What is Junk Food?: A briefing

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Summary

The term 'junk food' has no legal definition and its use by campaigners gives a misleading impression of how much food and drink will be affected by government proposals in the Childhood Obesity Strategy.

Policies that restrict 'junk food' will actually restrict HFSS food (high in salt, sugar and salt) as defined by the Nutrient Profiling Model which classifies a vast range of meals and products as 'less healthy'. It takes no account of how food is eaten and in what quantities in the overall diet. HFSS food includes raisins, sultanas, most tinned fruit, most yoghurts, two-thirds of morning goods, nearly all cheese (including half-fat cheese), cream crackers, tomato soup, hummus, ham, pesto, cereal bars, olive bread, salami, many pasta sauces, butter, margarine and 25 per cent of sandwiches.

The bar set by the Nutrient Profiling Model is in the process of being raised even higher. Under the new system, some snacks recommended by the NHS as 'smart swaps' will become 'junk food', as will some of the '5-a-day' recommended by Public Health England, including pure orange juice.

Under government proposals in the Childhood Obesity Strategy, HFSS products will be subject to pricing, promotion and advertising restrictions, including a 9pm broadcast advertising ban, a ban on price promotions (such as meal deals and buy-one-get-one-free) and a display ban at shop entrances, checkouts and at the end of aisles. Far from affecting a small range of 'junk food', these laws would affect a vast array of foods that have been consumed safely for centuries.

Polling companies should avoid the term 'junk food' in surveys. The legally meaningfully term HFSS should be used (and explained) instead. Politicians and journalists should also familiarise themselves with the definition of HFSS and give the public an accurate impression of the range of food and drink products that will be impacted by further government regulation.

Introduction

When people think of junk food they picture greasy burgers, chips and crisps. They think of American fast food companies. They might also think of chocolate and ice cream. This perception is reinforced by the media's tendency to illustrate every story about junk food with a picture of a burger. And so, when campaigners talk about banning junk food advertising or banning price discounts on junk food, it seems to be an imposition on a relatively small part of the food sector.

When people are asked in surveys 'Should advertising junk food be banned?', a majority says yes.[2] But 'junk food' is a pejorative term with no legal definition. Even its dictionary definition is vague and inconsistent. The

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[2] For example, a 2017 YouGov survey asking exactly this question found that 58 per cent said yes while 36 per cent said no. https://yougov.co.uk/topics/politics/articles-reports/2017/11/29/brexit-and-sensitive-economic-reports-banning-junk

Cambridge English Dictionary defines it as 'food that is unhealthy but is quick and easy to eat' while Chambers Dictionary defines it as 'ready-made or quickly prepared food sold in vending machines'. In Britain, the nearest approximation to 'junk food' with any legal meaning is HFSS food – food that is deemed to be high in fat, sugar and/or salt. For the purposes of advertising regulations, Ofcom uses a definition of HFSS food that encompasses a much broader range of products than the colloquial term 'junk food' implies. It is HFSS food advertising that is prohibited during children's television and it is HFSS food that would be affected by the advertising, marketing and pricing restrictions that are currently being considered.

Chapter Two of the government's 'childhood obesity strategy', published in 2018, clearly states that its intention is to consult on 'introducing a 9pm watershed on TV advertising of HFSS products' (Department of Health: 2018). With regard to banning price promotions, such as buy-one-get-one-free deals, the government refers to 'unhealthy foods and drinks' but it is clear from the consultation document that the policy will apply either to all HFSS products or to all HFSS products covered by the food reformulation programme and the sugar tax, i.e. the great majority of them. The same applies to the proposed ban on shops displaying 'unhealthy food' at the entrance and at the end of aisles.

How is HFSS food defined?

When the campaign to restrict food advertising on television began in earnest in 2004, the Food Standards Agency developed a Nutrient Profiling Model (NPM) to evaluate the nutritional quality of every food product on the market. The NPM was used by Ofcom when a ban on so-called junk food advertisements during children's programmes came into effect in April 2007. The same model has since been used to restrict advertising on public transport in London (Greater London Authority 2018).

The model gives each food product a score out of 40. Points are awarded for 'A' nutrients such as saturated fat, sugar and sodium, which are considered unhealthy. Calories are also considered to be 'A nutrients' for the purpose of the model. Foods which score four or more points are deemed 'less healthy' (and therefore fall under advertising restrictions). However, if the product receives fewer than 11 points for 'A' nutrients, it can have points subtracted for 'C' nutrients, such as fruit, vegetables, protein and fibre, which are deemed healthy. If the final score is less than four, the product can be advertised on children's television (Department of Health 2011).

Soft drinks fail the test if they score one point or more, and since they do not contain 'C' nutrients, they fail if they contain even small quantities of sugar.

Each product is assessed the basis of a 100 gram/100 ml serving. The points system is shown in Tables 1 and 2.

Table 1: 2004/05 Nutrient Profiling Model - 'A' nutrients

Points	Energy (calories)	Sat fat (g)	Total sugar (g)	Sodium (mg)
0	≤80	≤1	≤4.5	≤90
1	>80	>1	>4.5	>90
2	>160	>2	>9	>180
3	>240	>3	>13.5	>270
4	>320	>4	>18	>360
5	>400	>5	>22.5	>450
6	>480	>6	>27	>540
7	>560	>7	>31	>630
8	>640	>8	>36	>720
9	>720	>9	>40	>810
10	>800	>10	>45	>900

Table 2: 2004/05 Nutrient Profiling Model - 'C' nutrients

Points	Fruit, veg & nuts (%)	NSP fibre (g)	Or AOAC fibre	Protein (g)
0	≤40	≤0.7	≤0.9	≤1.6
1	>40	>0.7	>0.9	>1.6
2	>60	>1.4	>1.9	>3.2
3	-	>2.1	>2.8	>4.8
4	-	>2.8	>3.7	>6.4
5	>80	>3.5	>4.7	>8.0

The virtue of this system is that it is consistent and based on measurable criteria. The subjective opinion and snobbery that underpin much of the public debate about 'junk food' have no place in the model. The problem, however, is that it pays no regard to how food is consumed and in what quantities in the overall diet. Nearly all confectionery, the majority of desserts and 99 per cent of biscuits fail the test as a matter of course. So do nearly all spreads, sauces and condiments, including ketchup, mayonnaise (light and regular), jam, honey, Marmite, soy sauce, mustard, gravy, stock cubes, butter and olive oil (Public Health England 2018: 45-52).

Most of the stereotypical 'junk food' (burgers, fries etc.) are classified as HFSS under the model, but so too are many products that are generally considered neither 'junk' nor unhealthy, including raisins, sultanas, ham, hummus, walnuts, most tinned fruit, most yoghurts, two-thirds of morning goods, nearly all cheese (including

half-fat cheese), pesto, olive bread, paté, salami, salads with dressing, cream crackers, tomato soup, Cornish pasties, dried fruit, cereal bars, butter, margarine, olive oil, many pasta sauces and 25 per cent of sandwiches.

Furthermore, Public Health England is currently tightening up the system, especially with regard to sugar and fibre, in a way that will classify as HFSS all yoghurt drinks, a quarter of pasta varieties, a quarter of noodle varieties, most high-fibre breakfast cereals, 49 per cent of coffee and 89 per cent of fruit juice and smoothies (ibid.).

Public Health England has assessed hundreds of products to see how many would be classified as HFSS under the new system. As Table 3 shows, in many categories the majority of them are already considered HFSS and the new model will drag in even more (ibid.).

Table 3: Percentage of food/drink products classified HFSS under existing and proposed Nutrient Profiling Model

	HFSS under current system	HFSS under new system
Breakfast cereals (high fibre)	33%	66%
Breakfast cereals (other)	89%	100%
Butter and fat spreads	100%	100%
Cakes and pastries	100%	100%
Cheese	93%	94%
Chocolate confectionery	100%	100%
Coffee drinks	26%	49%
Cooking oils	100%	100%
Cream	100%	100%
Crisps/savoury snacks/popcorn	96%	97%
Desserts	63%	93%
Fruit/vegetable juice and smoothies	9%	89%
Ice cream and ice lollies	95%	100%
Meat	51%	56%
Noodles	10%	24%
Nuts	5%	14%
Pasta	3%	23%
Pizza	73%	86%

	HFSS under current system	HFSS under new system
Sandwiches	25%	25%
Sauces/condiments	76%	86%
Savoury pasties	90%	90%
Soft drinks (low/zero calorie, no added sugar)	0%	44%
Sweet biscuits	99%	99%
Yoghurt and fromage frais	18%	69%
Yoghurt drinks	60%	100%

It is easier to list the kind of the products that are *not* classified HFSS than those that are. They include eggs, pulses, fresh fruit, fresh vegetables, unprocessed nuts, raw meat, most rice, most pasta and most milk. In other words, basic cooking ingredients. But the other basic ingredients that are needed to turn raw food into meals - cooking oil, salt, sugar, etc. - fail the test. Combine the two by cooking or processing and you are left with perfectly healthy, normal food being officially considered too dangerous to be advertised in the daytime. Bread, muesli and porridge get the green light, but aside from a few mildly surprising exceptions (most ready meals and some brands of oven chips pass the test) the bulk of them fall foul of the system.

Implications

The Nutrient Profiling Model has received little public attention. Until recently, its main regulatory purpose was to dictate which food products could be advertised during the few hours of broadcasting time that are dedicated to children.[3] It had little practical relevance to anybody outside food policy circles, but the new childhood obesity strategy greatly increases its importance. If the government goes ahead with its proposals, the NPM will dictate which products can be advertised before 9pm, which products can be included in discount deals and which products can be displayed in prominent areas of shops. But as the examples and tables above show, the range of products that will be affected is very large indeed.

It is reasonable to assume that most of them would not meet the general public's definition of 'junk food'. In some cases, it does not even seem to reflect the government's view of junk food, since many of the products used by the Department for Environment, Food and Rural Affairs (DEFRA) to promote British cuisine are HFSS. Government advertisements showing cake, popcorn, cream teas, black pudding, Welsh cheese, jam, and fish and chips can be seen in the Appendix. None of them could be advertised on television before the watershed under the government's own proposals, nor could they be displayed at shop entrances or be purchased as part of a multi-buy deal.

Furthermore, the new version of the NPM seems to clash with government health advice. Fruit juice and smoothies count towards your '5-a-day' according to the NHS (2018) but under the new model they are classified as 'junk food'. Another of the '5-a-day' - dried fruit - is already classed as HFSS. Some products which have featured in Public Health England's healthy snack campaign will be similarly reclassified as HFSS, as will most of the soft drinks that have been reformulated with less sugar (Quinn 2018). And although the

[3] It has also been used to regulate advertising aimed at children in non-broadcast media since July 2017.

government has recently increased the recommended daily fibre intake for individuals, most high-fibre products would be subject to the same marketing restrictions.

It is difficult to avoid that conclusion that the NPM is excessively puritanical. By using a strictly optimal diet as its benchmark, it is able to define thousands of normal products and meals - most of which have been consumed safely for generations - as 'less healthy'. The term 'less healthy' has become 'unhealthy' in the government's strategy document and has become 'junk food' in the popular imagination. Under government proposals, this vast range of food and drink will be subject to unprecedented restrictions on how they can be promoted, priced and advertised.

These policies will hinder competition and innovation in one of the country's biggest and most important markets. The many negative impacts are beyond the scope of this briefing paper but, to take one example, most of the products which could be advertised on television before 9pm under government proposals are raw ingredients - meat, fruit, vegetables, etc. - which are not generally advertised because they are cheap and unbranded. Pre-watershed food advertising would therefore be limited to a relative handful of niche health foods. Broadcasters have not said how much money they would lose, but it would certainly be in the tens of millions of pounds. This is money that could be used to make television programmes. Ironically, HFSS food will continue to be promoted before the watershed in programmes such as *Jamie and Jimmy's Friday Night Feast* and *The Great British Bake Off*, but it will be illegal to promote the same food in the ad breaks.

After 9pm, there would be a glut of food and drink advertising. Advertising space between 9pm and 10.30pm would become more desirable, and thus more expensive, but it is doubtful whether there are enough peak time viewing hours after 9pm to accommodate all the food and drink ads that need to be run. Food and drink companies are likely to redirect advertising spend to the print media, billboards, bus shelters and online, leading to campaigners demanding that the ban be extended to these forms of advertising as well.

Conclusion

The range of food products, drinks and meals that will be subjected to government control on the pretext of tackling 'junk food' is vastly greater than is commonly understood. The Nutrient Profiling Model is based on the dietary needs of a child and was designed to encourage children to take a greater interest in healthy food, but it is on the brink of being used - in an even more stringent form - to control the pricing, promotion and availability of food which almost nobody considers 'junk'.

Polling companies commissioned by campaigners have misled the public about the extent of government proposals. For example, a poll by ComRes (2018) asked respondents whether they agreed or disagreed with the statement: 'There should be a ban on junk food adverts targeted at children before 9pm'. A strong majority (76 per cent) agreed and the *Mirror*, which commissioned the poll, cited it as evidence that the public supported Labour policy, but Labour policy related to all HFSS food, not just 'junk food'. Labour's proposal, which has now been adopted by the government, extended to all television programmes aired before 9pm, not just those aimed at children. Had the survey asked people whether they would support a ban on olive oil being advertised during the Channel 4 News, they might have given a very different answer.[4]

Advertising bans have a habit of snowballing. The ban on HFSS food advertising during children's programmes is morphing into a ban on HFSS food advertising before 9pm and, in London, has already become a ban on

[4] In another survey, YouGov (2017) asked respondents about Labour proposals to ban 'junk food and sweet adverts' on television before 9pm. This suggests that YouGov is aware that the public may not consider sweets to be junk food.

advertising on public transport. Advertising is an important part of the market economy and restrictions should be treated with the same caution as any limit on free speech, but if politicians insist on restricting food advertising, they should not sell it to the public on a false prospectus. The suggestion that the government is merely proposing a ban on junk food advertising aimed at children is wholly disingenuous. For a wide range of normal, healthy food products, many of which have been consumed safely for centuries, it amounts to a total broadcast ban before 9pm.

While the current system for defining HFSS/'junk food' is clearly inadequate for regulatory purposes, it is difficult to imagine a satisfactory alternative. There is no scientific justification for blacklisting individual ingredients, products and meals. As currently proposed, the government's policies on HFSS food will lead to many absurdities: companies will not be allowed to promote food and drink even after it has been reformulated at the government's insistence; snacks and drinks that Public Health England recommends will not be permitted to be sold at a discount; pure fruit juice and other '5-a-day' products will be classified as 'junk food'; food that the government portrays as the best of British will not be allowed to be displayed at supermarket entrances, and so on. Such absurdities are inherent in a system that focuses on individual components of the diet and sets the bar of healthfulness so high.

A complete rethink is in order. Politicians and the public have been sold a pig in a poke by those who rail against the meaningless category of 'junk food'. Health policy, like any health intervention, requires informed consent. The full scale and reach of the government's attempt to suppress the market for HFSS food should be made clear to the public. A first step would be for polling companies and journalists to stop using the term 'junk food' in relation to HFSS food and to explain how many meals, ingredients and products are included in that category.

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Appendix: DEFRA adverts promoting British 'junk food'