



Brazilian Institute for Consumer Defense  
(Idec) and ACT Health Promotion

**ACT**  
Promoção da Saúde

**idec**  
Instituto Brasileiro de  
Defesa do Consumidor

# BIG FOOD DOSSIER:

Interference in food and  
nutrition policies



2022





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# GLOSSARY OF **CONCEPTS, ACRONYMS AND ABBREVIATIONS**

**ABCS:** Brazilian Association of Pig Farmers

**ABERT:** Brazilian Association of Radio and Television Broadcasters

**ABIA:** Brazilian Food Industry Association

**Abiad:** Brazilian Food Industry Association for Special Purpose and Similar Foods

**ABIMA:** Brazilian Pasta and Industrialized Bread and Cake Industry Association

**ABIR:** Brazilian Association of Soft Drink and Non-Alcoholic Beverage Industries

**ABPA:** Brazilian Animal Protein Association

**Abra:** Brazilian Broadcasters Association

**Abraleite:** Brazilian Association of Milk Producers

**ABRAS:** Brazilian Supermarket Association

**Abrasco:** Brazilian Public Health Association

**ADI:** Direct Action of Unconstitutionality

**Advocacy:** Process of argumentation and defense of causes and rights, which aims to influence the formulation and implementation of public policies that meet the needs of the population.

**AFREBRAS:** Association of Brazilian Soft Drink Manufacturers

**AGRA:** Alliance for a Green Revolution in Africa

**AGU:** Advocacia-Geral da União (Office of the Federal Attorney-General)

**AIR:** Regulatory Impact Analysis

**ANR:** National Restaurant Association

**Anvisa:** Brazil's National Health Surveillance Agency

**APA:** Poultry Farming Association of São Paulo

**APAS:** São Paulo Supermarket Association

**APC:** Corporate Political Activities are attempts by companies to shape government policies in a manner favorable to private interests.

**ASBRAN:** Brazilian Nutrition Association

**Big Agro:** Refers to the large transnational agribusiness corporations.

**Big Food and Big Soda:** Transnational food and beverage companies with huge concentrated market power.

**CAISAN-SP:** São Paulo Inter-ministerial Chamber of Food and Nutrition Security

**CDC:** Consumer Rights Code

**CEAS:** State Welfare Council

**CELAFISCS:** Physical Aptitude Laboratory Study Center of São Caetano do Sul

**CES:** State Health Council

**CF:** Federal Constitution

**CNI:** National Industry Confederation

**CONANDA:** National Council for the Rights of Children and Adolescents

**CONAR:** National Council of Advertising Self-Regulation

**Institutional Conflict of Interests:** Situations in which the government's primary interest (to protect and promote public health) can be unduly influenced by the interests of a non-state institution, thus affecting or potentially affecting the independence and objectivity of the work done by the government.

**Individual conflict of interest:** A set of conditions in which professional judgement regarding a primary interest, such as patient well-being or the validity of research, tends to be unduly influenced by a secondary interest, such as financial gain.

**National Consea:** National Council of Food and Nutrition Security

**Consea-SP:** São Paulo State Council of Food and Nutritional Security

**CONTAG:** National Agricultural Workers' Confederation

**CP:** public consultation

**CRSANS:** Regional Committees on Food and Nutrition Security

**CFS:** Committee on World Food Security

**CNCDs:** Chronic Non-Communicable Diseases

**HRAF:** Human Right to Adequate Food

**Dicol:** Collegiate Board of Directors

**ECA:** Children and Adolescent Statute

**PPE:** personal protection equipment

**ETCO:** Brazilian Institute of Ethics in Competition

**USA:** United States of America

**FAO:** Food and Agriculture Organization of the United Nations

**FEA/Unicamp:** Campinas State University School of Food Engineering

**WEF:** World Economic Forum

**Fieam:** Amazonas State Industrial Federation

**FIPE/USP:** São Paulo University Economic Research Institute Foundation

**FMCSV:** Maria Cecilia Souto Vidigal Foundation

**FNDE:** National Fund for Education Development

**FNN:** National Federation of Nutritionists

**FPPL:** Parliamentary Front in Support of Milk Producers

**FSP/USP:** São Paulo University School of Public Health

**GDA:** Guideline Daily Amounts

**GHAI:** Global Health Advocacy Incubator

**GT:** working group

**ICMS:** Goods and Services Circulation Tax

**Idec:** Brazilian Institute for Consumer Defense

**IECS:** *Instituto de Efectividad Clínica y Sanitaria* (Institute of Clinical and Health Effectiveness)

**ILSI:** International Life Sciences Institute

**IPI:** Industrialized Product Tax

**ITAL:** Technological Food Institute

**LabDSI/UFPR:** Information Systems Design Laboratory of the Federal University of Paraná

**LOSAN:** Organic Law on Food and Nutrition Security

**MAPA:** Brazilian Ministry of Agriculture, Livestock and Supply

**MERCOSUR:** Southern Common Market

**MS:** Brazilian Ministry of Health

**MLPI:** Legal Framework for Early Childhood

**MPSP:** São Paulo State Prosecutor's Office

**MSC:** Mechanism for Civil Society and Indigenous Peoples

**NBCAL:** Brazilian Regulation for the Sale of Foods for Infants and Early Childhood, Nipples, Pacifiers and Feeding Bottles

**NCPI:** Childhood Science Center

**Nupens/USP:** São Paulo University Center for Epidemiological Research in Nutrition and Health

**OAE:** Brazilian School Food Observatory

**SDG:** Sustainable Development Goals

**WTO:** World Trade Organization

**WHO:** World Health Organization

**NGO:** Non-Governmental organization

**UNO:** United Nations Organization

**PAHO:** Pan American Health Organization

**PCFM:** Plan to Fight Hunger and Poverty

**PDC:** House Legislative Decree Project

**GDP:** Gross Domestic Product

**PL:** Bill of law

**PLANSAN/SP:** São Paulo Food and Nutritional Security Plan

**PMAC:** Prince Mahidol Award Conference

**PNAE:** National School Meal Program

**PNSAN:** National Food and Nutrition Security Policy

**RDC:** Resolution of the Collegiate Board of Directors of Anvisa

**RNPI:** National Early Childhood Network

**SAN:** food and nutrition security

**SBAN:** Brazilian Food and Nutrition Society

**Sisan:** National System for Food and Nutrition Security

**SRB:** Brazilian Rural Society

**STF:** Federal Supreme Court

**STJ:** Higher Court of Justice

**Tipi:** Tax Chart for Industrialized Products

**TPS:** Public consultation

**ÚNICA:** Brazilian Sugarcane Industry Association

**UNICEF:** United Nations International Children's Emergency Fund

**UNIFESP:** Federal University of São Paulo

**WPHNA:** World Public Health Nutrition Association

**ZFM:** Manaus Free Trade Zone



# 1. PREFACE

**T**he global trend to recognize and problematize corporate political actions and conflicts between public and private (corporate) interests in the field of food and nutrition, is a theme that has gained visibility in Brazil in the last ten years. A significant milestone for the expansion of this debate in Brazil was the staging of World Nutrition 2012, a world congress on nutrition in public health held in the city of Rio de Janeiro, organized by the World Public Health Nutrition Association (WPHNA) jointly with the Brazilian Association of Public Health (Abrasco). In addition to being the first international nutrition event to be fully independent of food industry funding, it included different opportunities to discuss the topic of conflict of interest in its program. Since then, researchers, public officials, activists and food and nutrition professionals have been focusing on this issue and producing publications, training opportunities, advocacy actions and mechanisms for preventing and mitigating conflicts of interest.

In this journey, a relevant part of the learning process has been to recognize and problematize the strategies of corporate political action and situations of conflicts of interest in different processes of public policy formulation, production and dissemination of knowledge and professional training, to name a few. This exercise in acknowledgment and problematization has been highlighting a wide range of instrumental and discursive strategies performed by the food industry and civil society organizations that represent their interests intending to avoid, distort, delay, undermine, defeat or eliminate public policies which could in any way pose a threat to their profits.

Another lesson learned has been to understand corporations as social players with overwhelming economic power and, consequently, political power, thus forming a standing-out power asymmetry in the relations between the State, market and society, an asymmetry which threatens democracy. This learning experience has also enabled us to understand that this phenomenon takes place not only in the field of food and nutrition but in several other areas, forming what is nowadays called the corporate capture of democracy. Within this context, the central role of the State's regulatory action becomes crystal clear as long as it is aligned

with public interests in order to curb corporate action. Organization, reinforcement and forceful action by a civil society committed to public interests are also essential.

Collective, convergent and synergetic action is needed to confront the current scenario. One action that can be developed by civil society is to influence the debate through various mechanisms: denaturalizing corporate political action strategies and conflict of interest situations; building narratives and challenging concepts within the context of public interest and appropriated by corporations; reporting bad practices of industries, to name a few. The knowledge production about the issue and the pre-regulatory agenda advocacy practice, representing democracy, are also significant actions to develop.

In this scenario, the publication of the document named “Big Food Dossier: Industry Interference in Food and Nutrition Policies”, authored by the Brazilian Institute for Consumer Defense (Idec) and ACT Health Promotion is welcome and timely. This relevant publication documents emblematic cases that have recently taken place in our country, affording them visibility, systematizing elements unknown to the public, gathering documents and offering valuable reflections on them. It also brings up important content regarding mechanisms to prevent and mitigate conflicts of interest in the food and nutrition policies.

This document is based on an analysis based on theoretical frameworks that contribute significantly to understanding the complexity of this issue and is written in language that is accessible to readers less familiar with the subject. It makes a valuable contribution to the discussion of the issue, encouraging the education of people interested in it and the political advocacy of individual and civil society organizations working for the public interest and the advance of food and nutrition public policies that guarantee the right to adequate food, an human right in Brazil.

**I strongly recommend reading it!**



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## 2. PRESENTATION

**W**e need to talk about food systems to help the understanding about one of Brazil's great dilemmas. At the same time that it is the breadbasket of the world, one-tenth of its population starves, over half suffer from some degree of food insecurity, one in five people is obese, and another big part of the population suffers from non-communicable diseases (NCDs) caused by a poor diet or the lack of access to healthy food.

The report in the medical periodical "The Lancet" titled 'The global syndemic of obesity, undernutrition and climate change presented during the Prince Mahidol Award Conference (PMAC) in 2019 in Thailand, shed light on the decisive role of major corporations in the agricultural and food systems, which alongside transport systems, urban design and land use, are pivotal to the combination of these three pandemics. Prepared by over thirty scientists from fourteen different countries and led by New Zealand researcher Boyd Swinburn, the document provided evidence of the relationship between ultra-processed products, nourishing, food systems and climate changes.

The overlapping phenomena were even more devastating than if considered separately, which contributes disproportionately towards the vulnerability of ethnic minorities and low-income populations and goes on to warn that the health gains obtained over the last 50 years may be reversed.

With approval by the World Bank, the 2019 event signaled a paradigm shift by acknowledging commercial determinants in political economics. Months later, the COVID-19 pandemic further exacerbated the urgency of addressing the dilemmas which together represent the highest global threat to human and planetary health to be faced still within this century.

The case of Brazil itself exemplifies the dilemma: the fifth largest food-producing country in the world has millions of Brazilians affected by hunger, and at the same time, one out of five people is affected by obesity. The expansion of Brazilian agriculture and cattle-raising goes hand in hand with income concentration, deforestation, high green-

house gas emissions, extensive use of pesticides, and in some cases, illegal practices such as land grabbing.

Meanwhile, governments continue to favor a logic that produces hunger, obesity, and environmental destruction, for example: by granting agricultural subsidies to support monocultures and beef cattle and dairy farming, funding transport infrastructure that prioritizes roads to the detriment of collective and active transport; promoting economic policies of consumption-driven growth; and failing to implement regulatory measures to protect children from advertising and sales of unhealthy food products. Thus, civil society has been debating on the construction of a Framework Convention along the lines of international tobacco control policies, attentive and capable of protecting public policies from the fundamental and irreconcilable conflict between the interests of the ultra-processed food industry and of the agribusiness sectors and food, health, and environmental public policies.

Scientific evidence and international experiences guided by the World Health Organization (WHO) recommendations have pointed towards governance adjustments to encourage healthier diets, reduce consumption of ultra-processed products, prioritize land use for fairer, cleaner, and sustainable agriculture, besides triggering the reduction of greenhouse gases.

Therefore, we are aware of the problems and have possible ways to solve them. But why don't we move forward? In the advocacy experience of ACT Health Promotion Promoção da Saúde, Idec, and many organized civil society partners for right to health and adequate healthy food, we have frequently come up against the efficient strategies of the regulated sector to pressure governments, which include undermining, blocking or delaying efforts to develop, implement and improve public policies.

This variety of tactics used by corporations – constant, systematic, and sophisticated – maintains control not only of governments but of academia, the media, public opinion, and ultimately the population in general, to shape policies in their favor and in detriment of people's health, the environment and democracy. Therefore, we need to take a more careful look to expose and report them to society and, above all, confront them.

For that reason, this report, prepared by expert researchers and consultants, provides a panoramic and systematic view of corporate political activity (APC) and situations of conflicts of interest that hinder the advancement of public agendas promoting adequate and healthy food. We have drawn categories from eight concrete cases of industry interference in food and nutrition public policies. It is, therefore, our hope that decision-makers, journalists, researchers and citizens will finish reading this document with a clearer understanding of the obstacles that prevent the population from eating healthily and sustainably and be inspired to demand that decision-makers make choices based on the best evidence, free from conflicts of interest and with greater transparency. These are essential aspects of a sound democracy, i.e., without which we cannot promote meaningful change. The rights to health and adequate food must come before economic and commercial interests.



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# 3. INTRODUCTION

**G**reat food and beverage corporations (*Big Food* and *Big Soda*) are mainly responsible for producing and selling unhealthy foods, especially ultra-processed products. Their consumption is increasingly related to the development of CNCDS, which represent seven out of ten leading causes of death in the world<sup>1</sup>. Among the adverse effects of globalization is the increasing reach of *Big Food* and *Big Soda* in the configuration of oligopolies that dominate the world market and cause an exacerbated and uncontrollable increase in the demand for products, highly affecting people's health and the environment. The forms of food production, distribution and consumption are common causes of three major pandemics which coexist synergistically: obesity, malnutrition and climate change, which worsen the local and global scenario among them, and are, for that reason, recognized as a global sindemic<sup>2</sup>.

The large interference of *Big Food* and *Big Soda* in the development, implementation and maintenance of food and nutrition programs and policies is a major impediment to the creation of healthy food environments. Physical environment (such as food quality and availability), as well as the economic (costs), political (government policies), So-

cial and cultural (standards and behavior) environments<sup>3</sup>. Among the different factors which make up the food environment are the. However, *Big Food* and *Big Soda* interfere in different ways with all of them. The so-called commercial health determinants<sup>4</sup>, for example, encompass

not only the type of products offered by these corporations, but also the strategies used to promote them and influence choices that are harmful to consumers' health. Within the political environment, on the other hand, *Big Food* and *Big Soda* use APC, which are attempts to shape government policies in a way to favor company interests<sup>5</sup> and which happen directly

**CNDC's related to the consumption of unhealthy foods account for seven of the ten leading causes of death in the world.**

and indirectly, including actions with communities and in surveys.

In order to highlight the different types of APC, this dossier brings together emblematic cases in which different strategies have influenced decision-making process about food and nutrition policies, such as, regulating the advertising of food to children, ensuring healthy eating in school environments, taxing sugar sweetened beverages and nutrition front-of-pack labels. This document is, therefore, a way to systemize information on the interference of the food and beverage industry and based on examples, expose the difficulties encountered in the development, implementation and maintenance of public policies on food and nutrition, besides suggesting alternatives to overcome this challenge.

Among the tactics used by corporations, some are instrumental, with actions ranging from political influence on lawsuits, as well as discursive, which involve argumentative strategies such as the creation of narratives to defend economic interests and weaken scientific evidence that could get in their way. The cases highlighted in this dossier comprise conflicts



of interest surrounding these strategies, in other words, confronting public interests with private interests, which can undermine collective interest or inappropriately influence public function performance<sup>6</sup>. That happens when corporate interests influence political actors with regard to decision-making and jeopardize the population in favor of taking account of economic interests.

One example of the attempt by economic sectors to weaken scientific evidence and, consequently, the formulation of public policies, can be seen in the case of the attacks that have taken place since the development of the Dietary Guidelines for the Brazilian Population, published in 2014 by the Brazilian Ministry of Health. By introducing the NOVA classification – which classifies foods according to the extent and purpose of industrial processing to which they are submit-

ted before being consumed – and the guidelines to avoid ultra-processed foods, as well as suggesting a reduction in the consumption of animal products, the document and the researchers involved in its elaboration were the targets of a series of corporate political interferences. Agribusiness corporations (*Big Agro*), *Big Food* and *Big Soda* tried to throw doubt on the validity of the NOVA classification, resorting even to legal action, going through political influence, aiming to weaken or indeed reformulate the official publication in order to circumvent the possible economic damage of the recommendation, disregarding the benefits to public health.

The nutrition labeling issue presented here is emblematic because it shows different strategies used by the food industry to interfere in public policies in favor of their interests. The APCs were able to prolong the regulatory process in Brazil for six years, which resulted in the approval of a labeling model without scientific evaluation of effectiveness. In the end, a regulation that could guarantee the right of access to clear and adequate information, thus facilitating healthier food choices, was eventually weakened because it affected the economic interests of big corporations.

The regulation of food advertising for children is essential to protect the formation of eating habits from childhood. In Brazil, however, this discussion has difficulties moving forward because it involves sectors with significant political and economic influence: *Big Food*, *Big Soda* and the advertising industry. This dossier presents the case of the regulation of children's advertising and the Legal Framework for Early Childhood (MLPI), Law no 13.257 of 2016, which establishes principles and guidelines for the formulation and the implementation of public policies for early childhood (children up to the age of six). Despite its consolidation, the MLPI left out the regulation of children's advertising thanks to industrial lobbying. This case also brings to light other striking examples of attempts to regulate the sector that were frustrated due to corporate economic and political influence.

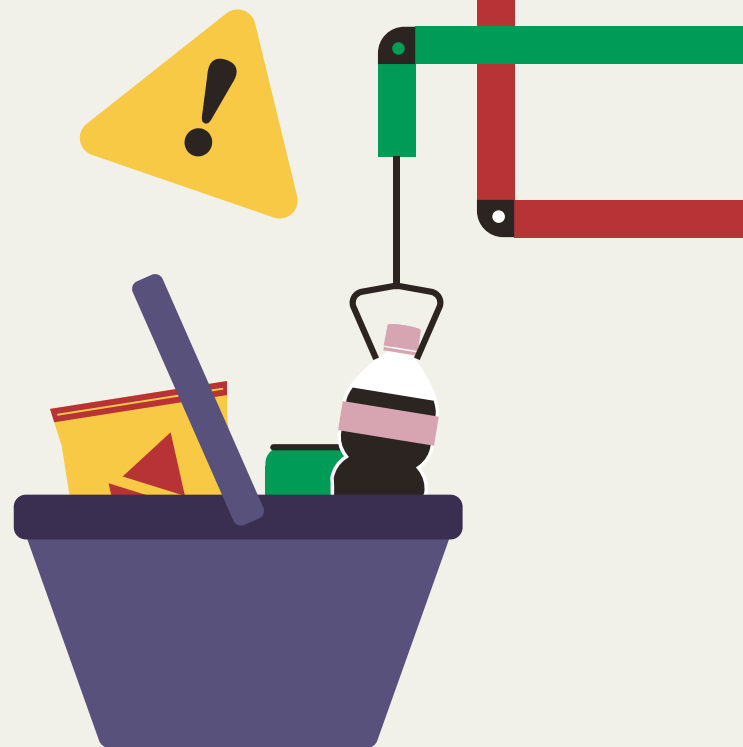
In turn, the obstacle block in the discussion about taxing sugar sweetened beverages in Brazil, a measure that has been adopted in over 60 locations worldwide, highlights how particular agendas are boycotted even before their implementation. Even with increasing scientific evidence pointing towards the importance of implementing this measure, with educational campaigns on the



theme and with the support of some government sectors, the discussion is still quite timid in this country due to the heavy lobbying by beverage manufacturers and those representing their interests in the different branches of power (Legislative, Executive, and Judiciary).

The APCs can also be used to convert public policies to meet the economic interests of a specific product sector. That happens with the Brazilian School Food Program (PNAE in Portuguese), the oldest Brazilian public policy about food and nutrition security (SAN), considered a successful example in the food and nutrition area. The PNAE has an enormous capacity to absorb Brazilian food production and to create future demand, by promoting eating habits in children and teenagers all over the country. For this reason, it suffers constant attacks from the productive sector to grab its resources and function as an instrument to guarantee the outflow of its production.

The case of the donations made by *Big Food* and *Big Soda* during the COVID-19 pandemic shows how such companies use social causes, such as making a spectacle of the situation of economic and social vulnerability of part of the population to promote refined actions of self-promotion. By



announcing donations of their products, equipment or funds to certain social initiatives, usually in paltry amounts when compared to profits and turnover forecasts, companies gain more brand mentions and improve their image before society in general, as well as introducing their products to a vulnerable audience of potential new consumers.

The document also mentions an evident episode of industry interference in the appropriation of civil society mechanisms. After more than a year without function, the return of the São Paulo State

Council for Sustainable Food and Nutrition Security (Consea- SP) in early 2021 was marked by the election of representatives of the Brazilian Food Industry Association (ABIA) and the Brazilian Rural Society (SRB) as president and vice president, respectively. These organizations represent economic interests and not public interests. Therefore, a blatant conflict of interest allows Consea- SP to be

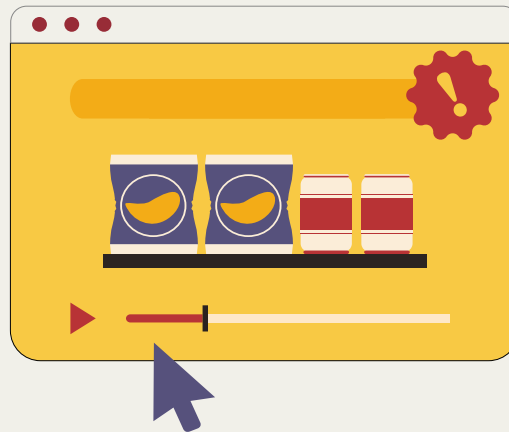
used as a strategic tool to strengthen *Big Food*, *Big Soda*, and *Big Agro*.

Finally, in a global reach action, the case of corporate capture of the 2021 UN Food Systems Summit is presented. The meeting was led by companies and organizations who defend the current hegemonic models of production, distribution, and consumption, which cast aside the essential

discussion of themes and measures crucial to the construction of fairer, healthier, and more sustainable food systems.

All the cases show how corporate actors use a variety

of similar arguments and actions, aiming to defend their economic and political interests to the detriment of public health and social well-being. They also provide examples that allow us to identify each type of APC and how civil society organizes itself to combat the onslaughts of *Big Food*, *Big Soda*, and *Big Agro* in an attempt to promote adequate and healthy food for the population.



## 4. METHODS

**T**he selection of the eight cases was based on the daily actions of the organizations responsible for this analysis, besides being part of the agenda of the Alliance for Adequate and Healthy Food<sup>7</sup>, which includes the participation of Idec and ACT Health Promotion Promoção da Saúde. In all cases, there was the identification of APC and situations of industry interference and conflicts of interest proven based on public documents. Thus, the eight cases of APC selected involved various public policies on food and nutrition, namely: the regulation of food advertising for children, focusing on the case of advertising for children and the MLPI; the new Brazilian legislation for nutrition labeling on packaged foods; the attacks on the PNAE; industry interference in Consea-SP; attacks on the Dietary Guidelines for the Brazilian Population; taxation on sugar sweetened beverages; donations made by the food and beverage industry during the COVID-19 pandemic and the corporate capture of the UN Food Systems Summit.

To this end, a multi-method approach was used, through consult-

ing secondary data, public data from official government documents, scientific articles, journalistic articles, and consultation with two or three experts through semi-structured interviews for each case. Specialists from civil society and/or academia were selected because they have experienced the cases and/or studied the issues in question.

To classify the corporate political activity identified, we used an adaptation of the categorization proposed by Mialon and collaborators (2018), according to their focus on action in instrumental and discourse strategies<sup>8,9</sup>. Instrumental strategies are broken down into four sub-types and discourse strategies into four domains, as presented in Table 1.

It's important to emphasize that not all the types of APC described here were necessarily observed in each case. At the end of each text, a table systemizes the APCs identified, classifying them and presenting examples for each type. Since many of the actions developed take place behind the scenes - leaving no records, we chose to present only documented examples and their sources.

# Taxonomy of instrumental and discourse strategies used by the food and beverage industry<sup>10</sup>



## ACTING IN COALITION



### Instrumental Strategies

Establish relationship with third parties (opinion leaders and health institutions)

Community involvement

Media relationship; 'constituency' building

Fragmenting and destabilization of the opposition

Event sponsorship, public-private partnerships, relationship with health organizations and health professionals, journalists and influencers, social projects, corporate philanthropy, among others.



## INFORMATION MANAGEMENT



### Instrumental Strategies

Production and amplification (dissemination) of information favorable to the sector

Suppression of evidence that supports public health or which is contrary to their interests

Use of scientists as consultants or spokespersons to convey credibility

Funding for research, scientific and academic events, suppression of unfavorable evidence or selection of incomplete evidence, including unpublished or non-peer-reviewed evidence (cherry picking), emphasis on the doubtfulness of science and its complexities, concealment of industry links to information and evidence, using scientists as spokespersons, among others.



## INVOLVEMENT AND POLITICS INFLUENCE



### Instrumental Strategies

Indirect access to public officials

Incentives and/or threats

Acting in government decision-making processes

Direct or indirect lobbying, "revolving doors", financing of politicians and parties, threats to withdraw incentives, participation in work, technical or advisory groups, among others.



## LAWSUITS



## Instrumental Strategies

Use of lawsuits (or threats to use them) against public policies or opponents

Influence on the development of trade and investment agreements

Litigation or threat thereof against governments, organizations, and/or individuals, influence in the development of trade and investment agreements seeking to include industry-friendly clauses, among others.



## INCENTIVES



## Instrumental Strategies

Funding of or providing financial incentives to political parties and policy makers

Making donations, bestowing gifts, political campaign financing or other financial incentives.



## ARGUMENTS



## Discourse strategies

Arguments relating to the economy

Governance

Expected costs to the food industry

To shape the debate on food, nutrition and health issues

Emphasis on the number of jobs sustained and the revenue generated for the economy

Demonizing of the “Nanny state” or regulatory actions

Arguments that certain policies will lead to a reduction in sales and/or jobs

Emphasis on the positive features of the food industry, focus on individual responsibility and physical inactivity, among others

# 5. CASES

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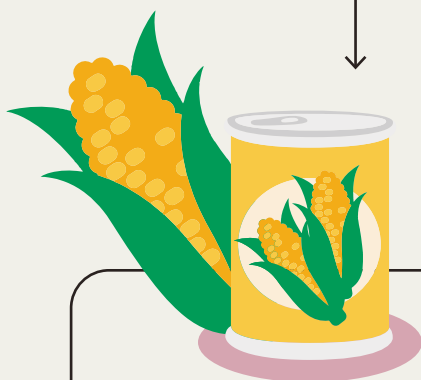
# 5.1 DIETARY GUIDELINES FOR THE BRAZILIAN POPULATION



# DIETARY GUIDELINES FOR THE BRAZILIAN POPULATION

(2<sup>nd</sup> EDITION - 2014)

Launched by the Brazilian Ministry of Health, this is the official dietary guidelines, based on scientific evidence about how to eat better and live healthily.



For this, the publication prioritizes Unprocessed and minimally processed foods avoiding ultra-processed products.



The Brazilian dietary guidelines is an international reference and influenced similar documents in other countries like Uruguay, Canada, Peru, Ecuador, and Israel.





# ▶▶▶▶ NOVA CLASSIFICATION

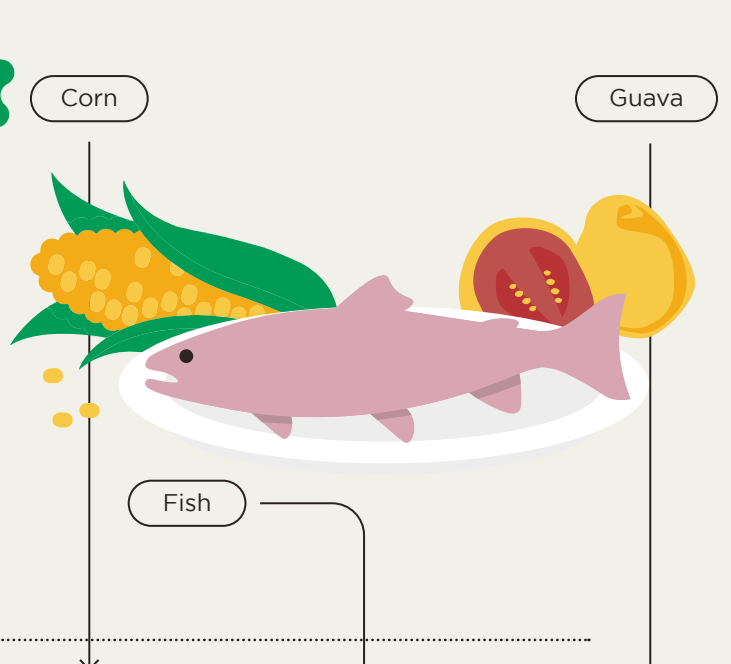
Based on the NOVA classification, the Guidelines evaluates foods according to its industrial processing and not for nutrients.

**NUTRIENTS**

**UNPROCESSED AND MINIMALLY PROCESSED FOODS**

**PREFER**

Obtained directly from plants or animals, do not undergo any change after leaving nature, except for processes such as cleaning, fractioning, refrigeration and similar processes that do not involve adding salt, sugar, oils, fats, or other substances.

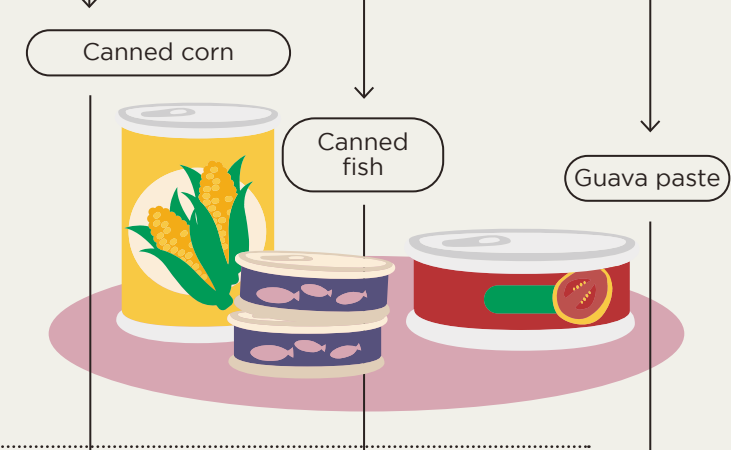


**NUTRIENTS**

**PROCESSED**

**LIMIT**

They are made with the addition of salt, sugar, or other cooking substance to natural food.

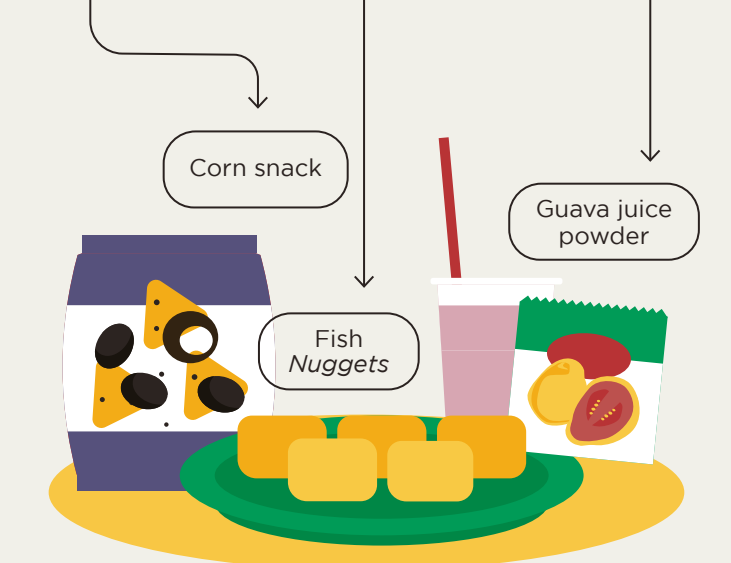


**NUTRIENTS**

**ULTRA-PROCESSED**

**AVOID**

Made, in general, by industries of large scale, involving several steps, processing techniques, and many ingredients, such as sugars, fats, sodium, additives food, and ingredients exclusively industrial.



▶▶▶▶ The Dietary Guidelines recommendations make it clear that the diet promoted by corporate interests are inappropriate and make people sick.

**T**he second edition of the Dietary Guidelines for the Brazilian Population (herein referred to as the Dietary Guidelines Dietary Guidelines), released in 2014, has been under attack by *Big Food* and *Big Soda* since before its launch<sup>11,12</sup>. Despite representing a national and international reference for health promotion and an inspiration for the development of guidelines for several other countries, the document displeases the private commercial sector mainly for presenting the NOVA food classification proposed by the São Paulo University Center for Epidemiological Research in Nutrition and Health (Nupens/USP). This approach classifies foods based on the purpose and extent of their processing, and one of the main messages conveyed by the document is the importance of “avoiding ultra-processed foods”<sup>12,13</sup>. In addition, the paper has social and environmental sustainability as one of its principles, so it recommends a diet based on natural and minimally processed foods of predominantly plant origin, as a limited consumption of foods of animal origin. Thus, the attacks on the Dietary Guidelines had as their main points the NOVA classification and

the recommendation to reduce the consumption of animal products.

In September 2020, a new chapter was written amidst this already troubled history: Technical Note 42/2020 by the Brazilian Ministry of Agriculture, Livestock and Supply (MAPA in portuguese), stated, among other things, that despite the document’s relevance, the NOVA classification is “confusing, incoherent and hinders the implementation of appropriate guidelines to promote adequate and healthy food to the Brazilian population”. It also indicated that the statement that “ultra-processed foods are ‘nutritionally unbalanced’ is incoherent in this classification”. It concluded that there was an “urgent need for review” since the Brazilian Dietary Guidelines was currently considered “one of the worst on the planet”<sup>14</sup>.

Representatives from the sector, such as ABIA, the Brazilian Food Industry Association for Special Purpose and Similar Foods (Abiad), and the Brazilian Food and Nutrition Society (SBAN), published notes in favor of the review<sup>15,16,17</sup>. The Technological Food Institute (ITAL), linked to the São Paulo State Government, which shows a history of actions

to repeal the Dietary Guidelines<sup>11</sup>, was one of the sources of information for the note, along with other bibliographic references where the conflict of interests is latent: one of the articles, besides not even mentioning ultra-processed foods in its assessment, was funded by organizations sponsored by the food industry and the other was *Brasil Food Trends*, a publication which has Coca-Cola®, Nestlé®, Danone®, Monsanto® and JBS® among its sponsors<sup>18,19,20,21,22,23</sup>.

The 2020 episode was not the first in which the Brazilian Dietary Guidelines had its content contested by the industry. Since the document was written, the sector has been trying to discredit the NOVA classification and its creators, as well as a few other proposals brought in the Guide, such as the importance of reducing the consumption of animal source foods – especially beef, due to the high environmental impact caused by large-scale consumption<sup>24,25,26</sup>. Because of this recommendation, the agricultural sector, which has many representatives of its interests in the National Congress through the rural caucus, was one of the most vocal in its criticism

of the Dietary Guidelines<sup>27</sup>.

At the time of the document's publication, at the 40th Regular Session of the MAPA Sectorial Chamber of the Milk and Dairy Product Production Chain, representatives from the dairy sector stated that the fact that dairy drinks and sugar sweetened yogurts with added colorings and flavorings are classified as ultra-processed was “extremely harmful to the sector” and that it was “necessary to join forces to reverse the situation”. At the same meeting, a representative from the Brazilian Association of Small and Medium Dairy Companies and Cooperatives (G100) stated that his agency had already hired a law firm to “file a lawsuit in defense of the dairy sector, against this Dietary Guidelines proposal”<sup>28,29</sup>. In the “Main regulatory issues” report, commissioned by Coca-Cola® USA in April 2016 to Sancroft consultancy firm, The Brazilian Dietary Guidelines is classified as “punitive” to the company's products<sup>30</sup>.

The NOVA classification has also been and continues to be heavily attacked by direct food industry representatives, researchers and insti-

tutions related to it, such as ITAL and the *International Life Sciences Institute* (ILSI)<sup>31,32,33,34,35</sup>. A 2018 survey carried out for the *World Nutrition Journal* found that most materials criticizing the NOVA classification had not been peer-reviewed and that 33 of the 38 authors identified in those documents had ties to the ultra-processed foods industry<sup>36</sup>.

Other types of corporate political activity used in the attacks on the Dietary Guidelines were actions in government agencies, mainly in the Brazilian Ministry of Health (MS) and the Brazil's National Health Surveillance Agency (Anvisa in Portuguese), lobbying to avoid the approval of the text in the document, bringing along the NOVA classification and recommendation to avoid ultra-processed products<sup>12</sup>; the construction of spaces to defend ultra-processed products and food technology<sup>31</sup>; sponsorship for scientific research that supports the interests of the industry or exempt from their responsibilities<sup>34</sup>; and the

direct attack on the scientists involved in the creation of the NOVA classification<sup>24,36</sup>.

The onslaughts against the Dietary Guidelines in September 2020 were in the main press spotlight outlets and social media. A civil society movement in defense of the document was swiftly formed. Although initially some of the news reports had a neutral content<sup>37,38</sup>, briefly mentioning the fact and “introducing” the Dietary Guidelines, the rapid mobilization of researchers, class organizations and social movements enabled the defense of the document to be widely disseminated, reaching out to other audiences through the involvement of chefs and TV show hosts<sup>39,40,41,42</sup>.



The mobilization took place mainly on social media, with the dissemination of information on the Dietary Guidelines, the use of images with messages defending the document, the preparation of letters and notes repudiating the technical note, the use of the hashtag

#EuApoioOGuiaAlimentar (#I Support the Dietary Guidelines) and a manifest prepared by the Alliance for Adequate and Healthy Food endorsing the document<sup>43</sup>, which fetched over 40,000 signatures. Idec sent a notification to MAPA requesting information on the Technical Note in question<sup>44</sup> and Nupens/USP played a crucial role in the scientific defense of the Brazilian Dietary Guidelines. The group shared various pieces of evidence which corroborate the relevance of the NOVA classification and the impacts of ultra-processed products on human health and the environment, including a letter signed by more than 30 scientists from all over the world in defense of the Dietary Guidelines and a note where the authors of the article quoted by ABIA, who classified the Brazilian document as “one of the worst in the world”, pointing out “a gross misinterpretation and undue use of a scientific publication”<sup>45,46,47</sup>.



The swift and scientifically based response from many sectors of society was decisive in preventing the revision process of the Dietary Guidelines by MAPA. Although the national scenario remains concerning, considering the close relationship of the federal government with the ultra-processed food and beverage industry and the agricultural sector, the episode discussed here has served to allow more people to access the document and the wide social mobilization has shown that much more than an MS document, the Dietary Guidelines belongs, in fact, to the Brazilian population.

## DIETARY GUIDELINES FOR THE BRAZILIAN POPULATION IS UNDER ATTACK

For large companies of ultra-processed products, the Dietary Guidelines for the Brazilian Population represents a threat to their business. The recommendations clarify that food promoted by corporate interests is inappropriate and makes people sick.

To avoid higher losses, private companies, and government sectors promoted a series of attacks on the Dietary Guidelines.



### ACTING IN COALITION



### Instrumental Strategies

Partnership with universities and research institutes, as in the production of a platform called “Processed Foods”, led by ITAL, which aims to “offer a more comprehensive view of the food and beverage industry, in contrast to a vast amount of myths and prejudice that have been spread”<sup>31</sup>;

The lecture “Do you know what you eat?”, during the participation in Pint of Science, an event open to the public and held around the world in bars and restaurants with the purpose of debating science, given by Fernanda Martins, Senior Health and Nutrition Manager for Unilever in Latin America, who attacked the NOVA classification stating that “*the classification of ultra-processed foods means nothing*” and that the term did not have a ‘constant’ definition; besides distorting evidence by saying, for example, that an ultra-processed lasagna has a better nutritional profile than its homemade version based on fat and protein content, but ignoring the excess sodium and the presence of chemical additives in the industrialized version; as well as pointing out a supposed ‘chemophobia’ with regard to the dietary guideline to avoid foods made with ingredients the consumer does not recognize [usually industrial chemical additives], and went on to draw a parallel between the list of chemical components in natural foods and the list of ingredients in ultra-processed products<sup>48</sup>.



## POLITICAL INVOLVEMENT AND INFLUENCE



### Instrumental Strategies



*“He brought me a little notebook. A very nice publication. It was something that, if I opened the drawer, there would be no mistake. Something that really stood out”. “There were three key points, three issues which the industry wouldn’t let go of. One of them was that under no circumstances should the Dietary Guidelines be published.”*

- Words from then Health Minister **Arthur Chioro**, about a meeting with the president of ABIA at the time, Edmundo Klotz<sup>11</sup>;

Fifty-seven percent of the Congressmen and women and 48% of senators elected in 2014 received resources from the ultra-processed food and beverage industry on their election campaigns. Additionally, 36% of the National Congress bench received funding from JBS<sup>®23</sup>;

*“The public policies that the Parliamentary Front will foster will be new ways to seek, with the Federal Government, ways to make new foods meet these demands, focusing on their main benefits to contribute towards healthy lifestyles and not their ‘villainy’”.* -

Excerpt from an article by the Brazilian Food Industry Association for Special Purpose and Similar Foods (Abiad) about the creation of the Mixed Parliamentary Front for Food and Health, launched in the National Congress in May 2019. The text also states that “the new Parliamentary Front will always be aligned with the regulatory sector, discussing new products and their main functions in quality diets, including discussions that involving the Brazil’s National Health Surveillance Agency (Anvisa)”<sup>49</sup>.



## INFORMATION MANAGEMENT

Scientific paper shows that out of 38 selected articles that criticize the NOVA classification, 32 are by authors and/or co-authors connected to the production of ultra-processed products<sup>50</sup>;

The ABIA document “Foods and Science” misrepresents information on additives and food processing, conveying the impression that homemade preparations and ultra-processed foods were comparable in terms of nutrition and processing<sup>52</sup>.



## Instrumental Strategies

In a video lesson titled “Ultra-processed foods: real concerns or unfounded fears?”, released by the ILSI, Fernanda Martins, from Unilever, questions the NOVA classification, as in the comparison of the nutritional composition between homemade and industrialized versions of certain foods, stating that the latter is more nutritionally balanced based on the sodium and macronutrient values, but ignoring the presence of chemical additives and their impacts on health<sup>51</sup>;



## LEGAL ACTION



## Instrumental Strategies

“The G100 representative, Wilson Massote, informed that his entity has hired a law firm to file a lawsuit in defense of the dairy sector against this proposal by the Dietary Guidelines.”

- Excerpt available in the minutes of the 40th meeting at the MAPA Sectorial Chamber of the Milk and Dairy Production Chain regarding the threat of a lawsuit which did not go forward<sup>25</sup>.





## SHAPE THE DEBATE ON FOOD, NUTRITION AND HEALTH ISSUES



### Discourse Strategies

*“The NOVA classification used is confusing, incoherent and hinders the implementation of appropriate guidelines to promote adequate and healthy food to the Brazilian population.”*

- Excerpt from MAPA Technical Note n° 42/2020<sup>14</sup>.

*“Household recipes that use various ingredients cannot under any circumstances be labeled as such [ultra-processed], which demonstrates an evident unjustified attack on industrialization.”*

*“Household recipes that use various ingredients cannot under any circumstances be labeled as such [ultra-processed], which demonstrates an evident unjustified attack on industrialization.”*

- Excerpt from MAPA Technical Note n° 42/2020<sup>14</sup>;



*“Brazil should have been more careful when the MS launched this dietary guidelines because it created very, very strong confusion among consumers.”*

- Statement made by Luis Madi, ITAL director for Institutional affairs, during a sector event<sup>11</sup>;

*“Being or not industrialized does not assure that a food is healthy. All should be evaluated by the responsible agencies. The problem lies, in fact, in the generalization of a specific type of product.”*

- Fernanda Martins, Senior Health and Nutrition Manager for Latin America at Unilever®, in the video class titled “Ultra-processed foods: Real concerns or unfounded fears?”, released by the ILSI<sup>53</sup>.



# 5.2 NUTRITION LABELING OF PACKAGED FOODS



# LABELING TIMELINE

## FOOD NUTRITIONAL

Labeling helps the consumer to know the nutritional composition and the ingredients that make up food and beverage products. As of October 2022, labels in Brazil begin to change. The Brazil's National Health Surveillance Agency (Anvisa) appro-

ved a new standard that, despite not meeting all consumer needs, is a step forward to improving the quality of nutritional information on food and beverages.

Understand how the new labeling model was developed: ▶

### 2014-2016

#### Formation of the Anvisa workgroup

Formed by representatives of the government, academia, civil society, and the food and beverage industry, the group was created to discuss the improvement of information nutrition facts on food labels and facilitate food choices for consumers.



### 2017

#### A presentation of proposals to Anvisa

Government entities, the productive sector, civil society and the academy presented to Anvisa proposals for improved nutrition labeling, including front of pack labelling models. The industry has proposed nutritional traffic lights, while civil society and the Academia proposed warnings.



### 2018

#### Indication of Anvisa about the front of pack labelling and public consultation (TPS in portuguese)

Compared to other proposals presented, the front of pack labelling including nutrition warnings was considered the most appropriate for the Brazilian population, as stated in the Preliminary Analysis Report 2018 Regulatory Impact Assessment on Nutrition Labeling. The document presented the initial diagnosis of the regulatory problem, the objectives of the intervention and the comparison of options activities and their impacts. Between May and July, Anvisa carried out an online technical public consultation to collect data, information and scientific bases on food labels.



## 2019

### Promotion of dialogues sectors and public consultation

Anvisa released an analysis of the contributions received at TPS and reported that by September of the same year would release the report end, as well as the opening of the public consultation.

### Public consultation proposal

Anvisa presented to the public consultation a new proposal for nutrition labeling, with the front label in the format of magnifying glass. The consultation broke a record, with:

more than  
**23 thousand**  
participations

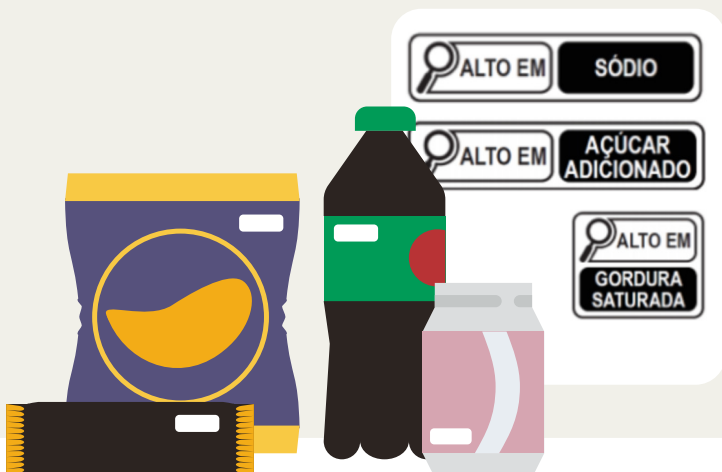
and  
**82 thousand**  
contributions



## 2020

### Anvisa approves new nutritional labeling rule

The approved model brings mandatory nutritional information per 100g or 100ml of the product, in addition to the amounts of total and added sugars. Also includes a magnifying glass front label to identify high-content products of added sugar, saturated fat, and sodium. However, the nutrient profile of front labeling does not label all ultra-processed products with inadequate nutrition composition.



## OCTOBER 2022

### New labeling rules on the nutrition of food enter effect

From this date, companies need to adjust the labels of their products foodstuffs and beverages.

**B**razil could be among the first countries in the world to adopt a frontal nutrition labeling system with warnings for excessive nutrients harmful to health, such as sodium, sugars, and fats. However, the various actions by *Big Food* (which includes *Big Soda*) during the regulatory process within Anvisa contributed towards prolonging the discussion for six years and resulted in the approval of a model of frontal nutritional labeling without scientific evidence as to its effectiveness.

The new nutrition labeling should be an important tool to facilitate healthier food choices and contribute towards excessive weight loss and the prevention of CNCDs. This proposal is aligned with the Consumer Protection Code (CDC), which requires manufacturers to adequately inform consumers about their products so that they can make informed choices. Differently, the model approved in Brazil in 2020 presents a fragile nutrient profile, so many ultra-processed products will not have the front label, most of which have an inadequate nutrition composition<sup>54,55</sup>.

Diving into APCs intervention in this regulatory process is pivotal to understanding the holistic picture.

In December 2014, the need to improve the nutrition labeling of packaged foods in Brazil was identified. To discuss this issue, Anvisa established a working group (GT) composed of representatives from the government, academia, civil society, and the food and beverage industries. The goal was to improve the readability and clarity of nutrition information on food labels and to help consumers make better food choices. The regulatory process officially began on December 27, 2017, and was marked by a series of interferences by *Big Food*, *Big Soda*, and *Big Agro*, that used many strategies to delay and weaken the discussion and adapt the labeling model to their economic interests, downplaying public health concerns, which happened at the end of the process, in October 2020.

To substantiate the discussions about the best labeling model applied to the Brazilian reality, Idec, information design experts from the Information Systems Design Laboratory of the Federal University of Paraná (LabDSI/UFPR) and researchers from Nupens/USP, conducted studies in 2016 to develop and validate a proposal for front labeling nutrition inspired by the label models used in

## 5.2 Nutrition Labeling of packaged foods

Chile, the first country to implement the warning model, in 2016. The proposal was to follow the recommendations of the Pan American Health Organization (PAHO)<sup>56</sup> Nutrition Profile Template for identifying and signaling excess of critical nutrients for health such as sodium, sugar, total and saturated fats, and the presence of sweeteners and trans-fat on the fronts of packages with black triangles on a white background, based on a survey executed to adapt the model format to the national scenario. Compared to other proposals presented and analyzed by Anvisa, the model carrying the warnings was considered the most adequate for the Brazilian population, as stated in the 2018 Preliminary Report of the Regulatory Impact Analysis (AIR) on Nutritional Labelling<sup>57</sup>, a document that presented the initial assessment of the regulatory problem, the objectives of the intervention and the comparison of the options for action and their impacts.



The agency's position in the Preliminary AIR Report, based on scientific evidence, went against the interests of *Big Food* and *Big Soda*, which, to defend their stand, formed the "Labeling Network", comprising 21 entities from the food and beverage industry. Supported by the narrative of defending consumers' freedom of choice, the Labeling Network defended the nutrition traffic light model, composed of green, yellow and red signals for low, medium and high sodium, sugar and saturated fat content on the label, respectively, with the justification of being clear, simple and able to promote nutritional education for consumers. This way, the industry exempts itself from its responsibility for the unhealthy products it offers on the market, transferring it to individual consumer behaviors. However, the traffic light model presents no scientific evidence of superiority over the warning model advocated by civil society organizations. It had even been criticized by

one of its creators, Oxford University researcher Michael Rayner, who stated that the traffic light model would not function<sup>58</sup> adequately. A study conducted by Nupens/USP, LabD-SI/UFPR and Idec<sup>59</sup> pointed out that frontal warning labels have a higher impact on consumer understanding, perception of healthy products and the decision to purchase when compared to the nutritional traffic light.

The importance of the economic contribution made by *Big Food* to the country's development was a much-used argument to guarantee the participation of the productive sector in the labeling discussion, as it was in other countries, such as Chile<sup>60</sup>. This argument also worked as a basis for the defense of the nutritional traffic light model, together with threats of possible economic and job losses that the choice for the nutrition warning model could cause, although these losses were not ascertained in a recent study in Chile<sup>61</sup>.

In this context, Anvisa conducted the regulatory process amidst different types of claims: on one hand, public health was the main concern of civil society organizations and academia, and on the other, economic and trade issues were the main fo-

cus of the interests of the productive sector. To minimize conflict, Anvisa used tools to allow broad social participation, such as a GT, a technical panel, meetings through institutional channels, public consultation (TPS in portuguese), sector dialogs and participation in international forums such as *Codex Alimentarius* and the Southern Common Market (MERCOSUL). To get acquainted with the social mobilization around the theme, the 2019 CP had around 23 thousand participations and over 82 thousand contributions.

However, all the technical and scientific basis and the immense participation and social pressure were not enough to defeat the power of the food and beverage industry lobby held both with the Minister of Health and Anvisa Directors, as well as the president of the Republic<sup>62,63,64</sup>. Additionally, the end of the process was quite turbulent and happened already in the middle of the COVID-19 pandemic, which severely affected Brazil from March 2020. There were changes on the board of directors and at the Agency's presidential level<sup>65,66,67,68,69,70,71</sup>, in addition to several unjustified postponements of the conclusion of the process (initially scheduled for December 2019, it was

## 5.2 Nutrition Labeling of packaged foods

pushed back to April 2020 then to September of the same year)<sup>72</sup>.

Taking advantage of this context and the political and economic instability in the country, the food and beverage industry were able to reverse what seemed to be a direction by the agency toward approving a proposal for frontal labeling and a stricter nutrient profile. Finally, on October 7, 2020, even under the threat of there not being a meeting of the Collegiate Board of Directors of Anvisa (Dicol) due to the lack of a quorum, a new regulation for nutritional labeling for packaged foods was approved by Anvisa<sup>54,55</sup>, with a different model than the one presented at the CP.

In September 2019, Anvisa presented a magnifying glass frontal nutrition labeling model to indicate excess added sugar, saturated fats and sodium in products. This labeling model, taken to the CP, was not supported by civil society nor academia, and even after the lengthy discussion process

with various sectors of society in the CP, besides not corresponding to the one presented at the CP. In an internal ABIA document leaked at the beginning of 2021, it is possible to observe that the final labeling model is very similar to the one the industry defended to Anvisa in 2020, which suggests that there were interfer-

ences during the selection adjustment process due to economic interests. On one of the pages of the document, we see demonstrated the worst-case scenario for the industry, and which must be avoided: the triangle model<sup>73</sup>.

Besides possible interference by *Big Food* and *Big Soda* in the final version of the labeling model, the changes compromise the legibility, clarity and simplicity of the graphics, which

are essential to inform the consumer. Besides, it was not tested in Brazil and has no scientific evidence of its effectiveness in communication terms<sup>74</sup>. In addition to the graphic changes, the nutrient profile approved for the frontal nutritional labeling is less rigorous

**In an internal ABIA document, leaked at the beginning of 2021, it is possible to observe that the final labeling model is very similar to what the industry defended with Anvisa in 2020**



than the proposals discussed during the process, and therefore, allows several foods and beverages classified as ultra-processed not to receive the “high in” added sugar, sodium and saturated fat label, as well as not including the signaling for sweetener used in the products.

Another situation that suggests industry interference in the CP process refers to the deadline for the standard implementation . The COVID-19 pandemic provided the ideal scenario for the industry to request and obtain deadline extensions, ranging from two to five years (in the case of soft drinks with returnable containers) for the standard to be implemented in Brazil, starting in October 2022. The time gap between the approval and im-

plementation of the norm opens up space for new interference actions by *Big Food*, *Big Soda* and *Big Agro*, in addition to harming the health of Brazilians and the consumer’s right access to information.

The case of nutritional labeling is striking for showing the various strategies used by *Big Food*, *Big Soda*, and *Big Agro* to interfere in public policies in favor of their economic interests. Similar strategies have been used in Latin America and Europe to delay and interfere with the frontal nutritional labeling regulation process<sup>75,76</sup>. This evidence provides subsidies to prevent other public health initiatives from being co-opted and negatively influenced by these economic actors.

## THE FOOD AND BEVERAGE INDUSTRY VS. FOOD LABELING

Nutritional labeling strategy is marked by several interference of *Big Food*, *Big Soda* and *Big Agro* to interfere in public policies to favor their economic interests.



### ACTING IN COALITION



### Instrumental Strategies

Creation of the “Labeling Network”, an organization of 21 associations from the food and beverage industries to act in coalition. Some examples of activities:

Participation in the “Right to Food Labeling Information”<sup>77</sup> Seminar, promoted by “Valor Econômico” newspaper, with the participation of the Anvisa director-president William Dib, at the opening ceremony.

Launch event for the “Sua Liberdade de Escolha”<sup>78</sup>, (“Your Freedom of Choice”) campaign, with the participation of ABIA CEO João Dornellas, fitness coach Marcio Atalla, nutritionist Vanderli Marchiori and biologist and science writer Natalia Pasternak.

The relationship between Anvisa and ILSI, one of the world’s largest scientific lobbying organizations, founded by Coca-Cola:

*“I understand there is a symbiotic relationship between the Agency and ILSI Brazil, in which both institutions benefit from working together. Anvisa, with its priority agenda, signals to society the themes that need to be the object of research and studies. On the other hand, organizations such as ILSI help fill this gap, providing the Agency with important scientific subsidies for decision-making”<sup>79</sup>.*

**- Thalita Antony de Souza Lima, Anvisa food general manager,**  
two months after the definition of the new nutritional labeling model,  
in December 2020, in an interview for the ILSI newsletter.



## INVOLVEMENT AND INFLUENCE IN POLITICS



### Instrumental Strategies

ABIA pressured former President Michel Temer<sup>64</sup> on the need to oppose frontal nutritional labeling warning, supporting the nomination of William Dib for director-president of Anvisa. Dib, as soon as he took office, made statements in the press favorable to traffic light labeling<sup>80</sup>, which was *Big Food's* proposal and took a stand against the warnings.

Closed-door meetings<sup>81</sup>. In 2019, 90% of Anvisa directors' meetings were held with companies and associations from the private sector (such as food manufacturers, second on the list). The agenda of food general manager Thalita Antony de Souza Lima shows that 86% of her appointments were with these corporations.

The Italian embassy sent a letter to Anvisa warning about the economic damage that the adoption of frontal warning nutritional labeling would cause to the Italian industry and the financial loss to business in Brazil, in a threatening tone<sup>82</sup>. Additionally, representatives from these industries held meetings with former Minister of Health Luiz Henrique Mandetta.



## ENVOLVIMENTO E INFLUÊNCIA NA POLÍTICA



### Instrumental Strategies

After these events, the Minister at that time publicly recommended the Italian labeling model<sup>83</sup> (the *Guideline Daily Amounts* (GDA), where the nutritional information is copied on the front of the food product packaging, with no signaling or interpretation as to the nutrients indicated)<sup>84</sup> as the best option for Brazil, ignoring the regulatory process conducted by Anvisa where that model was not being discussed.

ABIA<sup>73</sup> lobbying strategies towards Anvisa to neutralize more effective labeling models and guarantee that the less rigorous nutrient profile, with the magnifying glass, be maintained.

Official letters from the Brazilian Animal Protein Association (ABPA) to William Dib, President of Anvisa, requesting an extension of the 45-day deadline for submitting comments and suggestions to TPS, on the grounds that “*the minimum period does not allow for adequate participation of the production sector*”<sup>85,86</sup>.



## INFORMATION MANAGEMENT



## Instrumental Strategies

The Labeling Network funded an opinion poll on nutritional labeling models conducted by Ibope<sup>87</sup>, in which the results indicated that 67% of Brazilians preferred the traffic light nutrition model on labels. But this study was conducted with a sample that was not representative of the Brazilian population, which could imply biased estimates of consumer choice<sup>88</sup>.

The Labeling Network funded an economic impact study for GO Associados<sup>89</sup> based on the extrapolation of the Ibope survey and shows, as a consequence of the frontal warning model adoption, an economic impact of more than R\$100 billion and almost two million jobs lost. This information, however, is the extrapolation of data that is not based on scientific methods<sup>88</sup>.



## LEGAL ACTION



## Instrumental Strategies

ABIA filed a lawsuit in the Federal courts and obtained an injunction to extend the TPS deadline for 15 days<sup>80</sup>, because data collection had been hindered by the World Cup and the truck drivers' strike, and the private sector needed the additional time to complete its studies. The TPS started on May 25, 2018, and was scheduled to end on July 9, 2018, i.e., 45 days. With the extension, the deadline was set for July 25, 2018.



## ECONOMY



## Discourse strategies

Big Food highlights in the discourse the number of jobs they sustain, and the revenue generated for the economy:



*“With a R\$642.6 billion turnover in 2017 and 1.6 million direct jobs created last year, the food industry is represented by 35.6 thousand companies in Brazil and is the biggest employer in the manufacturing industry.”*

- ABIA is 55 years old<sup>90</sup>.

A study funded by the Labeling Network on the economic impact resulting from the adoption of the frontal of package nutritional warning labeling model pointed out that it would result in catastrophic damages to the economy, causing the loss of 100 billion Reais and 1.9 million jobs.



*“(...) an analysis by GO economists indicated a potential loss of 1.9 million jobs in various sectors of the economy because of the retraction in production, equivalent to R\$14.4 billion in terms of payroll. Such a scenario would consequently result in considerable losses to the retail sector.”*

- “Labeling for food and drink to change” newsletter, available on the ABIA website<sup>91</sup>.



## GOVERNANCE



## Discourse strategies

Arguments against the ‘Nanny State’ and other regulatory action, which take away consumers’ freedom of choice and do not contribute to their nutrition education:



*“(...) we consider to be mistaken the warning models which replace the information for alarmism and education for consumer tutelage.”*

- Labeling Network website - What we stand for<sup>92</sup>.



## SHAPING THE DEBATE ON FOOD, NUTRITION AND HEALTH ISSUES

### Discourse strategies

Claims that a change in the labeling model would not be a solution to the NCD's epidemic:

*"Labels are an information tool, but they do not on their own solve the obesity and NCD's problem. There are multifactor causes: Unbalanced diet; Sedentary lifestyles; Genetic factors and Emotional disorders; Anxiety and depression."*

- Infographic information taken from the **ABIA website**<sup>93</sup>.

Promotion of nutrition education based on the traffic light nutritional model, helping consumers to make better choices for their health, focusing on individual responsibility:

*"The most important thing is to offer information to consumers, so that they can choose a healthier diet. The focus of the Labeling Network is on providing clear and objective information and presenting it in a way that anyone can understand the food labels."*

- **ABIA CEO João Dornellas**<sup>91</sup>.

Further solutions were promoted to take the focus off the labeling discussion: balanced diets, physical activity, food reformulation, and portion size reduction.

*"There is no good or bad product. There are regular, frugal and irregular eating habits. People can make better decisions based on their and their family lifestyle."*

- **João Dornellas, ABIA CEO**, in the Folha de Londrina newspaper<sup>94</sup>.



## SHAPING THE DEBATE ON FOOD, NUTRITION AND HEALTH ISSUES

### Discourse strategies

*“Our lifestyle is what determines our health. We cannot see food as a villain or as a remedy. Health is the result of a set of factors, which always includes taking some form of physical exercise.”*

- **Marcio Atalla, teacher of physical education**, who has a background of partnerships with *Big Food* and *Big Soda*, at the launch event of the “Your Freedom of Choice” campaign<sup>95</sup>.

*“The efforts made by the food and beverage industry to improve the nutrition profile of its products, whether reducing the levels of sodium, saturated and trans fats and added sugars or by increasing the supply of positive nutrients, such as whole grains, milk, fibers, vitamins and minerals, lose their relevance to the consumer. How do you interpret a product which conveys a voluntary reduction in sugar or sodium levels, and which shows on the package a warning sign for the excess of these nutrients?”*

- **ABIA**, contribution in TPS<sup>96</sup>.

*“The industry has been constantly offering smaller portion sizes (based on actual and adequate portions) that play a key role in building a healthier diet”*

- **ABIA**, contribution in TPS<sup>96</sup>.





## 5.3 CHILDREN'S ADVERTISING AND THE LEGAL FRAMEWORK FOR EARLY CHILDHOOD



# THE DISPUTE FOR THE LEGAL FRAMEWORK OF EARLY CHILDHOOD (MLPI)

**MLPI is a Law (n° 13.257) and exists since 2016.** It establishes principles for the creation and implementation of public policies for early childhood.

However, since large corporations influenced the creative process of the law, it resulted in an MLPI far below its potential to guarantee the protection of human rights during early childhood.

In one of the attacks, the companies forced the withdrawal of Article 2, which prohibited “advertising aimed at children in the media, especially television and radio broadcasting, between 8 am and 6 pm”<sup>100</sup>.

**Early childhood** represents the first six years of a child’s life. It is during this period that the human develops his cognitive ability and most of his habits in foodstuffs - and that’s also when he is more vulnerable to external influences.

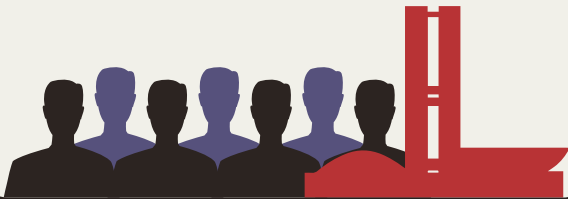
That is the main window of opportunity of the lifecycle so that each child develops healthily and achieves their full potential when reaching the age of adulthood.

**Children’s food advertising** is harmful because children have impaired judgment and experience to separate advertising strategies from reality. Per this, it is significant that companies respect childhood by not promoting food consumerism of processed and ultra-processed for children.



## HOW WAS THIS POSSIBLE?

The MLPI was born as the Law Project (PL) No. 6,998 in 2013. Its processing was considered fast thanks to a favorable scenario for discussing the theme with the creation of the **Early Childhood Parliamentary Front** in the Chamber of Deputies, composed of more than 200 parliamentarians<sup>114</sup>.



However, legislators were not open to points considered **'controversial'**, which ended up being deleted. Among them are:



The increase in **maternity leave**



Creating **breastfeeding rooms** in companies



The prohibition of **children's advertising**.



There are indications of external factors contributed to this scenario, including the **lobby** and the **conflicts of interest** involved<sup>114</sup>.

Civil society organizations followed the 15th meeting of the Commission Early Childhood Special on December 10, 2014, when the MLPI was approved.

Negotiations on points of disagreement that ended up being suppressed took place **behind the scenes**, with no transparency. The absence of official records of the commercial sector's participation makes it difficult to identify these representatives in the process.



### Other issues influenced the votes of deputies:

Relationships created between parliamentarians and company representatives who fund mandates;



Former industry employee's food and drinks working in government organizations or directly with deputies;



*Big Food* also influences organizations in civil society.

The strategies identified in the case of the MLPI for the withdrawal of the advertising restrictions are multiple.



**R**egulation of advertising for food classified as ultra-processed is strategically relevant for protecting children's rights, especially concerning its influence in forming eating habits and consumption of unhealthy food and beverages. Although children's advertising is already provided in the Brazilian legal system, companies continue to violate the legislation that protects children from marketing communication. The discussion about the issue among public officials, civil society and the production sector has faced hurdles to moving forward. It is an unequal dispute; the economic and political influence of *Big Food* and *Big Soda* is strong enough to tip the balance of discussion in their favor. Furthermore, that involves another economically powerful sector: the advertising industry, with a turnover of R\$49 billion in 2020 alone<sup>97</sup> (even in the middle of the economic crisis during the COVID-19 pandemic).

Thus, the issue is often simply removed from the agenda and its discussion delayed, as in the case of the MLPI, Law No. 13.257<sup>98</sup>/ 2016, which establishes principles and guidelines for the formulation and implementation of public policies for early childhood (the first full six years or 72 months of a child's life), the period of greatest human de-

velopment and vulnerability and a crucial factor in personal formation. Although the law brought progress, such as the introduction of equal rights and responsibilities for mothers, fathers, and guardians, and the increase of paternity leave from five to twenty days (for companies that joined the Citizen Company program)<sup>99</sup>, Article 2 - which restricted advertising to children and was included in the project law (PL) - was deleted during the discussions surrounding its adoption. It strictly prohibited "media advertising directed at children, especially television and radio broadcasts, between 8 a.m. and 6 p.m."<sup>100</sup>.

What remained in the document on the theme was a generic mention in Article 5, which presents priority areas for public policies for early childhood health: "protection against all forms of violence and consumerist pressure (...) and the adoption of measures that avoid early exposure to marketing communication"<sup>101</sup>. In other words, the opportunity to guarantee legislation that expressly protects this target audience, early childhood, was once again lost.

To better understand what happened, it is worth recalling essential elements from the scenario and the context in question. First of all, there

are already provisions in the Brazilian legal system that ensure the rights of children and adolescents: the 1988 Federal Constitution (CF)<sup>102</sup> (article 227) and the Children and Adolescents Statute (ECA), Law nº 8.069/1990<sup>103</sup>. The ECA recognizes children (under the age of 12) and adolescents (from 12 to 18 years of age) as subjects of rights and es-

tablishes that it is the duty of the family, society and government to ensure their protection, since they are in a period of intense physical, cognitive, emotional and social development. Therefore, based on the understanding of the vulnerability of this age group, standards and laws were created to regulate the advertising of food and products that may impact their development. The

Brazilian Regulation for the Sale of Foods to Infants and Children in Early Childhood, Nipples, Pacifiers and Feeding Bottles (NBCAL)<sup>104</sup> regulates the commercial promotion and labeling of food and products for children in early childhood as infant formulas, milk, baby foods, feeding bottles, pacifiers, among others.

Resolution 163 of the National Council for the Rights of Children and Adolescents (CONANDA)<sup>105</sup> states that the targeting of advertising and marketing communication (such as TV ads, radio spots and websites) of products to children and adolescents is considered abusive. CDC<sup>106</sup> article 37 provides that abusive advertising, therefore illegal, is the one

that takes advantage of a child's lack of judgment and experience. It is also important to note that the Supreme Court of Justice (STJ) already has two significant historical precedents regarding the unlawfulness of advertising directed at children<sup>107,108</sup>, in which the abusive nature of advertising directed explicitly or implicitly at children was recognized, with relevant repercussions for

the protection of childhood.

Even with advances in legislation to protect the rights of children and adolescents, there are still challenges regarding the interpretation and enforcement of the advertising law directed at this public and great difficulty advancing in discussions on the theme, especially when it in-

**Despite advances in legislation, there are still challenges regarding the interpretation and application of the children's advertising law.**

### 5.3 Children's Advertising and the Legal Framework for Early Childhood

volves *Big Food* and *Big Agro*. An emblematic case is Anvisa RDC 24, of 2010. The objective was to regulate supply, advertising, publicity, information, and other practices of disclosure and commercial promotion of foods that contained high quantities of sugar, saturated fats, trans fats, and/or sodium, as well as non-alcoholic beverages with low nutritional content. The RDC obliged manufacturers to provide, along with their advertising, information associating the consumption of these products with the incidence of NCDs, such as cardiovascular disease, hypertension, diabetes, obesity and dental cavities. This Resolution led Brazil to be considered by PAHO the most advanced country in Latin America regarding government regulation of advertising<sup>109</sup>; however, it was eventually suspended in 2013 by a court decision handed down in a lawsuit filed by ABIA, which is still in course<sup>110</sup>. ABIA claimed that

the agency had no competence to regulate advertising for food and non-alcoholic beverages based on interpretations of the CF. "Anvisa has the powers to apply the legislation in force but does not have the competency to innovate within the legal system creating new norms"<sup>111</sup>, alleged ABIA at the time of the decision triggered movement in the business community and a total of 11 associations representing the interests of the sector filed similar proceedings (among them the Brazilian Pasta and Industrialized Bread and Cake Industry Association (ABIMA), the National Restaurant Association (ANR) and the Brazilian Association of Soft Drink and Non-Alcoholic Beverage Industries (ABIR))<sup>112</sup>. It is important to note that before the judicialization, the Office of the Federal Attorney-General (AGU), responding to a manifestation of the National Council of Advertising Self-Regulation (Conar), recommended the suspension of RDC n° 24 until the final decision by the Federal General Consultancy Office. However, Anvisa did not heed this recommendation and kept the resolution in force<sup>112</sup>. Thus, the order by the AGU provided subsidies for judicialization by the production sector.

Even before the attempt by Anvisa to regulate advertising, other initiatives were already facing difficulties



to advance due to the corporate lobby; as an example, the various PLs moving through the National Congress, such as PL 5.921/ 2001<sup>113</sup>, which prohibits advertising to promote the sale of children's products, one of the first projects to address the issue, but which until the last consultation of this document had not been approved.

In this context, PL nº 6.998 of December 2013 arose, which originated the MLPI, published in March 2016. Its procedural protocol, which is considered to be moving quickly given of the density and importance of the subject, was only possible thanks to a favorable scenario for discussing of 'early childhood' theme due to a combination of factors. Among them are advocacy actions led by actors such as the Maria Cecilia Sou-to Vidigal Foundation (FMCSV), the National Early Childhood Network (RNPI) and the Childhood Science Center (NCPI). In May 2011, the Parliamentary Front for Early Childhood (herein referred to as Front) was created in the House of Representatives, composed of over 200 parliamentarians<sup>114</sup>. Based on the work carried out by this group, dozens of representatives took part in the Executive Leadership Program for Early Childhood Development<sup>115</sup>, in Harvard, USA, offered by the NCPI and the FMCSV. The Front took part



in the elaboration, processing and enactment of the MLPI<sup>99</sup> based on the PL presented by then federal representative Osmar Terra (MDB/RS), with the participation of congressman Darcísio Perondi (MDB/RS), both of them colleagues from the Executive Leadership Program Class of 2012<sup>99</sup>.

Thus, there was a favorable context for the approval of the MLPI, but it was not open to items that were considered 'controversial' and that were eventually suppressed. These included the increase in maternity leave, the establishment of breastfeeding rooms in companies, and the prohibition of advertising for children. The difficulty of monitoring and implementing these measures within the country's context at the time was cited as a justification. However, there is evidence of other factors that contributed more to this retreat, including lobbying and relat-

### 5.3 Children's Advertising and the Legal Framework for Early Childhood

ed conflicts of interest<sup>114</sup>. In contrast, the increase in paternity leave, which had been proposed for an additional 30 days, was approved for only 15 more days.

Representatives from civil society (FMCSV, NCPI, RNPI, Instituto Alana, ACT Promoção da Saúde and Idec) and from the commercial private sector (Coca-Cola®, Nestlé®, Mondel z®, Ambev®, National Industry Confederation (CNI) and the Brazilian Association of Radio and Television Broadcasters (ABERT) accompanied the 15th meeting of the Special Early Childhood Committee, on December 10, 2014, when the PL was approved. Negotiations on areas of disagreement, which ended up being suppressed took place behind the scenes, and there was no transparency in the process. The absence of official records of commercial sector participation makes it difficult to identify the role of these representatives in the process. But a study that investigated corporate political activities, based on interviews with the actors involved showed that other subjective issues influenced the representatives during the vote, such as the actual social relations created between them and the representatives of companies that financed some of the mandates, for example. There are also former employees of the food and beverage

industry working in government organizations or directly with members of Congress. Even an institution that represented civil society interests (the FMCSV) presented issues regarding conflict of interest due to partnerships with companies from the beverage sector. This type of relationship helped to secure access to key decision-makers and exert political influence<sup>109</sup>.

Therefore, one can see that the strategies identified in the case of the MLPI for the removal of advertising restrictions from the agenda are several and challenging to measure. Even within an extremely favorable context for the discussion and creation of legislation that protects early childhood, not all the advocacy work done was enough to overcome the corporate lobby and create more restrictions on children's advertising. That points to the importance of discussing the theme with civil society and identifying corporate political activity to the detriment of public interest and the protection of children in order to highlight them. It is only by recognizing the interests and forces involved that it is possible to create strategies to overcome them and finally enable the creation of public policies that can, in fact, protect social rights and interests instead of exclusively serving economic interests.



# THE INDUSTRY ATTACKS TO WEAKEN THE EARLY CHILDHOOD LEGAL FRAMEWORK

From creating philanthropic organizations and donations to campaigns to public positions and false arguments, the companies of food and beverages spent a wide range of resources to remove the ban on advertising to children from the Law.



## ACTING IN COALITION

The FMCSV is a private philanthropic organization supported by the heirs of banker Gastão Vidigal, son of the founder of the former Mercantil Bank, and has early childhood as its main cause. The Foundation played a leading role in the MLPI process, despite receiving funding from the commercial sector<sup>116</sup>.



## Instrumental Strategies

Its partners include Non-Governmental Organizations (NGOs) with business interests and foundations, including *Danone Early Life Nutrition*, FEMSA Foundation (a Coca-Cola® group franchise) and Fundação Lemann (founded by the owner of Ambev®)<sup>109</sup>.



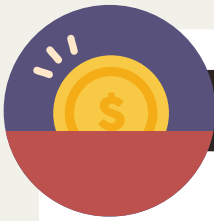
## POLITICAL INVOLVEMENT AND INFLUENCE

“Revolving door”: former *Big Food* employees working in government organizations and vice-versa.



## Instrumental Strategies

Frederico Borges, chief of staff for congressman Darcísio Perondi (MDB/RS), one of the authors of the MLPI and he acted against the regulation of children’s advertising, worked in the industry and later returned to the private sector (opening a private lobbying firm)<sup>117</sup>.



## INCENTIVES



## Instrumental Strategies

• Congressman Darcísio Perondi (MDB/RS), who was against the item that prohibited advertising to children, received funding from *Big Soda* (Ambev®)<sup>118</sup>.



## GOVERNANCE AND SHAPING THE DEBATE ON FOOD, NUTRITION AND HEALTH ISSUES



## Discourse strategies

*“Among the proposals presented, the items that provided for an increase in maternity leave, breastfeeding rooms in companies and a ban on children's advertising were rejected, although the merit of these proposals was not brought into question but rather their possibility of being implemented in the country's current context.”<sup>114</sup>*

- **Federal Congressman Osmar Terra, author of the MLPI.**

*“The rapporteur's commendable concern for children is highly noteworthy. However, the advertising theme and its associated controversies pose significant challenges. The Chamber of Deputies has been engaged in discussions on this issue since 2001,*

*with several bills presented, yet no consensus has been reached to enact them into law. While the theme is crucial and warrants responsible discussion, incorporating it into this project, which focuses on establishing Brazil's initial legal framework for early childhood, may jeopardize this important progress. Therefore, this amendment aims to remove the prohibition on advertising to children outlined in Article 27 of the rapporteur's proposal. It is essential to emphasize that the impact extends beyond early childhood alone, suggesting that this topic should be separately deliberated as it deviates from the overall context of our proposed legal framework.”<sup>119</sup>*

- **Congressman Darcísio Perondi**, in justification of the suppressive amendment to MLPI article 27.



## GOVERNANCE AND SHAPING THE DEBATE ON FOOD, NUTRITION AND HEALTH ISSUES



### Discourse strategies

As an argument for avoiding the regulation of advertising aimed at children, *Big Food* points to the existence of CONANDA Resolution no 163 of 2014/105, which provides for the targeting of advertising and marketing communication at children. At the same time that it is used strategically to avoid new regulations, the validity of the resolution has, since its origin, been questioned by both the food industry and representatives from the advertising market to avoid compliance. Representatives from the commercial media, such as ABERT and the Brazilian Broadcasters Association (Abra), said in a statement that they “acknowledge the Legislative Power, exercised by National Congress, as the only forum with the constitutional legitimacy to legislate on commercial advertising”<sup>120</sup>.



## ECONOMY



### Discourse strategies

One-year maternity leave:

Would increase government and business costs. It would be necessary to research this demand and the impact of the measure on women’s employability<sup>121</sup>.

Increase of paternity leave from five to 20 days:

With the argument that a relevant economic sector requested that the project be further discussed in plenary, then federal congressman Guilherme Campos (PSD/SP) issued a request (signed by a further 66 representatives) for the PL to return to the plenary session in the House of Representatives and not proceed to the Senate.



*“The maneuver is perfectly regimental, so I feel comfortable requesting that the bill be discussed in the plenary session.”<sup>122</sup>*

- Congressman Guilherme Campos.

# 5.4 TAXATION ON SUGAR SWEETENED BEVERAGES



# HOW TAXES CAN PROMOTE HEALTH AND SAVE LIVES

Even in light of the recommendation by the WHO, the taxation of sugar-sweetened beverages (SSB) is one of the topics on the regulatory agenda that suffer the most interference from the industry. The main corporations argue that the measure would have a negative economic negative impact. But the experience in more than 60 territories – between countries, states, and cities – shows gains for health and the economy.



## THE LOWER THE TAX...

Cheaper and more accessible products that harm population health;

More people spend buying these products and consuming them;

More people can develop chronic diseases, become unproductive and even die;



## THE BIGGER THE RATE...

*applying the rate of 20.7% proposed by the WHO*

Less the consumption of unhealthy drinks: -19.59%;

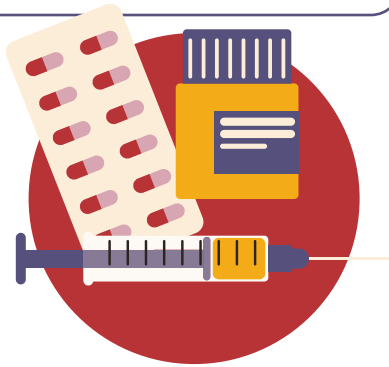
Higher the population's preference for other drinks, such as water, milk, and natural juice: +15%;

Lower incidence of NCDs and fewer premature deaths;



## THE LOWER THE TAX...

Less quality of life and more expenses with treatments and pension for the state;



The state grants business incentives, losing revenue...

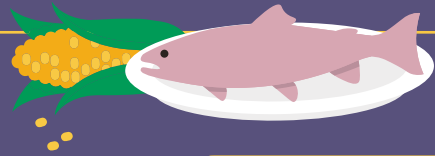
**COMPANIES**

...while companies' profit grows.

## THE BIGGER THE RATE...

*applying the rate of 20.7% proposed by the WHO*

The lower unhealthy foods consumption, the higher the household income available to buy healthy food;



Highest collection: an estimate of raising BRL 4.71 billion forward to the current BRL 294 thousand;

Greater participation in Gross Domestic Product Brazilian: BRL 2.59 billion;

More resources available for investments, for example, in Brazilian Unified Health System (SUS) and job creation



**T**he taxation on SSB – such as soft drinks, fruit drinks, nectars, energy drinks, chocolate milk, and isotonic drinks, among others – is the topic on the regulatory agenda that suffers the most interference by the industry and, therefore, cannot advance in proportion to its importance to public health. The WHO recommends a tax on SSB which increases the end price of these products by at least 20% to reduce their consumption, and consequently prevent and control NCDs<sup>123,124</sup>. This recommendation is because the consumption of SSB has been proven to be harmful to health and a burden the the health systems with the treatment of diseases<sup>125</sup>.

A study coordinated by the *Instituto de Efectividad Clínica y Sanitaria* (IECS – Institute of Clinical and Health Effectiveness)<sup>126</sup> reveals that the consumption of SSB is a burden on public coffers: SUS spends almost R\$ 3 billion per year on care for patients with diseases caused by the consumption of SSB. Of this total, about R\$140 million are spent on care for obese and overweight patients, and R\$2.86 billion on patients with other associated diseases (type 2 diabetes, heart diseases, cerebrovascular diseases,

kidney ailments, asthma, musculoskeletal diseases and cancer).

The industry, however, promotes strong and intense lobbying in Brazil and around the world so that taxing SSB does not advance. In the case that became known as Coca-Cola Leaks, in 2016, in which several e-mails written by executives of the multinational were leaked, a chart shows the priorities of the lobby and the main public policies for which the company must prepare itself, monitor or fight against, based on the likelihood of the measure coming to fruition and its impact on sales. On the chart, taxes appear as the most damaging public policy to the company's interests<sup>127</sup>.

Considering that a large number of Brazilian politicians received electoral donations<sup>128</sup> from the beverage sector<sup>129,130</sup>, which is also an important advertiser in the main media, it is not hard to understand the reasons for the debate over the measure to find so many obstacles to moving forward in the country. Nevertheless, the issue has been gaining momentum in recent years, mainly due to the actions by the Brazilian Federal Revenue Office, the National Treasury Attorney's Office and civil society organizations on the measure relevance,

#### 5.4 Taxation on sugar sweetened beverages

already approved by two-thirds of the Brazilian population<sup>131</sup>.

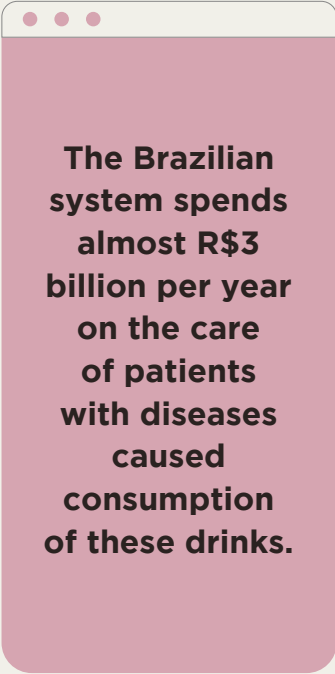
In debates on the subject, one of the main arguments used by the industry is the potential negative economic impact. However, the measure has already been adopted in over 60 territories around the globe, among countries, cities and states, such as Mexico, the UK, and cities in North America, such as Berkeley and Philadelphia. With this, there is already a robust body of evidence showing that the impacts are positive for both public health and the economy<sup>125</sup>.

In Brazil, recent research developed by the São Paulo University Economic Research Institute Foundation (FIPE/USP) to assess the impacts on the economy caused by taxing SSB, as well as on the consumption pattern, shows that increasing a national tax on these beverages would generate an increase in the retail price, thus reducing their consumption and promoting their replacement for healthier options, such as water,

milk and natural juice. It was found that the revenue from taxes increases according to the tax bracket and has an optimum tax revenue level of R\$7.10 billion per year when a tax rate of 47.6% is established<sup>132</sup>.

The FIPE/USP study specifically simulated the impacts on the gross domestic product (GDP) and job creation, considering the scenario in which the government would allocate this tax. The result was that the increments in GDP and the number of jobs are significant, and with the allocation of tax resources to public health, the increments would be even greater. The simulations also ascertained that due to the increase in milk consumption, the cattle-raising sector and the Northeastern region would be among those that would benefit most from the adoption of a higher tax on SSB<sup>132</sup>.

In Brazil, however, in addition to there not being a high tax on non-alcoholic SSB, manufacturers receive a series of tax incentives that benefit the whole production chain,



**The Brazilian system spends almost R\$3 billion per year on the care of patients with diseases caused by consumption of these drinks.**



causing the final price to consumers to be artificially low, thus encouraging consumption<sup>132</sup>. That is due mainly to the significant tax breaks granted to concentrated syrup producers located in the Manaus Free Trade Zone (ZFM) and the Western Amazon region, also to purchasing companies, as the result of zero or reduced rates for many taxes being applied<sup>133</sup>.

The levy of the Industrialized Product Tax (IPI), which must be based on the essentiality level of the product, as stipulated in §3º, item I, article 153 of the 1988 Federal Constitution, deserves to be highlighted. Thus, for sweetened beverages and cigarettes - products that have been proven harmful to health, the IPI must be increased to reduce consumption. However, the entire production chain of non-alcoholic sweetened beverages benefits from IPI exemption when purchasing concentrated syrup from manufacturers located in the ZFM.

Due to the non-cumulative nature of the IPI tax, it can be offset against

previously collected amounts when levied at various stages of the production chain. However, in the ZFM region, an exemption from IPI occurs during the sale of syrups, which is permitted exclusively in that area. In this scenario, the procuring companies can utilize a presumed tax credit as if the IPI tax had been collected. In summary, while the IPI tax is not collected during the procurement of inputs, it can be offset at subsequent stages of the production chain, as if the tax had been paid. Thus, the Brazilian Federal Revenue Office, in a document titled "Assessment of the taxation on the soft drink and other sugar-sweetened beverages sector"<sup>134</sup>, of 2018, found that the tax waiver would amount to

almost R\$4 billion per year and that the social benefits generated in the Amazon region through the production of the inputs are small when compared to the total tax waiver. It was also found that companies disobey the legislation that regulates the tax incentives granted, increasing the value of the tax waiver by overcharging on the invoices. The



#### 5.4 Taxation on sugar sweetened beverages

document indicates that even with tax adjustments, there would be no “emptying” of the ZFM and that the reduction in the value of tax incentives would positively impact public accounts. In addition, the analysis pointed out that the measure would not bring losses to the consumer nor job losses, for “the companies in the sector, who in Brazil are the biggest senders of profits and dividends abroad, have all the conditions to absorb an increase in their tax burden”, and that there is unfair competition in the soft drink and non-alcoholic beverage market<sup>135</sup>. In 2020 and 2021 combined, it is estimated that tax incentives via presumed IPI credits and Goods and Services Circulation Tax (ICMS) credits will exceed R\$5 billion<sup>136,137</sup>.

Thus, increased taxes on SSB is an effective measure to improve the population’s health, to increase tax revenue and consequently the economy, and will be even more effective if the distortions coming from the tax breaks in the ZFM are corrected. The industry, however, lobbies strongly to prevent any reductions in the billionaire tax benefits they get, which can be even higher due to illegal practices carried out by the companies<sup>134,136</sup>.

As of 2018, the Federal Government altered the IPI tax rate to reduce the size of the tax waiver that existed

until then, and what was seen was a strong mobilization of the economic sector, parliamentarians and politicians from the state of Amazonas to prevent this measure, with a subsequent “up and down” in IPI tax rates for concentrated syrups. Until 2022, the tax benefits are maintained, assured by the CF, by the legislation and by a decision made by the Federal Supreme Court (STF), being reduced solely for the protection of public interests by an act of the President of the Republic<sup>136,137</sup>, who has the prerogative to alter the IPI tax rate.

To ensure the maintenance of the benefit, ABIR president Alexandre Krueel Jobim, who represents Coca-Cola® and Ambev®<sup>138</sup>, engaged in lobbying efforts for a change in the IPI rate at the Executive Branch. These lobbying activities took place at the Presidential Palace (Planalto Palace), outside the official agenda<sup>139</sup>. Simultaneously, parliamentarians and politicians from the state of Amazonas took action by introducing multiple House Legislative Decree Projects (PDCs) in the National Congress to nullify the President’s decision to modify the IPI rate<sup>140,141,142</sup>. Furthermore, the governor of Amazonas filed a Direct Action of Unconstitutionality (ADI) at the STF, seeking to invalidate the Presidential Act (ADI nº 5.987)<sup>143</sup>.

As if this action directed at the Executive, Legislative and Judiciary Branches were not enough, the beverage manufacturers and their allies continued to encourage the consumption of their products through mass media campaigns and appeals to social agendas, in addition to funding studies, researchers and scientific events in an attempt to dissociate these products from the harm they cause to health and the planet<sup>144</sup>. For that reason, civil society has been organizing itself to inform and create awareness about the damages caused by SSB to public health, about the billion-dollar tax benefits that generate tax distortions and to present a national proposal for increase taxes on SSB.

Spearheaded by ACT Promoção da Saúde and with the support of the Alliance for Adequate and Healthy Food, there is the #TributoSaúde<sup>145</sup>, (#Healthy Tax) Campaign to promote activities such as the Tenda da Felicidade<sup>146</sup> (Tent of Happiness), the broadcast of informative campaigns through TV adverts, printed newspapers, bus stops and subway stations, calls to

sign petitions, participation in public hearings and other events presenting the theme and providing a range of scientific evidence corroborating the effectiveness of the measure. From behind the scenes of the campaign, it is worth highlighting that ACT was prevented by MetroRio from publicizing the Healthy Tribute campaign at Botafogo subway station, in Rio de Janeiro, months before Coca-Cola® bought the rights to insert its brand name in the name of the station, which was renamed Botafogo/Coca-Cola as from January 2021<sup>147,148</sup>.

As previously mentioned, taxing SSB beverages is part of a set of measures aimed at creating food environments that prioritize healthy choices, and its implementation is urgent. In the current economic crisis scenario, the dismantling of public policies and a reduction of investments in public health, it is imperative to promote measures that result in higher tax revenues, reduction in deaths and cases of NCDs, and an end to subsidies for multi-billion dollar multinational companies.

## INDUSTRY INTERFERENCE IN TAX POLICIES

Large international corporations of ultra-processed products promote heavy lobbying in Brazil and other countries against the taxation of their products. The SSB industry, such as soft drinks, is a clear example of this agenda, including offering large electoral donations to politicians.

See below how the industry influences tax rules in the country, creating unfavorable conditions for adequate and healthy food for the population.



### COALITION

ABIR acts as a significant spokesperson for the non-alcoholic beverage industry, advocating for large corporations such as Coca-Cola® and Ambev®, primarily in protecting ZFM subsidies.

After civil society started using “tax” instead of “fee”, the industry did the same, under the same narrative of the civil society, which may point to the monitoring of advocacy operations and strategies of these groups.



### Instrumental strategies

Marcia Terra, SBAN’s representative, with Coca-Cola® as one of her associates<sup>149</sup>, was against the taxation of sugar-sweetened beverages during a public hearing in the House of Representatives on October 31st, 2017<sup>150,151</sup>. In December of the same year, the Brazilian Institute of Ethics in Competition (ETCO), which at the time had Coca-Cola® and Ambev® as its associates<sup>152</sup> was also contrary to the initiative<sup>153</sup>. In January 2020, Evandro Gussi, CEO of the Brazilian Sugarcane Industry Association (UNICA), published a note in the Brazilian newspaper “Folha de S. Paulo” questioning the effectiveness of the measure<sup>154</sup>.



## INFORMATION MANAGEMENT



## Instrumental strategies

Publication *Brasil Beverage Trends 2020* by ITAL, from the State of São Paulo, with the support of ABIR, which sets trends for the sector and the consequences for companies in the upcoming years, considers as “a very radical stance” the actions aimed at reducing the consumption of ultra-processed products emphasizing their harm, in addition to criticizing the NEW classification of foods and the taxation of beverages based on biased studies<sup>155</sup>.

“A survey performed by the Ministry of Health (Vigitel) showed a 72% increase in the obesity index from 2006 to 2019. Contrary to these data, the frequency of regular consumption of soft drinks and sugar-sweetened beverages reduced by 51.5% from 2007 to 2019. That is, there is no direct relation between soda consumption and obesity, a multifactorial disease.”  
- Excerpt from ABIR note published in the Brazilian newspaper “Valor Econômico” on September 29, 2020<sup>156</sup>. The note, however, disregards that even with this reduction, soft drinks are still the fifth most consumed product by Brazilians, only behind coffee, rice, beans and juices, and ignores that such data should not be considered separately<sup>157</sup>.

In addition, the note ignores that the increase in taxation also aims to improve the collection, health indicators, and correct tax distortions and does not mention the research conducted by WHO, the World Bank and, more recently, the FIPE/USP showing the benefits to public health arising from the taxation of sugar-sweetened beverages.



## INFORMATION MANAGEMENT



## Instrumental strategies

In content sponsored by ABIR, the *website* Poder 360 released a survey where 69% of Brazilians “claim to be against the tax increase to reduce the consumption of soft drinks and industrialized juices”<sup>158</sup>. Unlike the survey that shows the support of 2/3 of the population to the measure, it does not address the low healthiness of sugar-sweetened beverages, nor the possibility of using tax money to increase funds to finance health, directing the interviewee’s focus only on the issue of creating another tax<sup>131</sup>.

Several Brazilian scientists and researchers sponsored directly or indirectly by Coca-Cola® act as advocates of physical activity as the leading measure against obesity - in line with what the brand shows in its product campaigns - and thus obscuring the sugar-sweetened beverages consumption impact on weight gain and other diseases. A journalistic investigation has already shown examples of researchers from the Physical Aptitude Laboratory Study Center of São Caetano do Sul (Celafiscs), cases from the Federal University of São Paulo (UNIFESP), one of which is a former coordinator of the Task Force on Healthy Lifestyles of ILSI, and a pensioner from Campinas State University School of Food Engineering (FEA/Unicamp), among others<sup>159</sup>.



## PARTICIPATION AND INFLUENCE IN POLITICS



### Instrumental strategies

In 1995, the former Supreme Court Justice Minister Nelson Jobim led in that court a decision that guaranteed sugar-sweetened beverage companies tax credits that are not paid. In 2017, his son, Alexandre Jobim, president of ABIR at that time, headed the movement to maintain such benefit<sup>160</sup>.

Documents obtained by the *website* “O Joio e o Trigo” show how Senator Tasso Jereissati (PSDB/CE), owner of one of the largest Coca-Cola® bottlers in Brazil, intervened with the Minister of Finance at that time, Guido Mantega, and managed to issue a new decree in 2008 when the Internal Revenue Office recommended putting an end to tax credits<sup>161</sup>.

Research executed by the São Paulo University School of Public Health (FSP/USP) identified that 48 out of the 81 senators and 237 out of the 513 federal representatives who held office from 2015 to 2019 had campaign funds from *Big Soda*. “According to the paper, this influence was also ascertained in their votes in Congress and can be seen mainly in the difficulties to process projects which alter the regulation and taxation of the beverage industry”<sup>162</sup>.

Coca-Cola® and Ambev® have threatened to shut down activities in Brazil after reducing the IPI rate from 20% to 4% for the beverage sector at ZFM in 2018<sup>163</sup> since this rate reduction would consequently result in fewer presumed tax credits to be used.



## PARTICIPATION AND INFLUENCE IN POLITICS



### Instrumental strategies

At least three PDCs were submitted to suspend the effects of Decree No. 9.394/2018, which changed the Tax Chart for Industrialized Products (Tipi), reducing the tax credit from 20% to 4% for the ZFM beverage sector<sup>164</sup>. They are PDC No. 1011/18, by Senator Vanessa Grazziotin at that time (PCdoB-AM) and Senator Omar Aziz (PSD-AM)<sup>18</sup>, PDC No. 366/18 by federal representative Pauderney Avelino (DEM / AM)<sup>138</sup> and PDC No. 969/18, from the Federal representative Silas Câmara (former PRB, current Republicanos/AM)<sup>139</sup>.

In addition to the PDCs, Amazonas representatives, alongside the State Governor, met with the Chairman of the House of Representatives, Rodrigo Maia (at the time DEM-RJ) at the official residence, to discuss an alternative [to Decree No. 3,394/2018]. The Minister of Finance, Eduardo Guardia, and the Secretary of the Federal Revenue Office, Jorge Rachid, attended the meeting<sup>164</sup>.

Aiming to suspend Decree No. 3,394/2018, Senator Eduardo Braga (MDB/AM) brought up the 'untouchability' of ZFM benefits and stated that the Minister of Finance would consult the Prosecutor's Office of the National Treasury on the constitutionality of the decree. *"If positive, we will move forward. If not, we will try to recover ZFM's right and the legal certainty of the sector's investments through the Federal Supreme Court or a legislative decree"*. In 2010, he received R\$ 140 thousand from Arosuco and R\$ 75 thousand from Schincariol, while the State directory raised another R\$ 50 thousand from Recofarma<sup>143</sup>.





## ECONOMY



## Discursive strategies



*“The suspension of incentives would hinder investments in the region and put at risk not only thousands of jobs created by the non-alcoholic beverage industries but also the conservation of the largest tropical forest on the planet: the Amazon.”*

- Speech from the president of the Amazonas State Industrial Federation (Fieam), **Antonio Silva**<sup>165</sup>, in response to the statement of the Association of Brazilian Soft Drinks Manufacturers (AFREBRAS) that questions IPI credits model at ZFM<sup>166</sup>.



## SHAPING THE DEBATE ON FOOD, NUTRITION AND HEALTH ISSUES



## Discursive strategies



*“Attributing responsibility to a single product is a dangerous oversimplification that throws us off the real solution to the problem. Tax does not manufacture health.”*

- Excerpt from an ABIR note published in **Valor Econômico** newspaper on September 29, 2020<sup>156</sup>.



## SHAPING THE DEBATE ON FOOD, NUTRITION AND HEALTH ISSUES



### Discursive strategies

The same arguments as those of Big Soda were used in an opinion poll titled “Increasing the tax on sugar-sweetened beverages may not reduce obesity”, signed by the former Minister of Finance and member of Tendências Consultoria Integrada, Mailson Nobrega, published in Folha de S. Paulo newspaper in August 2021<sup>167</sup>. Find some excerpts below:

*“Given that obesity is associated with multiple causes, using an extra tax on a specific food group, with relatively low participation in the Brazilian’s eating habits, does not seem to be an effective measure to solve the issue.”<sup>167</sup>*

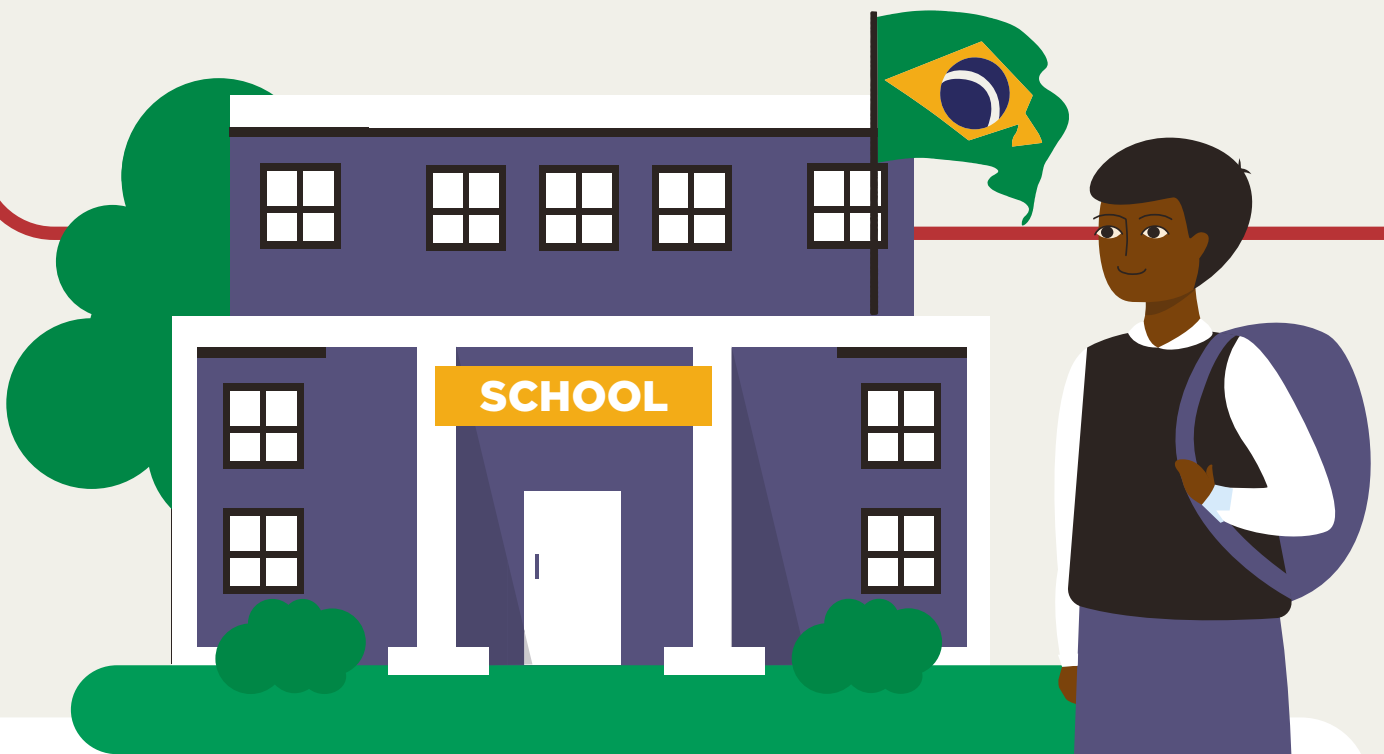
*“A more effective path would be to combine health promotion measures, such as awareness campaigns, with incentives to practice physical activities and eat healthy foods”<sup>167</sup>.*

*“Another path, already underway, is voluntary agreements between the industry and the Brazilian Ministry of Health for the progressive reduction of sugar, sodium and trans-fat in processed foods and beverages. Promoting a richer informational environment, with clear and objective nutritional labels, reducing portions and offering a wider range of products are other initiatives that contribute to conscious food choices”<sup>167</sup>.*

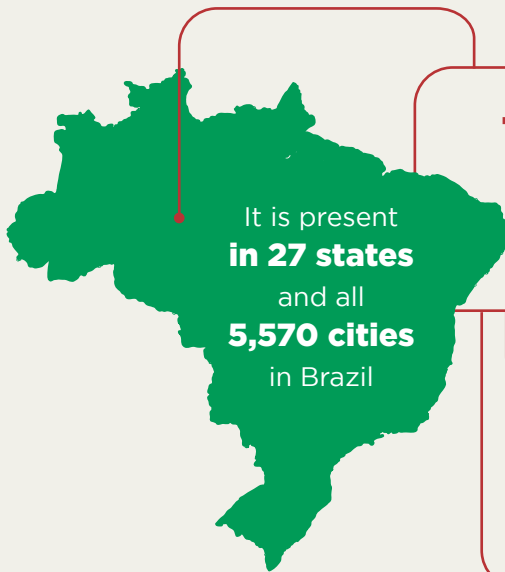
Here, it is relevant to remember that Brazilian and international experiences, as well as scientific evidence, have already proven that voluntary agreements are not effective in reducing the use of critical ingredients, such as those mentioned in the text, and that public policies are by far the most appropriate measures<sup>168,169</sup>.



# 5.5 BRAZILIAN NATIONAL SCHOOL FEEDING PROGRAM (PNAE)



# PNAE: THE OLDEST FOOD POLICY IN BRAZIL



It is present  
**in 27 states**  
and all  
**5,570 cities**  
in Brazil

## THE PNAE- BRAZILIAN NATIONAL SCHOOL FEEDING PROGRAM:

Serves around **40 million** Basic Education students of the public network

It is **over 60** years of existence



**It was established by Law, Decree, and tripartite budget**, assuring the students of the promotion, protection, and guarantee of the DHAA, and the food and nutrition security (SAN), which should be universal and free.



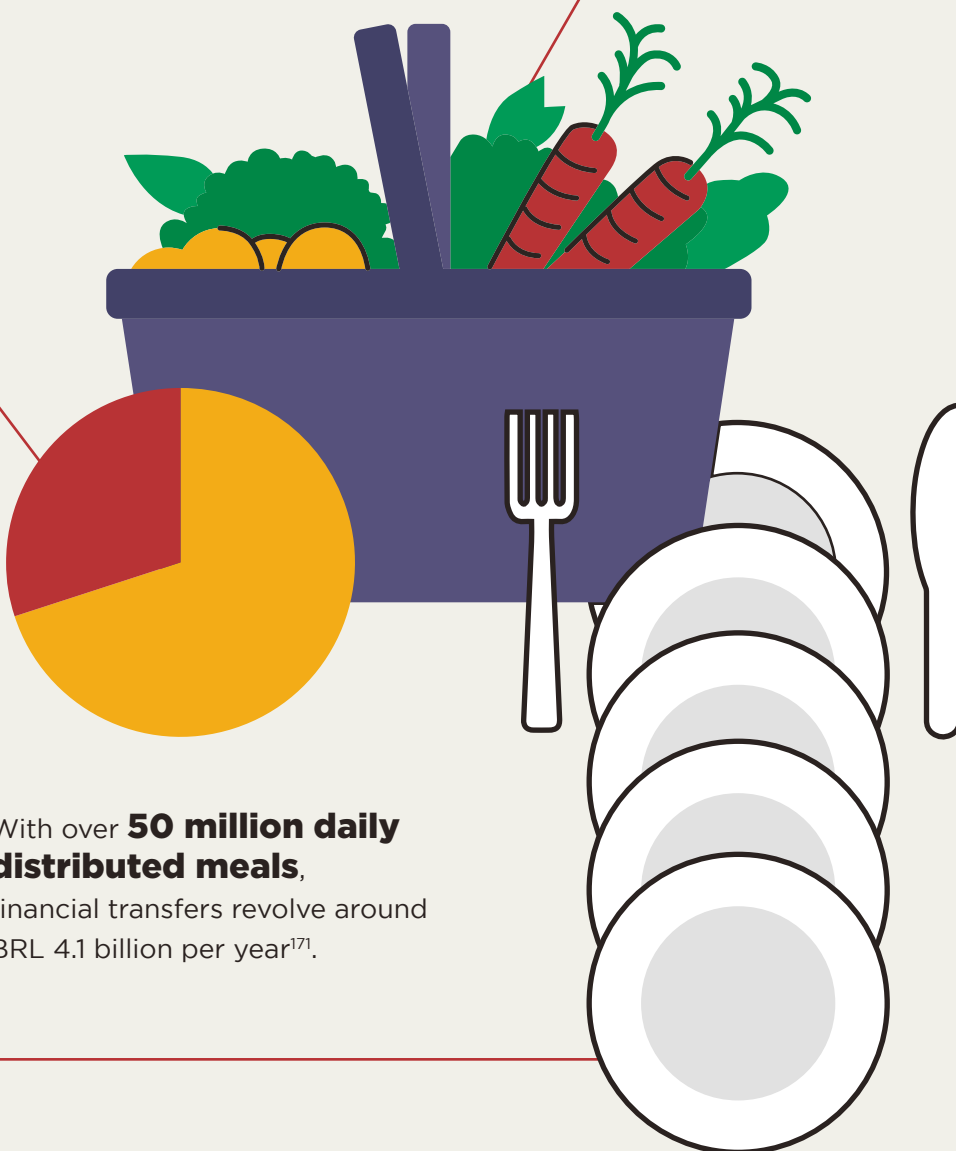
**It aims to contribute to the formation of healthy eating habits** in students through food and nutrition education actions and by offering healthy meals.



**Recognized nationally and internationally responsible for ensuring access to food for students**, being responsible for removing Brazil from the Hunger Map in 2016 and reducing the prevalence of malnutrition in the country.

PNAE establishes the obligation that **at least 30%** of the financial resources transferred by the Union are used in purchasing products directly from **family farming**.

The program integrates **family farming** and **school feeding**, incorporating the principles of equity, social participation, sustainability and respect for regional habits and traditions.



With over **50 million daily distributed meals**, financial transfers revolve around BRL 4.1 billion per year<sup>171</sup>.

**T**he social distancing imposed by the COVID-19 pandemic in early 2020 affected millions of Brazilian students who had to be away from school. Consequently, children and adolescents were left without access to what, in many cases, would be the only or the main meal of the day: the school meal. In a scenario of political, economic and social crisis, there was room for opportunistic discussions to change Law No. 11,947 / 2009, which regulates the PNAE, to act as a guarantee of the production flow of specific foodstuffs.

PNAE is the oldest public public policy to ensure food and nutrition security in Brazil and is considered a successful case. It is recognized by the *Food and Agriculture Organization of the United Nations* (FAO) and served as a model to implement similar programs in African, Latin American and Caribbean countries<sup>170</sup>. It is present in 27 Brazilian States and 5,570 municipalities and serves about 40 million students from public elementary education. With more than 50 million meals distributed daily, financial transfers run around R\$ 4.1 billion per year<sup>171</sup>.

The student's meal is a guaranteed right set forth by the Federal Constitution of 1988, but the current pro-

gram guidelines were established by Law No. 11,947 dated 2009<sup>172</sup>. Its purpose is to achieve the students' nutritional needs and to contribute to their growth, development, learning and educational performance, in addition to contributing to the development of healthy eating habits. Due to its size encompassing both the population served and resources, the PNAE has always been a subject of dispute and conflicts of interest<sup>171</sup>. It represents an immense channel to absorb food production and to create future demand, fostering consumption habits in children and adolescents throughout the country.

One of the most recent attempts from the meat and dairy productive sector<sup>173</sup> to benefit from PNAE funds is the bill of law No. 3,292/2020<sup>174</sup>, authored by federal representative Vitor Hugo (PL/GO, former PSL). It establishes a minimum percentage of 40% of the funds transferred by the National Fund for Education Development (FNDE) to the Program for the acquisition of fluid milk. The bill of law was submitted in the month that followed the "Milk Challenge" campaign, promoted in May 2020 by the Brazilian Association of Milk Producers (Abraleite), to promote the sector and encourage the consumption of milk and dairy products. Both the President of Brazil,

Jair Bolsonaro (PL / RJ), and the Minister of Agriculture, Tereza Cristina, took part in it.<sup>175</sup>

Approved as an “urgent matter” in the House of Representatives, the bill of law also modifies another important topic: it removes the priority of purchase granted to family agriculture, land reform settlements, indigenous and Quilombolas communities and traditional peoples. The bill of law still awaits the consideration of the Senate, but it evoked concern and led to the mobilization of organizations of civil society throughout Brazil, such as the School Feeding Observatory (OAE)<sup>176</sup>, the Alliance for Adequate and Healthy Food<sup>177</sup>, the Brazilian Nutrition Association (ASBRAN), the ACT Health Promotion, the Federal Council of Nutritionists (CFN), the National Agricultural Workers’ Confederation (CONTAG), the National Federation of Nutritionists (FNN), FIAN Brazil and Idec, who highlighted the risks posed in the proposal to PNAE and the conflicts of interest involved<sup>178</sup>. Some of the main problems evi-

denced are the withdrawal of the autonomy of States and municipalities in the definition of the school menu, which should be based on local supply and seasonality, among other factors, creating a precedent of market reserve that can make the PNAE vulnerable to interests and *lobby* of the food and beverage industry.



**At the end of the 1970s, only 12 companies supplied inputs for school feeding.**

Since the introduction of school lunches in the 1950s, the *Big Food* and *Big Agro lobby* has been present, mainly because purchases were initially centralized by the federal government, which also planned the menu and distributed the food throughout the Brazilian territory. In the late 1970s, for example, only 12 companies provided inputs for school meals<sup>171</sup>, and of these, only four were responsible for more than 70% of food purchases. How-

ever, the decentralization of food purchasing through Law No. 8913 of 1994 (which municipalized school meals) and the change in the normative framework of the PNAE made it more difficult for companies to interfere in the purchase of school meals



and strengthened participation and social control. Thus, the *Big Food* and *Big Agro* turned their attention to the legislative branch, as in a bill of law No. 4,195/12<sup>179</sup>, that addresses the inclusion of pork as a mandatory item in school feeding throughout the country and which strategically returned to be discussed in the House of Representatives recently, fueled by the favorable context after the approval of the bill of law on fluid milk. The law originated from a proposal submitted by the Brazilian Association of Pig Farmers (ABCS)<sup>180</sup> to the federal representative Afonso Hamm (PP-RS). The proposal has no relation to PNAE guidelines, which provide for the guarantee of the food and nutrition security of students; however, by mentioning a specific food, it aims to meet the economic interests of pig producers, increasing their *per capita* consump-

tion and reducing financial losses in the sector.

Moreover, there are several bills of law in the House of Representatives intending to amend PNAE's regulations, trying to create a market reserve for the most different types of foods. However, such proposals contradict the guidelines of the program, particularly the requirement that school meal menus be prepared by a qualified nutritionist to ensure an appropriate and healthy diet. To this end, the professional must rely on the use of fresh foods or minimally processed (following the Resolution of FNDE's Advisory Board No. 06/2020<sup>181</sup>, which follows the recommendations of the Dietary Guidelines for the Brazilian population<sup>182</sup>), respecting nutritional needs, culture and local eating habits. Furthermore, relevant factors such as food transportation and storage logistics, which were completely disregarded in the preceding bills, should also be taken into account. With the suspension of *in-person* classes during the pandemic, the PNAE had to be temporarily adapted to respond to emerging challenges. A law by the Federal Government<sup>183</sup> exceptionally authorized the food purchased with FNDE funds allocated to the Program towards the students' families. States and municipalities were free to choose how to use their funds.



As the logistics for procurement, storage and distribution of fresh foods, such as fruits and vegetables, is rather complex, family farmers faced cuts or cancellation of sales for the Program, and, consequently, had their food and nutrition security affected. Different ways to replace school meals when students were away from school were chosen, such as the distribution of food baskets and food *kits*, ready-made meals and even money transfers to families.

In this sense, the private sector also took advantage of the moment to show their interest in the Program funds: financial operators not only disputed access to this significant market (which includes the data of millions of consumers, as well as privileged consumption information from the purchases made by the cards and applications) but also made themselves available as a future option for the Program<sup>184,185,186</sup>. The transfer of funds is a possibility during exceptional scenarios; however, it goes against PNAE's principles and goals, in addition to putting at risk access to adequate and healthy food, because the amounts transferred are not sufficient for the acquisition of a complete meal by a family, once the purchases volume is

much lower when compared to that made by States and municipalities<sup>187</sup>.

Another discussion that often surrounds the Program relates to its outsourcing. Under arguments of improving the quality of service and reducing costs, this practice raises concern on different aspects, including lower quality of meals and the difficulty in monitoring purchases made by outsourced companies.

While the Legislative Branch makes room for private interests to raise funds and modify PNAE guidelines, urgent issues for the population served by the Program remain left out, such as the current insig-



nificant amount of the federal transfer, which runs around R\$ 7 per month per student<sup>188</sup>, which forces States and municipalities to bear most of the costs<sup>189</sup>. In addition, there is a lack of adequate facilities to prepare and store meals in many schools, ranging from basic sanitation and piped water to proper space and equipment for children and adolescents who eat at schools daily.

PNAE is a strategy to guarantee a

**Urgent issues continue to be ignored, such as the very low amount of the federal transfer, around R\$7 per month per student.**

Brazilian constitutional right and the needs of the population. Due to its participation and social control mechanisms, it has civil society monitoring and control to avoid conflicts of interest in decision-making processes. These tools are even more important in the context of dismantling programs and public

policies to supply and support food production<sup>189</sup>, to prevent the program from being used as a strategy to favor the productive sector.

## **PNAE and the incentive to small producers**

In addition to ensuring food to the students, PNAE also supports sustainable development by encouraging the acquisition of diversified, seasonal and locally produced foodstuffs. To reduce the distances between the production and consumption of the meal and strengthen food and nutrition security actions for the school community and the farmers of the region, at least 30% of FNDE's federal funds (the same being disputed by the bill of law on fluid milk) should be allocated for the acquisition of food from small producers (or family farming in Brazil). But this has always been criticized by the productive sector, precisely because it guarantees a market to small producers - and not to the big producers that have historically dominated sales.

# THE DISPUTE OF INTERESTS ABOUT THE PNAE

The PNAE provides an outlet for an enormous amount of food and moves a huge volume of resources since the policy meets all the municipalities in Brazil.

The industry sees in the PNAE an opportunity to sell specific products, such as milk and pork meat, without considering local production and consumption.

In addition to trying to reduce the mandatory amount of food from family farming, corporations suggest outsourcing the PNAE.

Check below the list of industry resources to attack the PNAE.



## COALITION



## Instrumental strategies

Milk Challenge, promoted by Abraleite, launched in the month before the proposal of the bill of law No. 3,292/2020:

- Articles on *websites* and posts on social media encouraging the consumption of milk and emphasizing nutritional features and health benefits<sup>190,191</sup>.
- Participation of dairy farmers, public figures and politicians in the Milk Challenge<sup>192</sup>.
- The Portal “Canal Rural” participated in the Milk Challenge and invited readers to post photos on social media and share with the portal *hashtag*<sup>175</sup>.

Seeking involvement from society, dairy farmers called on their peers to record videos on social media in support of the project of law No. 3,292/2020<sup>193,194,195</sup>.



## PARTICIPATION AND INFLUENCE IN POLITICS



### Instrumental strategies

Approach the productive sector with the Legislative and Executive Branches. The President of Brazil and the Minister of Agriculture participated in the “Milk Challenge”<sup>175</sup>.

Incidence in federal representatives for drafting the bill of law and its approval. Example:

Bill of Law No. 3.195/12 – drawn up from a proposal submitted by ABCS<sup>180</sup> to representative Afonso Hamm (PP/RS) in April 2012, who filed the Bill of Law in July of the same year. Awaiting voting in the House of Representatives.

Bill of Law No. 3.292 / 2020 - Mobilization of producers from all over the country, who campaigned on social media to support the bill of law<sup>193,194,195</sup>. Approved in the House of Representatives, it awaits consideration by the Senate.

The House of Representatives creates the Parliamentary Front in Support of Milk Producers (FPPL)<sup>196,197</sup>, led by federal representative Vitor Hugo (PL/GO) and backed by social movements such as Building Milk Brazil (Construindo Leite Brasil), milk infidelity (Inconfidência Leiteira), Alliance and Action, Union and Action and Ação Aproleite Goiás. The front intends to push for the approval of Bill of Law No. 3,292 / 2020.



## ECONOMY



### Discursive strategies

Bills of law No. 3195 / 12 and No. 3292 / 2020 aim to ensure a future consumer market by creating the habit of consuming pork and milk by children and adolescents. *“Children have a much greater acceptance and curiosity to experience the new”*<sup>198</sup>.

Bill of Law No. 3,195 / 12 - Purpose *“to offer producers a production flow guarantee”*<sup>179</sup>.

PNAE outsourced management - improve the quality of service provided and cut costs<sup>200</sup>.

Bill of Law No. 3.292/2020 - Intends to *“stimulate regional milk production and foster income generation where students who consume the product are located”*<sup>199</sup> (Federal Representative Vitor Hugo).



## TAILOR THE DEBATE ON FOOD, NUTRITION AND HEALTH ISSUES



### Discursive strategies

Bill of Law No. 3.195/12 - Provide students with a *“quality protein source”*<sup>201</sup> (in this case, pork) - Federal Representative Afonso Hamm.



5.6

# DONATIONS IN THE COVID-19 PANDEMIC



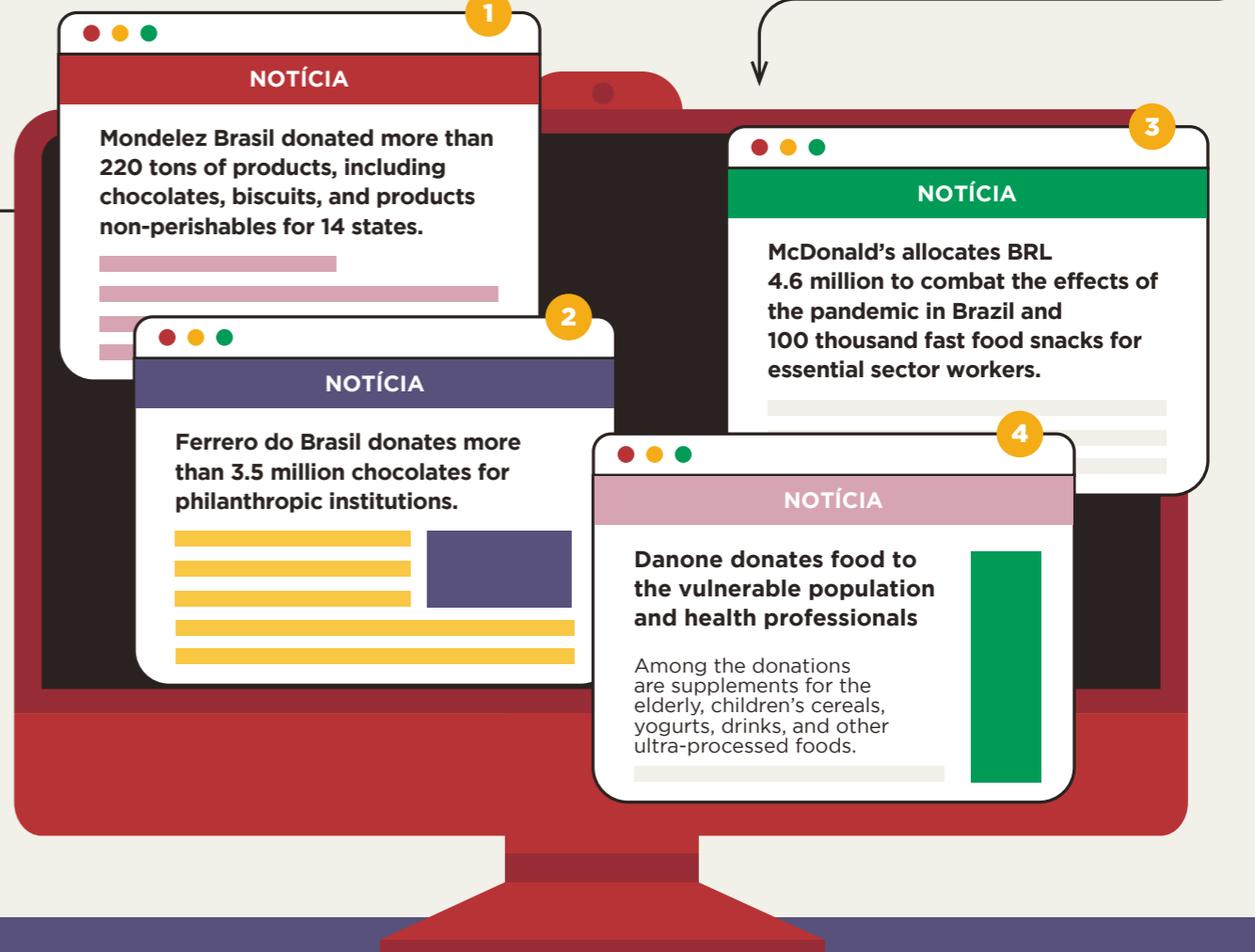
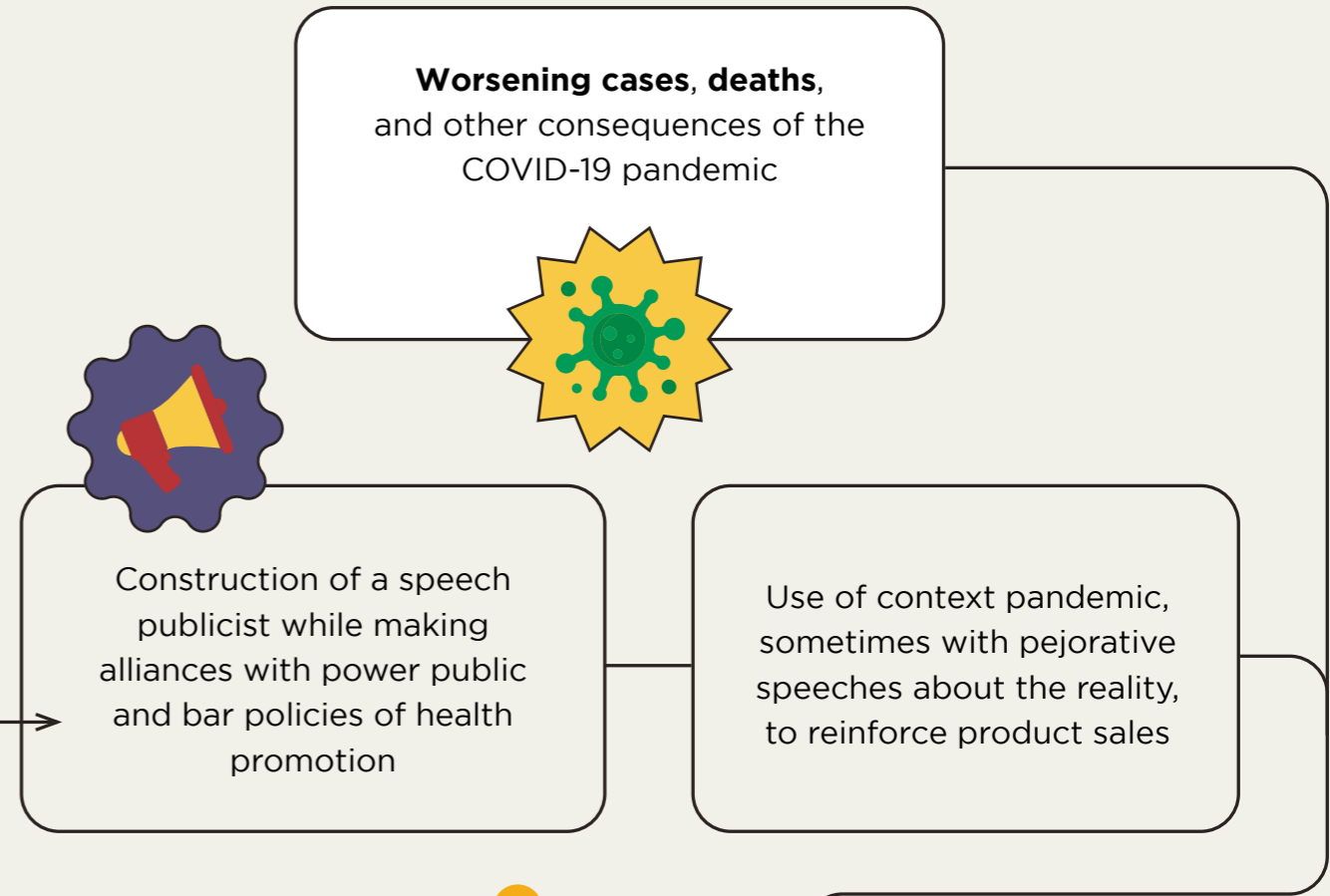
# CONTRADICTIONARY BENEFICENCE

And when part of the problem sells itself as a solution?

The strategy of carrying out self-promotion actions disguised as philanthropy and social responsibility is nothing new among corporations. In addition to improving the image between consumers and policymakers, the decision paving the way for interference in public policies, companies still take the products to vulnerable populations which are potential new and loyal consumers.



Promotion and production of foods with high amounts of sugars, sodium and fats, which leads to:



1. <https://g1.globo.com/jornal-nacional/noticia/2020/05/25/solidariedade-sa-doacao-de-alimentos-testes-covid-e-equipamentos-de-protecao.ghtml>  
 2. <https://g1.globo.com/jornal-nacional/noticia/2020/10/06/solidariedade-sa-doacao-de-chocolates-a-instituicoes-filantropicas.ghtml>

3. <https://globoplay.globo.com/v/8725560/>  
 4. <https://g1.globo.com/jornal-nacional/noticia/2020/05/11/solidariedade-sa-doacao-de-alimentos-para-populacao-vulneravel-e-profissionais-de-saude.ghtml>

## 5.6 Donations in the COVID-19 pandemic

**P**hilanthropy and social responsibility are well-known actions among the strategies adopted by the food industry toward society. Creating institutions focused on such purposes or through donations, these actions are intensified in moments of health crisis and public calamity, as observed during the COVID-19 pandemic starting in 2020. That occurs because such measures take the form of self-promotion: In addition to improving the company's perception with consumers, society in general, decision-makers and public authorities, it allows for their interference in public policies, expanding their products to a vulnerable public, who are new potential and loyal consumers. Furthermore, it increases brand mentions as it becomes spontaneous advertising. At the same time, donations result in tax benefits<sup>202</sup>, cutting costs with disposals and ICMS deductions. In many cases, the amount donated is minimal to these companies considering the profit and other benefits therefrom.

In the first months of the COVID-19 pandemic, this type of practice could be seen almost daily on social media and the main TV news in the country - Jornal Nacional, from Rede Globo - which changed the editorial headline and started broadcasting philanthropic actions performed by large companies in *Solidariedade S/A*<sup>203</sup>. Considering the scope and popularity of this TV news, it is clear the importance of having business actions broadcast, especially since they were portrayed without any questioning or criticism regarding the truthfulness of amounts, products donated or even about how companies dealt with the restrictions imposed by the pandemic, ignoring issues such as violations of labor rights and non-compliance with health and safety<sup>1</sup>.

Thus, for six months, more than 140 companies had donations exalted on Jornal Nacional, of which 26 (about 18%) were from the food and beverage sector<sup>204</sup>. The donations were divided into four main types: donation of funds, food, products,



equipment and inputs for hospitals. While most companies chose to donate funds, which were intended for NGOs or the purchase of devices or hospital beds, many chose to donate equipment and inputs directly, such as hand sanitizer, respirators, masks and other personal protective equipment (PPE). The donation of food, especially ready-made meals and food baskets were also widely made, and some companies donated items from their portfolio,

many of which were ultra-processed foods and beverages.

It is worth emphasizing in this category the donation of *fast-food* combo meals for key workers during the pandemic, the setting up of refrigerators with dairy beverages for health professionals, the donation of chocolate to philanthropic organizations and soft drinks to communities, institutions and health professionals (Chart 1), among others.

**Table 1.** Donations of food products presented in Solidariedade S.A., from April to October 2020, on Jornal Nacional.

Company	Donation	Destination of donations
Nestlé® <sup>205,206</sup>	800 tons of food, beverages and nutritional supplement; 1.5 million Easter eggs made with chocolate	Nursing homes, shelters, poor communities and waste pickers' cooperatives; hospitals and vulnerable populations
Coca-Cola Brasil® <sup>207</sup>	A million liters of beverages and food	Communities, institutions and health professionals
Danone® <sup>208</sup>	230 tons of food, including supplements for the elderly, children's cereals, yogurts and beverages and 15 thousand unspecified products	Governments of the States of São Paulo and Minas Gerais

**5.6 Donations in the  
COVID-19 pandemic**

PepsiCo® <sup>209</sup>	105 tons of products, equivalent to more than one million units, including food and beverage	Eight States
Kraft-Heinz® <sup>210</sup>	30 tons of products	NGO Food Bank, in São Paulo and Central Única de Favelas in Goiás (social organization in a Brazilian state)
Minerva Foods® <sup>211</sup>	120 tons of protein (unspecified, but in addition to beef, the company also sells offal, hamburgers, <i>nuggets</i> and sausages), beef and canned food (undefined)	Elderly homes, care institutions and health departments in eight cities where the company has industrial units
Mondelez Brasil® <sup>212</sup>	220 tons of products, including chocolate, cookies and other foods	14 States; employees at two hospitals
Vigor Alimentos® <sup>213</sup>	195 tons of products of their brands (yogurts, cheese, milk, etc.); installation of refrigerators with yogurts.	“Mesa Brasil” Sesc and NGO Food Bank; 4,500 health professionals from three hospitals in São Paulo
McDonald’s® <sup>214</sup>	100 thousand meals	Key workers such as truck drivers, recycling and healthcare professionals
Burger King® <sup>215</sup>	575 thousand sandwiches	Hospitals in Rio de Janeiro, São Paulo and Fortaleza; NGOs and social projects such as Mesa Brasil, Banco de Alimentos and Rio da Paz
Ferrero do Brasil® <sup>216</sup>	3.5 million chocolate bars	Twenty philanthropic organizations

The actions taken by these companies are deemed positive in the eyes of the population, despite the fact they provided food and beverages associated with an increase in obesity and NCDs to a socially vulnerable and more affected community precisely due to the aforementioned health problems. The contradiction between these actions and the negative impacts on public health and the environment these companies foster cannot be ignored, in addition to labor relations insecurity and excessive profit derived from all this, creating a *marketing* action disguised as philanthropy<sup>217,218,219</sup>.

**We cannot ignore the incoherence between these actions and the negative impacts on public health and the environment promoted by the same companies.**

Another similar action was conducted by the Brazilian Supermarket Association (ABRAS), which, in addition to having set up donation collection stations in stores, also made available a card - donation (voucher) worth R\$ 100.00 to be used in their stores. In other words, they guaranteed their revenue and improved their image in the eyes of society. It is no coincidence that large food companies and supermarket chain sales skyrocketed and broke records in the period<sup>220,221</sup>.

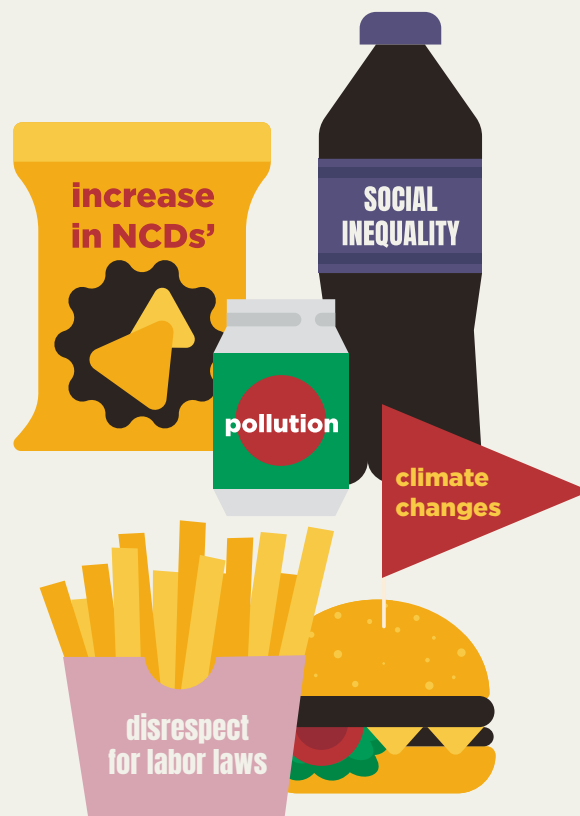
In addition to conveying a positive image to consumers and decision-makers through donations, giant food and beverage companies have an effective and direct role in the Executive Branch, through public-private partnerships, especially in times of crisis.

For example, a campaign by São Paulo State Government in 2020 raised more than R\$ 1 billion in products, services and amounts for the State with the participation of 251 companies and entities. The partnership was entered into by the Secretary of Economic Development, Science and Technology of São

Paulo, Patricia Ellen, as an example of 'how the public and private sectors can mitigate the effects of a crisis by working in partnership'<sup>222</sup>. Thus, due to the government's inability to provide the basics for the population - in this case, an adequate and healthy diet, companies are seen as major partners in the public interest and the only solution to the fragile situation, especially in places where this type of partnership is historically common and increasingly encouraged<sup>223</sup>.

## 5.6 Donations in the COVID-19 pandemic

Another focal point is the Legislative Branch. Utilizing food insecurity and hunger as excuses, laws that favor the productive and retail sectors have been discussed and approved. As of June 2020, Law No. 34,016 / 2020<sup>224</sup>, which governs the battle against food waste, was enacted and entered into force 84 days after the bill of law submission<sup>225</sup>. The differential was to undo the consumer relationship between donor and recipient, provided for in the civil laws. As a result, those who received a donation are no longer protected by the CDC and donors are exempt from liability in case of harm to health<sup>226</sup>. A year later, in an event sponsored by ABRAS, the ministers of Economy, Paulo Guedes, and Agriculture, Tereza Cristina, suggested reviewing the legislation that governs the validity of food in the country, allowing food close to its expiration date to be sold at lower prices and the adoption of the *'best before'* model in detriment of the expiration date currently used on product labels in Brazil. In the current model, food is considered unfit for consumption after expiring and must be properly disposed of at points of sale. Considering the new proposal, the product may have nutritional or freshness losses, but it remains safe for consumption and, consequently, for donation<sup>227</sup>. Thus,



based on arguments to fight hunger and waste, they favor the private sector once again, which has now more possibilities for sale and a cut in their disposal costs instead of ensuring adequate and healthy food for the population.

When we turn to public-private partnerships and the actions of large corporations, two relevant discussions are lost: the role of the state in guaranteeing basic rights, such as the Human Right to Adequate Food (DHAA), and the high-impact social actions usually undertaken by nongovernmental organizations and other civil society entities which act in defense of the public interest. It was mainly through these organizations that fresh and low-processed food was donated, benefiting not only the

recipients of the donations but also the small producers and traders whose activities were affected by the pandemic. Thus, short consumption cycles, local production, and the promotion of an adequate and healthy diet were strengthened with these initiatives, many of which were independent and peripheral and they were not disclosed. As a result, the risk of a distorted perception of reality by the population is immense, since traditional commercial media usually disseminates the initiatives of large companies who are their business partners<sup>228</sup>.

Donations can be significant, especially in times of crisis; however, they must follow criteria such as those foreseen by the *United Nations International Children's Emergency Fund* (UNICEF) or those adopted by some countries. UNICEF rejects the donation of foods that are rich in saturated fats, sugar and/or so-

dium, as that do not meet WHO criteria for healthy eating habits, impact the consumption of local foods and contribute to the consumption of unhealthy foods, not to mention the association with industries that produce such products<sup>229</sup>. The government of Uruguay, on the other hand, provides for an analysis by a technical committee for the donation of ultra-processed foods since they usually contain excess salt, fats and/or sugars, harmful to health<sup>230</sup>. Finally, these donations should be critically considered and only as an addendum to effective public policies, since in Brazil the Federal Constitution provides that adequate and healthy food is a human right and should be guaranteed.

Find below the main strategies and arguments used by the industry and associations of the food and beverage sector for donations during the COVID-19 pandemic.

**Donations can be important, especially in times of crisis, but they must follow criterias.**



## COALITION



## Instrumental strategies

Public-private partnerships, such as those headed by the Secretary of Economic Development, Science and Technology, Patricia Ellen, in Sao Paulo, through the Supportive Business Group of São Paulo<sup>222</sup>.

Corporate philanthropy broadcast in Solidariedade S.A. on Jornal Nacional, Rede Globo<sup>204</sup>.

“Superessential donation” campaign, organized by the supermarket sector for donations delivered to people in social vulnerability in the form of cards (vouchers) worth R\$ 100,00, to be used in supermarkets<sup>220</sup>.



## PARTICIPATION AND INFLUENCE IN POLITICS



## Instrumental strategies

*Lobby* in favor of flexibility concerning the validity of food, counting on members of the federal government being favorable to the initiative during the 1<sup>st</sup> National Supply Chain Forum, an event sponsored by ABRAS attended by the ministers of Economy, Citizenship and Agriculture, Livestock and Supply, as well as the main companies and associations of food and beverage<sup>227</sup>.



## TAILOR THE DEBATE ON FOOD, NUTRITION AND HEALTH

Document elaborated at the 1st National Supply Chain Forum, an initiative of ABRAS, brings out “food waste mapped challenges” (“linking the hunger map with the waste map”) and hunger (“everyone considers that one of the largest food producing countries cannot starve: the creation of food and the adoption of the model “*best before*”, reviewing food validity legislation”)<sup>231</sup>.



## Discursive strategies

*“Reaching this number of fundraisers is a milestone. It is an example of solidarity and how the public and private sectors can mitigate the effects of the crisis working in partnership.”*

– said the **Secretary of Economic Development, Science and Technology, Patricia Ellen**, on reaching R\$ 1 billion in donations in the campaign of the State Government of Sao Paulo<sup>222</sup>.

### ***‘social washing’ and other practices of ‘corporate washing’***

We call ‘*social washing*’ actions carried out by companies related to “hot” social issues in public debate to pass on a good image to the public, spending more funds to publicize their efforts towards a specific cause than minimizing its negative impact on society, the environment and human health. During the COVID-19 pandemic, donations stood out as social washing actions, but other agendas also usually explored are LGBTQIA+ rights (*‘pink washing’*), empowerment and gender equality, racism (*‘black washing’*), environmental sustainability (*‘green washing’*), the set of these practices is called *‘corporate washing’*<sup>232</sup>.

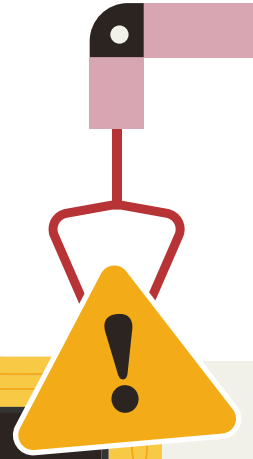


5.7  
**SÃO PAULO  
STATE  
COUNCIL OF  
FOOD AND  
NUTRITIONAL  
SECURITY  
(CONSEA-SP)**





# IT IS MASTERED: CONSEA OF SÃO PAULO IS IN *BIG FOOD* AND *BIG AGRO* HANDS'



## The Consea-SP is captured by the industry.

During his government, João Dória (PSDB) chose representatives of the food industry and agribusiness to chair the Council:



President of Consea-SP  
**JOÃO DORNELLAS**

executive chairman of the  
Brazilian Association of Food  
Industry (ABIA)

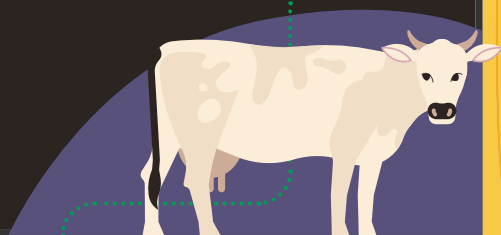


Vice President of Consea-SP  
**AMANDA ARAUJO  
PINTO**

Executive Director of the Brazilian  
Rural Society (SRB)



ABIA is the highest representative of *Big Food* in Brazil<sup>237</sup>. It is made up of about 80% of the food and beverage industries, technologies and ingredients.



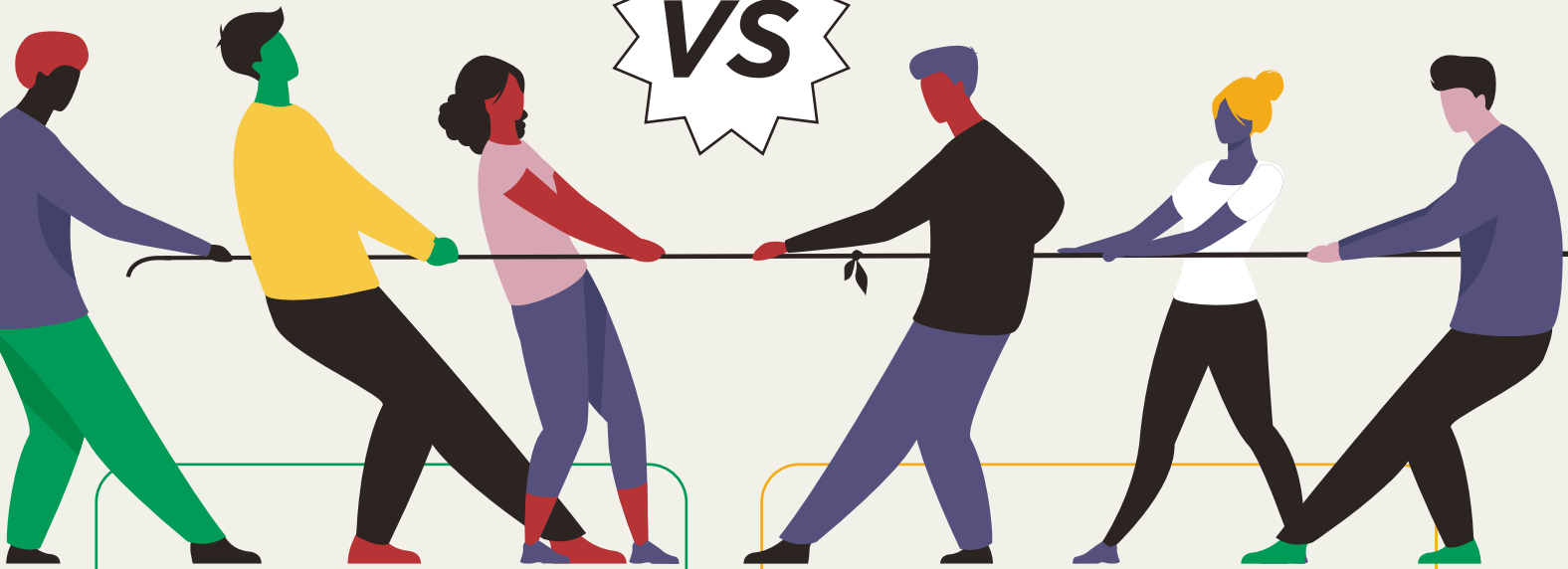
The SRB defends the interests of *Big Agro*, that is, of agribusiness and large landowners<sup>238</sup>.

**PUBLIC INTERESTS**



**PRIVATE SECTOR**

**VS**



Consea-SP was created in 2013 for the promotion and guarantee of DHAA for State Inhabitants of São Paulo and, therefore, must represent public interests<sup>239</sup>.

The participation of the private sector demonstrates a transparent **conflict of interest**.

São Paulo is a great consumer market, which makes Consea-SP an instrument strategy for social control and strengthening from *Big Food* and *Big Agro*<sup>240</sup>.



## **THE RESISTANCE OF OTHER CONSEAS**

In addition to São Paulo, other Brazilian states have their councils of food safety.

The other state Conseas are alert.

Even before the confirmation of the new presidency and vice presidency of the Consea-SP, representatives of other states publicly opposed it<sup>246,247</sup>.

Civil society movements and associations also spoke out<sup>248,249,250</sup> and showed that they remain attentive to attacks on fundamental rights.

In a political scenario in which the priority of economic interests and restriction of social rights, the proximity of governments with the productive sector makes room for interference in public policies. The case of the Consea-SP elections in early 2021 is a clear example of such interference by the *Big Food* and the *Big Agro* in the appropriation of civil society mechanisms. After being closed down for over one year, the return of the Council was marked by the election for the presidency and vice-presidency of representatives of entities that represent economic power and not public interests: ABIA and SRB.

Consea-SP is an advisory council and contributes to the link between the State government and civil society on issues related to food and nutritional security in the state. Despite its importance, Consea-SP faces difficulties in acting because SAN's political agenda has not been a priority of State governments. After nearly 20 years in operation, the Council was vacant from October 2019 to October 2020. Such inactivity prevented, for instance, their participation in actions related to the fight against hunger at the beginning of the COVID-19 pandemic. The resumption of the operation took place thanks to the pressure of society<sup>233</sup>, which included

the opening of a civil investigation in the São Paulo State Prosecutor's Office (MPSP)<sup>234</sup> to ascertain irregularities. In this scenario, elections were made possible for the occupation of the São Paulo Regional Committees on Food and Nutrition Security (CRSANS) and Advisors were chosen. The State Governor, João Doria (PSDB/SP), suggested<sup>235</sup>, out of a three-name list, at the 2nd Extraordinary Meeting of Consea-SP<sup>236</sup>, candidates João Dornellas, ABIA CEO, and Amanda Araujo Pinto, SRB CEO, as president and vice president of the collegiate, respectively.

ABIA represents *Big Food* and is comprised of approximately 80% of the food, beverage, technology and ingredients industries, the highest representative of the sector in Brazil<sup>237</sup>, while SRB stands up for the interests of agribusiness and large landowners<sup>238</sup>, that is, *Big Agro*. Consea-SP, on the other hand, has as one of its tasks the defense, promotion and guarantee of DHAA for inhabitants of the State of São Paulo and, therefore, should represent public interests<sup>239</sup>. The presence of private sector representatives in Consea of the State with the highest GDP in the country is not a coincidence and shows a conflict of interest. São Paulo is a large consumer market and influences the economy

and national policy, which makes Consea-SP a strategic tool for social control and strengthening the food industry and agribusiness<sup>240</sup>.

Food is a constitutional right and a duty of the State, and food and nutrition security is the achievement of that right. It is defined by organic law<sup>241</sup> as the regular and permanent access to quality food, in sufficient amounts, with no prejudice to access to other essential needs. For SAN, practices that respect cultural diversity and are environmentally, culturally, economically and socially sustainable are still considered. Places such as the Conseas are relevant for the civil society coordination to demand social rights, and topics in their agendas such as the taxation of unhealthy food and beverages, land reform and its regulation, the use of pesticides and genetically modified foods, for example. The presence of *Big Food* and *Big Agro* representatives in these environments allows a direct interference in discussions contrary to their agendas.

As there is no specific legislation

on SAN, programs and actions of the area in the State of São Paulo are based on the guidelines of the National Food and Nutrition Security Policy (PNSAN)<sup>242</sup>. São Paulo Food and Nutritional Security Plan 2021-2023 (PLANSAN/SP)<sup>243</sup> was developed under the responsibility of the São Paulo Inter-ministerial Chamber of Food and Nutrition Security (CAISAN-SP) with the partic-

ipation of Consea-SP, to fill in this gap. The proposals are grouped by topics named 'challenges', which include access to quality food for homeless people and workers; The main concern about the price of food; the need for social equipment to guarantee DHAA; access to land and the necessary conditions for food production by Indigenous, *Quilombolas* and other tradition-

al farmers; and technical assistance to family farming. Based on the examples above, it is possible to notice the difference between SAN's goals and those of the private associations, which focus solely on profit and how these principles can be distorted when it comes down to their participation in Consea.

**Spaces such as Conseas are important for articulation of civil society in demanding social rights.**

Consea's existence depends on governments' commitment to food and nutrition security policies and social participation mechanisms. The National Council of Food and Nutrition Security (National Consea) was extinguished on the first day of the administration of the Federal Government of



Jair Bolsonaro. As an instance of social participation and advisory body, Consea Nacional was part of the National System for Food and Nutrition Security (Sisan)<sup>244</sup>, an intersectoral structure responsible for implementing and managing PNSAN. Some topics addressed by the National Consea were the fight against hunger, family farming, pesticides and school feeding. It was established in 1993 to contribute to the preparation of the Plan to Fight Hunger and Poverty (PCFM) but was decommissioned a year later. It was only recreated in 2003, thanks to the government agenda on food and nutrition security policies, social protection and encouragement of family agricultural production<sup>245</sup>.

In the other Brazilian States, Con-

seas are still holding out the attacks contrary to their agenda. Even before the confirmation of the *Big Food* and *Big Agro* candidates for Consea-SP presidency and vice-presidency, respectively, representatives of other States were publicly against<sup>246,247</sup>. Civil society movements and associations also

spoke out<sup>248,249,250</sup> and signaled that they are on the ball for attacks against social rights, which are increasingly more frequent. These groups acknowledge the importance of Consea's action as a resistance to measures that undermine the food and nutrition security and the Human Right to Adequate Food.

Representatives of corporations and agribusiness take advantage of the space for social participation to access Consea. First, it is possible to apply for CRSANS advisor and, once elected, become part of Consea. In addition, entities with contributions to food and nutrition security are chosen by the State governor out of three-name lists for each seat submitted by Consea. Thus, the lack of criteria for the participation of

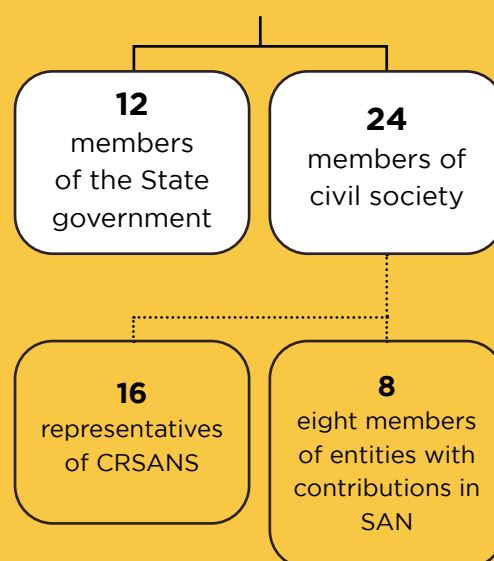
different segments of civil society makes “corporate capture” possible to match the representation of the private sector with that of independent social movements and organizations. That allows the participation of entities with conflicts of interest as ABIA, SRB, Poultry Farming Association of São Paulo (APA), and São Paulo Supermarket Association (APAS). Meanwhile, only two seats are reserved for representatives of traditional peoples and communities.

The president and vice-president of the collegiate are also appointed by the Governor, from a three-name list. Therefore, numerically speaking, government and companies end up forming the majority in the decision-making process and the autonomy and sovereignty of the civil society, which should be the sector to outnumber any other representation, is undermined.

Consea-SP was founded in April 2003, along with the reopening of National Consea. It is bound to the Department of Agriculture and Supply of the State of São Paulo and there is no compensation for advisors.

## Who is part of Consea

In total, Consea-SP consists of **36 advisors**:



Its structure also has permanent guests who are the representatives of public agencies and civil society entities, such as the State Health Council (CES) and the State Welfare Council (CEAS).

# **BIG FOOD AND BIG AGRO'S STRATEGIES FOR DOMINATING THE CONSEA-SP**

By influencing the political backstage of the government state of São Paulo, the food and agribusiness industries now command the Consea of the richest state in the country.

The choice for the positions of presidency and vice-presidency of the collegiate was executed by the then Governor João Dória (PSDB).

Inducted and active, the new representatives of the Consea-SP mix the industry interests with those of society, weakening the strategies to achieve the fundamental right to adequate food.



## **COALITION**

The State of Sao Paulo Government appointed ABIA and SRB representatives to the presidency and vice-presidency of Consea-SP<sup>235</sup>, respectively, promoting these groups' participation in spaces of civil society representation.



## **Instrumental strategies**

The creation of the three-name list at an extraordinary meeting of Consea-SP<sup>251</sup> shows that the impact on advisors is reflected in the voting results. Out of the five candidates for the presidency, João Dornellas of ABIA had the highest number of votes (14). Followed by Rita de Cássia Garcia Pereira, from CRSANS Central, who had 10 votes, and Neusa Paviato Botelho Lima, from CRSANS Ribeirão Preto, who had 5 votes, closing the three-name list. For the vice presidency, Amanda Araújo Pinto, from SRB, was the most voted, with 15 votes. The other candidates, Gabriel Okubo Awazu Palma, from CRSANS Franca and Iara Milreu Lavratti, from CRSANS Marília, had 12 and 5 votes, respectively.



## COALITION

Institutions, which have distinct goals as ABIA and Consea-SP, when presided over by the same person, end up having no frontiers. There is the use of institutional tools to seek community involvement, information management and fragmentation and destabilization:



## Instrumental strategies

Josué de Castro Award, promoted by Consea-SP<sup>252</sup>, was disclosed on the ABIA *website*<sup>253,254</sup>. João Dornellas, as president of both institutions, can directly influence the decisions of the organizing committee and merge public and private interests.



## INFORMATION MANAGEMENT

Convergence of entities representing the private sector interest within civil society to create bonds, find out about their demands, and loosen actions to meet their own commercial interests.



## Instrumental strategies

The event on SAN held by Consea-SP and broadcast on *YouTube* of the Department of Agriculture and Supply of the State of São Paulo<sup>255</sup> clearly showed how this happens: João Dornellas, Chairman of the Board also introduces himself as ABIA CEO, switching roles and making it clear that his participation in Consea-SP is guided by ABIA interests. Dornellas spent more time than the guests and swerved from the subject, and used his time to stand in favor of the food industry regarding SAN public policies and its dissatisfaction with the NOVA food classification adopted in the Dietary Guidelines for the Brazilian population<sup>182</sup>. *"This concept of ultra-processed products started in Brazil. It grew, but it is not accepted everywhere in the world. There is a lot of controversy and much discussion about this concept. Some countries have already made it very clear that it should not be the basis for public policies."*<sup>255</sup>.

The involvement of these groups in public administration exposes mechanisms and allows economic benefits.





## INFORMATION MANAGEMENT



### Instrumental strategies



*"We obviously have to be in line with Consea when it comes to food security, family farming, the small farmer, we have to support them, but the law that I mentioned at the beginning of my presentation [Organic Law on Food and Nutrition Security (LOSAN)] refers to diversity, including multi-sectoral governance. It is no use addressing it only through family farming. No doubt it is very important to support it, but the industry is one of the possibilities, including legal ones, to help us fight hunger."<sup>255</sup>*

**- João Dornellas, ABIA and Consea-SP President.**



## PARTICIPATION AND INFLUENCE IN POLITICS



### Instrumental strategies

The presence of representatives from the food and agribusiness industry in social participation associations allows these players to guide their interests and reduces the role of social control of these mechanisms.



*"This is a debate (on the food processing concept in the Dietary Guidelines) that we could have in several other workshops, just on this topic alone, because we need to bring more information about food to our population."<sup>255</sup>*

**- João Dornellas, in an online event of Consea-SP, showed that he intends to use the Board to address ABIA interests.**



## ECONOMY



## Discursive strategies

Economic importance of the food industry and agribusiness as justification for its participation in Consea-SP.



*"It is important to say that 89% of the food produced by the industry is what we use at home every day. Rice, beans,... 28% of the beans that go through the industry come from family farming. The beans we buy, after being industrialized and processed. In the old days, the food industry was called the processing industry. Because it processes the product that was bought in the field. (...) We need to consider this multi-sectoral trend in any serious plan aimed at fighting food insecurity."<sup>255</sup>*

**- João Dornellas, ABIA and Consea-SP President.**



## TAILOR THE DEBATE ON FOOD, NUTRITION AND HEALTH ISSUES



## Discursive strategies

In an event to discuss SAN, Consea-SP President resumes the defense of ultra-processed foods and, instead of discussing the possibilities of public policies to ensure the DHAA, discusses the individual responsibility of the consumer.



*"The secret is variety and balance. Without balance, everything is bad. Even water is bad. Water is a good example in this debate. For example, water is something that everyone knows is good. What is the recommended amount of water? Two liters, two and a half liters, and three liters of water. But if I think it over, since water is so good I will drink 8 or 10 liters a day. This will cause a health problem known as water poisoning. (...) it will cause a potentially fatal disease and I may even die. Bottom line: whatever is unbalanced is bad."<sup>255</sup>*

**- João Dornellas, ABIA and Consea-SP President.**



# 5.8 UNITED NATIONS (UN) FOOD SYSTEMS SUMMIT



# SUMMIT FOR WHOM?

**F**acing the corporate capture under the Food Systems Summit of the United Nations submitted the civil society organized the 1st Peoples' Counter Mobilization to Transform Corporate Food System.



## 1<sup>ST</sup> PEOPLES' COUNTER MOBILIZATION TO TRANSFORM CORPORATE FOOD SYSTEM



The movement was the result of the union of more than **300 social organizations** and civilians from all over the world to face the models of production and consumption of foods dominated by *Big Food* and *Big Agro*.

Considering the current global syndemic we are experiencing, where malnutrition, obesity, and climate change go hand in hand, and their aggravation as a result of the COVID-19 pandemic, which has devastated the world since 2020, the urgency for discussing global food systems is evident. The UN Food Systems Summit held in September 2021 in New York, USA, would be a major event for these reasons alone, but it was in the international limelight for another reason. Instead of proposing alternatives to the current food systems responsible for a significant share of deforestation of native vegetation, global warming, plastic pollution, soil and water contamination by pesticides, land conflicts, and violence against indigenous peoples amidst many other problems, the meeting was in the headlines for being spearheaded by representatives of the sectors that favor this scenario.

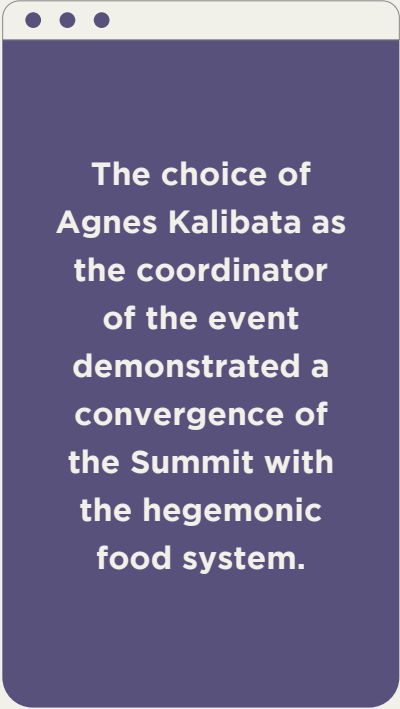
Originating from a partnership between the World Economic Forum (WEF) in Davos and the UN Secretary-General, in a process lacking transparency, this edition of the event broke away from the history of the 1996 and 2002 summits convened by FAO through an intergovernmental process. Traditionally, previous summits highlighted the

active participation of civil society and organized social movements, with emphasis on the Committee on World Food Security (CFS), a multilateral space based in FAO, and its Mechanism for Civil Society and Indigenous Peoples (MSC), initially excluded from the organization process of this edition<sup>256</sup>. Thus, the performance of agribusiness corporations and large processed product companies - also known as *Big Agro* and *Big Food*<sup>257</sup>- stood out in that meeting. In this respect, it is relevant to highlight the appointment of Agnes Kalibata, president of the *Alliance for a Green Revolution in Africa* (AGRA), as special correspondent to coordinate the event<sup>258</sup>.

AGRA, established in 2006 by the Bill and Melinda Gates Foundation along with the Rockefeller Foundation is one of the leading organizations funded by the tech billionaire's Foundation and was launched as a "farmer-centric" and "African-led" institution. In practice, however, most of its funding goes to organizations located in North America and Europe, and its focus is on the support for new seeds, pesticides and agricultural inputs developed by research centers and other corporations funded by Gates to farmers across Africa. In addition, the alliance practices active *lobbying* for African governments

to implement policies that favor industrial agriculture, fostering neocolonialism, the loss of ancestral knowledge and popular forms of land management and making the continent's small producers hostages to new foreign technologies<sup>259</sup>. As if that were not enough, despite all the promises, the practices advocated and implemented by AGRA have failed to achieve the Sustainable Development Goals (SDGs)<sup>260</sup>.

In this context, the partnership with the WEF and the choice of Kalibata as coordinator of the event was already showing a convergence between the Summit and the hegemonic food system (which, in theory, the Summit should try to transform). But the proximity became even more evident because of the processes applied to form the working groups and the scientific committee, which were not considered very transparent by the MSC, and the definition of civil society representatives, done unilaterally,



**The choice of  
Agnes Kalibata as  
the coordinator  
of the event  
demonstrated a  
convergence of  
the Summit with  
the hegemonic  
food system.**

ignoring the principle of self-determination, as well as by the explanation in the Summit agenda and pre-summit events (held in July 2021), attended by *Big Agro* and *Big Food* representatives such as Nestle, Pepsico, Unilever and Bayer.<sup>261</sup>.

Although large corporations are a significant part of the global food system realm and can be involved in discus-

sions about them, it is necessary to consider that many of them cause unfairness and inequalities in the world and hold profit and return for their shareholders as their central purpose, not the protection of nutrition and health for populations. It is thus essential to discuss the domination of the global industrial food system, as well as the role of transnational corporations within it, in addition to considering the power dynamics between and within different types of food systems. Therefore, since several problems currently faced within food systems are the result of the direct and indirect actions of these corporations in market

regulation policies, they should not be placed on an equal footing with other actors in food systems, such as farmers and consumers, as was the case at many moments throughout the Summit, since they have more power, and their decisions have greater impact<sup>262</sup>.

In this respect, multi-sectorial governance grows, which is a governance practice that evokes the illusion that all stakeholders have equal rights, capacities and responsibilities, to the detriment of multilateralism, where decisions are made by governments<sup>263</sup>. In addition to the illusion of equality, this practice usually normalizes corporate involvement in various sectors of everyday life, besides distorting the differences between rights holders (population), duty holders (States) and corporate interests<sup>257</sup>. Thus, this enterprise capture reinforces the hegemonic food system, in which the environment is degraded, food is treated as a *commodity*, and profit remains in the hands of a few people, contributing to a global syndemic<sup>256,264</sup>.

A clear example of this enterprise capture is that the term 'ultra-processed', which characterizes much of that produced by *Big Food*, which

relies on the inputs of *Big Agro* and whose consumption is associated with obesity and other NCDs, was not identified in any formal document of the Summit<sup>265</sup>. Additionally, talking about 'inclusion' and 'empowerment' of small farmers, women and indigenous peoples is frequent, but few actions aimed at the structural change of power dynamics are proposed<sup>266,267</sup>.

Such capture, however, is not exclusive to the event concerned. The role of large corporations in multilateral organizations has become increasingly evident over the years, as in the case of the 2017 Voluntary Guidelines on Food Systems and Nutrition, under the CSA. These guidelines aimed to define a set of proposals for countries, multilateral organizations, civil society, the scientific community and the private sector to create healthier food systems. Even though they were voluntary, they were subjected to strong *lobbying* and the interests of *Big Agro* and *Big Food* prevailed<sup>256</sup>.

As for the 2021 Summit, the disproportionate power held by these corporations have in food systems - and, consequently, their responsibilities - was ignored, and the proposals fo-

cused on solutions based on innovation and technological advances that benefit them<sup>265</sup>. In short, discussions about structural changes needed for a food system based on sustainability, the defense of human rights and alternative agriculture models, which prioritize small farmers, were pushed into the background.

With States increasingly indebted and/or adopting austerity measures, the idea that the private sector shall be liable, especially financially, for demands that until then were under the responsibility of the State starts to spread. To “legitimize” the process, increasingly sophisticated, less clear or specific strategies are used, hindering civil society responses.

In response to the corporate capture of the event, from the moment the invitation was made, the MSC and NGOs from various sectors expressed their concern about the direction of the Summit. In March 2020, a letter was sent, signed by more than 550

organizations, to UN Secretary-General António Guterres<sup>268</sup>.

Between October and November 2020, a public call for a response to the Summit was held<sup>269</sup> and a statement was released to the CSA Advisory Group meeting<sup>270</sup>, both on behalf of the MSC. Subsequently, in February 2021, a letter addressed to the president of the CSA<sup>271</sup>, signed by

more than 150 organizations, reinforced previous concerns and determined the conditions for participation in the mechanism at the Summit. In parallel, civil society organizations around the world, including Idec<sup>272</sup>, organized protests against the Summit<sup>262</sup>, as well as independent meetings<sup>273</sup> to discuss enterprise capture and its im-

pacts on food systems.

Even so, the event occurred within a space of multi-sectoral governance that was markedly unbalanced, with *Big Food* and *Big Agro* acting as protagonists, without presenting solutions to foster ade-





quate and healthy diets. Thus, this case becomes emblematic because it highlights the capture of global governance, with large corporations acting in one of the most strategic

multilateral spaces, weakening the power and role of States and not allowing those who work for fairer, healthier and more sustainable food systems to be heard.

## | CAPTURED SUMMIT

Influenced by industry and agribusiness, the Food Systems Summit of the United Nations opened little space to propose and make viable a model of healthy and sustainable food system, as advocated by civil society.

Understand what the industry strategies are and how they reach even the highest intergovernmental forums of the UN.



### INFORMATION MANAGEMENT



### Instrumental strategies

The Bill and Melinda Gates Foundation is the leading funder of AGRA, whose president Agnes Kalibata, is the Summit coordinator as a special envoy, besides promoting research agendas for corporate agriculture synthetic foods, among others<sup>257</sup>.



*“The paper published by the scientific group on food systems mentions inequalities ‘between classes, regions, rural-urban contexts and social groups’, but does not mention inequalities between corporate and agricultural actors, producers and consumers. (...) This pattern of vaguely mentioning power imbalances without identifying corporate actors is evident in the various Action Tracks, and both Science Days and the Pre-Summit carefully avoided the inclusion of panels specifically focused on corporate power.”<sup>267</sup>.*



## PARTICIPATION AND INFLUENCE IN POLITICS

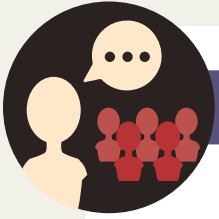


### Instrumental strategies

The general coordinator of the Summit, Agnes Kalibata, is the president of AGRA, which represents a case of conflicts of interest since AGRA is an institution founded by the Bill and Melinda Gates Foundation and the Rockefeller Foundation, whose main focus is to foster new seeds, pesticides and actively promotes *lobbying* for the governments of the African continent to implement policies that favor industrial agriculture<sup>259,260</sup>.

During the 2021 Summit, the Bill and Melinda Gates Foundation announced a USD 922 million donation over the next five years to “advance global nutrition in order to help women and children”. Two of the four action focal points are “research and innovation to identify new approaches and interventions” and “to fortify commonly consumed foods with vitamins and minerals”<sup>274</sup>.

Also during the event, the coalition of organizations and international partners mobilized 42 companies, organizing the “Zero Hunger Private Sector Pledge”, which promised USD 345 million in investments in 34 countries to “end hunger and nourish the future by 2030”<sup>275</sup>.



## GOVERNANCE



## Discursive strategies

*“While private sector involvement is important to create an eagerness for change, there is no agribusiness leading any work or individually responsible for defining the summit results. Doors are open for anyone to contribute through Action Tracks public forums, food systems summit dialogues, and community platforms.”*

*“The summit goal is to address not only the common interests of all stakeholders but also, and importantly, the different understandings of how we can address the harsh realities facing humanity. If we want to build more inclusive food systems, we have to be willing to have an inclusive debate. Everyone should be included”.*

- Excerpt from a letter by **Agnes Kalibata** published in The Guardian newspaper on March 9, 2021<sup>276</sup>, in response to John Vidal's article, in the same newspaper, which reported on the boycott of the summit organized by farmers and other civil society groups in response to the enterprise capture of the event<sup>277</sup>.

*“Multi-sectoral represents a Committee on World Food Security (CFS) core value, which will hopefully be henceforth incorporated into the food system globally. Working together is essential for School Meal efforts; the “Zero Hunger Pledge” (over 40 companies have already committed); as well as working to improve land health”<sup>278</sup>.*

*Concerning the “Zero Hunger Private Sector Pledge”, one of the arguments used is that “governments need to juggle multiple priorities due to the pandemic and the related economic slowdown. Thus, large companies can and must step up efforts to achieve zero hunger by 2030.”<sup>268</sup>.*



6.

# REFLECTIONS AND ANALYSES

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# 6.1 HOW DID *BIG FOOD,* *BIG SODA* *AND BIG* *AGRO ACT?*



**T**he emblematic cases included herein show the various types of CPA and action strategies by *Big Food*, *Big Soda* and *Big Agro* to have direct (through *lobbying*) and indirect influence (by forming coalitions and building an institutional image for the population, for example). Actions are at a national and international level and involve the Executive, Legislative and Judiciary Branches. Therefore, the actions range from discussing the agenda through formulating to implementing public policies for food and nutrition and can also interfere with and change rules, which have already been implemented, aiming towards less interference and regulation in their activities and the highest possible profit.

The cases addressed herein also highlight the participation of relevant actors who act not only with public representatives but who can also occupy spaces and mechanisms of civil society. With financial and human resources at their disposal, these sectors can include representatives in places intended for discussion and social articulation to defend their interests and rights. Thus, they become aware of the demands, con-

cerns, and solutions proposed by civil society. In addition, they directly interfere in discussions contrary to their agendas, and based on such information, develop strategies using concepts and information learned to protect their economic interests, and use the arguments of organized civil society.

From the cases herein presented, it is possible to observe the presence of actors acting together with their peers or separately. Among Big Food and Big Soda representatives stands ABIA, the largest Food and Beverage industry association in Brazil – which gathers leading companies such as Danone®, Unilever®, Seara®, Pepsico®, Coca-Cola Brasil®, among others, and with great influence on public representatives and policy-making in the country. Acting as a group provides certain legitimacy to the issues addressed, since it represents the interests of large corporations in the sector, besides ensuring exemption for them, who do not need to be involved individually, preserving their institutional image before the public. Examples of joint action can be seen in cases of nutritional labeling (with the creation of a major coalition, the

Labeling Network [“Rede Rotulagem”], as the public face of the *Big Food* and *Big Soda* associations) and the Dietary Guidelines (in which associations lead the discussion, protecting the image of large corporations).

Another way to preserve the image of *Big Food* and *Big Soda* representatives is to embody the sector interests through its representatives,

as in the case of Consea- SP. The ABIA, through its president, tries to legitimize its participation and its share in the Board of Directors, where it holds the vice presidency together with *Big Agro*. This alliance between the sectors is also evident in other situations, such as ABPA’s participation in the nutrition labeling process and MAPA’s participation in the building process of

the Dietary Guidelines for the Brazilian Population. This collaboration occurs at sensitive moments in the policy process to strengthen the position of the productive sector to the detriment of policy decisions that benefit public health.

However, when it comes to self-promotion, this document concludes that it seems more beneficial to act separately, as shown in the case of donations during the COVID-19 pandemic. Philanthropy and social responsibility actions in times of a health crisis and public calamity can contribute towards improving the image of the corporations involved before consumers and society in

general, in addition to resulting in tax benefits. Thus, although some actions are jointly organized between companies, each one values its efforts to contribute to society, highlighting its products and brand based on solidarity actions as an advertising strategy.

Coordination and collaboration between dominant food and beverage industries transcend

borders. *Big Food*, *Big Soda* and *Big Agro*, predominantly comprised of transnational corporations, use very similar strategies in several countries they operate, organizing themselves in a grand network. That becomes clear when we analyze the cases of



nutritional labeling, children's advertising and the taxation of SSB's, where we observe the use of similar arguments and tactics in several countries that discuss these topics deemed strategic for public health but extremely delicate for corporations since they can negatively affect their profit.

However, for these tactics to be successful, it is also necessary for there to be a kind of subjective relationship between corporations and political actors, to affect decision-making. That is possible due to the construction of a long-term relationship, with the funding of mandates for some political representatives and the work of former *Big Food*, *Big Soda*, and *Big Agro* employees in government organizations or the government<sup>109</sup>. These relationships become personal and affect public policies from their discussion to their preparation and may result in the amendment or termination of previously consolidated laws and programs. Interference can begin by excluding from the agenda, for example, topics that may dissatisfy large corporations, as in the case of children's advertising. About established policies, *Big Food*, *Big Soda*, and *Big Agro* can use their influence to weaken, mod-

ify (as exemplified by the PNAE), or even overturn them (as in the case of the Dietary Guidelines).

*Big Agro* political influence is also used to defend its agendas (as in the articulation for the creation of draft bills, seen in the case of PNAE, for example), but more discreetly, often with actions left to be performed behind the scenes or from NGOs and associations that represent the interests of the sector, but appear as civil society.

In addition to similar tactics, the arguments used by the productive sector to weaken public policy attempts on food and nutrition tend to repeat themselves. Generally speaking, to escape regulation, it is common to blame individuals and their individual choices; to say that obesity is multifactorial and not only a consequence of a poor diet; and to use the argument that balanced diets are essential and that no single food is good or bad, denying the concept of ultra-processed foods. On the contrary: the benefits of food processing for the conservation, distribution and food safety, among others, are emphasized.

Attempting to justify opinions that subsidize their interests, *Big Food* and *Big Soda* use studies where con-



flicts of interest are concealed, involving researchers and institutions that received funds from organizations sponsored by the industry, as observed in the Dietary Guidelines and nutrition labeling. Another widely used tactic is institution financing which represents civil society interests and participates in public discussions, and thus defends industry arguments in

a concealed manner, as in the case of children's advertising. They can also mobilize representatives from the productive sector to lobby for their interests (whether through social media and news portals or even exercising a direct influence on government representatives), as in the case of the PNAE.

The impacts of these actions can cross borders and gain a global perspective, since enterprise capture reaches all spaces, including those that aim to discuss and propose solutions, such as the UN Food Systems Summit. With *Big Food*, *Big*

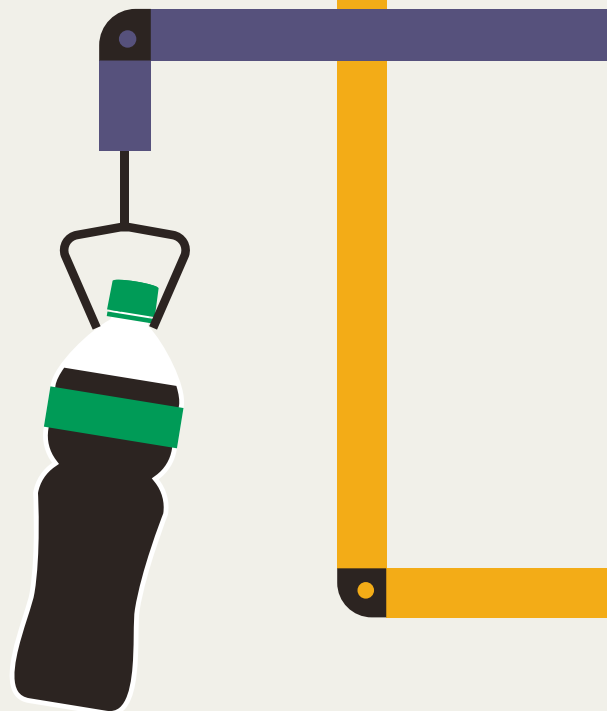
**Corporate capture reaches all spaces, including those that aim to discuss and propose solutions, such as the Summit Food Systems of UN.**

*Soda*, and *Big Agro* at the negotiating tables and guiding the debate, little or nothing is proposed to solve problems caused by these main actors, who concentrate the profits obtained from the hegemonic food system and have no interest in collaborating with structural changes necessary to reduce environmental impacts and to promote the health of populations.

When examining the given cases, it becomes evident how the industry employed a variety of strategies, both instrumental and discursive, to accomplish its political and commercial objectives. Among the instrumental strategies, the consistent and effective use of "political participation and influence" was employed in all cases. That demonstrates the widespread acceptance and encouragement of activities such as lobbying and involvement in decision-making processes, despite their lack of regulation. In seven out of the eight analyzed cases, actions

involving “coalition actions” and “information management” took place, emphasizing the significance of influencing public opinion through credible individuals. The utilization of “lawsuits” was observed in two cases, serving as a strategy during critical and urgent situations. “Incentives” was the least frequently employed instrumental strategy, occurring in only one. Regarding discursive strategies, the most prevalent was the “shaping of the debate on food, nutrition, and health issues” (present in seven cases), followed by “economics” (present in five cases) and “governance” (present in three cases).

Based on the literature, the productive sector employs various political strategies depending on the stage of the political process. When a new topic is being considered for inclusion in the regulatory agenda, efforts are made to prevent its inclusion. Conversely, when it becomes evident that a policy cannot be stopped from progressing, strategies are implemented to delay the process. Furthermore, once regulations unfavorable to the sector are established, the industry typically



endeavors to overturn them<sup>279</sup>. It is noteworthy that this survey reveals a limited number of lawsuits. However, two instances stand out: one involving labeling, where the National Health Surveillance Agency (Anvisa) submitted an unfavorable report to the Public Subsidy Borrowing (TPS), and another concerning the Dietary Guidelines, where the dairy sector attempted to prevent the publication of the document. These examples indicate a favorable political environment for the commercial private sector, as it has successfully disrupted the regulatory agenda associated with promoting, supporting, and safeguarding appropriate and healthy food.



THESE COMPANIES, AMONG OTHERS, ARE PART OF **REDE ROTULAGEM**

6.2.

**ADVOCACY AND  
REGULATION:  
A LIGHT AT  
THE END OF THE  
TUNNEL**



**T**he report published by The Lancet on the global syndemic states that political inertia represents the combination of three factors: the strong opposition of economic actors to policies, the inadequate leadership of the government and the lack of or insufficient demand from the population<sup>280</sup>. A recent study that investigated factors related to the development and implementation of measures to protect adequate and healthy food in Brazil in the last 20 years identified that the strong interference of transnational corporations, along with cases of inadequate political leadership, contributed towards measures not advancing, although several examples of demands by society have been mapped, as in the case of this dossier<sup>281</sup>. It is also necessary to consider the scenario experienced in recent years in Brazil of inter-sectoral liaisons and civil society action weakness, resulting from the extinction of the National Consea and the disruption of Caisan in 2019, promoted by the Federal Government, among other reasons.

Even so, for each case reported, initiatives by organized and highly qualified civil society to protect public policies and regulatory measures in question were identified here, as in the campaigns in defense of SSB's taxation, the use of the front of package warning labels and the defense

of PNAE and Consea-SP. The support for the Dietary Guidelines for the Brazilian Population stood out for the significance of the declaration prepared by the Alliance for Adequate and Healthy Food endorsing the document, with over 40 thousand signatures, and for using #EuApoiooGuiaAlimentar on social media. This resistance and the strength of organized civil society movements without conflicts of interest have contributed to the scene not being more unfavorable for fostering adequate and healthy food and health.

Another favorable point for advancing the agenda is scientific evidence, which increasingly accumulates and demonstrates the importance of fostering healthy and sustainable food environments through restriction of supply, advertising and access to ultra-processed products to achieve the prevention of NCDs and the promotion of health<sup>282,283,284,285,286</sup>. The harmful effects of this type of product on human and planetary health have also been increasingly recognized internationally<sup>287,288,289,290</sup>.

Several examples of international experiences have used scientific evidence to advance in public policies and regulatory measures in favor of adequate and healthy food. Until the implementation of the Labeling, advertising, and Access to food act<sup>291,292</sup> in 2016 in Chile, several studies were

conducted to choose the best front-of-package nutrition labeling model. After its implementation, other studies have been performed to monitor and evaluate the effectiveness of the standard.

The same occurred in Uruguay<sup>293</sup> and Mexico<sup>294</sup>. Throughout the discussion stage of the Uruguayan food labeling law and the Mexican food labeling and advertising law, and even after their publication in 2021 and 2020, respectively, scientific evidence was submitted supporting technical discussions with the participation of local and international researchers.

Despite the technical discussions and scientific basis, the Uruguayan law was modified due to the industry's intervention. A survey<sup>295</sup> that reviewed the *Big Food* and *Big Soda* comments during the public consultation in preparation for the regulation in Uruguay highlighted the main arguments used to intervene in the process. Most comments were made by international industry associations (52%), with less than a third made by the country's industries (29%). Around 81% disagreed with the labeling proposal and criti-



**As decisions are made in the political sphere, the actions of academia and civil society are not always sufficient to stop industry interference.**

cized its relevance and justification. The analysis of these comments allowed for the identification of heavy opposition to the policy and, in particular, to the front of package warning labels, with most arguments against the policy very similar to those recorded in other regulatory processes, including in Brazil and during discussions at the World Trade Organization (WTO).

In Mexico, although the country has implemented significant regulations such as taxing SSBs and high-energy-density foods, the implementation of restrictions on the sale and distribution of these products in schools, the introduction of front-of-package nutrition warnings, and the regulation of food and beverage advertising targeted at children, each of these regulations faced opposition and influence from Big Food and Big Soda. Through their economic influence and alliances with institutions and government officials, these industries directly participated in the development of these standards while excluding the national health institutes from the process<sup>296</sup>.

In Argentina<sup>297</sup>, where the healthy

diet law was approved in October 2021, the entire process included comprehensive participation from academia, which contributed with scientific evidence, organized civil society, and focused politically on the evidence, resulting in the most comprehensive and promising law in Latin America to date, which included front-of-package nutrition warnings and the prohibition of children's advertising, sales in schools and public purchases of labeled foods.

However, it should be recognized that although technical discussions have advanced, as decisions are made in the political area, the performance of academia and organized civil society based on scientific evidence and international experience is not always enough to bar the interference of the industry in decision-making.

In 2021, the *Global Health Advocacy Incubator* (GHA) disclosed a monitoring report on Big Food and Big Soda strategies to weaken regulations on front-of-package warning

labeling in 20 regions. It emphasizes different actions and narratives adopted by Big Food to protect its business, comprising five main strategies: protect the reputation and brands of the ultra-processed industry through *corporate washing*<sup>298</sup>; influence policies through multilateral agencies to delay their implementation and threaten countries with laws and economic concerns; divert attention from their corporate responsibility towards damaging the environment and human health and blame individuals for their behaviors; imply that their products contribute towards health, the environment and society while hindering the development and implementation of healthy eating policies; and to seek gaps in the regulation to continue to promote their ultra-processed products<sup>232</sup>.

One of the most negative aspects of this scenario, which allowed the strong performance of *Big Food*, *Big Soda* and *Big Agro* in the food and nutrition agenda, is the lack of regulations that govern this inter-

ference that effectively prevents conflicts of interest, as was the case in the tobacco control agenda, with the Framework Convention on Tobacco Control<sup>299</sup>. While expert committees, such as the one for the global syndemic, advocate the creation of a Framework Convention on Food Systems to improve and monitor the implementation of national policies and protect against the influence of transnational corporations, others have seen PAHO's recent conflict-of-interest prevention tool as promising. It is the 2021 document titled "Preventing and Managing Conflicts of Interest in Country-level Nutrition

Programs"<sup>300</sup>, which has a step-by-step guide of how health managers should proceed before liaising with non-State actors, investigating actor alignment (and their practices, policies and products), the profile of the interaction (who will lead, if the proposal fits the political agenda and priorities of the institution, if it provides mechanisms of transparency and independent monitoring), and also the assessment of risks and benefits of the interaction. The implementation of this type of process would allow for higher protection of the political process, so that the primary interest of the policies, to guarantee the DHAA, prevails.







## GUIDELINES FOR POTENTIAL ASSESSMENT

### INTERACTION WITH EXTERNAL ACTORS.

#### 1. Actor alignment

- Activities and core values of the actor
- Do they manufacture a product/provide a service contrary to public health recommendations?
- Do the actor's policies and / or practices prevent, delay or hinder the achievement of public health goals and recommendations? (What about broader health and sustainable development goals?)
- Does the actor support / finance / have close bonds with other organizations whose activities are incompatible with the political agenda and priorities of the institution?

#### 2. Interaction profile

- Who will lead the Interaction/project?
- Does the proposal fit the political agenda and priorities of the institution?
- Is the proposal consistent with the institution's decision-making authority and leadership?
- The proposal provides transparency mechanisms independent monitoring, and accountability.

#### 3. . Assessment of risks and benefits of the interaction

- What are the real risks and benefits of the interaction?

Prepared from the document "Preventing and Managing Conflicts of Interest in Country-level Nutrition Programs"<sup>300</sup>.

Also at the regional level, in 2017, *Sociedad Latinoamericana de Nutrición*, a non-profit entity formed by researchers and nutrition professionals, established a Conflict-of-Interest Committee to propose a stance about the management of these situations in SLAN. Based on its position, the Society fosters a culture of knowledge and awareness regarding conflicts of interest; does not accept sponsorships, donations or financial support from institutions or people with commercial interests; requires all speakers and presenters participating in the SLAN International Congress to declare their conflicts of interest; among others<sup>301</sup>.

The newly inaugurated *Comunidad de Práctica Latinoamérica y Caribe Nutrición y Salud* (Latin American and Caribbean Community for the Practice of Nutrition and Health), a group of professionals, civil society organizations and universities who work in favor of healthy, sustainable, equitable and inclusive food systems, started its activities in 2021 demanding its members to have no relationship with the ultra-processed food and beverage, tobacco and alcohol industries, which would constitute a conflict of interest<sup>302</sup>.

An important example of a local strategy to mitigate conflicts of interest – in this case, between health and

nutrition professionals – is the Nutricia Code, developed by the *Mexican Instituto Nacional de Salud Pública* (National Public Health Institute). From the date this Code is signed, professionals commit to adopting ethical and transparent conduct that favors the advancement of food and nutrition actions and policies free of conflicts of interest to fight malnutrition. This posture involves participation in technical committees, stands and consensuses related to the process of public policies on food and nutrition, as well as in symposia, conferences, classes, consultancies and other professional activities<sup>303</sup>.

In Brazil, the Brazilian Association of Food and Nutrition (ASBRAN) has issued Ordinance No. 01/2015, which establishes criteria for forming partnerships, receiving support, and accepting sponsorships with the organization. As per the ordinance, ASBRAN refrains from entering into partnerships with “industries, companies, and institutions that market, promote, provide, donate, endorse, or utilize beverages lacking nutritional value; alcoholic beverages; foods high in sugar, saturated fat, trans fat, or sodium; genetically modified foods; weight-loss products and ‘aesthetic nutrition’ lacking scientific evidence of their effects; products claiming miraculous effects or impacts without scientific

ic evidence; ultra-processed foods; fast food; and policies and practices conflicting with health.”<sup>304</sup>

Similarly to Colansa, the Alliance for Adequate and Healthy Food also has a policy of no conflicts of interest among its members. To be part of the coalition, everyone must sign the Accession Agreement, whether individuals or member organizations, which is provided in their governance document.

Conflicts of interest mean “the situation in which actions of people or collective agents are directly or indirectly influenced by considerations and motivations that may lead them towards making decisions contrary to the interests, principles and objectives of the Alliance”. The situations that characterize conflicts of

interest are: “to carry out activities and/or partnerships, financed or not, with related industries, companies or organizations that have products, practices or policies that harm adequate and healthy food

defended by the Alliance, as well as participate in its strategic decisions. Included in this scope are: infant foods, breast milk substitutes and related products for children up to the age of 3 years, according to current legislation; ultra-processed foods and SSB’s; weapons; tobacco; alcohol; pharmaceuticals; synthetic agrochemicals; genetic

manipulation or holders of seed patents; those that violate human, labor and/or Fundamental Rights; use child labor, practice slave labor in any production stage of their products; exercise violence against men and women or any other form of discrimination and racism against any person; and that cause disasters or environmental pollution; also food supply conglomerates”<sup>305</sup>.

Regarding the Brazilian government, the Access to Information Act (LAI), No. 12,527/2011, has been in place since 2011, guaranteeing individuals the right to request access to public information, including meeting minutes, court

**The Access to Information Brazilian Law (LAI) guarantees any individual the request for access to public information.**

documents, technical documents, and more<sup>306</sup>. Another crucial transparency mechanism is the requirement to disclose the schedules of public officials in the Executive Branch, providing details such as the subject, location, date, time, and list of participants<sup>307</sup>. Additionally, Law No. 12,813/2013 addresses conflicts of interest in positions or employment within the Federal Executive Branch, imposing subsequent restrictions on holding such positions. It cites examples of situa-

tions that constitute conflicts of interest, such as the disclosure or use of privileged information for personal gain or the benefit of a third party, engaging in actions that favor a legal entity involving the public agent, their spouse, partner, or relatives, and receiving gifts from individuals with an interest in the public agent's decision-making or participation in a collegiate body, beyond the limits and conditions established by regulations, among other instances<sup>308</sup>.



# 7. STEPS FOR THE FUTURE

**T**he increase in obesity and NCDs results not only from the rise in consumption of ultra-processed foods and beverages in detriment of fresh food and culinary dishes but also from practices and policies adopted by Big Food, Big Soda, and Big Agro for the sake of their commercial interests. The use of CPA and undue interference in discussions for the development and implementation of public health policies cause political inertia and hinder the advance of environmental regulation and the hegemonic food system.

Based on the findings of this survey, the predominant strategies employed in the various analyzed cases included: refuting the arguments put forth to support the necessity of a particular public policy, prolonging the discussion to impede the

progress of regulation, undermining the arguments and discourse in favor of regulations that contradicted corporate interests<sup>279</sup>, and other similar tactics.

The regulation of the food environment and food system is even more necessary in this scenario, where economic power means political power. Although there are already tools and mechanisms to mitigate industry interference, it is still necessary to advance in conflict-of-interest prevention policies and critical analysis of companies within the scope of their practices, policies and products. Strategies to protect, promote and support adequate and healthy food environments and systems must be the priority of governments, and they need to consider civil society, which will be the one to be primarily affected by public policies.

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An illustration of a man in a dark suit, white shirt, and blue tie, sitting next to a computer monitor. The monitor displays two logos: ACT and idec.

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