businesscompanion
trading standards law explained

High fat, sugar or salt ('less healthy') foods

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for Scotland

The Food (Promotion and Placement) (Scotland) Regulations 2025 are intended to help improve the health of the nation by placing restrictions on 'less healthy' foods, specifically those that are high in fat, sugar or salt (HFSS). The Regulations also apply to drinks.

The Regulations come into force on 1 October 2026.

An HFSS food is one that is prepacked and is less healthy*. It is a food that scores four or more points in accordance with the Department of Health and Social Care's (DHSC) *Nutrient Profiling Technical Guidance*. A less healthy drink is one that scores one or more points in accordance with the DHSC Guidance.

[*'Less healthy' and 'HFSS' are interchangeable terms; 'less healthy' is the term used in the DHSC Guidance.]

It will not be obvious whether a prepacked food or drink falls under the restrictions of HFSS. It is possible to calculate the points score from the guidance, but this is complicated and onerous, so it is suggested that

retailers ask their suppliers to identify which food and drink products are classified as HFSS.

Businesses to which the rules apply

The rules apply to a 'qualifying business', which is a business that has 50 or more employees and is not a care home, an educational establishment or a restaurant.

Regarding the number of employees, if you run a franchise operation, you are treated as part of the franchisor's business and not as your own separate business. Therefore, if the franchisor's business as a whole has more than 50 employees, the rules will apply to you.

Specified foods

The following are the food and drink categories that are subject to the Regulations.

Category 1. Prepared soft drinks containing added sugar ingredients (other than exempt soft drinks - for example, alcohol-substitute drinks, or soft drinks that are for medicinal or other specified purposes). Fruit juice, vegetable juice and milk are also exempt.

Category 2. Savoury snacks - for example:

- Crisps
- Pitta bread-based snacks
- Pretzels
- Poppadums
- Salted popcorn
- Prawn crackers
- Snacks made from potato or other vegetables, grains or pulses
- Extruded, sheeted or pelleted products

Raw, roasted, coated or flavoured nuts are exempt.

Category 3. Breakfast cereals, including granola, muesli, porridge oats and other oat-based cereals.

Category 4. Confectionery, such as chocolates and sweets.

Category 5. Ice cream, ice lollies, frozen yogurt, water ices and similar frozen products.

Category 6. Cakes and cupcakes.

Category 7. Sweet biscuits and bars that are based on nuts, seeds or cereal (singly or in any combination).

Category 8. Foods usually eaten in the morning, including croissants, pains au chocolate and similar pastries, crumpets, pancakes, buns, teacakes, scones, waffles, Danish pastries and fruit loaves.

Category 9. Desserts and puddings, including pies, tarts and flans, cheesecake, gateaux, dairy desserts, sponge puddings, rice pudding, crumble, fruit fillings, powdered desserts, custards, jellies and meringues.

Category 10. Sweetened yogurt and fromage frais, whether sweetened with sugar or other products.

Category 11. Pizza, except plain pizza bases.

Category 12. Potato-based products: roast potatoes, potato and sweet potato chips, fries and wedges, potato waffles, novelty potato shapes (such as smiley faces), hash browns, rostis, crispy potato slices, potato croquettes.

Category 13. Any of the following:

- Products that are sold as being ready to cook or reheat without further preparation, and intended as a complete meal (ready meals)
- Products, other than products that contain pastry, in or with a sauce (but not a marinade, glaze, dressing, seasoning or similar accompaniment) that are marketed as ready for cooking or reheating without requiring further preparation, and intended to be consumed as the main element of a meal
- Breaded or battered vegetable, fish, shellfish, meat or poultry products, as well as vegetarian / vegan substitutes - for example, fish fingers, fish cakes, chicken nuggets and breaded meat substitute

Restrictions

Placement of specified food in-store

A qualifying business (one that is not exempt) must not place specified food:

- Within 2 m of a checkout facility, unless the food is placed in (but not at the end of) an aisle
- Within 2 m of a designated queuing area. This means an area set aside and marked as a place for queuing customers
- In a display at the end of an aisle where the aisle end is adjacent to a main customer route through the store
- In a separate unit (for example, an island bin, side stack or clip strip) connected to, adjacent to or within 50 cm of such an aisle end
- At any point within the prohibited distance* of the midpoint of any public entrance to the store's main shopping area

[*The 'prohibited distance' means the smaller of 15 m or $\sqrt{(0.03 \times a)}$ where 'a' is the store's relevant floor area. 'Relevant floor area' means the internal floor area of the store, excluding the parts not used to display goods or serve customers; areas used for preparation for food for immediate consumption (such as a coffee room or canteen), a consultation room (for example, an optician service), or a concession operating its own payment facilities.]

The restrictions do not apply to stores:

- With a relevant floor area of less than 185.8 m^2
- That mainly or only sell food from a single category - for example, a cake shop selling products from category 8

Price promotion of specified food

Qualifying businesses must not offer a specified food for sale as part of a volume promotion (in-store or online).

Volume promotions include:

- Multi-buy promotions; these are offers that create a financial incentive to buy more than one of an item - for example:
  - 'Three for the price of two'
  - 'Three for £10'
  - 'Buy six and save 25%'
- Any promotion advertising that an item, or part of an item, is free - for example:
  - '50% extra free'
  - 'Buy one, get one free'

This restriction does not apply to offers as part of a discounted multi-buy, such as a 'meal deal' or 'dine in for two'-type offers.

Price promotion of certain drinks

Qualifying businesses must not offer a free refill promotion (including free top-ups) for a less healthy drink. This applies to a drink that is not prepacked and is less healthy (scores 1 point or more).

Online sales

Qualifying businesses must not offer for sale an HFSS food or drink:

- On a website's home page
- While a consumer is searching or browsing products, apart from some specified drinks
- With a 'pop up' or 'brand burst' (a display of multiple different products from the same brand grouped together prominently to promote the brand, rather than a specific single product) on a page not intentionally opened by a consumer
- On a 'favourite products' page, unless the consumer has previously purchased the product or intentionally identified it as a favourite; it must not be given greater prominence than any other products on a favourites page
- On a checkout page

This does not apply to offering HFSS food on a page intentionally opened by a consumer who is browsing generally for special offers.

This part of the Regulations does not apply to a business that only or mainly sells food from one of the categories above - for example, a specialist confectioner selling products from category 4.

Further information

The Scottish Government has produced implementation guidance on the Regulations.

In December 2025, the Advertising Standards Authority (ASA) published *Advertising of Less Healthy Food and Drink Products: Advertising Guidance (Broadcast and Non-Broadcast)*.

Trading Standards

For more information on the work of Trading Standards services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

> In Scotland, food labelling laws are not generally enforced by Trading Standards services, but rather by Environmental Health. However, we have included In-depth Guides on food for Scotland in order to provide more comprehensive guidance.

In this update

New guidance: June 2026

Key legislation

- Food Safety Act 1990
- Food (Scotland) Act 2015
- Food (Promotion and Placement) (Scotland) Regulations 2025

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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