



**Global Health Advocacy Incubator**

*Bloomberg Philanthropies Food Policy Program*

*Industry Interference Policy Briefs*

# **No. 1: Industry Interference in Food Policy**

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## **THE PROBLEM**

Non-communicable diseases (NCDs) represent a leading cause of premature mortality and morbidity worldwide, accounting for 71% of total deaths. The main types of these chronic diseases are cardiovascular diseases (such as heart attacks and strokes), cancers, chronic respiratory diseases (like chronic obstructive pulmonary disease and asthma), diabetes, and mental and neurological conditions.

Unhealthy eating patterns, including consumption of ultra-processed food products (UPPs), are one of the main modifiable risk factors responsible for the increase in the prevalence of NCDs. Ultra-processed products are foods and beverages that are typically calorie-dense and high in free sugars, refined starches, unhealthy fats, and sodium. These products are designed and manufactured to maximize profit; for instance, they contain low-cost ingredients, have long shelf lives, and are hyperpalatable. Consumption of UPPs has grown exponentially over the past 25 years and has changed the food environments and agricultural patterns worldwide. These products are widely distributed by major multinational companies that deploy aggressive marketing and promotion campaigns, especially targeting children, adolescents, and vulnerable populations. Industry marketing techniques are constantly evolving to adapt to new markets and to avoid the few regulations that are in place in most countries. Their ability to permeate the market with their messages and unhealthy products underscores the urgent need for healthy food policies.

Substantial evidence supports the effectiveness of policies that reduce the demand for and discourage the purchase of UPPs. Such policies include taxes; mandatory front-of-package nutrition warning labels; marketing restrictions, especially to children and adolescents; and school environment regulations. However, industry interference is one of the major obstacles in formulating and implementing effective measures to improve the NCD epidemic.

# INDUSTRY INTERFERENCE

The food and beverage industry influences legal and political environments, globally and locally, to delay, weaken, or impede healthy nutrition policy development. Industry has become a regular and overpowering actor on public policy discussions, despite its clear conflict of interest, since its profitability rests on high-volume sales of ultra-processed foods. Industry not only uses its power to shape government policies, but also to influence science and academia to shape a public image and public opinion in its favor. Industry interference undermines state responsibilities, favoring private interests through the use and appropriation of legal, fiscal, and judicial instruments and mechanisms.

## CORPORATE CAPTURE

When corporations exert significant and undue influence over public institutions, decision-making processes and policy outcomes can be described as “captured by corporate interests.” In such situations, evident with food and beverage companies on a global basis, industry is able to use its political influence to manipulate regulatory agencies, law enforcement entities, and legislatures. This corporate capture is characterized by business and industry groups having privileged access to policy-making processes, communications and decision-making not happening in a transparent or public way, revolving doors and conflicts of interest, and regulated industries able to control decisions made by their regulators. The outcome of corporate capture is that policies and regulations are in industry’s interests and often not in the public interest. While these practices are generally not illegal, they are illegitimate and undermine the integrity of public institutions and public trust in democratic decision-making processes.

## FOOD AND BEVERAGE INDUSTRY

Direct manufacturers and distributors of unhealthy foods and beverages are not the only actors involved in industry interference. It also comprises indirect business allies, national and transnational trade associations, front groups, academic experts or institutes, and local “grassroots” groups that in many cases serve as spokespersons of private interests. Many times, these allies hide their actual affiliation to industry interests, and their main goal is to pass as independent groups.

# INTERFERENCE TACTICS

Industry deploys a wide range of tactics, practices, and arguments to weaken or prevent advances in healthy food policies at the international, national, and sub-national levels. These actions vary to some extent across different geographies, but they are part of a classic playbook. The food and beverage industry uses similar strategies and tactics as tobacco, alcohol, breastmilk substitutes, and other big industries. In that sense, advocates can identify, anticipate, and prevent or counter industry interference.

Many industry interference tactics and actions are not necessarily against the law. The industry takes advantage of the many loopholes in national regulations and utilizes abusive and unethical practices—for example, by using false or misleading information—to interfere with policy formulation and implementation and to legitimize itself as a political and social actor.

## MOST COMMON INDUSTRY INTERFERENCE TACTICS

These are some of the most frequently used interference tactics and actions by the food and beverage industry:



### POLICY DECISION-MAKING PROCESSES

Industry seeks to be part of the policymaking process and to influence the three branches of the government: legislative, executive, and judicial. For example, industry lobbies to undermine healthy food regulations, conflict of interest and transparency regulations, and other laws that affect its interests. Industry seeks direct involvement in policy development processes; its representatives participate in technical and advisory groups that discuss public policies, many times to delay the processes or to promote weaker rules. Industry actors and lobbyists claim they are a necessary party in stakeholder committees; they participate in official meetings; and they even introduce regulatory and legislative proposals through their allies. The industry also exerts power and threatens to withdraw investments if governments do not follow their recommended regulations. Industry also uses revolving doors and financing of political campaigns to maintain influence with policymakers.



## SCIENCE AND RESEARCH

Industry and academic allies manipulate and misrepresent evidence about healthy nutrition policies. This involves, for example, the generation and/or dissemination of biased information to obscure the relationship between UPP and NCDs or to undermine the effectiveness of public policy measures. Other actions include co-opting scientific societies, academic champions, and experts through financial support, scientific events, ghostwriters, and industry research institutions. Moreover, industry selects data that favors its sector, uses non-peer-reviewed or unpublished evidence, demonizes and criticizes evidence that opposes its interests, and emphasizes data complexity and uncertainty.



## NARRATIVE STRATEGIES

Industry creates a strong narrative against healthy food policies to promote itself as a good corporate actor. Industry discourses shift the focus away from its own complicity in fueling NCD epidemics and toward individual and family responsibility. It advances the idea that personal eating behaviors and engagement in physical activity are the only measures to address the burden of disease. It also challenges government powers by using nanny-state arguments. On top of that, the industry promotes its ultra-processed products as a solution for hunger, food emergencies, and economic development. Industry also uses economic arguments to oppose healthy food policies; for example, it highlights how vital it is for the economy, job market, and government revenue, and it threatens that policy interventions will mean job and economic losses. Arguments about international trade agreements come from industry's playbook to prevent countries from adopting nutrition policies, while reinforcing its preferred solutions as the only reasonable ones—for instance, voluntary self-regulation codes and public-private partnerships.



## LEGAL ACTIONS OR LEGAL THREATS

Industry uses legal actions or threats against healthy food regulations, against CSOs that are advocating for them, or against governments working on their implementation. These threats can discourage stakeholders from acting and can divert their efforts and resources to defending themselves from industry attacks rather than passing policies.



## **CORPORATE SOCIAL RESPONSIBILITY AND CAUSE MARKETING**

Big corporations execute philanthropic actions and programs to allegedly contribute to the well-being of the communities and the society. However, the goals of these programs go well beyond their proclaimed social good. Corporate social responsibility programs are part of the marketing strategies of the food and beverage industry. Through donations of their unhealthy products, especially to vulnerable populations, they secure new consumers and gain brand loyalty. Industry also uses these programs to show itself as socially responsible and as an indispensable actor for the country, gaining public support and political authority.



## **INTERNATIONAL AND REGIONAL SCENARIOS**

Industry influence also reaches international organizations and multilateral spaces where food policy issues are discussed and regulated. For instance, industry representatives at Codex occupy seats at technical committees and meetings and constitute most country delegations. They define the agenda for discussion and content of relevant regulations. Codex does not prevent countries from adopting policies, such as front-of-pack labeling (FOPL), but industry utilizes this influence to constrain regulatory efforts. Regional trade bodies, such as Mercosur and CARICOM, comprise another space subject to interference. Industry argues that countries must harmonize their national regulations with regional body standards. These claims are not accurate from a legal perspective and are intended to stall country efforts. Industry also seeks to influence global policy forums, such as the United Nations Food Systems Summit, which is flooded with undue corporate influence and lack of transparency and disregards the perspectives and participation of independent CSOs.

# CONSEQUENCES

Through a variety of constant, systematic, and sophisticated tactics, the food and beverage industry interferes in policy debates to undermine and jeopardize the adoption and implementation of evidence-based, healthy food and nutrition policies that contribute to the fulfillment of the right to adequate food, free from conflicts of interest. Corporations wield their power over governments, academia, civil society, and the population in general to shape policies in their favor and to the detriment of people's health, the environment, and democracy.

Governments have an obligation to respect, protect, and fulfill human rights, including the rights to health and adequate food. None of these can be achieved if industry influences and pressures governments and guides the global debate around food policy, as they have a clear conflict of interest regarding NCD prevention and public health. In addition, actions and inactions of governments may be explained by the level of corporate capture, which hinders its capacity to protect the public interest. Interference is a key factor in considering policy success; therefore, advocates should consider different actions to counterbalance its power.

# WHAT CAN ADVOCATES DO?

The power imbalance between industry, governments, and CSOs requires bringing together global and national efforts to effectively counter this interference. Advocates can work together to monitor, expose, and counter UPP industry interference with policy process at all levels through different actions:

- Challenge and denormalize industry participation in the design, formulation, implementation, and evaluation of food policies.
- Understand national and international food and beverage industry tactics to oppose healthy food policies—for example, through monitoring of industry actions and discourses.
- Expose industry tactics to interference with policymaking processes and government capture.
- Demand that governments be transparent in their relations with the private sector and promote regulations to prevent conflicts of interest and to foster transparency.
- Demand that governments make policy decisions based on the best available scientific evidence, free of conflicts of interest.

The food and beverage industry should not define public health policies. Governments must fulfill their human rights obligations to guarantee the right to healthy and adequate food, including through judicious regulation of the private sector.

*We welcome comments and feedback at [fpp@advocacyincubator.org](mailto:fpp@advocacyincubator.org)*