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## BMJ INVESTIGATION

# Bans on junk food advertising in outdoor spaces derailed by industry lobbying

Councils trying to bring in policies to protect the public from unhealthy food adverts face a “tobacco playbook” of tactics to stymie their plans, such as financial warnings and claims advertisers “can be part of the solution” to obesity. Some local authority policies have been shelved as a result, **Sophie Borland** reports

Sophie Borland *freelance journalist*

Lobbying by the advertising industry is thwarting plans that aim to protect public health by banning junk food advertisements from bus stops and billboards, *The BMJ* has found.

Advertising companies and their representatives are warning local authorities in financial crisis that the councils’ advertising revenues will plummet if they restrict the promotion of food products high in fat, salt, or sugar (HFSS). These warnings have led some local authorities in England to shelve their plans despite the potential benefits to public health, *The BMJ*’s investigation discovered.

Those councils who push ahead with their plans despite such lobbying are facing delays of up to eight years to enforce the bans, because of their existing contracts with the advertising firms. Even when the bans come into effect they allow adverts for products such as McDonald’s chicken nuggets and KFC burgers to continue to be displayed ([box 1](#)).

### Box 1: McDonald’s and KFC products bypass bans on junk food advertising

Advertisements for McDonald’s chicken nuggets and fries and for KFC chicken burgers are able to continue being displayed even where councils have implemented bans on advertising of foods high in fat, salt, or sugar (HFSS). This is because they “pass” a complex scoring system used to decide whether a product is HFSS.

Most councils in England, and Transport for London, have based their policies on a tool called the nutrient profiling model. This was devised by the Foods Standards Agency 20 years ago to help the broadcasting and telecommunications regulator Ofcom decide which adverts should be banned at times when children’s television programmes are shown. The model calculates a score for each product that is based on their beneficial nutrients balanced against their less healthy ingredients. Sources in public health told *The BMJ* that McDonald’s fries were a “pass” in the model, meaning that adverts for fries on their own would be allowed under the ban.

“I don’t think that anyone would see these products as ‘healthy,’” says Mark Green, a professor of health geography at the University of Liverpool. “It reflects a limitation of the way they are categorised and the ability of large companies to find ways around [bans].”

Other adverts that have bypassed the ban include one for a KFC teriyaki burger, shown on the London Underground in August 2023. At the time Transport for London explained that nutritional information on the item sent to it by KFC was “found to be compliant.”<sup>1</sup>

An advert for McDonald’s chicken nuggets was reportedly displayed at Angel tube station in London last year, and again Transport for London said that McDonald’s had sent it the nutritional information, which was found to be “compliant” and “non-HFSS.”<sup>2</sup>

Adverts for KFC have also been reported on the London Underground and in tube stations in the past 18 months.<sup>3</sup>

Green says he has recently seen adverts for McDonald’s chicken chilli wraps on the London Underground.

“McDonald’s themselves also deploy other tactics,” he adds, citing adverts for an empty cheeseburger wrapper “with a slither of cheese,” which he’d seen in other cities and which feature in a joint report he has produced in partnership with the charity Bite Back, published in April 2025. He says, “It’s clearly advertising the cheeseburger. They are being a bit devious about how they get around some of things . . . They spend a lot of money and resources on designing advertisements that are clever or can bend around the rules.”

Transport for London told *The BMJ* that as of March 2025 there were 18 advertising “campaigns” for McDonald’s running across the network on bus shelters and on the rail network, all compliant with the HFSS policy. There were no such ads for KFC.

*The BMJ*’s findings expose a gap in government plans to ban junk food advertising aimed at children.

Experts now urge a ban on “out-of-home” HFSS advertising, in line with restrictions on such foods being advertised on television before the 9 pm watershed and in paid-for online adverts at any time, which are due to come into effect in October 2025.<sup>4</sup> The industry lobbying exposed by *The BMJ*’s investigation has a “chilling effect” on such national policy making, they say.

“The government is leaving individual local authorities to fight for this policy against powerful vested interests,” says Fran Bernhardt of Sustain, the alliance for better food and farming. “This is inconsistent and leaves children at risk, so we need comprehensive restrictions nationwide.”

*The BMJ* used freedom of information requests to uncover how advertising firms and lobby groups are deploying a “tobacco playbook” of tactics to target council policies to restrict junk food advertising. Some of the local authorities being lobbied, including Liverpool City, Tower Hamlets in east London, and Luton in Bedfordshire, have among the highest rates of childhood obesity in England.

Out-of-home advertising is “one of the most regulated forms of advertising,” says Outsmart, the trade body for the sector, and that it remains “committed to a constructive dialogue on this issue.”

### “Only a snapshot” of true scale of lobbying

*The BMJ* sent freedom of information requests to 52 of England’s 317 local authorities, focusing on those that had recently announced restrictions on HFSS food advertising and those in major urban areas. We asked about correspondence and meetings with the advertising industry in the past three years relating to local plans for advertising restrictions on HFSS products.

Eight councils sent us evidence showing an attempt by the advertising industry to influence their policy making: Brighton and Hove, Cheshire West and Chester, Leeds, Liverpool, Luton, Peterborough, Southampton, and Tower Hamlets in east London.

Another local authority, Haringey in north London, said it had identified an email “within the scope of your request” but could not disclose it because it might “prejudice the commercial interests” of the council.

Two others, North Somerset and Nottingham, refused to respond, claiming that to do so would breach the “appropriate” cost limit set out under the Freedom of Information Act. Merton in southwest London said it could not extract the information.

Of the remainder, 35 councils told us they had no record of correspondence or meetings, and five did not provide a response.

Experts tell *The BMJ* that the freedom of information responses offer only a snapshot of the true scale of industry lobbying going on behind the scenes. Much lobbying will not be officially recorded, such as emails to personal accounts and informal meetings, they say.

Bernhardt tells *The BMJ* she has been working with around 150 local authorities across the UK to try to bring in HFSS advertising restrictions. So far, 22 councils in England, and Transport for London (TfL), have signed off what Sustain describes as “robust” policies. This means that HFSS adverts are banned across all council owned advertising—although not privately owned billboards, buses, or bus stops (box 2). All were approved in the past six years, with TfL being the first in February 2019.

#### Box 2: Junk food adverts move to private space to sidestep council bans

Even where councils have brought in HFSS advertising restrictions, the industry is simply moving junk food adverts elsewhere, *The BMJ* has been told.

In Bristol, which became the first city outside London to bring in a policy in March 2021, researchers found evidence that companies were moving their adverts to areas not affected by the bans, including privately owned advertising space and the neighbouring council area.<sup>5</sup>

Only 30% of Bristol’s advertising space is owned by the council. The remainder is on privately owned buildings or company property, including buses. As a general rule, advertising space on private land and property, such as on buildings and shops, and privately owned buses or taxis is not covered by local HFSS restrictions.

Frank de Vocht, a professor in epidemiology and public health at Bristol University and who has been evaluating Bristol’s policy, tells *The BMJ* that HFSS food advertising has increased in the neighbouring local authority of South Gloucester, which does not have a policy.

Research by de Vocht and colleagues published last year found that the restrictions did not affect consumption of HFSS foods in Bristol, which they attributed to the council owning just 30% of the advertising space in its area.<sup>5</sup>

In Southwark, south London, where restrictions on outdoor HFSS advertising were adopted in July 2019, research has found that more than a third of food adverts were for unhealthy products. The joint study, by Mark Green of Liverpool University in partnership with the charity Bite Back and published in April 2025, found that 38% of food adverts in the borough were for HFSS.<sup>6</sup>

Six of the eight councils that provided *The BMJ* with evidence of industry lobbying were among those to sign off robust policies. Bernhardt says, “They’re the ones which have faced the least obstructions, so that doesn’t really tell the story. For every one policy we’ve got over the line there are at least five that have come up against issues.”

Bernhardt says she has seen a “range of lobbying tactics deployed, aimed at scaremongering, delaying, weakening, or attempting to block policies from being approved.”

Kathrin Lauber, of the University of Edinburgh’s School of Social and Political Science, agrees: “It’s very likely the FOI responses you’ve received are a small snapshot . . . It’s really hard to find this because so much of it happens behind closed doors.”

The potential benefits to public health of policies to restrict HFSS advertising were shown in a study by the University of Sheffield and the London School of Hygiene and Tropical Medicine looking at the effects of TfL’s ban. Published in July 2022, the study estimated that up to 100 000 cases of obesity had been prevented, alongside 3000 cases of diabetes and 2000 cases of heart disease, in the three years since the policy was implemented.<sup>7</sup>

“If the government truly prioritises children’s health, it must shift the spotlight away from unhealthy food—across all media,” Bernhardt says. “Evidence shows that the healthier food advertising policy reduces illnesses like type 2 diabetes, heart disease, and obesity while saving the NHS money.

“The time to act is now.”

### Bans shelved after financial warnings

*The BMJ*’s investigation uncovered evidence of councils being warned they would lose up to 30% of advertising revenue at a time when they are facing a severe funding crisis. The Local Government Association estimates that authorities are facing a shortfall of £8bn over the next three years, and a recent National Audit Office report warned that their financial position was “unsustainable.”

*The BMJ* is aware of one large urban council with high rates of childhood obesity that has paused its policy after being warned by the industry of the financial cost.

Separately, we were told by sources that Brighton and Hove City Council halted its restrictions for several months after receiving advice from advertising organisations that its plans would affect council revenue. The council’s heavily redacted freedom of information response confirms that its staff were invited to meetings with Clear Channel, a major outdoor advertising firm, about the policy.

However, the council denies there was any delay. Council leader Bella Sankey confirms that its policy was introduced in December 2023 “council-wide and with immediate effect.” She adds, “It isn’t accurate to say these measures were watered down or delayed to protect advertising revenue.

“We remain as determined as ever to do all we can to help reduce obesity among children and adults in our city, and this policy is an important and effective tool in helping us do just that.”

*The BMJ* was told by sources in south Wales that two local authorities, Cardiff and neighbouring Vale of Glamorgan, both temporarily halted their plans for HFSS advertising restrictions after being told by the advertising industry they would lose significant sums in advertising revenue.

Despite this pressure, the Vale of Glamorgan Council tells *The BMJ* it hopes a ban on HFSS and alcohol advertising will be implemented across the two councils by next winter. A spokesperson says, “We recognise the harmful impact of HFSS advertising, particularly in areas of the Vale where residents experience poorer health outcomes.”

Claire Beynon, executive director of public health at the Cardiff and Vale University Health Board, the Welsh NHS body responsible for public health policy in the area, says that, in addition to working on local policies, the board is “advocating a strengthening of legislation at a national level so that we can shift the balance across our advertising landscape towards healthier foods and drinks by restricting HFSS advertising across both public and privately owned advertising hoardings.”

### “Scary” decrease in revenue

The responses to *The BMJ*’s freedom of information requests show how the advertising industry uses language to frighten councils about the financial impact. Clear Channel sent Cheshire West and Chester Council an email in January 2024, warning that its restrictions could have a “huge impact” on income. It reads: “Are you aware of any HFSS discussions? It’s a bit of a scary area for the advertising industry and clients as it could result in up to 30% decrease in revenue for councils.”

Councillor Lisa Denson, Cheshire West and Chester’s cabinet member for a fairer future, confirms its policy was adopted in July 2024. She says, “Restricting unhealthy food and drink advertising on council owned advertising space is within the gift of the local authority and is one of many steps we can take to make it easier for our residents to eat well, be active, and live longer lives in good health.”

“We will be able to evidence the impacts of the policy once the new advertising contracts come in over the next couple of years.”

Liverpool City Council also received an email from Clear Channel saying that a ban would have an “adverse effect” on its revenue. The email said, “We estimate that HFSS restrictions could affect revenue by 20-30% but we are still in very early days of analysing our information as only a handful of our councils have it.”

Liverpool’s director of public health, Matt Ashton, says the council’s “robust” policy “supports the council in generating income but balances this with a need to promote the health and wellbeing of residents and reduce health inequalities.”

Southampton City Council was urged by Clear Channel to set up a meeting to discuss HFSS adverts and impact on revenue. The authority is yet to impose advertising restrictions. Debbie Chase, director of public health, says, “We are committed to exploring how our contracts can actively support our aspirations of reducing health inequalities in Southampton.”

Peterborough City Council tells *The BMJ* it was warned by Clear Channel and JC Decaux, another major outdoor advertising firm, that a ban on junk food adverts could “impact revenue generation.” Mike Robinson, director of public health, says the council is proud to be among those to have a robust policy. “HFSS advertising is proven to increase the risk of children living with food related ill health.”

All four of these authorities have recently warned of funding shortfalls.

Leeds City Council was warned by Clear Channel that HFSS restrictions “have had an adverse effect on revenues.” A council spokesperson said, “We are giving HFSS advertising early consideration and have spoken to a range of stakeholders to inform a potential approach. At this stage we have not implemented any restrictions and our proposals have yet to be agreed.”

The trade body Outsmart, whose members include Clear Channel and JC Decaux, tells *The BMJ* on their behalf, “Local advertising revenue supports essential services, including significant investment in social infrastructure, and limiting advertising categories could reduce vital funding for councils at a time when they are already under financial pressure.”

Experts tell *The BMJ* there is no good evidence that HFSS restrictions affect advertising revenue. Edinburgh University’s Lauber says the industry is “playing into [councils’] existing concerns” about funding. She explains these are legitimate concerns, although TfL has previously said its ban did not affect revenues. Liverpool’s Ashton adds, “Evidence shows that switching the spotlight away from unhealthy products reduces demand for those products without affecting advertising revenue.”

### Strategy from tobacco industry: deny, dilute, delay

Three councils that provided evidence of industry lobbying have among the worst rates of childhood obesity in England. They include Luton, where 42.8% of 10 and 11 year olds are overweight or obese—the fifth highest prevalence in the country. The others are Tower Hamlets, which reported a slightly lower rate of 41.6%, and Liverpool, at 40.8%. Across England an average of 35.8 per cent of 10 and 11-year-olds are overweight or obese.

Figures released last month showed that childhood obesity rates in the UK are projected to increase by 50% by 2050.<sup>8</sup> The analysis by the Press Association found that, among girls aged 5 to 14 years, the rate would increase from 12% in 2021 to 18.4% by 2050. Among boys, it would rise from 9.9% to 15.5% in the same period.

Katharine Jenner, director of the Obesity Health Alliance, a coalition of 60 health organisations working to tackle obesity, says *The BMJ*’s evidence shows how the advertising industry is deploying a playbook previously used by food and tobacco firms, one of “deny, dilute, and delay.”<sup>9</sup>

“It’s quite a well proven tobacco playbook strategy,” she says. “What the companies try to do is deny and undermine the evidence, to say it’s not important; they try to delay policies coming in; and, they dilute them as well, make them as least impactful as possible.”

### Deny

*The BMJ*’s investigation shows how the advertising industry is telling local councils that HFSS advertising restrictions will not cut obesity rates or help the NHS.

Liverpool City, Luton, and Tower Hamlets were all directed to a review commissioned by the advertising industry that claims a number of “methodological gaps” in the Sheffield University and London School of Hygiene and Tropical Medicine study of TfL’s ban. The review document argues that the results showing the large effects of the ban on obesity, diabetes, and heart disease are “not credible.” It also points out that HFSS adverts continue to be printed in free newspapers available on the London Underground, “further questioning the study results.”



The review argues that the fact that childhood obesity rates rose in London after the ban came in—and at a rate faster than in other regions—is proof that it has not worked. “As a result, the TFL study results should not be relied upon in support of policies that restrict HFSS adverts,” the review concludes.

The review was commissioned by the Advertising Association and other industry lobby groups and written by the economist Stephen Gibson, who has previously worked at Royal Mail, Network Rail, and Ofcom.<sup>10</sup> *The BMJ* was told that the document has been circulated among other councils and public bodies.

### Dilute

*The BMJ*'s investigation shows how the advertising industry is trying to dilute councils' policies. Liverpool City, Luton, Tower Hamlets, and Cheshire West and Chester were all told by Clear Channel that it already had its own “voluntary” rules. These ban HFSS adverts from within a 200 m radius of schools, but public health experts tell *The BMJ* this would have substantially less impact than a ban across the entire council. Lauber says, “Children do move through the world, so it's not like we can just ban it around schools—that makes no sense.”

### Delay

Even when restrictions are approved, the industry can delay them coming into effect by as much as eight years, *The BMJ* discovered.

Tower Hamlets signed off a ban on HFSS adverts across advertising owned by the council in May 2023. But Clear Channel is contracted to run the advertising on its bus shelters until 2031, so the policy will not take effect until it can be written into the new contract. An email from the council to Clear Channel dated July 2024 confirms there will be “no change to your current contract.” It urges the firm to “adopt this policy before the contract end date to support the council's efforts in creating a healthier environment for children and adults.” Tower Hamlets tells *The BMJ* that Clear Channel has not removed all HFSS adverts from its sites in the area.

In Luton the council signed off a ban on HFSS adverts in August 2023. But the policy will not take effect on bus shelters—also managed by Clear Channel—until 2027. “This policy has helped to reinforce the council's position in its duty to continue to advocate for the community to promote healthy outcomes for all,” a Luton council spokesperson says. “We have experienced no lobbying by the advertising industry in relation to our policy. Our meeting with Clear Channel was after we had already set our policy.”

### Companies claim to be “part of solution” to obesity

Liverpool City and Luton were both told by Clear Channel that, rather than causing obesity, advertising “can be part of the solution.”

The advertising company sent similar emails to both councils, which stated: “While we all agree that addressing obesity requires a holistic, evidence-based approach, the rules governing HFSS advertising are already among the strictest in the world. Advertising plays a vital role in funding sporting activities and can be part of the solution to tackle the obesity epidemic. Coupled with community-based levelling-up initiatives, policymakers should be supporting schemes that are proven to cut childhood obesity and have a real impact on promoting active lifestyles.”

Figures show that many of the companies spending the most on advertising are fast food brands. McDonald's was the largest out-of-home advertiser in 2024, with a spend of £86.3m, according

to Outsmart. Others in the top 20 include PepsiCo, Coca-Cola, KFC, Mars, and Mondelez, the US owner of Cadbury.

Claims of corporate social responsibility are also recognised as an industry “playbook” tactic to deflect attention from the health harms of products.<sup>11 12</sup>

The Outsmart spokesperson says it “supports a comprehensive, evidence based approach to public health.”

They add, “A whole-systems approach, including positive public health campaigns where advertisers can play a role, would be more effective in tackling this vital issue.”

### National outdoor advertising ban

Ashton says Liverpool City Council is “leading the way,” by “taking action on council owned advertising space,” and he calls on the government to “take national action and restrict unhealthy advertising across all advertising sites—TV, online, and including outdoors.”

The other experts *The BMJ* spoke to also urge the government to bring in a national ban on out-of-home junk food adverts, in line with the incoming 9 pm TV watershed and restrictions for online adverts from October.

Last October a major House of Lords report called on the government to ban the advertising of unhealthy food “across all media,” warning that “obesity and diet related disease are a public health emergency.”<sup>13</sup>

The Obesity Health Alliance's Jenner says the advertising industry's lobbying of local councils is also thwarting national policy. “This all serves to have an amazing chilling effect on policy making in local councils where they really want to do something. But, also, it impacts on national policy as well because . . . as long as you're saying that even a local council that has it under their power can't do it, the national government is thinking, well, I'm not going to be able to do it. It has this policy chilling effect.

“The overall idea is just to seed doubt in their minds. As long as there's doubt, it's really hard to make really firm regulatory decisions about things.

“What we would like to see is a national policy or a national commitment to end junk food advertising. And, because we're seeing it on TV and online, it makes perfectly logical sense to me that it should be happening on outdoor [advertising spaces] as well.”

A national policy might also solve the problem of advertisers simply moving their placements in response to local restrictions, a problem exacerbated by the fact that councils are not in control of most outdoor advertising real estate (box 2).

The Outsmart spokesperson says, “We take pride in being a responsible industry, because our advertising is always subject to public scrutiny . . . Many advertisers are already actively reformulating products to meet the incoming national HFSS regulations for TV and online.”

Emma Boyland, professor of food marketing and child health at the University of Liverpool, says the lobbying shown by *The BMJ*'s investigation “matters because [advertising companies] are a powerful voice. Where industries that are affected by the restrictions have a seat at the table in implementing and developing the restrictions, there's plenty of evidence that the restrictions then end up being much weaker or being delayed.

“The fact that it's happening under the radar, it's not being done in a public forum, and it's being done at an individual level of people

who work in councils—it creates a power dynamic and a lack of transparency in how these things come about.”

Boyland echoes Jenner’s calls for a national ban. “There are clear gaps there where you would expect the national government to act. If they’re acting on TV and online in the way that they are, that’s a recognition that food advertising exposure is harmful. Therefore there would be no reason why there wouldn’t be a health impetus to act on all food advertising.”

### Box 3: Industry influence restricts campaign against junk food advertising

Attempts by a youth activist campaign to buy outdoor advertising space to counter the prevalence of junk food promotion was rejected by the two of the world’s largest advertising firms.

This month a campaign by the youth activist movement Bite Back, a charity co-founded by the media chef Jamie Oliver and supported by the Jamie Oliver Group, will see advertising space in south London replaced by a warning against junk food adverts. For three weeks from 9 April adverts on buses, phone boxes, and billboards in Lambeth and Southwark will be emblazoned with the text “Young activists bought this ad space so the junk food giants couldn’t.”

But Bite Back tells *The BMJ* the campaigners faced resistance when they first tried to buy space from the advertising firms Clear Channel and JC Decaux last year.

Clear Channel told the charity that it anticipated it wouldn’t be able to display the advert near branches of the supermarkets Sainsbury’s and Asda because, in its view, “their model is selling ‘junk food’ so they won’t want that messaging.” JC Decaux said it wouldn’t be able to run the campaign owing to “commercial and contractual obligation.”

This year Bite Back was able to buy advertising space from Global, another major company, and JC Decaux.

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