



RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

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Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

AVA: The Vending & Automated Retail Association

Phone number

0330 883 267

Address

Concept House, Cromwell Office Park, York Road, Wetherby, LEEDS

Postcode

LS22 7SU

Email Address

David.Llewellyn@the-ava.com

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Questionnaire

AVA: The Vending & Automated Retail Association is the trade association of the vending industry and automated retail industry, representing machine and ingredient manufacturers and suppliers, cup manufacturers and vending machine operating companies throughout the United Kingdom. Vending operator companies in membership represent over 75% of the turnover of the vending industry in the UK.

The UK vending & automated retail industry has an annual turnover of £2.1bn, with a turnover in Scotland of approximately £129millions. It is an industry employing 24,500 people directly in the UK with over 2,000 in Scotland; a figure which is supplemented by those employed within the wider vending channel supply chain. AVA members operate over 420,000 vending machines in the UK of which approximately 35,000 are in Scotland (AVA Census 2021), vending snacks, food, soft drinks, water, hot and cold beverages.

Vending operator companies, those who provide, fill and maintain vending machines are, with one or two exceptions, small or medium sized companies, often family owned. There are 64 such companies operating in Scotland.

The vending and automatic retailing industry sells a range of food and drink through a range of different machines which have vastly different interfaces with the consumer. Some hot drinks are sold through machines with a closed front where the calorie information could be provided alongside the button.

Fresh foods such as apples and bananas are sold in glass fronted chilled drum machines where each item occupies a separate slot which is opened individually. It is difficult to envisage how the calorie content would be calculated and where the label would be placed, in the slot, on the product or in a list at the purchase point. Vending was excluded from unit pricing legislation because it sells individual items of fruit.

Machines often identify the proposed purchase by a combination of letters and numbers and they are not provided with means of identifying the calorie content when the letter and number buttons are pressed.

Plated meals such as salads are sold in similar machines. The ingredient information already has to be provided for these meals so the calorie content could be given as well, but again this would be on the product rather than at the point of purchase. These machines also sell products such as tubs of yogurt. Packaged products have to have the relevant information on the package.

Other meals, for immediate consumption or heating before consumption are also sold through glass fronted, chilled, machines where the products are held in racks. Allergy information already has to be provided so the calorie content could also be given on the label as long as this did not mean that the font had to be too small to read. Most of this type of machine sell prepacked products. The principle accepted with allergen labelling is that consumers buy the brand they recognise so that allergen information does not have to be provided on the outside of the machine.

It is important to note that it is impossible in practice to guarantee that the same brand of product will be in the same slot or spiral of a machine from day to day.

Some of the latest machines have touch screens where all the required information could be easily displayed when the button is pressed and before the product is purchased.

These currently make up a small proportion of the market although this is increasing. The life of a vending machine is generally around 20 years in service so that, if a requirement were brought in now it would be some considerable time before all sites could comply.

The alternative would be to require implementation within a few years, which would impose costs running into the millions for the vending operating companies in Scotland.

Question 1

Should mandatory calorie labelling at point of choice, for example, menus, menu boards or digital ordering apps in the OOH sector (as listed in paragraph 1.2) in Scotland be implemented?

- Yes
- No
- Don't know

Please give reasons for your answer.

We believe that calorie labelling has the potential to have some influence on the number of calories people consume and this could help to reduce levels of obesity.

Question 2

Should any of the sectors listed in paragraph 1.2 be exempt from mandatory calorie labelling? If yes please explain why.

- Yes (please explain why)
- No
- Don't know

Please give reasons for your answer.

Vending:

Vending provides a vast range of foods and drinks from individual items of fruit to reheatable curries including starch based snacks, confectionery, burgers and plated salads. As outlined in our introduction these are sold through machines which may be from 1 to 20 years old and which are designed to display the product in the minimum of space. Machines are refilled by people who may be employed by the company in which the machine is sited, by the catering company on site, by the vending operator company that provides a vending service or by the food provider company. The calorie content of packaged product already has to be provided on the label and is constant, while that for meals will depend on the precise recipe. Some of these meals will be provided by companies that already have resources to calculate the calorie content but others will be provided by smaller local companies without those resources.

For vending this is an extremely complex issue.

Question 3

To which size of business in scope of the policy, should mandatory calorie labelling apply:

- All businesses
- All except businesses with fewer than 10 employees (micro)
- All except businesses with fewer than 50 employees (small and micro)
- All except businesses with fewer than 250 employees (medium, small and micro)
- None
- Other

Please give reasons for your answer.

Many companies operate in all four home nations and it would assist companies in complying and prevent consumer and client confusion if there were consistent legislation in all nations in the British Isles.

Question 4

We are considering including food provided for residents and/or patients within the following public sector institutions within the scope of the policy. ¹ Should food in these settings be included within the scope of the policy?

Hospitals:

- Yes
- No
- Don't know

Prisons:

- Yes
- No
- Don't know

Adult care settings:

- Yes
- No
- Don't know

Military settings:

- Yes
- No
- Don't know

Please give reasons for your answer.

¹ Staff and visitor food in hospital and adult care settings are already considered in scope

All sites where Service Providers qualify by size should be included.

Question 5

The intention is that PPDS foods would fall within the scope of the policy. Do you agree with that proposal?

- Yes
- No
- Don't know

Please give reasons for your answer.

Food prepacked for direct sale can be high in calories and so should be included in the legislation, with the proviso that this requirement be limited to service providers with more than 250 employees

Question 6

Should the foods and drinks listed above be exempt from calorie labelling? (please state your view for each of the above)

Item	Exempt? Yes/ No	Comment
Non-standard menu items prepared on request		
Alcoholic drinks		
Menu items for sale 30 days or less		
Condiments added by consumer	Yes	

Question 7

Should menus marketed specifically at children be exempt from calorie labelling?

- Yes
- No
- Don't know

Please give reasons for your answer.

With automated retailing there is no option (or technical capability) to differentiate consumers by age.

Question 8

Should businesses² be required to provide calorie information about options on children's menus to parents and carers on request?

- Yes
 No
 Don't know

Please give reasons for your answer.

With automated retailing there is no option (or technical capability) to differentiate consumers by age.

Question 9

What are your views on the proposed requirements shown below for display of calorie information required at each point of choice?

- All points of choice
- In same font and size as the price
- State kcal info only and not also kJ
- Include reference statement of "adults need around 2,000 calories a day"

Please give reasons for your answer.

We believe that vending should be excluded entirely as we cannot see how to comply.

Question 10

Should businesses be **required** or **have the option** to have menus without calorie information available on request of the consumer?

- It should be a requirement for businesses
 It should be an option for businesses
 Don't know

Please give reasons for your answer.

With automated retailing at present there is no option (or technical capability) to provide personalised information. Calories are either displayed – or not. However, on some new machines additional information can be provided at the consumer's request. This could not work the other way round.

Question 11

If businesses are required to have menus without calorie information available on request of the consumer, what practical implications would this have for businesses?

Comment

² Includes private, public and third sector outlets providing Out Of Home food and drink.

If information had to be displayed on vending machines there would be no option for it to be concealed for certain consumers. Automated retailing does not have that flexibility. Calories are either displayed – or not.

Question 12

What other mitigating measures could be adopted for consumers who may find calorie information upsetting?

Comment

None

Question 13

Please list any costs to businesses in addition to those listed above that you think need to be considered in our economic evaluation

Comment

Question 14

What support, in addition to detailed written guidance, would businesses need to implement calorie labelling effectively?

Comment

Question 15

From the publication of relevant guidance, what length of time would businesses need to prepare to implement calorie labelling effectively ahead of legislation coming into force?

- 6 months
- 12 months

- 18 months
- 2 years
- Other
- Don't know

Please give reasons for your answer.

Question 16

Please comment on our proposals for enforcement and implementation outlined in section 10.

Comment

Question 17

How could any requirements be enforced, in a way that is fair and not overly burdensome?

Comment

Question 18

What impacts, if any, do you think the proposed policy would have on people on the basis of their: age, sex, race, religion, sexual orientation, pregnancy and maternity, disability, gender reassignment and marriage/civil partnership?

Please consider both potentially positive and negative impacts and provide evidence where available. Comment on each characteristic individually.

Comment

Question 19

What impacts, if any, do you think the proposed policy would have on people living with socio-economic disadvantage? Please consider both potentially positive and negative impacts and provide evidence where available.

Comment

Vended food in the UK is worth £46m per year. This equates to almost 2 million meals per year in Scotland or 8,300 meals per day (AVA 2021 Census). This includes out-of-hours food provision in business and NHS locations, often providing for lower paid staff who are part of essential services.

Question 20

Please use this space to identify other communities or population groups who you consider may be differentially impacted by this policy proposal. Please consider both potentially positive and negative impacts and provide evidence where available.

Comment

Question 21

Please tell us about any other potential unintended consequences (positive or negative) to businesses, consumers or others you consider may arise from the proposals set out in this consultation.

Comment

Question 22

Please outline any other comments you wish to make on this consultation.

Comment