

## Global Industry Tactics to Weaken Front-of-Package Warning Label Policies

### Snapshot of Industry Tactics

The food industry has taken notice of the growing movement of the mandatory front-of-package labeling (FOPL) regulations being implemented on ultra-processed products (UPP) in many countries around the world. As a result, it sees FOPL as a global policy trend and a threat to its commercial interests. Countries currently considering, formulating, or debating FOPL face industry opposition in their own context, but global monitoring shows systematic and consistent use of interference tactics across the world.

- In countries where FOPL policy is being formulated, industry is attempting to weaken the policy by proposing less restrictive policies and systems.
- Countries implementing FOPL find that industry is using economic fearmongering to stall the regulatory efforts.

### Countries/Regions Currently Formulating or Implementing FOPL

Geography	Policy Formulation	Policy Implementation
Argentina	✓	
Brazil		✓
Caribbean Region	✓	
Colombia	✓	
Ethiopia	✓	
India	✓	
Mexico		✓
South Africa	✓	
Uruguay		✓

## Industry is employing a variety of tactics to undermine healthy food policies

### A. Weakening the public health standards of the measure and casting doubts on the evidence supporting the measure

- 1 Undermining the nutrient profile model (NPM) used to establish cutoff points
- 2 Proposing flexible or less restrictive FOPL policies and systems

### B. Raising legal, trade, and economic concerns

- 3 Arguing that FOPL policies must harmonize with less restrictive regional and international commercial standards
- 4 Claiming that FOPL policies will be an obstacle to trade
- 5 Spreading messages of economic chaos and fear to chill regulatory efforts

### C. Suggesting that there is unity around their position by creating fake alliances and front-groups

- 6 Positioning counter narratives through allies and front-groups rather than messaging directly through industry companies

### D. Leveraging legal loopholes to continue promoting ultra-processed products

- 7 Placing children's characters on the product itself rather than on the packages
- 8 Pushing for labeling systems that make ultra-processed products look healthier
- 9 Placing reformulated products with no warning labels at the center of new marketing strategies



*Illustrative examples only, not an exhaustive list of industry interference practices.*



## Industry Tactics

These are some examples of current industry tactics to undermine and block healthy food policies.

### A. Weakening the public health standards of the measure and casting doubts on the evidence supporting the measure

#### (1) Undermining the nutrient profile model (NPM) used to establish cutoffs points

- **Challenging the Pan-American Health Organization (PAHO) NPM in Latin America and the Caribbean**
  - In Argentina, industry argues that the PAHO NPM is **too strict** and that it violates the country's existing National Dietary Guidelines.
  - In Brazil, a **leaked** document from Associação Brasileira da Indústria de Alimentos (ABIA) revealed a **systematic plan** to weaken the FOPL system approved by the Agencia Nacional de Vigilancia Sanitaria (ANVISA) last year. Tactics included the promotion of biased scientific evidence to shape the policy in industry's favor.
  - As the Caribbean Community (CARICOM) debates front-of-package warning labels, the Jamaica Manufacturers and Exporters Association (JMEA) has **expressed concerns about the PAHO NPM and the label design**. As a result, the **CARICOM Private Sector Organization has strayed from public health evidence and intends to delay the endorsement of the FOPL standard**. JMEA has requested that the government await the results of a regional impact assessment on health, nutrition, production, trade, and consumers that is being carried out by the CARICOM Private Sector Organization.



- **Challenging the NPM of the World Health Organization South-East Asia Region (WHO SEARO)**
  - In **2018 and 2019**, the Food Safety and Standards Authority of India (FSSAI) issued FOPL proposals, but they were unsuccessful in the face of **strong industry opposition**. The authority now seeks to issue new regulation, but industry has expressed concerns that the SEARO NPM is too strict and argues that products such as juices, cookies, and confectionary should be exempted from the FOPL policies due to **“practical issues,”** such as products with natural sugars appearing to be unhealthy.



- **Undermining critical nutrient cutoffs to benefit industry**

- The government of Uruguay suddenly amended the front-of-package warning labeling decree three days before it entered into force, weakening the nutritional thresholds. The new decree, issued by the Ministry of Industry, broadens the criteria used to define the cutoffs for sodium, sugar, and fat. This move, which contradicts scientific evidence, **leaves many unhealthy products free of warning labels**. As a result, Uruguayan consumers will be unable to easily recognize these products as unhealthy.



The [NCD Alliance](#) in Uruguay published images comparing the lower number of front-of-package labels that products would have according to the amended warning label decree compared to the previous stronger version.

## (2) Proposing flexible or less restrictive FOPL policies and systems

- **Demanding lengthy timelines to fully enforce the norm and prohibiting early compliance**
  - In Brazil, industry pushed for a 24-month implementation period for FOPL and a ban on voluntary early compliance. The private sector argued that returnable containers (e.g., glass bottles) would require more time to comply with the regulation because of time needed to print new labels and stock the market; they were given five years to comply with the FOPL regulation.
- **Seeking more favorable political avenues**
  - The industry tries to influence government efforts to enact healthy food policies so that they can better control the process and protect their commercial and private interests. In Argentina, industry is **strongly lobbying** the executive branch to implement FOPL through an amendment of the National Food Code—diverting the discussion from FOPL legislation, the Healthy Eating Promotion Bill, being debated in Congress. The Healthy Eating Promotion Bill has already been approved by the Senate and is pending discussion in the House of Deputies. The non-legislative proposal from the executive branch is weaker than the Healthy Eating Promotion Bill and could threaten the best health standards since **the PAHO NPM would not be considered**. **In addition, the size of the labels would be reduced, and the word “excess” would be replaced by “high in.”**



- **Pushing for labeling designs that are not scientifically evaluated**

- In Brazil, ABIA proposed a traffic light system, even though evidence from Brazil showed that triangle warning labels were the most effective model. (see point A.1 above).
- In Colombia, the government proposed **warning circles** for products high in added sugars, sodium and saturated fats—without evidence that they would be more effective than the octagons.



- **Proposing warning labels inside the product packaging**

- In Uruguay, industry groups proposed that **the labels should go inside the product pack**. A representative from the Industry Chamber argued that “the most important thing is to respect consumers’ freedom. If they do not empty the package and check a message on the inside, they are not concerned about the issue, and we must respect that. It is acceptable for the State to worry about public health, but citizens cannot be treated as children.” In other words, consumers would only find out if a product is unhealthy after buying and consuming it.

## **B. Fearmongering and stalling through legal, trade, and economic messages**

### **(3) Arguing for the need to harmonize with regional and international commercial standards as a way to stall country efforts**

- In Argentina, the industry has argued that it is illegal to move forward with the FOPL bill because it should be first **harmonized** at the **MERCOSUR (Common Market of the South) level** and with **Codex Alimentarius guidelines**. These claims are not accurate from a legal perspective and are intended to delay and hinder public health policy endeavors.

### **(4) Claiming that front-of-package warning labeling will be an obstacle to trade**

- In the Caribbean, JMEA argued that the proposed front-of-package warning labeling model **does not align with Jamaica’s major trading partners**, so local exporters will be burdened with increased costs to create different labels for export products.
- In Mexico, industry has argued that the state has **“attacked” food trade by regulating obesogenic foods and has imposed “absurd prohibitions”** in packaging advertising—and that this measure has **“demonized” ultra-processed products**.



## (5) Spreading messages of economic chaos and fear to chill regulatory efforts

- In Brazil, this strategy was utilized by **Rede Rotulagem (Labeling Network)**—a coalition of business associations created to promote their own agenda on FOPL. The entity worked through different tactics to weaken FOPL regulations. They hired **a consultancy firm** to issue results that would exert economic pressure against the regulation (see *point A.1 above*), featuring unrealistic job losses and lost profits (\$100 billion Brazilian reals), based on the assumption that people would just stop eating if the labeling regulations were implemented.

## C. Unifying voices and creating fake alliances and front-groups

### (6) Hiding behind front groups and other allies to position counter narratives

- Industry carefully chooses its spokespeople and messengers. Companies typically act behind other actors because they do not want to put their reputation at risk. In Brazil, this was glaring with the creation of Rede Rotulagem, whose only mission is to influence the FOPL formulation process, pushing for less strict regulations. The alliance also tried to communicate a false narrative of independence by contracting with consultancy firms to support its interests against best health standards (see *points A.1 & B.5 above*). In a **webinar**, industry representatives mentioned that the Brazilian regulation ultimately passed by ANVISA represents success for the private sector because it is flexible and non-restrictive. They considered that the key lesson they learned from the process was the need to agree on spokespersons, responsibilities, consensus, and non-negotiable points.



## D. Leveraging legal loopholes to continue promoting ultra-processed products

### (7) Placing children's characters on the product itself rather than on the package

- In Mexico, the front-of-package warning labeling policy (including warning captions that read *Contains caffeine—avoid with children and Contains sweeteners—not recommended for children*) passed last year. The policy bans cartoons and characters aimed at capturing children's attention on the packages of unhealthy products. However, the industry keeps pushing against the public health measure by stamping cartoons onto the product itself and through workarounds at the point of sale.

- a. Stamping the cartoons onto the product itself



- b. Arranging products on store shelves with the back of the package (without warning labels) facing forward



- c. Including cartoons in price and promotion tags



- d. Adding child-directed characters to retail workers uniforms, converting employees into brand caricatures



## (8) Pushing for labeling systems that make ultra-processed products look healthier

- In Spain, discussions have centered around mandating the implementation of Nutriscore in 2021 while waiting for a harmonized system to be proposed at the EU level. This is troublesome given that the Nutriscore system includes information about good and bad nutrients (without considering processing levels). This means that many ultra-processed products could come across as healthy foods when they are not.

- a. Nestlé using NutriScore to advertise its products to kids



## (9) Marketing strategies promoting reformulated ultra-processed products as healthy options because they do not include labels

- In Peru, industry is building a strong marketing campaign to promote products with no warning label as healthy, touting such features as being low in sugar. However, these products are not always healthier alternatives. Ultra-processed products are industrially manufactured edible products, which could be addictive and still harm the immune system through non-caloric sweeteners and other additives.



- a. AJE Group products in Peru are being promoted as “high in Peru-ness and quality” and for not having high sugar levels according to the Phase 1 limits established by the Healthy Eating Promotion Law. However, many of these products should come with warning labels on the front of the package when the final phase comes into force in September 2021.