Briefing

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The case for mandatory action to achieve transformational change in UK food

One of the key questions governments are tasked with is considering whether they need to mandate industry to take action, or whether they can rely on voluntary action. In the food industry there are many voices advocating that voluntary action is sufficient.

However, in Henry Dimbleby and Dr Dolly van Tulleken's interviews with former prime ministers, health secretaries and other senior ministers, those interviewed overwhelmingly supported more government intervention to tackle rates of obesity. Furthermore, The Hope Farm statement and the Lobbying for Good initiative shows that responsible industry wants action and citizens expect it.

This paper is a short summary to complement this finding - spanning across the intersectional issues found in food - with practical reminders of where mandatory action has achieved transformational change and where relying on voluntary commitments alone has not meaningfully shifted the dial.

We hope this helps ministers and decision makers with their level of ambition and the levers they pull to achieve this.

1 Key arguments for mandatory action

1. Industry is highly responsive and innovative, adapting quickly once legislation is in place.
2. Businesses use negotiation tactics to resist change but ultimately adjust when required.
3. Companies have various cost-management strategies beyond simply raising prices.
4. Mandatory measures create a level playing field, reducing first-mover disadvantages.
5. Legislation drives transformational, not just incremental, change.
6. Minimum standards, as seen in animal welfare, prevent a race to the bottom.

2 Evidence for mandatory action working

When mandatory action has been put in place, the sector has responded with innovation and made the desired changes.

Plastic bag tax

Initial 5p voluntary charge agreement between retailers and all four governments 2006-2009, led to a 48% reduction in plastic bags. Usage then increased by 21.4% between 2010-2014 once that voluntary measure ended. The mandatory charge came into force in 2015.

In 2021 to 2022, the main retailers sold 197 million single-use carrier bags, a reduction of over 97% on the number of carrier bags since the charge was introduced. This is equivalent to each person in the population using around 3 bags per year during 2021 to 2022, compared to 140 in 2014 before the charge was introduced. DEFRA

The tax raises around £10m in giving for good causes each year. DEFRA

Cage free eggs

77% of the market is cage free ahead of the 2025 deadline because the deadline of mandatory action has forced the market to shift together, without breaking Competition Law. EggTrack Europe

Plastic Packaging Tax - 30% recycled content in plastic packaging

Since its introduction in 2022 there has been an increase of use of recycled materials in plastic packaging from 8.5% to 24.1%. There are still opportunities to strengthen this policy against the original policy objectives.

Prior to the tax the industry was broadly claiming it would be too difficult or costly to implement.

Soft drinks sugar levy

Adults have on average reduced their sugar by 2.5 teaspoons daily with the soft drinks levy accounting for at least 40% of this over the first 11 months of implementation BMJ - Journal of Epidemiology and Community Health. It may have prevented 5,000 cases of obesity in Year 6 girls alone - University of Cambridge

Differences in the amount of sugar reduction taking place between voluntary and mandatory programmes are stark: the Government's voluntary sugar reformulation programme only resulted in an average reduction in sugar across all included categories of 3.5% (against a target of a 20% reduction by 2020), compared with the Soft Drinks Industry Levy which has reduced the sales weighted average sugar in soft drinks by 46% in the same period.

Eating Better · Friends of the Earth · Compassion in World Farming (ciwf.org) · Changing Markets Foundation · Four Paws – Animal Welfare. Worldwide. · The Food Foundation

3 Evidence of industry backing mandatory action

There are a number of areas where progressive businesses are already asking the government to act.

3.1 **Mandatory on-pack recycling labelling,** as part of the extended producer responsibility reforms, 55% of consultation responses supported on pack labelling**.**

3.2 **Removing deforestation-linked commodities from UK supply chains** - Major UK Retailers support mandatory action on deforestation commodities.

3.3 **Hope Farm statement - backing legally binding targets -** including 4 CEOs of major supply chain actors.

3.4 **Businesses and investors are urging the government to tackle diet-related ill health with tighter regulatory scrutiny of the food industry,** as long-term diseases such as obesity hit productivity (Financial Times and Lobbying for Good).

4 Evidence for Voluntary Action not being sufficient

In 2015 the RSPB reviewed over 150 voluntary measures - Over 80 per cent were found to perform poorly on at least one of three performance indicators. Nearly two thirds of schemes failed to achieve the majority of their targets or industry compliance rates greater than 50 per cent. Here are some tangible examples from recent governments.

4.1 **Peat -** 30 years of voluntary measures to phase out peat had very little impact on overall volumes. The Wildlife Trust

4.2 **Neonics -** the industry continues to ask for derogation rather than investing in alternatives.

4.3 **WRAP's call on government mandating removing packaging from uncut fruit and veg**. - WRAP have long advocated for voluntary commitments, but have found that there is a limit to what they can achieve. Furthermore, 2 out of 4 targets in the UK Plastics Pact will not be met.

4.4 **Health targets -** Obesity in the UK has doubled in the past 30 years - despite 14 government obesity strategies with 689 policies. The vast majority of these policies were not interventionist, and focused on individual behaviour change rather than shaping the external environment and regulating industry.

4.4.1 **Nutrition targets** - Decisions taken upstream such as food composition and pricing impact significantly on obesity and diet-related disease levels. The Food Security Report's finding that the poorest 10% of households eat on average 42% less fruits and vegetables than recommended, compared to the richest who eat just 13% less.

4.5 **Food waste** -voluntary action on food waste has been the standard for over a decade. From 2007 to 2021 food waste in the UK (excluding food lost on farms) was reduced by 18.3% - a mean average of 1.3% a year. At this rate of progress, it will take until 2045 to reach our 2030 target of reducing food waste by 50%.

5 Features of where mandatory action works well vs voluntary

5.1 **Where wholesale transformation is needed, but first mover disadvantage exists -** Businesses might have the ambition to move, but the cost linked to shared supply chains is too great to be borne by one individual organisation.

5.2 **As a complement to voluntary regulation** - regulation as a credible threat can stimulate action.

5.3 **Where long term investment or business planning is required -** for example regulation provides farmers confidence to invest in their business and to see benefits throughout the supply chain. This is needed especially as a counter to the incentives provided on offer with multi-year intensive contracts as shown by WCL.

6 **Conclusion -** The UK Government has a unique opportunity to take bold steps to regulate and make change in the food and farming sector during the 2024-2029 UK Parliamentary term. We urge ministers to consider the evidence that mandatory action overwhelmingly delivers the bold changes which were laid out in its manifesto.