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The food industry, obesity and NCDs

RECOMMENDATION 3

To tackle rising obesity and NCDs among women, children and adolescents, governments and parliaments should regulate the food and beverage industry, and adopt a binding global convention. Ministries of education and health should educate students and the public at large about diet and exercise, and set standards in school-based programmes. Related commitments should be included in the next G20 Summit agenda.

While we acknowledge the commitments of various companies aligning with public health, the food and beverage industry must be held to account for its role in contributing to obesity and NCDs. So too must UN Member States that have fallen short of fulfilling their international human rights obligations and commitments under the 2011 Political Declaration and the 2014 Outcome Document of the General Assembly. This slow response has occurred despite repeated alerts over the years from health experts regarding the once-looming burden of obesity and NCDs, which has now become a full-fledged global health crisis, projected to increase even further and undermining progress on the SDGs.

The IAP builds on the findings and recommendations of the High-Level Panel on Food Security and Nutrition (2017) and the Commission on Ending Childhood Obesity (2016), as well as various international agreements and guidelines adopted by the World Health Assembly. We welcome the recommendations of the WHO Independent High-Level Commission on Noncommunicable Diseases and its call for governments to increase regulation (2018). Yet our recommendations go some steps further.

3.1. UN Member States should develop a binding global convention to promote healthy diets and restrict marketing of unhealthy commodities by the food and beverage industry, with particular attention to women, children and adolescents.

The IAP is not convinced that a voluntary international code of conduct aimed at restricting the marketing of unhealthy products aimed at children, as proposed by the High-Level Commission on NCDs, will significantly shift the accountability scenario beyond business as usual—especially given the poor compliance with already existing standards. Instead, we call for a binding convention, as proposed in 2014 by the World Obesity Federation and Consumers international and endorsed by the UN Special Rapporteur on the right to food.

KEY MEASURES

UN Member States should undertake consultations to design and commit to a comprehensive international binding convention, with the support of the WHO, other UN agencies, civil society, and parliamentarians. The convention, to be negotiated after broad public consultation, should:

- **Establish minimum legal requirements** to guide governments in their development of national food and beverage regulations.
- **Bring together existing international standards**—including the International Code of Marketing of Breast-milk Substitutes—as well as guidelines on marketing to children and adolescents. It should be modelled after the Framework Convention on Tobacco Control (FCTC), which was adopted and ratified by governments in record time. As with the FCTC drafting process, rent-seeking interests should be excluded from the negotiations.
- **Require reporting by member states, and invite independent reports** by the UN, civil society and academic coalitions, as well as by the food and beverage industry, making these publicly accessible.
- **Establish an independent global review** mechanism in addition to participatory reviews at the country level.

Lessons should be drawn from the OECD Guidelines for Multinational Enterprises, a leading government-recommended framework, and its mechanisms for compliance. These include OECD Watch, a network of NGOs that advises civil society on grievance mechanisms and issues independent reports, including on access to remedy for victims of corporate misconduct. This model should be strengthened by ensuring attention to health in the application and monitoring of the guidelines, and by fortifying extraterritorial controls over transnational corporations, as well as over the actions of donor countries engaging with the private sector through multilateral institutions.

3.2. National governments, parliaments and the judiciary should enact and enforce regulations and legislation to curb the food and beverage industry's production and marketing of unhealthy products, with particular attention to women, children and adolescents.

In considering the legislative reforms proposed below, parliaments should consult with ministries of health, other government agencies, health professionals, civil society, women's and youth groups, and food industry representatives aligned with values of corporate citizenship.

KEY MEASURES

Ban televised marketing of unhealthy food and beverages during hours when children are prime audience viewers and restrict promotional tactics targeting them through social media.

Tax unhealthy foods and beverages—including sugary drinks.

Require reductions in unhealthy contents of foods and beverages (such as trans fats, added sugar, salt, empty calories).

Mandate clear labelling for informed decision-making by consumers, which should be easily understood by children (for example, use of traffic lights).

Require nutritious menus in school meal programs and design these in consultation with children to ensure that healthy options appeal to them.

Make large restaurant chains display calorie counts and nutritional information about their products, especially those providing non-nutritious fast food.



PANEL 8. LEGISLATION AND THE POWER OF THE COURTS IN CURBING AGGRESSIVE INDUSTRY TACTICS

Chile: With the highest levels of child obesity in Latin America, and 60% of its population overweight or suffering from related health problems, Chile passed a groundbreaking law in effect since 2016. The law requires clear signage—resembling stop and warning signs—to be included on the front of packaged foods that are high in sugar, calories, sodium or saturated fat. Among the rules it sets for the industry: these products may not be advertised to children under 14, nor appear in media where at least 20% of the target audience is under 14; and they may not be sold or promoted in schools.

Brazil: A law in place since 1990 prohibits abusive advertising aimed at children. Nonetheless, because the law was not specific in defining what this meant, companies continued their promotional activities. A new law in 2014 changed that, calling on businesses to reform their conduct or face sanctions, including suspension of their operating licenses. For the first time, in 2016 the Supreme Court found a food company guilty of illegally marketing to children.

Colombia: When a government agency censored an NGO for producing a public-health TV announcement on the risks of sugary drinks, the Constitutional Court ordered the agency to desist from squelching science-based information. The complaint against the NGO had been lodged by a company opposed to a soda-tax bill that was under consideration in Congress. The court's ruling affirmed freedom of speech on all matters of public health, setting an important precedent and signalling expectations for business conduct aligned with rights to health.

Harmonize national legislation with the International Code of Marketing of Breast-milk Substitutes, in line with its comprehensive approach, and establish sanctions for violations.

Panel 8 showcases groundbreaking legislation in Latin American countries, as well as the role of the courts in its enforcement. The IAP appeals to parliamentary networks at the global and regional levels, in particular the Inter-Parliamentary Union, to facilitate advocacy, knowledge-sharing and capacity-building for legislators in this regard.

3.3. Ministries of education and health should educate and empower students and the public at large to avoid unhealthy products and improve diet and exercise. Ministries of education should set standards in school-based programmes.

Governments should complement legislative measures by leveraging a range of underutilized policy options, including programmes to raise public awareness and significant scaling-up of educational programmes for prevention of obesity and NCDs.

KEY MEASURES

Ensure the good nutritional content of students' meals and implement health education programmes that equip pupils, as well as their parents and caretakers, with information and critical thinking skills for decision-making, including around marketing. India's award-winning HealthSetGo, a private sector programme promoting health and nutrition in schools, including obesity prevention, offers an example for other countries.

Develop innovative policies and fiscal incentives—in collaboration with ministries of finance—to encourage the food and beverage industry to produce healthier foods and snacks, and to expand access to nutritious food, for example, by reducing the costs of these foods and making healthy outlets available in low-income communities.

3.4. Governments and companies should ensure that socially responsible commitments to women's, children's and adolescents' health are included in the agenda of the next G20 Summit, with a focus on tackling obesity and NCDs.

KEY MEASURES

Ensure clear targets and independent monitoring mechanisms to track implementation of the commitments.

Establish minimum do-no-harm standards on public health for companies joining the B20 (representing the G20 business community); these should extend across the borders of corporate operations, including through extraterritorial enforcement mechanisms.