sup>. The Healthier Advertising Policy proposes using the Nutrient Profiling Model (NPM) to identify HFSS products and the advertising of these products will be restricted on Council-owned advertising spaces, without exception. To support residents to get the best start in life, the policy also includes the restriction of promotion of commercial baby foods, defined by the Nutrient Promotion Profiling Model tool. Follow-on formula, growing up and toddler milk are also included within the policy as they are not needed for child nutrition according to official government guidance<sup>23</sup>. These restrictions aim to protect infants and children from excess free sugars.

25 local governments, in addition to Transport for London, are championing people's health by bringing in Healthier Food Advertising Policies, regardless of the advertising footprint they currently operate. Given the high rates of child and adult excess weight and widening health inequalities in Cumberland, a healthy advertising policy which follows best practice guidance from other areas, is recommended across all Council-owned advertising spaces and should also be considered in planning applications for advertising.

Whilst Cumberland doesn't currently own vast quantities of advertising space, a healthy advertising policy is important as it sets a strong example of promoting public well-being and ensures best practice is in place in case of any future development of advertising space. Current advertising space primarily includes the banner at the Civic Centre and signage on roundabouts. Whilst this policy does not cover events advertising, it is hoped that this would be acknowledged when considering event sponsorship too. By prioritising responsible messaging, the council fosters a

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<sup>1</sup> Yau, A. et al. (2021) 'Sociodemographic differences in self-reported exposure to high fat, salt and sugar food and drink advertising: A cross-sectional analysis of 2019 UK panel data', Accessed via: <https://bmjopen.bmj.com/content/11/4/e048139>

<sup>2</sup> Scientific Advisory Committee on Nutrition (2023). *Feeding young children aged 1 to 5 years*. [online] GOV.UK: OHID. Available at: <https://assets.publishing.service.gov.uk/media/662a4a4d690acb1c0ba7e616/SACN-Feeding-young-children-aged-1-to-5-full-report-revised.pdf>.

<sup>3</sup> NHS (2020). *Types of Formula Milk*. [online] nhs.uk. Available at: <https://www.nhs.uk/conditions/baby/breastfeeding-and-bottle-feeding/bottle-feeding/types-of-formula/>.

community environment which discourages unhealthy lifestyles. Moreover, such a policy can be used to influence private advertisers, businesses and contractors within the area to adopt similar standards, amplifying the positive impact.

## **1. Principles**

- 1.1** Consistent with similar advertising policies implemented by 25 local governments, the UK Nutrient Profiling model has been adopted by Cumberland to identify HFSS products.
- 1.2** The Nutrient Profiling Model (NPM) was developed by the Food Standards Agency to provide Ofcom with a tool to differentiate foods on the basis of their nutritional composition<sup>4</sup>. It is now held by the Department of Health and Social Care and has been in use since 2007 to restrict unhealthy food and drinks being advertised to children on TV. As such, the model has been subject to rigorous scientific scrutiny and review and is widely used by other agencies, and the advertising industry is familiar with the model. Furthermore, its scoring system gives points based on the foods energy, sugar content, saturated fat and sodium, then subtracts points for fruit, vegetable and nut content, protein and fibre, thus balancing beneficial nutrients in diets with components which shouldn't be consumed as often. Therefore, it has been concluded that the NPM is the best way of identifying food which contributes to obesity.
- 1.3** Unhealthy foods and drinks will include commercial baby foods as defined by the World Health Organization's Nutrient and Promotion Profile Model (NPPM). The World Health Organization created its baby foods Nutrient Promotion Profile Model (NPPM) to set out nutrient and promotional requirements to address gaps in existing regulation. The WHO NPPM is aligned with internationally recognised diet and health goals for babies and children aged 6–36 months and has been tested in Denmark, Spain and the UK.
- 1.4** The Government has published guidance on how to identify whether a product is considered HFSS under the NPM<sup>5</sup> and there is guidance on how to identify restricted commercial baby foods<sup>6</sup>. The University of Leeds has developed an NPM calculator to make it easy to work out whether a product is considered HFSS<sup>7</sup>.
- 1.5** All potential advertisers should familiarise themselves with the NPM's technical guidance on how to identify whether a product is considered HFSS under the NPM. In any case of doubt, it is for the advertiser to demonstrate that the featured product is not HFSS and it is the responsibility of the advertiser and their agents to verify the status of products featured using the NPM or NPPM.
- 1.6** Revisions to the NPM and NPPM will be reflected in the advertising decisions made by the Council.

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<sup>4</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216094/dh\\_123492.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216094/dh_123492.pdf)

<sup>5</sup> <https://www.gov.uk/government/publications/the-nutrient-profiling-model>

<sup>6</sup> <https://babyfoodnppm.org/>

<sup>7</sup> <https://npmcalculator.cdrc.ac.uk/>

**1.7** Cumberland Council or its representatives may request evidence of nutrition information of food and drink products advertised, and in line with the Food Standards Agency recommendations, Cumberland Council expects any laboratory used for nutrition analysis to have ISO 17025 accreditation and this should be by the United Kingdom Accreditation Service (UKAS).

## **2. Types of Advertising**

### **2.1 Content featuring only non-HFSS products**

**2.1.1** These would normally be approved but would still need to comply with existing principles and procedures relating to any advertising carried by Cumberland Council.

### **2.2 Content featuring only HFSS products**

**2.2.1** Where proposed content features only food and/or drink which is rated HFSS, such copy would be rejected.

**2.2.2** It is therefore recommended that, before committing to advertising production agreements, advertisers should discuss their eligibility with the council or its agents.

### **2.3 Content where there is a range of food/drink featured, some of which is HFSS**

**2.3.1** The advertising or promotion of HFSS products is unacceptable under the policy, so a range or meal could not feature them (e.g. fish, chips and peas could only be advertised if all products were non-HFSS). This would also apply to any meal settings being shown, including those for restaurants, digital platforms and delivery services.

**2.3.2** It is the responsibility of advertisers and their agents to verify the status of the products featured using the NPM.

### **2.4 Content where no food or drink is featured directly but the advertisement is from or features a food and/or non-alcoholic drink brand**

**2.4.1** This may include:

- advertisements where the brand's logo is included but no products, such as a brand values campaign,
- directional signage to a store, app or website,
- promotional advertising which is price-led but features no products such as '50% off everything' or similar,
- advertising about a business or its performance

**2.4.2** Food and drink brands (including food and drink service companies or ordering services) will only be able to place such advertisements if the advertisement promotes healthier options (i.e. non-HFSS products) as the basis of the copy.

**2.4.3** Where advertisers are uncertain about the classification of proposed copy under these guidelines, they should discuss this with the council or its agents.

**2.5 Advertisements where food and drink is shown ‘incidentally’ i.e. it is not the subject of the advertisement but is included (or implied) by visual or copy**

**2.5.1** HFSS products should not be promoted by being featured in advertisements for other products. It is the responsibility of advertisers and their agents to verify the HFSS status of the products featured using the NPM.

**2.5.2** Where a food or drink item is featured incidentally and does not relate to a specific identifiable product which can be assessed for its HFSS status, advertising copy may be rejected by the council or its agents on the basis that the advertisement promotes the consumption of HFSS products.

**2.6 Advertisements where food and drink is referenced in text, through graphical representations or other visual representation**

**2.6.1** HFSS products should not be promoted through references in text, graphical images or other visual representations of food and drink. Where a food or drink item is featured in this way and does not relate to a specific identifiable product which can be assessed for its HFSS status, copy may be rejected by the council or its agents on the basis that it promotes the consumption of HFSS products.

**2.7 Indirect promotion of HFSS food and/or drink**

**2.7.1** Where a product is non-HFSS but falls within a category covered by the Office for Health Improvement and Disparities recommendations for sugar or calorie reduction, the product should always carry a prominent product descriptor to help differentiate it from noncompliant products (e.g. where an advertisement features a non-HFSS pizza or burger, the image should be accompanied by prominent text that names the specific product and retailer).

**2.7.2** Children should not usually be shown in advertisements for products which are compliant in a category which is covered by the Office for Health Improvement and Disparities recommendations for sugar or calorie reduction.

**3. Portion sizes**

**3.1** The NPM model is based on nutrients per 100g of a product, rather than recommended portion size. Advertisers should always ensure that they promote products in portion sizes which encourage healthy eating. For products that are non-HFSS but fall within a category covered by OHID’s recommendations for sugar or calorie reduction, the product should be displayed as a single portion.

**3.2** If advertisers and/or agencies are unsure about how to interpret this, or any other aspect of these guidelines, they are encouraged to get in touch

with the Council or its agents and work together on a solution to avoid submitted copy requiring changes or being rejected.

#### **4. Exceptions**

**4.1** There are no standard exceptions to the policy offered on council-owned advertising sites.

**4.2** Cumberland Council understands that there may be some limited unintended consequences of applying this policy but has concluded that these consequences do not justify the public expenditure required to establish, run and monitor a general exceptions process.

#### **5. The International Code of Marketing of Breastmilk Substitutes (World Health Organization (WHO))**

**5.1** Cumberland Council baby services are UNICEF Baby Friendly accredited. As per the WHO Code and resolutions, the following is prohibited; advertising of all formula milk (infant formula, follow on formula, growing up and toddler milks, and infant milks marketing as a food for special purposes), bottles, teats, related equipment or solid food for babies under six months of age.

**5.2** These products apply to all aspects of the advertising policy alongside HFSS food and drinks.

#### **6. Commercial Baby Foods**

**6.1** The Nutrient and Promotion Profile Model (NPPM), created by the World Health Organization and the University of Leeds, has been adopted by Cumberland Council to assess the appropriateness of commercial baby foods.

**6.2** Guidance on how to identify whether a commercial baby food product is considered inappropriate under the NPPM is available<sup>8</sup>.

#### **7. Council-wide Alignment and Implementation**

**7.1** Implementation will be phased, with implementation of the policy occurring when any contracts are renewed. In the interim, discussions will be held around voluntary introduction of the policy with existing contract providers for an earlier adoption (where applicable).

**7.2** Cumberland Council's Public Health team will be consulted on any planning application which includes advertising.

**7.3** Cumberland Council will consider the potential impact of HFSS advertising when looking at planning applications which include advertising sites. Unhealthy food and drink marketing is an important consideration upon healthy town centres and is therefore considered in planning applications.

**7.4** Sites which are likely to be used for HFSS advertising, for example, telephone boxes, will be refused.

**7.5** Council communications must also apply the principles of the Policy.

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<sup>8</sup> <https://babyfoodnppm.org/how-to>

7.6 Council partners should be encouraged to implement similar policies e.g. health partners and transport providers.

7.7 The policy will apply to all new contracts entered into from 1<sup>st</sup> March 2026.

## **Conclusion and Reasons for Recommendations**

It is recommended to implement a Healthier Food Advertising Policy using best practice guidance from other local governments. Adverts promoting unhealthy food and drink influence residents' choices, leading to poorer health. The policy aims to reduce the harmful impacts of food and drink advertising on residents of all ages to create a healthier environment.

## **Contribution to the Cumberland Plan Priorities**

Exploring options for a Healthier Food Advertising Policy was stipulated within the Food Cumberland Strategic Framework to prevent high fat, salt and sugar containing products from being advertised on Council-owned advertising spaces. It is also a key component of a whole systems approach to healthy weight in Cumberland and aims to improve the health and wellbeing of residents.

## **Relevant Risks**

Adopting a Healthier Food Advertising Policy can bring significant benefits, but there are some risks and challenges that the Council might face. These include potential revenue loss, as a Healthier Advertising Policy restricts ads for products like fast food and alcohol and there might also be pushback from advertisers. Public resistance should also be considered as residents and businesses might perceive the policy as overly restrictive or paternalistic. Businesses which rely on advertising unhealthy products might experience reduced sales, potentially affecting the local economy. These risks are minimal due to the small size of Cumberland's advertising footprint. Furthermore, Councils in other areas have implemented Healthier Advertising Policies and reported positive outcomes, including improved public health with no loss in advertising revenue<sup>9</sup>.

## **Consultation/ Engagement**

We have engaged with other directorates and partners to ensure that the advertising policy aligns with other departments objectives.

## **Finance**

Implementation of this policy is unlikely to pose a significant risk to income as demonstrated by other authorities and Transport for London (pre-Covid, TfL noticed an increase in revenue since implementation of the policy). The policy doesn't ban any brand from advertising as they can swap unhealthy products for healthier options.

## **Impact Assessments**

An impact assessment was completed for the Food Cumberland Strategic Framework which has led to the creation of this policy.

## **Contact details:**

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<sup>9</sup> <https://www.nesta.org.uk/project-updates/exploring-healthier-food-advertising-policies-with-local-authorities/>

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