

18 November 2005

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Dear Kevin

Consultation response: UK target nutrient specifications for manufactured products used in school meals

I am pleased to submit a response to the above consultation on behalf of the Children's Food Bill Campaign which is co-ordinated by *Sustain: the alliance for better food and farming* (please see www.childrensfoodbill.org.uk). A draft of this response has been circulated for comment to all 148 national organisations which currently support the campaign (see Appendix I).

Encouraging the use of fresh ingredients in school meals

We welcome the commitment to set targets for total fat, saturated fat, total sugar and salt for manufactured products used in school meals. However, whilst welcoming these new standards, we believe that the use of manufactured products should be kept to a minimum. As per the recommendations of the School Meals Review Panel, healthy school meals should be cooked from fresh ingredients on school premises.

We recommend that guidance discourages the use of manufactured products in school meals, emphasising instead the benefits of preparing healthy meals from fresh ingredients.

Quantitative standards: need for consistency of approach

Whilst welcoming the commitment to set these new targets, we note that the Food Standards Agency adopts different approaches for setting food standards to improve children's diets. It is unclear why the Agency has not applied its nutrient profiling model for foods "high in fat, salt or sugar" for setting standards for manufactured foods in school meals. Confusion is likely to arise from the observation that the set of target nutrients in the Agency's nutrient profiling model (energy, saturated fat, sugar salt, protein, fibre and fruit and vegetable content) is different from those in the current consultation.

We recommend that the FSA maintains a consistent approach to standards for children's food, basing its recommendations on its scientifically developed nutrient profiling model, which already categorises healthier and less healthy foods.

Also, the proposed FSA nutrient specifications for manufactured foods lack consistency with the standards proposed by the School Meals Review Panel. For instance, the Panel's report makes recommendations based on the non-milk extrinsic sugar (NME) content of school food menus, whereas the FSA's proposed targets refer to the total sugar content of manufactured products. As current dietary recommendations on maximum sugar intake are expressed in terms of the percentage of food energy derived from NMEs, it is important that the FSA targets also specify NMEs rather than total sugar.

We recommend that the FSA targets should specify non-milk extrinsic sugar content, rather than total sugar.

An holistic approach to children's food

The Regulatory Impact Assessment (RIA) begins by stating the aim of the FSA's Strategic Plan 2005-2010 to make it easier for consumers to choose a healthy diet. However, the RIA does not mention that the Strategic Plan also commits the Agency to take account of sustainable development and consumers' wider interests in all its policy developments.

Specifically, the Strategic Plan states that the Agency will adopt a 'precautionary approach' to protect consumers and that it will assess the environmental implications of its policies. The proposed nutrient specifications should therefore be extended to take account of the impact upon children's health of the presence of food additives and contaminants, agrichemical residues, food production processes such as genetic modification, and sustainable development factors, including locality of supply and organic standards.

Furthermore, the School Meals Review panel notes what it calls the "huge scope" for linking sustainable food procurement with best school practice. It states, "*Caterers should use local, seasonal and organic foods wherever possible to support the development of supply chains, and should ensure that the training for school catering staff included information on seasonal, local and organic food.*"

More comprehensive standards would better reflect an holistic approach to protecting children's diet-related health. For instance, they would take account of concerns held by many Children's Food Bill supporting organisations that poor quality, additive-laded food and drinks negatively affect children's behaviour, educational performance and overall mental well-being, as well as being detrimental to their physical health.

We recommend that, following publication of the final proposed nutrient specification targets, the Agency sets complimentary criteria which takes account of other important aspects of food and health to reflect its commitment to sustainable development.

We are however not aware of any research which has recorded protein deficiency in vegetarian children and therefore question the need to set minimum protein content for vegetarian products.

Standards must be mandatory

The importance of industry compliance is acknowledged in the RIA, in which the FSA observes that "the exact effect on intakes of these nutrients would depend on the extent of participation by manufacturers, suppliers and caterers of school meals". It further notes that "a voluntary approach would not be as far-reaching as full regulation and key players could choose not to co-operate, leading to inconsistency of benefit to children overall."

The FSA goes on to explain that a “mandatory approach is likely to produce more benefits than the lesser uptake through the voluntary approach” and that legislation would “bring about the most (indeed, maximum) amount of product reformulation and the concurrent benefits to the overall diet and health of schoolchildren throughout the UK”. The clear difference is that under a voluntary regime, the nutrient specifications are unenforceable ‘targets’, whereas under statutory rules they become mandatory ‘standards’.

In terms of ensuring that every child benefits from nutritional improvements in manufactured foods which form part of their school lunch, it is clear that the FSA regards statutory regulation as the ‘gold standard’. It is therefore not clear why the FSA recommends a voluntary approach, which by its own assessment is a less effective option.

We recommend that a mandatory approach to the implementation of nutrient specification standards for manufactured products used in school meals is adopted.

Reasons for the inherent weakness of voluntary controls are discussed in a *Sustain* report published in July 2005.¹ This draws upon a range of policy areas to explain how industry is unable, in a competitive market, to exercise the social responsibility required to make voluntary approaches successful.

Costs and competition

As long compliance is enforced by a due date with sufficient lead time to enable manufacturers to undertake reformulations within normal product review cycles, legislation would not give rise to additional costs for manufacturers. We do not therefore accept the FSA’s assessment that costs of this option would be significantly higher to industry. The RIA also states that regulation “may also remove potential product attributes that companies used as a point of differentiation”, but protecting some companies’ marketing tactics is not an acceptable reason for avoiding legislation.

We do however completely agree with the FSA when it states that a regulatory approach would “drive change across the whole industry who provide such products”. Legislation would have the advantage of providing a ‘level playing field’ for manufacturers with no net effect on competition, as all producers of manufactured foods used in school meals would have to meet the target nutrient specifications.

This is contrary to the likely outcome of a voluntary approach, and the FSA accepts that “there may well be an effect on competition if some manufacturers consent to re-formulate their products but others do not”. Indeed, the potentially anti-competitive nature of voluntary controls has recently been highlighted by the Office of Fair Trading which has warned the Food and Drink Federation that industry self-regulation of food content may be contrary to competition laws.²

Review of the standards

Many consumer and health organisations are dismayed that the FSA has given in to pressure from the food industry by recently increasing the targets for salt concentration in most processed food categories in its salt reduction programme. There are no safety or technical reasons why the original salt reduction targets cannot be met, but there would be huge benefits to public health.³

¹ ‘The Children’s Food Bill – Why we need a new law, not more voluntary approaches’, July 2005, Sustain, London. See: www.sustainweb.org/news_detail.asp?iEve=120

² See: ‘Industry self-regulation is illegal’, *The Food Magazine*, 67, October 2004, The Food Commission, London.

³ See: ‘Comment in response to the FSA cutting the salt targets’, Consensus Action on Salt and Health, http://www.hyp.ac.uk/cash/press_releases/CASH_Comment.doc

Further evidence that safety and technological factors are not limiting is shown by the fact that some manufacturers are able to meet the original, more stringent targets.

It is essential that when reviewed, the standards are not relaxed and if amended, are only made more stringent.

Please do not hesitate to contact me if you need any clarification of the points raised in this consultation response.

Yours sincerely

Charlie Powell

Project Officer, Children's Food Bill