
STATUTORY INSTRUMENTS

2021 No. 1368

**The Food (Promotion and Placement)
(England) Regulations 2021**

Restriction on the promotion of specified food – online

8.—(1) Subject to paragraphs (2) and (3), a qualifying person must not cause specified food to be offered for sale on an online marketplace—

- (a) on a home page (whether or not the consumer enters the online marketplace via the home page);
- (b) while a consumer is searching for or browsing products other than Schedule 1 food, unless paragraph (4) or (5) applies;
- (c) while a consumer is searching for or browsing Schedule 1 food, unless—
 - (i) the specified food falls within the same Schedule 1 category, or
 - (ii) paragraph (4) or (5) applies;
- (d) on a page not opened intentionally by the consumer (such as a “pop-up” page or a “brand burst”);
- (e) on a favourite products page, unless the consumer has previously purchased the specified food (whether in store or online) or intentionally identified it as a favourite product but specified food must not in any event be given greater prominence than other products on a favourite products page;
- (f) on a checkout page.

(2) Paragraph (1) does not prohibit offering specified food for sale on a page opened intentionally by a consumer for the purpose of browsing special offers generally.

(3) This regulation does not apply in respect of a qualifying business which only or mainly sells food from a single category listed in Schedule 1.

(4) This paragraph applies where—

- (a) a consumer is searching for or browsing food (whether or not specified food), and
- (b) the qualifying person causes specified food to be offered for sale together with the food referred to in sub-paragraph (a) as part of a relevant special offer.

(5) This paragraph applies—

- (a) where a consumer browses or searches for a general category of product which includes the specified food (such as categories relating to seasonality, or to nutritional or dietary characteristics);
- (b) in relation to searching, where a search term entered by the consumer matches in whole or in part—

- (i) the name under which the specified food is marketed, or
- (ii) an ingredient listed on the packaging of the specified food.

(6) For the purposes of this regulation—

- (a) “checkout page” means a page shown to a consumer as part of the checkout process, such as a page listing items the consumer has so far selected for purchase or a page dealing with payment, collection or delivery;
- (b) “favourite products page” means a page opened by a consumer for the purpose of browsing products they have previously purchased or intentionally identified as favourite products;
- (c) “home page” means any of—
 - (i) an online marketplace’s highest level public page;
 - (ii) the highest level public page of an online marketplace’s grocery section.