



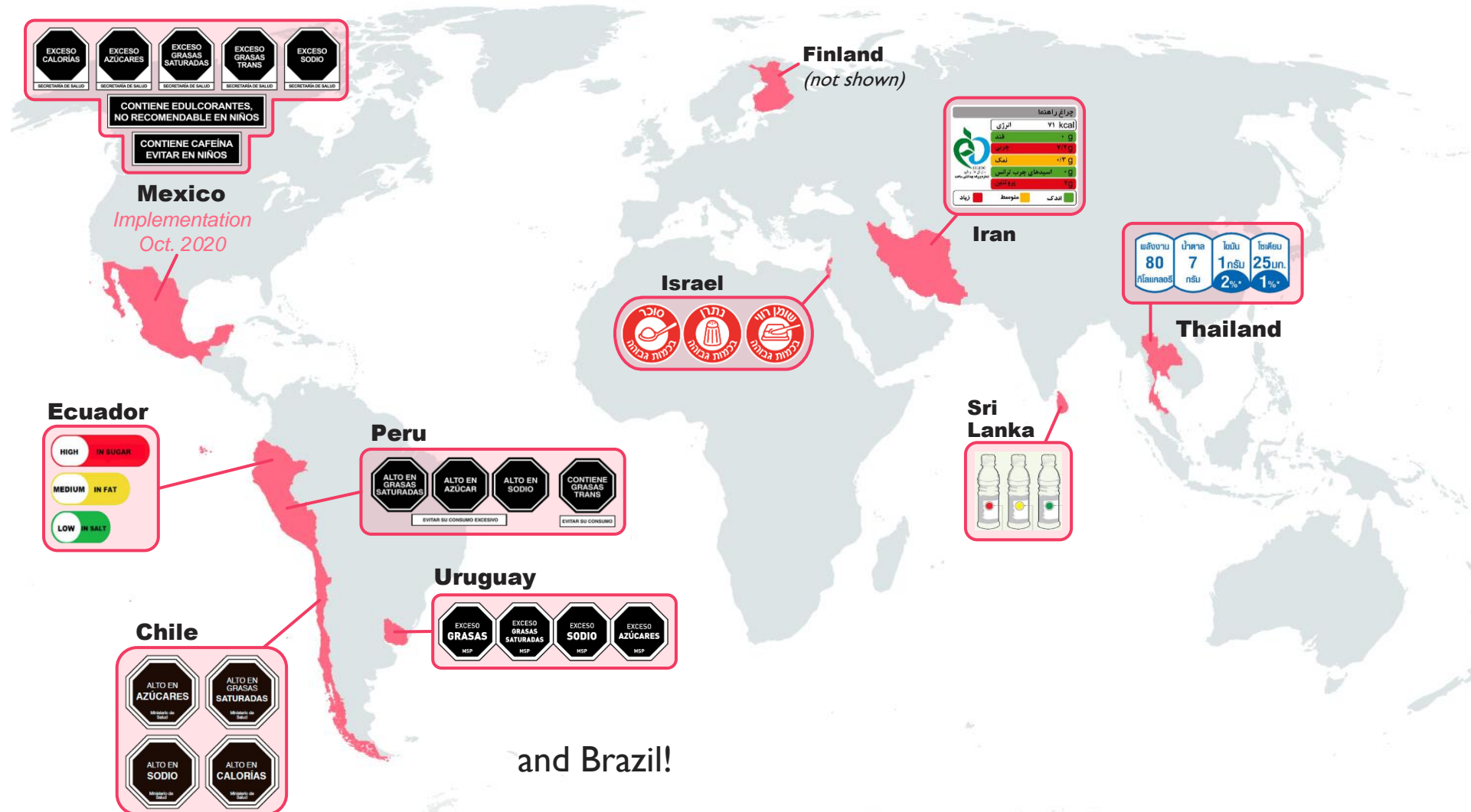
Global industry arguments Front of Package Labeling (FOPL)

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MANDATORY

Countries with **mandatory** labels on packaged foods



Industry approach, strategies and arguments



The industry claims...*FOPL is not an effective solution to public health problems*

Meanwhile, FOPL has led to...

- Decreased purchases
- Reduced perceptions of product healthfulness
- Reformulation of 'high in' products

FOPL has the potential to...

- Reduce obesity and diet related diseases
- Save governments money from direct and indirect healthcare costs



FOPL, however, is not a silver bullet. It's a part of a complementary package of policies—like marketing regulations, and taxes on junk foods.

The industry claims... *Individuals can make personal choices about what they eat, and they are responsible for their own health.*

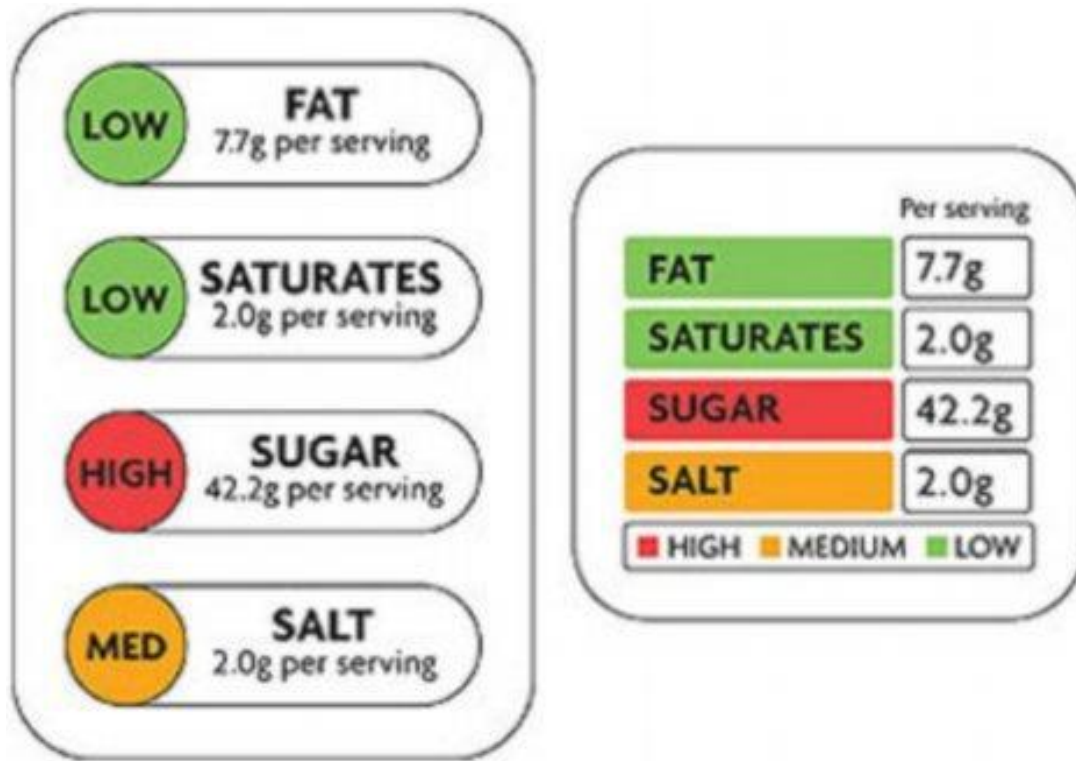


Back of pack nutrition facts are difficult for consumers to understand. Easy to understand warning labels on packaged food and beverages would help consumers to make healthier choices.

"High in" warning labels on packaged foods and beverages effectively discourages consumers from purchasing these products, compared to when products do not have warning labels.

Nutrition claims, on the other hand, may make consumers believe that a product is healthy, even if it is "high in" nutrients of concern.

The industry claims...*The traffic light label is effective*



Many studies have shown that traffic light labels are more confusing and are ineffective at helping consumers understand and identify products that have high contents of nutrients of concern compared to other FOPL types, like "high in" warnings.

The industry claims...*Guideline Daily Amount (GDA) is effective*



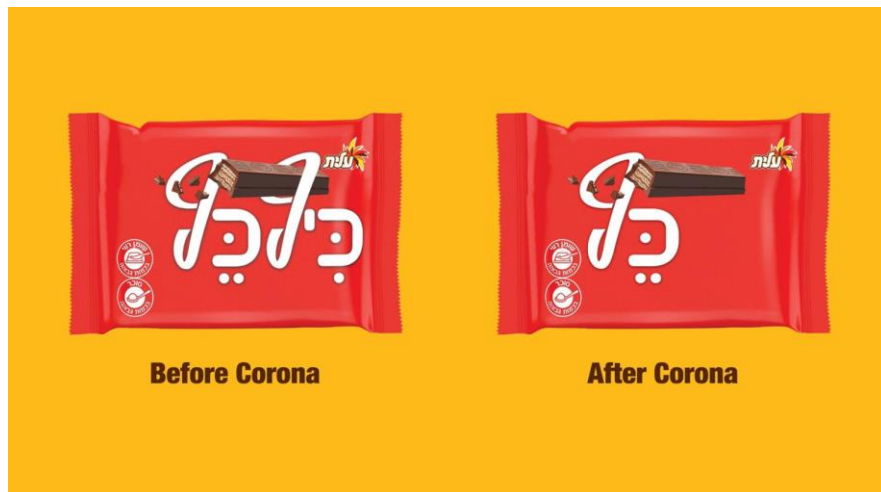
Multiple studies have shown that GDA is a **less effective labeling system** compared to other systems including “high in” front of package warning labels, TLLs, and NutriScore (also known as the 5 Color Nutrition Label).

The GDA system which **includes hard to understand numbers**, is the least effective labeling system. Multiple studies have found that they are confusing and do not help consumers make healthier food choices.

The industry claims...*that FOPL would be costly and time consuming to implement*



- However, companies change their packaging at will
- In our COVID case study, we found that companies re-designed their packaging to include COVID-specific messaging
- In Uruguay, where the law will go into effect in February, many products already have the warning label
- Leading up to implementation of FOPL, the industry can use stickers instead of re-designing the packaging





Industry legal arguments and challenges

A close-up photograph of a nutrition label, tilted diagonally. The label is white with black text. The top section is separated by a thick black line. Below this line, the following items are listed in bold: 'Total Fat 7 g', 'Saturated Fat 4 g', 'Trans Fat 0 g', 'Polyunsaturated Fat 1 g', 'Monounsaturated Fat 1 g', and 'cholesterol 15 mg'. Below these, the word 'cholesterol' is repeated in bold, followed by '15 mg' and '430 mg'. The bottom of the label is cut off.

	Per Serving	Calories	% Daily
Calories	310		
Total Fat	7 g		
Saturated Fat	4 g		
Trans Fat	0 g		
Polyunsaturated Fat	1 g		
Monounsaturated Fat	1 g		
cholesterol	15 mg		
cholesterol	15 mg		
cholesterol	430 mg		

Legal Issues around FOPL

- Crafting the measure: important to gather research before drafting, ensure the design and how measure is crafted has been tested in the local evidence.
- Legal challenges/threats occur:
 - Prior to enactment: industry including through trade ministries, through WTO specific trade concerns (STCs), regional trade bodies
 - Following enactment: domestic litigation, WTO, regional mechanisms (EU, MSCA, Mercosur, CROSQ)
 - Note: no formal WTO disputes have been brought, but threats through STCs have successfully deterred governments from taking action
- Ongoing: Codex

Key arguments used against FOPL

- The objective of the measure does not align with the public health goal
- FOPL is more trade-restrictive than necessary
- Other, less trade-restrictive measures were not adequately considered
- A particular FOPL scheme does not align with the Codex Alimentarius
- The effect of a FOPL scheme is discriminatory or protectionist
- The measure infringes trademark rights (due to the removal of graphics or logos)

Does Codex Alimentarius prevent countries from developing their own FOPL systems?

- The international economic system recognizes the sovereign power of the states to take measures to protect the health.
- FOPL policies are not technical barrier to trade
- FOPL policies are respectful of intellectual property rights
- The Codex Alimentarius is not binding and does not prevent the adoption of regulations that seek to protect the rights to health and food

Global Health Advocacy Incubator

Changing Policies to Save Lives



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Thank you!