

Appendix 2: Key issues arising from the fruit and vegetable juice and milk-based drinks meetings, 17 July 2017

On 17 July 2017, Public Health England (PHE) met with stakeholders from the soft drinks industry including major retailers; food manufacturers; and a number of representative trade associations. Additional stakeholders were invited in an observer capacity, including other government departments, the devolved administrations and non-governmental organisations. Retailers and manufacturers were identified on the basis of having a significant share of the pure fruit and vegetable juices and milk-based drinks markets (based on data from Kantar Worldpanel). Details of businesses and organisations that attended the meeting are included in [Appendix 1](#).

Three meetings were held:

- attended by trade bodies covering both juices and milk based drinks
- attended by retail / manufacturing representatives and other key stakeholders to discuss pure fruit and vegetable juices with no added sugar
- attended by retail / manufacturing representatives and other key stakeholders to discuss high milk content drinks (>75% milk)

The purpose of these meetings was to inform stakeholders that, as these two types of drinks had been confirmed as being excluded from the soft drinks industry levy, they would now become part of PHE's reformulation programme. Early details of PHE's current thinking on the approach and scope of the programme were provided; and PHE also offered the opportunity for attendees to provide information around technical and other relevant issues associated with action on these products. HM Treasury has stated it will review the exclusion of milk based drinks in 2020.

The main areas that were discussed are set out below.

Ambition and scope of the programme

There was concern amongst industry that the timelines initially proposed for reformulation were too tight. Portion size changes can take up to 2 years to launch due to machinery changes, etc. The eating out of home sector might be able to make portion size changes more quickly as they may not be as affected by operational issues.

A manufacturer raised the issue of bought-in products, i.e. products that they sell but do not manufacture themselves. PHE agreed to think about this and extend engagement

as wide as possible to the supply base but encouraged businesses to use their procurement as a way to implement change and meet the forthcoming guidelines.

There was concern from businesses that sell only 100% single fruit and vegetable juices (for example, orange, apple etc.) about their inability to reformulate these products due to the nutrition composition of the raw materials used.

Clarification of category definition

PHE provided clarification on whether certain products fall within the scope of the soft drinks industry levy or the drinks categories that now form part of its sugar reduction programme. Further discussion and consideration is needed for a small number of products.

There was discussion of whether broad categories would be used or further sub-categorisation was needed. Further consideration will be given to this.

Juice: technical comments

Juice industry businesses encouraged a greater degree of communication around free and added sugars.

Businesses stated that reformulation to reduce sugar sometimes leads to the need for sweeteners to help correct flavour profiles, but that not all consumers welcome their use. It was reported that the price of intense sweeteners has increased so this will be a cost consideration for companies in the long term. PHE clarified that it is up to individual businesses to make their own decisions on the use of sweeteners. PHE also stated that even if there is a big shift to using intense sweeteners, this would be expected to remain within safe levels but it will continue to monitor this.

Businesses raised the issue of natural variability of raw materials and its nutrient (sugar) content resulting in differences in information given on product labels. This can also be attributed to using different methods to calculate nutrient content.

Changes in reformulation can be made more easily where different fruit and/or vegetable juices are blended together, as the proportions of sweeter juices to sharper ones can be altered. Some work has already been done on reformulating some blended juices to reduce the sugar content.

Industry said the soft drinks industry levy has increased the speed of progress on sugar reduction.

Milk-based drinks: technical comments

Concern was raised by industry that there will be a sell-through issue to remove older products from the market as many of these have a long shelf life. New products need to undergo shelf life validation so there will be a time lag from the reformulation of a product to it being on sale.

It was highlighted that with the salt reduction programme there was a phased reduction so industry weren't required to change labels regularly and quickly. Phased sugar reduction will be fundamentally different as it could require more frequent label changes (according to labelling tolerances), which could lead to larger costs being incurred by industry for label reprints.

PHE expects that the guideline figure it will use to account for naturally occurring lactose in milk based drinks will be set using a similar approach as used for yoghurts in the sugar reduction guidelines published in March. Industry helped to derive this figure.

The secondary legislation for the soft drinks industry levy has yet to be published, but it will set out what constitutes, and will include details of how milk powders are to be treated. It is also likely that HMRC will issue guidance to businesses that will offer clarity on these types of issues.

Post meeting clarification

HM Treasury has clarified that, while the regulations are still under development, 'milk' for the purposes of the 75% milk content rule is likely to include reconstituted and recombined milk made up from powders. The powder must be diluted to the concentration and ratios found in ordinary drinking milk. Skimmed milk powder in isolation does not count as 'milk' content, and where it is added to sweeten it will count as added sugar (due to lactose content).

Data, metrics and progress reporting

Businesses expressed concern that reformulation work already completed wouldn't be captured by the programme because of PHE's likely use of a 2015 baseline. PHE clarified that they don't want to penalise companies that have already made progress.

Businesses will be asked to supply narrative and data to highlight progress made so far and to make PHE aware of changes to their data that might not be captured in PHE's baseline dataset.

A business asked about the dataset PHE will use to report progress. PHE confirmed that a data brief is currently out for tender but it is likely that the data set will be a similar format to that used for the sugar reduction baseline analysis published in March.

Clarification was sought regarding PHE monitoring progress of drinks both subject to, and out of scope of, the levy. PHE confirmed that it will be monitoring changes made to both sets of drinks.

PHE clarified that HM Treasury will review progress by milk-based drinks in 2020 and will use the results of that review to decide if these products should be included in the levy at that point. Continuous communication with industry, as well as monitoring progress through product data, will help aid PHE's understanding of the direction of travel.

In terms of outcome measurement data, volume sales and nutrient data are likely to be the main indicators used, potentially both separately and to calculate sales weighted average sugar and calorie levels per 100g and portion size. Data on consumption (through the National Diet and Nutrition Survey, NDNS) and obesity rates will also be used although it will take longer for changes to be seen within these datasets.

Businesses queried the baseline analysis and if this will be done separately or together for out of home business and retail/manufacturing. PHE said this will depend on factors such as data quality and availability, responses from industry and/or subcategorisation of businesses, etc. The 2015 data is currently anticipated to be used as the baseline for juices and milk-based drinks, as has been used for the other categories in the sugar reduction programme. PHE said that it appreciates that this may cause issues for the eating out of home sector due to difficulties in back tracking data.

Businesses stressed the importance of using clear category definitions for pure fruit and vegetable juices when analysing the baseline data as categories and subcategories aren't always clear or correct in datasets.

Clarification was needed on whether the fruit juice category of the NDNS included both fruit juice and fruit juice drinks. PHE said it would check and confirm this.

Post meeting clarification

The pie charts used in the slides at the meeting are from the 2015 sugar reduction evidence package and are based on data from the NDNS covering years 1-4. Fruit juice in the pie charts is defined as 100% fruit juice only. This doesn't include juice drinks (i.e. products with water or sugar or sweetener added) as these are included as soft drinks.

Concerns were raised that efforts in reducing portion sizes in pure fruit and vegetable juices will not lead to lower sugar content per 100g and this won't be shown in reporting. PHE will consider the best methods for presenting progress data to ensure that changes to portion size are reflected.

The language used around juices is also important for industry especially the distinction between pure fruit and vegetable juices and juice drinks.

Legislation and regulation

It was welcomed that PHE recognises the legislative constraints on the reformulation of pure fruit and vegetable juices.

In line with general government policy on exiting the EU, Defra confirmed that there will be a general 'lift and shift' approach to fruit juice regulation, as provided for by the European Union (Withdrawal) Bill.¹ There is the potential for changes to the current legislation in the much longer term.

5 A Day advice

A business asked about the contribution that fruit and vegetable juice makes to people's 5 A Day intakes. PHE confirmed it makes a significant contribution.

A few businesses discussed the advantages and disadvantages of diluted juice products. They explained that diluting pure juices with water reduces sugar consumption which in turn reduces calories and increases hydration. However, water blended products currently have a small market share.

One business said they launched a diluted juice product but it was de-listed because of poor sales due to the perceived lack of value for money. They said that the messaging around consumer acceptability needs to be clearer as there was currently some confusion. There were also questions around how diluted fruit juice would count towards 5 A Day and the consumer messaging that would be needed for this.

Portion size discussions

An observing non-government organisation stressed the importance of the availability of smaller portion sizes for juices as currently 150ml single serve portions are hard to find. However, it was noted that individual businesses may be reluctant to reduce portion size unless this is replicated across the market.

Portion size reductions may be easier to implement for the eating out of home sector. There was concern around the 150ml single serve size for fruit juice in terms of consumers' perception of product size, value for money, etc.

A business acknowledged that there are a number of considerations with regards to reducing size of packaging and the potential for double purchasing.

There was concern from industry that over time the contribution that fruit and vegetable juices make to sugar consumption may get bigger if PHE's programme is successful as the contribution from other products will get smaller.

Single serve juices that are sold through retailers' meal deals are of a concern for industry. It was highlighted by businesses that if the portion size was reduced, consumers would likely choose other soft drinks (though not necessarily healthier drinks) over 150 ml portion size pure juice options, as they look very small. The current standard size for fruit juice is 200-250ml.

Public health impact/unintended consequences

A point was raised by an industry stakeholder that there is a need for protein-added milks as they contribute to satiety and could help reduce calorie consumption from other products. PHE explained that, based on data on protein intakes from the NDNS, protein intakes are adequate in all age and sex groups so there isn't a public health concern in this country regarding protein intakes.

A business expressed concern that calcium intakes will reduce if people stop drinking milk-based drinks. PHE acknowledged that some teenagers do have low calcium intakes but this is associated with generally poor dietary patterns. The main priority is reducing the levels of sugar in milk-based drinks, and not directly reducing consumption of these products.

An observer at the meeting raised the importance of tackling issues around consumption patterns. PHE agreed and said that non-government organisations and industry will need to discuss this further with PHE's marketing campaign to address consumer facing messages.

Other comments

The differences in guidance on sugar among different public sector initiatives was noted (e.g. National Health Service England targets, Commissioning for Quality and Innovation standards (CQUIN), Government buying standards for food and catering services (GBSF)). PHE said that it appreciates the confusion that this creates and that it is doing what it can to align these as much as possible.

A business asked whether there will be separate guidelines in line with school food standards. PHE said they will not be doing any separate analysis for school food standards. The standards will be reviewed as part of the Department for Education's remit, based on the Scientific Advisory Committee on Nutrition's Carbohydrate and Health report.

An observing non-government organisation highlighted that they are looking to repeat a survey on sugar levels in hot drinks.

References

ⁱ HM Government (2017) European Union (Withdrawal) Bill 2017-19 Available online at:
<http://services.parliament.uk/bills/2017-19/europeanunionwithdrawal.html>