Key points

- The interference of the food industry in public health nutrition policy formulation and implementation is coordinated, systematic, well-financed and pervasive.

- It can be found at each step of the policy-making process, impacting and undermining UNICEF policy and programmatic work in maternal and child nutrition.

- It can come from companies themselves, through representative entities such as industry bodies, trade groups or multistakeholder platforms, or through industry-funded research.

- Conflicts of interest between food industry actors and public health nutrition policy-making can take many forms, and may not be immediately apparent.

- It’s important to question the purpose or impact of food industry public-facing initiatives, including those that seem or claim to be part of the solution.

- Be prepared to support governments and civil society, respond timely and effectively, and counter misleading narratives.
1 Why is food environment regulation necessary?

Our latest data indicate that overweight and obesity affect an estimated 38.2 million children under 5 and more than 340 million children and adolescents aged 5–19. Childhood overweight and obesity impact countries of all income-levels (see Figure 1). For example, the number of children with overweight who are under age 5 in Africa has increased almost 24% since 2000. Almost 50% of the world’s children under 5 with overweight or obesity live in Asia. Overweight and obesity exist alongside undernutrition (wasting and stunting) and micronutrient deficiencies in communities, households, and individuals. This is called the triple burden of malnutrition.

Overweight and obesity are leading drivers of diet-related chronic diseases causing death and disability globally (e.g., diabetes, heart diseases and some cancers). The major driver of increases in overweight and obesity is the rapid shift to unhealthy food environments where children and their caregivers are exposed to an abundance of cheap, unhealthy food and beverages which are heavily promoted by the food and beverage industry.

To curb children’s exposure to marketing and increase their access to nutritious, safe, affordable and sustainable foods (i.e. healthy foods), mandatory regulation is necessary to improve the nutritional quality of food and the affordability of healthy diets. Regulation can establish food environments in which a healthy diet is an easy, affordable and accessible option. Evidence has shown that voluntary actions, such as industry-led pledges and other self-regulatory measures are not effective and are used to impede regulatory processes. The need for a comprehensive policy response is internationally recognized and has been called for by UNICEF, WHO and the Commission on Ending Childhood Obesity.

2 What are UNICEF’s key policy asks to improve food environments?

- Implement the International Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly resolutions;
- Restrict marketing of unhealthy foods and beverages;
- Adopt mandatory interpretative front-of-pack nutrition labelling to help identify unhealthy foods;
- Use fiscal measures to encourage healthy diets (e.g., subsidies for fruits and vegetables and taxes on sugary drinks);
- Mandatory reformulation\(^1\) of processed foods to reduce added sugars, added salt, and portion sizes;
- Improve the food environment in and around daycare centers, preschools and schools;
- Implement the WHO Guidance on ending the inappropriate promotion of foods for infants & young children.

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1 Reformulation means changing the recipe of processed foods and beverages to reduce nutrients that are unhealthy when consumed in excessive amounts, like sugar, salt or saturated fat.
3 What is a food industry actor?

Food industry actors are a diverse group of companies of all sizes along the food supply chain. They include farmers and agribusinesses, food and beverage manufacturers, distributors, importers/exporters, retailers, and restaurants. In the context of food environment regulation, the most important players are large manufacturers of unhealthy ultra-processed food and beverages and restaurant chains, particularly transnational food companies.

Collectively, the big transnational players are referred to as Big Food and Big Soda because the top ten manufacturers control 80% of store-bought ultra-processed food and beverages globally (see Figure 2). Evidence shows that these companies have the knowledge and financial power to interfere with nutrition policy-making in any country and frequently seek to exert their influence publicly and behind the scenes. National and local companies also have the capacity to interfere with policy-making but their reach isn’t global.

Figure 2. Not spoiled for choice: 11 companies control the world’s ultra-processed food supply

It is important to note that industry interference can take many shapes and forms and doesn’t only occur through the actions of companies. Often, industry interests may be represented by chambers of commerce, consumer goods forums, trade associations (e.g., International Food and Beverage Alliance and the World Federation of Advertisers), multistakeholder platforms (e.g., Scaling Up Nutrition Business Network), foundations that partner with the ultra-processed food manufacturers (e.g., Global Alliance for Improved Nutrition) and so-called front groups (e.g., International Life Sciences Institute, Americans Against Food Taxes). Front groups are organizations claiming to represent consumers, farmers or another sympathetic group but are in fact funded by industry and advocate for their interests. Even academics can promote industry interests through paid research (so-called pseudo-science).

Always ask yourself: who funds this activity, group, platform or research? Does it achieve public health goals or further industry interests? If funding is not independent and the goals further industry interests, you are likely dealing with the food industry (directly or indirectly, e.g., through front groups). If you identify a clear benefit to engaging the food industry that cannot be achieved in another way, conduct due diligence, and consider whether the risks of engaging outweigh the benefits, and if conflicts of interest can be mitigated before deciding to engage.

Ultra-processed foods and beverages are industrial formulations made entirely or mostly from substances extracted from foods, derived from food constituents, or synthesized in laboratories from food substrates or other organic sources (flavour enhancers, food additives, colours). They are manufactured using techniques not available in households and are hyper-palatable. Examples: candy, soda, infant formula, margarine, packaged snacks, and packaged ready-to-eat meals.
4 What are conflicts of interest, and why are they problematic?

Conflict of interest is defined by WHO as a situation in which a secondary interest has the potential to unduly influence, or may be reasonably perceived to unduly influence, either the independence or objectivity of professional judgement or actions regarding a primary interest. In the context of regulating the food environment, a conflict of interest may exist between a government’s policy-making in the field of public health nutrition (primary interest) and a company’s vested interests (secondary interest). Conflict of interest does not necessarily mean that improper action has occurred, but rather that there is a risk of it occurring. Conflict of interest is not only financial but can take other forms as well.

Conflicts of interest occur when food industry actors play a role in determining how their business practices are to be regulated, beyond standard government consultation processes. Regulations aiming to promote healthy diets and prevent childhood obesity conflict with the food and beverage industry’s core business which promotes and profits from unhealthy diets. Indeed, ultra-processed food is at least 4x more profitable than other foods.

Conflicts of interest need to be mitigated and managed along the policy cycle. While governments should ensure all stakeholders are afforded due process and can submit responses to public consultations, the food industry should not be permitted to be involved in policy-making (i.e., agenda-setting, defining policy scope, drafting regulations, etc.), otherwise commercial interests will distort or impede policy efforts. After all, it is governments that have the mandate to protect and promote public health, and retain ultimate responsibility for initiating, developing and evaluating public health policies.

5 What is industry interference?

Industry interference describes the actions taken by the food industry to thwart, distort or weaken public health policies, either directly or indirectly (e.g., through front groups). Industry interference not only affects governments’ policy-making, but directly impacts and undermines UNICEF’s programmatic work in maternal and child nutrition. Therefore, partnerships with the food industry should be approached with caution.

Civil society and academics have documented food industry tactics well (see resource section below and Figures 3-7). The main categories of industry interference are:

<table>
<thead>
<tr>
<th></th>
<th>What industry interference is</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Protect the ultra-processed food industry’s reputation and brands through corporate washing (e.g., contributions to worthy causes to improve perception by politicians and the public).</td>
</tr>
<tr>
<td>2</td>
<td>Influence policy-making through lobbying governments and multilateral bodies to prevent the adoption of food policies, delay their implementation, or promote policy alternatives (e.g., self-regulation or voluntary measures).</td>
</tr>
<tr>
<td>3</td>
<td>Threaten countries with legal action (e.g., domestic litigation and/or threats of international trade disputes) and economic concerns (e.g., stressing the economic importance of the industry and economic dangers of regulation).</td>
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<tr>
<td>4</td>
<td>Divert attention from corporate responsibility to blame individuals for their behaviours and choices (e.g., lack of physical activity).</td>
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<td>5</td>
<td>Influence science to distort the evidence, skew it in the industry’s favour, and cast doubt about the harms of their products and practices.</td>
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<tr>
<td>6</td>
<td>Imply that ultra-processed products contribute to health, the environment, and society while blocking the development and implementation of healthy food policies.</td>
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<td>7</td>
<td>Portray government actions as interference in personal liberties and free choice (so-called “nanny state”).</td>
</tr>
<tr>
<td>8</td>
<td>Seek loopholes in regulations to continue promoting ultra-processed products.</td>
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</tbody>
</table>
“Inviting the food industry to participate in food policy-making is like inviting Dracula to set up a blood bank.”

Dr Stuart Gillespie, Non-Resident Senior Fellow, International Food Policy Research Institute (IFPRI)

Figure 3. The many D’s of food industry tactics

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Practices</th>
<th>Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information and messaging</td>
<td>• Lobby policy-makers</td>
<td>• Lobby directly and indirectly (through third parties) to influence legislation and regulation so that it is favourable to the industry</td>
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<tr>
<td></td>
<td>• Stress the economic importance of the food industry</td>
<td>• Stress the number of jobs supported and the money generated for the economy</td>
</tr>
<tr>
<td></td>
<td>• Promote deregulation</td>
<td>• Highlight the potential burden associated with regulation (losses of jobs, administrative burden)</td>
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<tr>
<td></td>
<td>• Frame the debate on diet and public health-related issues</td>
<td>• Demonize the ‘nanny state’</td>
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<tr>
<td></td>
<td></td>
<td>• Threaten to withdraw investments if new public health policies are introduced</td>
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<td></td>
<td></td>
<td>• Shift the blame away from the food industry, e.g., focus on individual responsibility, role of parents, physical inactivity</td>
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<td></td>
<td></td>
<td>• Promote the good intentions and stress the good traits of the food industry</td>
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<tr>
<td></td>
<td></td>
<td>• Emphasize the food industry’s actions to address public health-related issues</td>
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<td></td>
<td></td>
<td>• Fund research, including through academics, ghost writers, own research institutions, front groups</td>
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<td></td>
<td></td>
<td>• Pay scientists as advisers, consultants or spokespersons</td>
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<td></td>
<td></td>
<td>• Cherry pick data that favour the industry</td>
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<td></td>
<td></td>
<td>• Disseminate and use non-peer reviewed or unpublished evidence</td>
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<td></td>
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<td>• Participate in and host scientific events</td>
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<td></td>
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<td>• Provide industry-sponsored education materials</td>
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<td></td>
<td></td>
<td>• Suppress or influence the dissemination of research</td>
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<td></td>
<td></td>
<td>• Emphasize disagreement among scientists and focus on doubt in science</td>
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<td></td>
<td></td>
<td>• Criticize evidence and emphasize its complexity and uncertainty</td>
</tr>
<tr>
<td>Financial incentives</td>
<td>• Fund and provide financial incentives to political parties and policy-makers</td>
<td>• Provide donations, gifts, entertainment or other financial inducements</td>
</tr>
<tr>
<td>Legal</td>
<td>• Use legal action, or the threat thereof, against public policies</td>
<td>• Litigate or threaten to litigate against governments, organizations or individuals</td>
</tr>
<tr>
<td></td>
<td>• Influence the development of trade and investment agreements</td>
<td>• Influence the development of trade and investment agreements such that clauses favourable to the industry are included (e.g., limited trade restrictions, mechanisms for corporations to sue governments)</td>
</tr>
</tbody>
</table>
Webinar 1: Addressing food and beverage industry interference in policy-making

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Practices</th>
<th>Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constituency building</td>
<td>• Establish relationships with key opinion leaders and health organisations&lt;br&gt;• Seek involvement in the community&lt;br&gt;• Establish relationships with policy-makers&lt;br&gt;• Establish relationships with the media</td>
<td>• Promote public-private interactions, including philanthropic, transactional and transformational relationships&lt;br&gt;• Support professional organizations through funding and/or advertising in their publications&lt;br&gt;• Establish informal relationships with key opinion leaders&lt;br&gt;• Undertake corporate philanthropy&lt;br&gt;• Support physical activity initiatives, events (such as for youth or the arts) and community-level initiatives&lt;br&gt;• Seek involvement in working groups, technical groups and advisory groups&lt;br&gt;• Provide technical support and advice to policymakers&lt;br&gt;• Use the ‘revolving door’, i.e., ex-food industry staff work in government organizations and vice versa&lt;br&gt;• Establish close relationships with media organizations, journalists and bloggers to facilitate media advocacy</td>
</tr>
<tr>
<td>Policy substitution</td>
<td>• Develop and promote voluntary codes, self-regulation and non-regulatory initiatives</td>
<td>• Develop and promote voluntary codes, self-regulation and non-regulatory initiatives</td>
</tr>
<tr>
<td>Opposition, fragmentation and destabilization</td>
<td>• Criticize public health advocates&lt;br&gt;• Create multiple voices against public health measures&lt;br&gt;• Infiltrate, monitor and distract public health advocates, groups and organizations</td>
<td>• Criticize public health advocates personally and publicly, e.g., through the media, blogs&lt;br&gt;• Establish fake grassroots organizations (‘astroturfing’)&lt;br&gt;• Procure the support of community and business groups to oppose public health measures&lt;br&gt;• Monitor the operations and advocacy strategies of public health advocates, groups and organizations&lt;br&gt;• Support the placement of industry-friendly personnel within health organizations</td>
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**Figure 5. Examples of industry interference along the policy cycle**

- Lawsuits at national level
- Legal action based on trade law
- Lobby against policy adoption
- Gifts and donations to political parties and policymakers
- Fund research to “show” ineffectiveness of policy and “violate” economic harm to industry
- Use of front groups, industry groups, chambers of commerce, etc.
- Distort the issue by re-framing it as one of individual responsibility and/or physical inactivity
- Deflecting through nutrient-washing, corporate washing, etc.
- Promoting disinformation via media
- Promote policy alternatives (e.g., self-regulation, voluntary measures)
- Threaten legal action
- Contest policy or elements of it
- Contest scientific evidence, present industry-funded alternative “evidence”
- Lobby against policy development

Source: graphic by US CDC

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**Figure 6. Food industry attempts to influence WHO policy-making: techniques and strategies used**

- Ultra-processed food and beverage industry
- Access to Member States
- Business coalitions
- Co-opting civil society
- Science/policy intermediaries
- Hiring former WHO staff
- Participating in WHO processes
- WHO NCD policy
- Instrumental strategies:
  - Coalition management
  - Influence & influence in policy
  - Information management
- Reputation management / CSR
- Sponsoring or disseminating favourable information
- Challenging or undermining unfavourable information
- Intimidating policymakers*
- Lobbying at national level
- Only illustrated through key informant interviews

What are commercial determinants of health?

The concept of commercial determinants was first introduced in 2013 and has become popular since 2016. Commercial determinants of health are strategies and approaches used by the private sector to promote products and choices that are profitable for companies but detrimental to health and nutrition, such as junk food, smoking, alcohol, chemicals, pesticides and firearms. Most studies of commercial determinants focus on industries producing harmful products. However, corporate practices themselves can be detrimental to public health even if the products are healthy. For example, a commercial farm may produce vegetables, fruit or meat, all considered healthy, but the routine use of antibiotics in animals contributes to antimicrobial resistance; the use of pesticides pollutes water; tax avoidance reduces available government funds for public health (and other public responsibilities); and precarious working conditions contribute to labourers’ ill health.

Corporate influence is exerted through four channels which amplify corporate reach and the resulting harm to health and nutrition: marketing, which increases the desirability and acceptability of unhealthy commodities; lobbying, which can obstruct public health policies such as marketing restrictions or taxes on unhealthy commodities; corporate social responsibility strategies, which can deflect attention and whitewash tarnished reputations; and extensive supply chains, which amplify company influence around the globe. The concept of commercial determinants expands the traditional lens of public health beyond individual choices and behaviour, to include how they can be shaped by their living environments, which are in turn influenced by structural factors such as (food) systems and their drivers (Figure 8).
Is any of this relevant to undernutrition and related policy-making?

UNICEF has long engaged with the salt industry, cereal flour industry and cooking oil industry as key partners in implementing large-scale food fortification to tackle micronutrient deficiencies in children and women. But other food industry actors – such as manufacturers of ultra-processed foods, breastmilk substitutes (BMS), follow-on formula and growing-up milks – are also trying to gain influence by positioning themselves as partners in solving undernutrition through multi-stakeholder platforms and organizations such as the SUN Business Network and GAIN. This is problematic because through these platforms and organizations, manufacturers position their products as part of the solution (e.g., fortified packaged noodles or cookies), and keep the focus on undernutrition and short-term, medicalized and product-based solutions to malnutrition rather than responding to all forms of malnutrition through regulations that ensure nutritious, safe, affordable and sustainable diets. Furthermore, they gain a seat at the policy table and are then able to influence the policy debate not just for undernutrition, but all forms of malnutrition. Over the last decades, they have leveraged this influence to shift the focus of undernutrition policy away from conflicts of interest, and take advantage of multi-stakeholder platforms to further their interests.

These companies’ products are ultra-processed and can contribute to overweight and obesity (e.g., many growing-up milks have almost the same sugar content as soda). The increased availability of ultra-processed foods and beverages in settings with child malnutrition increasingly replaces traditional foods and as such decreases dietary diversity and micronutrient intake, which contributes both to undernutrition and overweight/obesity. Additionally, the promotion of BMS discourages breastfeeding – a life-saving practice with life-long positive health impacts for children, including reducing their risk of overweight and obesity.

What can I do?

► Advocate for food environment regulations that are mandatory and of the highest technical standards (use WHO and UNICEF guidelines, recommendations and standards).
► Follow the money: ask yourself where funding for research, an organization, or an activity comes from.
► Understand that industry interference can come from (front) groups and platforms, not just companies.
► Educate yourself about industry practices and associated risks to public health, particularly maternal and child nutrition.
► Ask yourself if engagement with the food and beverage industry is critical to achieve a clear and tangible benefit; consider if the same benefit could be accomplished partnering with a non-food/beverage company instead, or a food and beverage company whose core business does not consist of producing, distributing or marketing ultra-processed food or beverages. If engaging with a food or beverage manufacturer is absolutely necessary, establish a clear rationale and theory of change, as well as clear and transparent processes of engagement, including rules on managing conflicts of interests.
► Monitor industry practices in your country and region to enable you to anticipate and counter industry interference. Remember that industry interference often continues even after a law or regulation is adopted, as attempts are made to undermine enforcement or to repeal the measure.
Resources

1 Background information on childhood obesity and food environments

- World Obesity Federation. Resource collection on food systems and obesity.
- Bite Back 2030: youth-led advocacy group to improve the food environment; Mascots Anonymous (video)

2 UNICEF priority policies for a healthy food environment

- School food: Global Food Research Program, University of North Carolina at Chapel Hill (2018). Fighting Childhood Obesity with Healthy School Food Environments

Note: the second webinar of the series discusses UNICEF’s priority policy interventions in detail. The accompanying summary and resource sheet contains additional resources on the priority policies.

3 Industry interference

- Monitoring of industry interference
  1. Global Health Advocacy Incubator (GHAI): industry watch resources, industry watch website, Behind the Labels (report on industry interference)
  3. Center for Science in the Public Interest (2016). Carbonating the World. The Marketing and Health Impact of Sugar Drinks in Low- and Middle-income Countries


### Conflicts of interest

- **WHO**: WHO Framework of Engagement with non-State Actors (FENSA). WHO Guide for Staff on engagement with non-State actors; WHO handbook for guideline development (2nd ed.) – refer to chapter 3.7 and 6 for information on conflict of interest. Safeguarding against possible conflicts of interest in nutrition programmes: draft approach for the prevention and management of conflicts of interest in the policy development and implementation of nutrition programmes at country level.


### Country examples of industry interference


- **Latin America and Caribbean**: UNICEF (2021). Experiences in the design and implementation of front-of-pack nutrition warning labels in Latin America and the Caribbean / Experiencias sobre el diseño y la implementación del etiquetado nutricional de las advertencias de enfermedad en América Latina y el Caribe


- **Berkeley, USA**: Public Health Institute (2016). Soda Tax Debates: A Case Study of Berkeley Vs. Big Soda’s Social Media Campaign

- **Malaysia**: In Asia’s fattest country, nutritionists take money from food giants (NY Times)

- **China**: How chummy are junk food giants and China’s health officials? They share offices (NY Times)

### Industry interference beyond food environment regulations

- **Friends of the Earth** investigates how Big Food and agrochemical corporations are deliberately misleading the public and reporters on facts about industrial agriculture and organic and sustainable food production in their report Spinning Food.

- **Oxfam’s** Behind the Brands assesses and scores the agricultural sourcing policies of the world's 10 largest food companies on seven criteria: land, women, farmers, workers, climate, transparency and water.