Protecting health policy from commercial influence

Patti Rundall, Policy Director, Baby Milk Action, International Baby Food Action Network

CSPI - Championing Public Health Nutrition

29th October 2012 University of Toronto
“The secret of success is sincerity. Once you can fake that you’ve got it made”

Jean Giraudoux (1882-1944)
Baby food market was built on ‘Trust’

1867: Nestle started the commercialisation of formula has been the subject of a global boycott since 1977

Nestle advert from 1936.
In less developed countries, the best form of promoting baby food formulas may well be the clinics which the company sponsors”

Nestlé in Developing countries 1970
Still TODAY parents are persuaded to trust that products will protect their babies.

UNICEF and WHO estimate that 1.5 million lives could be saved each year through more breastfeeding.
Risks of Formula Feeding

A BRIEF ANNOTATED BIBLIOGRAPHY
Not just developing countries..

• In 2004 a study showed that 21% of infant deaths in the US could be averted through breastfeeding

• (Breastfeeding and the risk of Postneonatal death in the US, Chen and Rogan, Pediatrics, 5 May 04).
Perpetuating problems

This Danone leaflet sent to mothers in the UK perpetuates the notion that breastfeeding will always be painful - many mothers believe this so don’t ask for help - and the problems continue.
Artificially fed infants consume 30,000 more calories than breastfed infants by 8 months of age” (equivalent to 120 Mars bars - 4 a week).

Student Study Guide KG Auerbach, J Riordan 1993
The Code: a landmark in consumer protection

In 1981 the International Code was adopted at the World Health Assembly – the world’s highest health policy setting body. WHO has a constitutional mandate to ensure the fundamental right of every human to the highest attainable standard of health.
The International Code

• protects infant and young child health
• ensures parents and carers are properly informed and supported in their decisions.

• When laws are tough, comprehensive and independently monitored alongside Baby Friendly Hospitals and good maternity protection - breastfeeding rates recover and babies lives are saved.
• The Code is the **minimum protection** standard for all Member States

• It is reviewed **every 2 years** and strengthened to keep pace with marketing and scientific knowledge.

• It is a **Recommendation** not a **Regulation** because of opposition from the US and industry.

"The World Industry has found this present draft code unacceptable... irrelevant and unworkable."

Nestlé's Vice President, President of the International Council of Infant Food Industries, 1981
Strong legislation – an essential factor

In terms of legislation - in 84 countries – it has been more effective that the Framework Convention on Tobacco Control.¹

It would have been dead and buried if it wasn’t for IBFAN’s persistent independent monitoring and no industry capture.

¹ An international legal strategy for alcohol control: not a framework convention—at least not yet  Pre Publication in Addictions _3919 1..6  Allyn L. Taylor1 & Ibadat S. Dhillon.
2 Euromonitor International 2008
Keeping track
• “The industry is fighting a rearguard action on a country by country basis”

• “The huge disparity ...between China and India...due to the significant differences between their official regulatory regimes....”

• Euromonitor International 2008.
In 2007 the Philippines became a major battleground, with formula manufacturers attempting to block a government ban on advertising in the courts.
Conflict is at the heart of policy making

• “A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities”
EU Treaty
“a kilo of infant formula is worth ten times the value of a kilo of milk powder, so it’s obvious which product New Zealand should be selling”

- Economic Development Minister, Gerry Brownlee, Coriolis Research, 2011
• “The Irish Government and Danone Baby Nutrition.. today announced details of a €50 million investment programme.... trebling of capacity.. 98% will be exported..in more than 60 countries

• Enterprise Ireland Press release 4.12.10
Conflicts of interest and science

• Before 2000 EU scientific advisors did not have to declare interests
Global framework

FAO/WHO Codex standards must allow governments to protect health

At the last Codex meeting 40% were food industry, with 59 present as members of Business Interest NGOs (BINGOS). 49 included on government delegations. Mexico 100% industry. Canada: Zero!

Codex baby food standard allows 30% sugar – because of US and EU pressure.
Conflicts of Interest

COALITION
Conflict of Interest Coalition

- 161 NGOs, national, regional and global networks (in all some 2,000 NGOs)
- 4 Royal Colleges in the UK signed up.
  - http://coicoalition.blogspot.com/
We are calling on the UN to develop

• an Ethical Code of Conduct
• a clear framework for identifying and managing conflicts of interest
• a guide for interactions with the private sector
• to be mandated at UN level and adopted as good practice by Member States
UN General Assembly Sept 2011
Risks of moving NCDs to the UN

Pros

• NCDs higher up the political agenda
Cons

Discussions take place in fora where:

• health is not paramount
• less concern about conflicts of interest
• emphasis on partnerships with industry
• WHO’s role at the “HUB” of the wheel is challenged
World Food Programme
@WFP

In #Bangkok today? Grab these limited edition tumblers & help us fight hunger! Only @kfc_th @pizzahut_thai from 11AM!
pic.twitter.com/UFip5FJ
WHO’s Reform Agenda

“WHO has been over-extended and over-stretched and this is one justification for Reform. An overarching purpose of Reform is to streamline WHO. To make it meaner, more flexible, more responsive to rapidly changing health needs.”

Margaret Chan, WHO DG, 18th October, 2012
Reuters Special Report: Food, beverage industry pays for seat at health-policy table

• WHO's entire budget is about half of what Coca-Cola spends on marketing alone....

• Mexicans drink an average of 45 gallons of Coca-Cola products a year....

Reuters Special report, October 2012
“not until this February did PAHO begin taking industry money, Reuters found: $50,000 from Coca-Cola, the world's largest beverage company; $150,000 from Nestle, the world's largest food company; and $150,000 from Unilever, a British-Dutch food conglomerate whose brands include Ben & Jerry's ice cream and Popsicles”.
Principles affirmed at WHA

1. the intergovernmental nature of WHO’s decision-making is paramount;
2. norms, standards, policies and strategies, must be based on evidence and protected from influence by any form of vested interest
3. the need for consultation with all relevant parties in line with WHO’s principles and guidelines
4. new initiatives must have clear benefits and add value, enriching policy or increasing national capacity from a public health perspective
5. existing mechanisms should take precedence over new forums, meetings or structures

**BINGOs, PINGOs, GONGOs and DINGOs - the new hybrids**
WHO consultation on NGOs

“NGOs occupy a unique political space....express the social power of ordinary people as opposed to the coercive and regulatory powers of governments –and the economic power of the market

....international systems such as those governing trade, financial markets and business relations, often have more power than a sovereign government to influence the lives and opportunities of citizens.....

...You occupy this space nicely. As a counter-balance to commercial interests and political views.”

Margaret Chan, WHO DG, 18th October, 2012
“To whom are NGOs accountable – to the people and government where they serve, or, to the people who provide the funds ... Can sources of funding alone define the legitimacy of an NGO?

I think not.”

Margaret Chan, WHO DG, 18th October, 2012
ISDI complains

International Special Dietary Foods Industries (ISDI) complained about:

• the background paper
• that WHO was not responding to the UN Secretary General’s call for industry to have a bigger role.
Dr Chan responds

“Why are you questioning me and WHO's relationship with the UN General Assembly? You've no right to question me.

Let me put it clearly. I am accountable to my Member States. As long as I walk the PPP balance line which is consistent with WHO Policy I'm OK. Are you telling me not to take part in the Jakarta PPP? ....
BINGOs push for Platforms

• No consensus on the effective policies - regulation of marketing
• ‘lowering of the bar’
• emphasis on voluntary initiatives, self-regulation, self-monitoring (according to industry’s own criteria)
• independence and watchdog role of the NGOs threatened
• industry-funded ‘lifestyle’ educational activities
Who does the messaging?
Self regulation builds trust

• International Food Policy Research Institute in Washington found that self-regulatory systems fail to limit the extent and impact of marketing.

• They promote trust in advertising amongst consumers and governments, undermining resolve to bring in legislation needed to protect health.

• Under self-regulatory systems the volume of advertising increases.

  • Conclusions of Corinna Hawkes, the International Food Policy Research Institute, Washington
  • Presentation at the European Platform for Action on Diet and Physical Activity. Feb 2007
The advantages of an ethical image are well known and PR companies openly advise companies who face criticism to adopt “cause-related marketing strategies” to aggressively advertise their links with charities and good causes in order to counter-balance bad publicity.

“The benefits of cause-related marketing are long term - You are building a surplus account for the times when you have a crisis.”

Marjorie Thompson, Saatchi & Saatchi, in Marketing Week, February 1999
The problem with partnerships

1. By definition they are arrangements for ‘shared governance’ to achieve ‘shared goals.’ Shared decision-making is their single most unifying feature.
2. They pave the way for self-regulation
3. They imply ‘respect, trust, shared benefits’
4. The ‘image transfer’ from UN or NGO ‘partners’ has strong emotional and financial value.
5. They cover-up ongoing practices that damage health, the environment and human rights.

In 1999 Saatchi and Saatchi advised Nestlé: “The benefits of cause-related marketing are long term...You are building a surplus account for the times when you have a crisis.”

*Nestle faces Ethical Dilemma*, Marketing Week, 11 February 1999.
Take care with words. Choose:

- **Interactions** rather than **Partnerships**
- **Multi-sectoral** rather than **multi-stakeholder**
- Corporations funding government programmes **Discussion fora rather than**
- Government setting targets for **corporations**

Remaining problems

• BINGOs, and the new hybrid satellite bodies such as SUN, GAIN and the Foundations should be managed under separate process private sector policy with different badges etc.

• Governments need to hear the undiluted truth if they are to make wise decisions

• Never before in the history of health have so many NGOs, Governments and UN bodies been funded by just one family (Gates). This is silencing the critical voices on drug prices, market led initiatives etc

• *Differing views are healthy!*
Thank you!

prundall@babymilkaction.org
Fight the Nestle Monster
Origins of COI

- **1690**: John Locke suggested that governments are a public trust, bound by a kind of social contract to act on behalf of people on condition that this power is not abused.
- **Early 70s**: The term appears in ethics codes
- **1979**: appears as a heading in Black’s Law Dictionary
- **1980s** medical literature starts to pay serious attention.
- Obligations of professionals in positions of trust.
- *a conflict between the private interests and the official responsibilities of a person in a position of trust.* Merriam-Webster OnLine Dictionary
- Current focus on intellectual, religious or ethical COI distracts from the financial concerns.
“Persuasion works best when it's invisible. The most effective marketing worms its way into our consciousness, leaving intact the perception that we have reached our opinions and made our choices independently.”

*The fake persuaders* George Monbiot, The Guardian, 14.05.02
Undermining confidence in family foods

“I now know that even if I bought the highest quality ingredients, organic or not I couldn’t match the degree of quality assurance that Cow & Gate baby foods have. “It is impossible to buy one on the market that has so few contaminants, especially from nitrates”

“What if I grow my own?” I mused.

“Do you know if the soil on your vegetable patch contains heavy metals, or what pesticides may have been used in the past?” Stephan asked.

“No I don’t... there’s a thought...”

Lifting the Lid – by Cow & Gate (Danone)
Shifting the blame

Companies need to maintain a good reputation to do business....companies use their websites as a means of promulgating a positive public image, thereby potentially reducing the effectiveness of public health campaigns against the problems they perpetuate.

Philip Morris, Kraft, and Nestle...defined the problems they were addressing strategically, minimizing their own responsibility and the consequences of their actions. They proposed solutions that were actions to be taken by others.

They also associated themselves with public health organizations. Health advocates should recognize industry attempts to use relationships with health organizations as strategic image repair and reject industry efforts to position themselves as stakeholders in public health problems. Denormalizing industries that are disease vectors, not just their products, may be critical in realizing positive change..

Folk wisdom

- Small presents maintain the friendship. (German)
- He who pays the piper calls the tune. (English)
- Who pays gives orders. (Dutch)
- Whose bread I eat, their song I sing. (Czech, Dutch, German)
- You don’t bite the hand that feeds you. (English)
- If you eat salted fish, you must stand the thirst. (Chinese)
- Only in a mousetrap can you find cheese for free. (Russian)
- Don’t invite the fox into the chicken coop. (English)
- You don’t trust the goat with the cabbage. (Hungarian)
- You don’t make a billy-goat into a gardener. (Czech and German)
- One cannot be the judge and the party to be judged. (French)
What are conflicts of interest?

Defining COI is not simple. There is:

• no public health and nutrition document listing generally accepted principles for avoiding them
• no coherent, comprehensive framework within the United Nations system

Transparency (Declarations of Interest) is not a sufficient safeguard

Acknowledgement of and avoidance of Conflicts of Interest or Vested interests is needed.
Scaling Up Nutrition (SUN) calls itself a PPPP (People-public-private-partnership) Its toolkit suggests that NGOs might want to change their language.

Agree on common language or understand each other’s jargon, for example:
- Consumers vs. Beneficiaries
- Creating demand vs. Changing behaviour
- Market development vs. Access to products and services
- Marketing or promotion vs. Communication and awareness raising
- Deliverables, key performance indicators and milestones vs. activities, monitoring & evaluation. (slide 20)

- Companies like media literacy because it encourages children to pay greater attention to adverts.
- greater attention = more effectiveness ie attending to ads increases food consumption.

Respondents who reported paying attention to commercials had higher odds of requesting snacks and buying snacks seen on TV, and eating snacks while watching than those who did not pay attention.

Self regulation vs regulation

• Self regulation works only as long as companies want it to.
  
• Self regulation doesn’t reduce the extent and impact of marketing. In fact the volume can increase.

• Self-regulation undermines governments’ resolve to legislate to protect health. ¹

¹ Taken from a presentation at the European Platform for Action on Diet and Physical Activity by Corinna Hawkes, the International Food Policy Research Institute, Washington. Feb 2007

For analyses of the weaknesses of voluntary approaches:
http://info.babymilkaction.org/node/466
http://info.babymilkaction.org/sites/info.babymilkaction.org/files/P1PHNhawkespledges.pdf
“You know, my strong commitment to engage with all stakeholders in promoting public health, I hope you will realize that my ability respond to some of your requests may be limited by the explicit wishes of Member States. After they are the shareholders or the owners of WHOs.”

Margaret Chan, WHO DG, 18th October, 2012