



RETAIL COMPLIANCE GUIDE

HFSS RETAIL GUIDE 2026

**Summary of Restrictions on the Promotion & Placement
of Food & Drink High in Fat, Sugar or Salt (HFSS)**

Guidance for the Food (Promotion and Placement) (Scotland) Regulations 2025

BE READY BY

1 OCTOBER 2026

CONTAINS PUBLIC SECTOR INFORMATION FROM THE SCOTTISH GOVERNMENT AND GRAPHICS INFORMATION
FROM THE WELSH GOVERNMENT ALL OF WHICH IS LICENSED UNDER THE OPEN GOVERNMENT LICENCE V3.0.



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BE READY BY 1 OCTOBER 2026

INTRO The legislation

FROM 1 OCTOBER 2026, SCOTLAND WILL RESTRICT WILL RESTRICT CERTAIN PRICE HFSS PROMOTIONS AND PRODUCT PLACEMENT.



In order to help improve the Scottish diet and create a food environment that encourages healthier choices, the Scottish Government has developed The Food (Promotion and Placement) (Scotland) Regulations 2025 – restricting the promotion of less healthy food & drink at the point of purchase.

SGF has worked closely with the Scottish Government and partners throughout the policy development process to ensure that the concerns of Scotland's convenience retail sector were considered. The measures will come into force on 1 October 2026.

The intention of the policy is to reduce the purchase (and consumption) of food & drink that is high in fat, sugar or salt (HFSS).

The measures will:

- Target food categories that are significant contributors of calories, fat and sugar to the Scottish diet.
- Restrict the promotion of prepacked food & drink products that are HFSS such as confectionery, cakes, crisps, and sugary soft drinks, both in physical stores and online.
- Restrict certain price promotions of HFSS products such as multi-buy offers (buy one get one free, two for a pound etc.) and free refills of soft drinks with added sugar.
- Restrict the location and placement of HFSS products in-store to limit customer exposure.

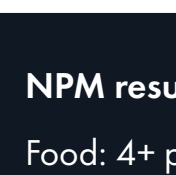
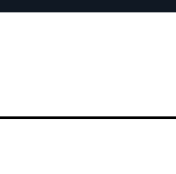
EXEMPTION Some stores and retail businesses will be exempt from the regulations based on strict criteria set out on pages 6 and 7. Businesses in scope of the regulations, either wholly or in part, must comply with the requirements from 1 October 2026.

PRODUCTS What foods are in scope?

A PRODUCT MUST BE PREPACKED, FALL WITHIN A SPECIFIED FOOD CATEGORY AND BE CLASSED AS LESS HEALTHY (OR HFSS) UNDER THE NUTRIENT PROFILING MODEL (NPM).

PREPACKED FOOD: Food packaged as a single unit before being offered for sale, with packaging that fully or partly encloses it so the contents cannot be changed without opening or altering the packaging.

This list is not exhaustive, and retailers should check each of their products to see whether they are within the scope of the Promotion and Placement restrictions.

	Breakfast cereals		Sweet biscuits		Chips and similar potato products		Ready meals		Desserts and puddings
	Savoury snacks and crisps		Cakes		Pizza		Sweetened yoghurts and fromage frais		Soft drinks, juices and milkshakes with added sugar
	Confectionery		Morning goods		Ice cream and lollies				

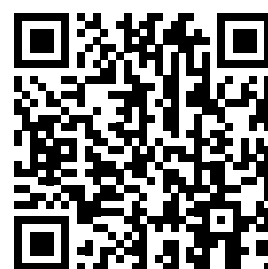
1 Category Is this product in a regulated category?	2 NPM result Food: 4+ points. Drink: 1+ point	3 Evidence Confirm the profile with the producer or supplier.
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PRODUCTS How is HFSS determined?

BEING IN THE SAME CATEGORY AS OTHER HFSS PRODUCTS DOES NOT AUTOMATICALLY MAKE A PRODUCT HFSS. IT MUST ALSO BE CLASSIFIED AS “LESS HEALTHY” (OR HFSS) UNDER THE NUTRIENT PROFILING MODEL (NPM).

How the score works

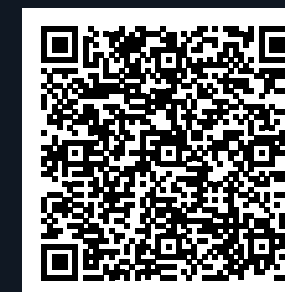
The NPM assesses a product’s nutritional content per 100g. Points for energy, saturated fat, total sugar and sodium are balanced against points for fruit, vegetables and nuts, fibre and protein. The resulting score determines whether the product is classified as “less healthy”.



Scan here for a full list of
regulated product categories.

For any products they are unsure about, retailers can check them using the formula provided on the Nutrient Profiling Technical Guidance 2011. Scan here to check a product now.

A food is classified as ‘less healthy’ where it scores 4 points or more, whereas a drink is ‘less healthy’ where it scores 1 point or more.



Producers and suppliers should provide accurate information about the nutritional profile of their products and may be able to assist you if you have concerns about any particular product.

Retailers are responsible for evidencing compliance.

Producers may be able to provide additional nutritional information or an NPM score, but they are not required to do so.

SCOPE Am I in scope of the regulations?

MANY SCOTTISH CONVENIENCE STORES FALL WITHIN THE SCOPE OF THE RESTRICTIONS, EITHER WHOLLY OR IN PART. THE MEASURES COVER TWO DISTINCT SETS OF RESTRICTIONS, PRICE PROMOTION (VOLUME SALES) AND PRODUCT PLACEMENT (IN-STORE LOCATION).

TO BE A QUALIFYING BUSINESS YOU MUST:

- Offer, in the course of your business, specified food for sale to consumers (in store or online)
- Have 50 or more employees.



EXEMPTION

If you are not a qualifying business, then you will not be within scope of the regulations.

Be aware that some independent retailers that are part of a symbol group or fascia may be defined as operating under a 'franchise' arrangement and therefore may be within scope of the restrictions. Please see page 15 for the full definition of a franchise.

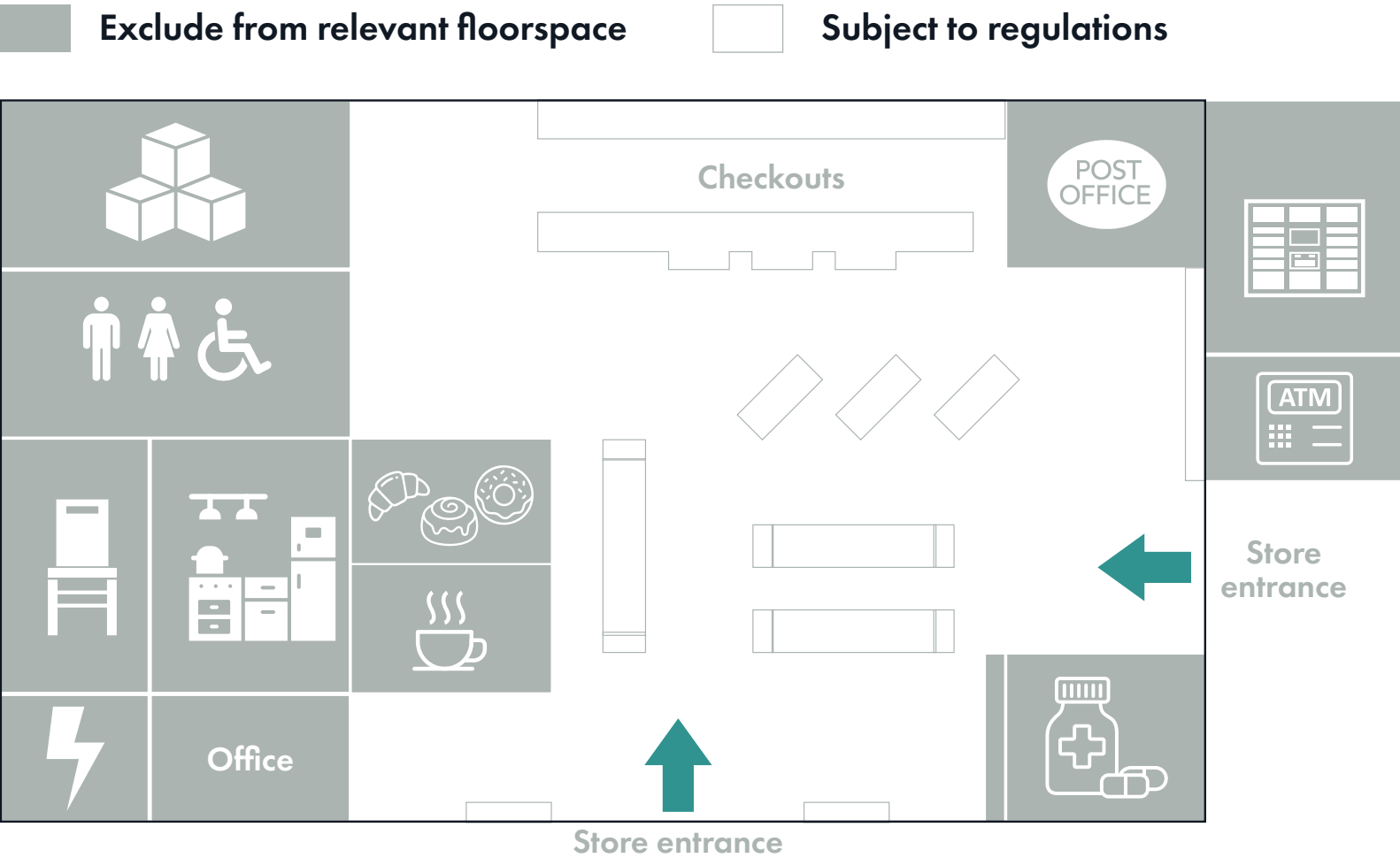
In short, franchise arrangements, such as where multiple businesses operate under the same name, may be within scope of regulations. If a business has entered into a franchise agreement, in accordance with the regulations, the size of the business will be classified by the total employees overall and not the number of employees of the individual franchise store, whether or not they are a small independent business.

If a business has entered into an agreement with their franchise partner or symbol group supplier which has the characteristics described on page 15, it may be considered to be a franchise agreement and therefore within scope of the regulations.

These regulations align with similar steps taken by the governments in England and Wales on 'volume promotions' and will apply to qualifying businesses with 50 or more employees.

SCOPE Am I in scope of the Placement (in-store location) restrictions?

SOME STORES MAY BE EXEMPT FROM LOCATION RESTRICITONS.



Location of product restrictions will not apply to qualifying businesses with a relevant floor area under 185.8 m² (2,000 sq ft). These stores are exempt form Placement restrictions. Volume price promotions still apply.

Restrictions and the relevant floor area only apply to areas of the store used for customers and the sale of products. Not all areas of a store are included in the relevant floor area. For example, the following areas should not be included in the calculation (not exhaustive):

- Staff areas, storage areas & stock rooms.
- Food-preparation areas and deli or sandwich counters if selling food intended for immediate consumption.
- Post Offices & services such as pharmacies.
- Automated machines such as Reverse Vending Machines and vending machines that take their own payments and are not operated by the business operating the store.

Promotions restrictions will still apply in stores exempt from location restrictions.

PROMOTIONS Which offers are restricted?

QUALIFYING BUSINESSES WITH 50 OR MORE EMPLOYEES MUST NOT USE VOLUME PROMOTIONS TO SELL HFSS PRODUCTS, EITHER IN STORE OR ONLINE (SEE PAGES 6 AND 14).

RESTRICTED



- ⊘ Multibuy, such as “2 for £10”
- ⊘ Discounts for buying several items
- ⊘ Buy one, get one free
- ⊘ Extra-free offers, such as “25% extra”
- ⊘ Free refills of sugary drinks
- ⊘ The rules also cover promotions on websites, including homepages, search results and pop-ups (see pages 11 and 12).

GENERALLY PERMITTED *



- ✓ Multipacks
- ✓ Free samples
- ✓ Temporary price reductions
- ✓ Meal deals
- ✓ Coupons not linked to the quantity purchased

Multipacks can be restricted if their packaging promotes “extra free” quantity; samples can be restricted when linked to another purchase; on-pack promotions within scope of regulations need to be invalidated, such as by over-stickering. Volume-linked loyalty points are also covered.

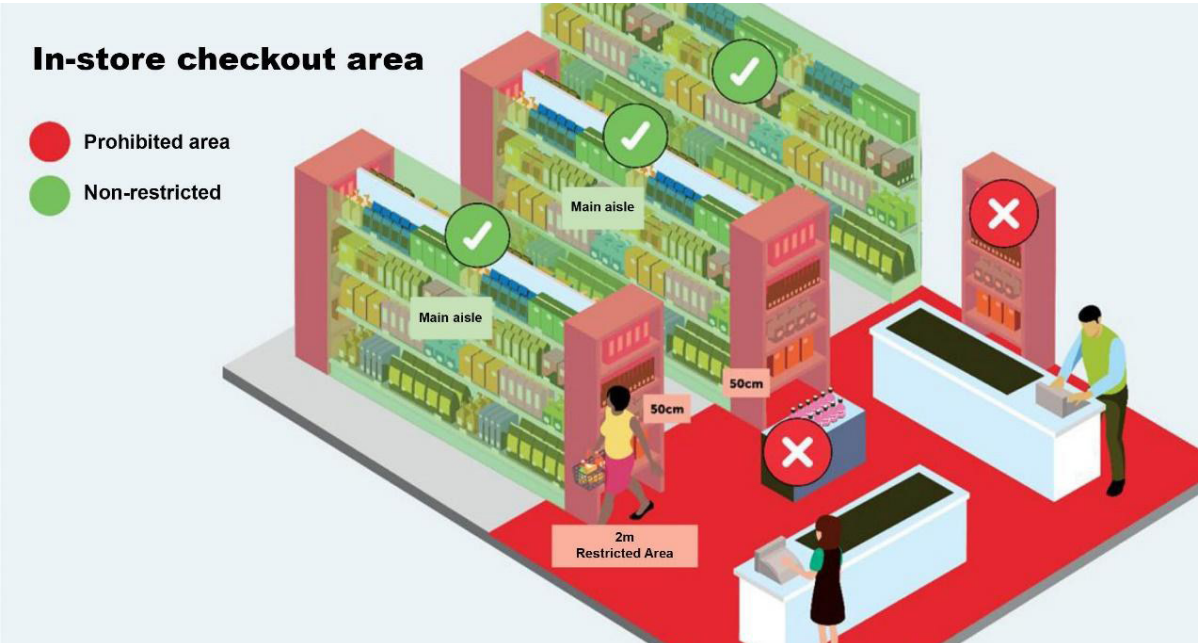
A meal deal is a discounted group of items intended to be consumed together as one meal. HFSS items in a meal deal must still comply with the placement restrictions (see pages 9, 10, 11 and 12).

* CONDITIONS MAY APPLY

PLACEMENT Placement restrictions (in-store location)

FOR BUSINESSES IN SCOPE OF THE MEASURES AS SET OUT ABOVE, THE PLACEMENT OF HFSS FOOD & DRINK PRODUCTS WILL ALSO BE RESTRICTED AT PROMINENT LOCATIONS IN STORE AS LISTED BELOW. HOWEVER, LOCATION OF PRODUCT RESTRICTIONS WILL NOT APPLY TO SMALLER STORES, UNDER 185.8 M² (2,000 SQ FT), WHICH WILL BE EXEMPT (FURTHER DETAILS ON HOW TO CALCULATE FLOOR AREA ARE ON PG7).

If a store is not included in the Price Promotion restrictions, they are also exempt from the Placement restrictions.



Any area within 2m of a checkout facility

Checkout facility means a facility in the store intended to be used by consumers to pay for products. This includes a counter at which a cash register is used (including the area behind the counter) and a self-checkout terminal.



Any area within 2m of a designated queuing area

This can be defined as an area set aside and marked for the purpose of providing a place for consumers to wait to make a purchase.

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Ends of aisle displays

These are displays at the end of (but not in) an aisle, or on a separate structure (for example, an island bin, free-standing unit which could be a fridge or freezer, side stack or clip strip) connected or adjacent to, or within 50cm of, the end of an aisle. An end-of-aisle display may include displays facing the checkout, into the store or the store perimeter.



Store entrances

The regulations restrict the presentation of specified food at any point within the prohibited distance of the midpoint of any public entrance to the store's main shopping area. Specified food should not be placed at any point within this area, irrespective of whether it can be seen from the store entrance.

PLACEMENT Placement restrictions (in-store location)

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A covered external area

This restriction applies to covered areas, outside and connected to a store's main shopping area, through which the public passes to enter the main shopping area (for example, the foyer, lobby or vestibule).

No specified food (see page 4) is permitted to be displayed within 15m, or the distance described by the examples below, of the midpoint of any public entrance to the store's main shopping area whichever is smaller. See the Food (Promotion and Placement) (Scotland) Regulations 2025: implementation guidance (6.3.2 p.33) for details on how to calculate the correct distance.

Examples:

RELEVANT FLOOR AREA	PROHIBITED DISTANCE
185.8m ² (2,000 sq ft)	2.4m
278.7m ² (3,000 sq ft)	2.9m

LOCATION MATTERS A freestanding display may be restricted if it is connected, adjacent to or within 50 cm of an aisle end. All specified food is prohibited inside the store-entrance zone, checkouts and queuing areas, including food displayed within an aisle or on a freestanding unit.

RETAILERS INCLUDED IN THE PRICE PROMOTION RESTRICTIONS (QUALIFYING BUSINESSES WITH 50 OR MORE EMPLOYEES) WILL ALSO HAVE TO COMPLY WITH SIMILAR RESTRICTIONS TO THEIR ONLINE CONTENT LIMITING EXPOSURE TO HFSS PRODUCTS WHERE THE CUSTOMER IS NOT DIRECTLY SEEKING TO PURCHASE THOSE PRODUCTS.

CONTAINS PUBLIC SECTOR INFORMATION FROM THE SCOTTISH GOVERNMENT AND GRAPHICS INFORMATION FROM THE WELSH GOVERNMENT ALL OF WHICH IS LICENSED UNDER THE OPEN GOVERNMENT LICENCE V3.0.

PLACEMENT Online restrictions

RETAILERS INCLUDED IN THE PRICE PROMOTION RESTRICTIONS WILL ALSO HAVE TO COMPLY WITH SIMILAR RESTRICTIONS TO THEIR ONLINE CONTENT LIMITING EXPOSURE TO HFSS PRODUCTS WHERE THE CUSTOMER IS NOT DIRECTLY SEEKING TO PURCHASE THOSE PRODUCTS.

SEARCH RESULTS, FAVOURITES AND CATEGORY BROWSING MUST NOT BE TREATED AS AUTOMATICALLY PERMITTED:

- ! Favourites are permitted only when previously purchased or intentionally selected, and must not receive extra prominence.
- ! Search and browsing results depend on the search term, product category, meal-deal status and other exceptions.
- ! Pop-ups and checkout promotions are restricted.
- ! "Suggested add-on" is not always prohibited; a meal-deal prompt can sometimes be permitted.



ACT NOW How will the regulations be enforced?

BUSINESSES IN SCOPE ARE RESPONSIBLE FOR COMPLIANCE AND MAY FACE ENFORCEMENT ACTION AND FINANCIAL PENALTIES IF THE REGULATIONS ARE BREACHED.

Retailers are liable for in-store breaches, while retailers and/or online aggregators may be responsible online. Producers should provide the nutritional information of their products. However, producers and suppliers cannot be held responsible if a store is found to be in breach of the law for in-store promotions.

Local authorities, acting as food authorities, are responsible for enforcing The Food (Promotion and Placement) (Scotland) Regulations 2025.

Non-compliance with the regulations will amount to an offence, which could result in a criminal penalty. The maximum criminal penalty is a fine not exceeding level 4 on the standard scale (£2,500). Local authorities may issue compliance notices as an alternative to prosecution, giving enforcement officers more flexibility to deal with the offences. It is expected that fixed penalty notices will be available as an enforcement option at a later date.

DEMONSTRATE SUFFICIENT DUE DILIGENCE

It is recommended that retailers keep in regular contact with their suppliers, who should provide accurate information about the nutritional profile of their products. Keep a record of any queries you make regarding potentially in scope products and seek assistance from your local authority.



RETAILER LIABLE

The retailer is responsible for complying with the regulations.



ENFORCEMENT OFFICERS

Local authorities enforce the regulations.



NO-NOTICE INSPECTIONS

Officers may inspect without prior warning.

MAXIMUM CRIMINAL PENALTY

£2,500

Level 4 on the standard scale

ANNEX Franchises (full definition) – Scottish Government

AVAILABLE AT THE FOOD (PROMOTION AND PLACEMENT) (SCOTLAND) REGULATIONS 2025: IMPLEMENTATION GUIDANCE (3.5, P.7-8)

“The restrictions will apply to medium and large businesses (which we consider to be 50 or more employees) that sell food or drink in Scotland.

“For franchises or arrangements (like symbol groups) where multiple businesses operate under the same name, a business carried on pursuant to a franchise agreement is to be treated as part of the business of the franchisor and not as a separate business carried on by the franchisee for the purpose of determining how many employees a business has, and therefore whether they are in scope of the regulations.

“If symbol group retailers operate as part of a franchise arrangement where the total sum of employees operating under the franchise are at least 50, they may be in scope of the regulations. Symbol groups are typically a form of a franchise of convenience stores. For the purpose of determining how many employees a business has and therefore whether the restrictions apply, the business of the symbol group retailer will be treated as part of the business of a franchisor with whom it has a franchise agreement.

“Under these regulations, a franchise agreement is seen to exist where one undertaking (the franchisee) and another undertaking (the franchisor) agree that the franchisee carries on a business activity that includes the sale or distribution of food (the franchise business). The following three matters must also be agreed by the franchisor for a franchise agreement to exist and be similar to those of other undertakings entered into by the franchisor under comparable contractual arrangements:

- The food provided in the franchise business,
- The internal or external appearance of the premises where the franchise business is carried on, and
- The business model used for the operation of the franchise business.

“If these features of the business are agreed by the franchisor, and are similar to that of other undertakings in respect of which the franchisor has entered into comparable contractual arrangements, then - for the purposes of determining how many employees a business has - the franchisee is treated as part of the business of the franchisor and not a separate business. Contractual arrangements can vary from business to business.”

NEED HELP? Find out more

IF YOU ARE UNSURE WHETHER YOUR BUSINESS QUALIFIES AS A FRANCHISE, IT MAY BE HELPFUL TO DISCUSS THIS WITH YOUR SYMBOL GROUP OPERATOR.



This guide provides convenience retailers with a summary of the Food (Promotion and Placement) (Scotland) Regulations 2025. It is not exhaustive and should be read alongside the full regulations and the Scottish Government's implementation guidance.

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HFSS REGULATION 1 OCTOBER 2026

From 1st October 2026, the law in Scotland will change:

- Most retailers will no longer be able to provide multibuy deals on food & drink High in Fat Sugar or Salt.
- You may also find some products will have to move location in the store, to comply with the new rules.



[CLICK HERE TO DOWNLOAD
THE SGF HFSS POSTER](#)

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