

Fields marked with an asterisk (\*) are mandatory.

## Contact details

Last name: \*

Zheng

First name: \*

Celia

E-mail: \*

[fia@foodindustry.asia](mailto:fia@foodindustry.asia)

Name of government/organization/association if applicable: \*

Food Industry Asia

Position within organization \*

Policy Manager

Address of organization

1 Scotts Road, Shaw Centre #19-07/08, Singapore 228208

Country \*

sgp

Are the responses approved or endorsed by your organization?

Yes

## Comments on the "[Discussion paper](#)"

General comments : Please comment on the clarity and comprehensiveness of the approach

Food Industry Asia (FIA) wishes to thank the World Health Organization (WHO) for the opportunity to comment on the draft: Safeguarding against possible conflicts of interest in nutrition programmes: "Approach for the prevention and management of conflicts of interest in the policy development and implementation of nutrition programmes at country level," and provide feedback on behalf of the food industry in Asia through the e-consultation process.

The goal of FIA is to harness the expertise of major food and beverage companies and respond to the region's complex challenges in food safety, regulatory harmonisation and health & nutrition. Our members share common values on the responsible promotion of balanced diets and lifestyles.

At the heart of our philosophy lies a belief that the private sector can play a more positive role in civil society on many of the complex challenges associated with health & nutrition. Together, we work with a broad range of stakeholders in Asia to promote the role of multi-stakeholder partnerships as a cost-effective mechanism for delivering positive socio-economic outcomes. To this end, FIA is committed to working collaboratively with governments, policy makers, academics and civil society throughout Asia, either directly or through existing local industry groups.

FIA highlights, the last two sentence above, because the tenets and proposals in these three documents (should they come into force) immediately could serve to exclude FIA and its members from any meaningful dialogue with regional governments and public sector institutions on issues that we have been working on collaboratively for the past seven years.

While FIA understands the WHO's intent to develop an approach, guidance documents and toolkits to support governments with their management of Conflicts of Interest (COI) that are consistent with the WHO Framework for Engagement with non-State Actors (FENSA), we would like to highlight the proposed decision-making Tool, which we feel is formulated in a way that contradicts and would discourage a very wide range of engagements with non-State Actors (NSAs).

FIA is concerned that these proposals perhaps contradict the spirit of FENSA, as well as the WHO's Global Strategy for the prevention and control of non-communicable diseases 2013-2020, the 2011 UN Political Declaration on NCDs, and the UN's Sustainable Development Goals, specifically SDG 17 where the UN states: "A successful sustainable development agenda requires partnerships between governments, the private sector and civil society. These inclusive partnerships built upon principles and values, a shared vision, and shared goals that place people and the planet at the centre, are needed at the global, regional, national and local level."

We highlight two examples where FIA works with the public sector and civil society that adhere to the UN SDG's call to foster and develop inclusive partnerships:

#### 1. Responsible Marketing to Children

In line with the 2010 WHO Recommendations on the Marketing of Foods and Non-alcoholic Beverages to Children, FIA recognises the role of responsible marketing and we support these recommendations with continued commitment to strengthen and adapt self-regulatory measures.

FIA is playing an important role in the implementation and monitoring of this commitment in Asia by driving adoption beyond FIA member companies to local companies and working with governments to codify the policy into national guidelines. This approach was designed within a framework in which robust industry-led standards can be easily incorporated in regional and national regulatory policies to create a system responsive to the unique needs of different countries.

In Asia, FIA and our members are driving these self-regulatory commitments that are effective and measurable at the national level in Singapore, India, Malaysia, Thailand, and the Philippines, through multi-stakeholder partnerships.

For instance, in Singapore, the Ministry of Health, Health Promotion Board, Advertising Standards Authority of Singapore, the Singapore Manufacturing Federation (SMF), the World Federation of Advertisers, and FIA collaboratively developed the Singapore Code of Advertising Practice (SCAP) in 2014. The SCAP is comprehensive in scope, applicable to all advertisers in Singapore, and based on common nutrition criteria on certain product categories that distinguishes between products that may and may not be marketed to children.

#### 2. ARoFIIN

The Asia Roundtable on Food Innovation for Improved Nutrition (ARoFIIN) was convened by Singapore's Ministry of Health's Health Promotion Board agency, A\*STAR (Government-backed research agency in Singapore), Singapore Institute for Clinical Sciences (SICS) and Food Industry Asia (FIA). ARoFIIN was set up in January 2015 to leverage multi-stakeholder partnerships to bring together experts from across government, academia, industry, and civil society, to initiate and sustain a regional, multi-stakeholder dialogue on the role of food innovation in tackling obesity and chronic disease. ARoFIIN was convened

In June 2017, ARoFIIN launched findings from a study carried out on its behalf by the Economist Intelligence Unit: "Tackling Obesity in ASEAN – Prevalence, impact and guidance on interventions." The study commissioned by ARoFIIN, responds to the challenge and threat posed by obesity in the region. Its goal is to help guide policymakers, health organisations and industry to work together and tackle the rising threat of obesity in the region.

Following the study, ARoFIIN has now convened a series of follow-up workshops, with academia, civil society, the public sector and industry have come together to develop scalable country-specific solutions

and interventions to Asia's obesity problem.

According to the proposals in the paper, multi-stakeholder partnerships like ARoFIIN would have no place to be incubated, and neither would the responsible marketing commitments which would be detrimental to trying to find holistic multi-stakeholder solutions to health challenges across Asia.

#### Specific comments

FIA has no further specific comments on the Discussion Paper. Please find FIA's comments on the Introductory Paper and the Tool below.

### Comments on the "[Introductory paper](#)"

General comments : Please comment on the clarity and comprehensiveness of the introductory paper

FIA supports the general principles articulated in the Introductory Paper, which in this respect is aligned with the Discussion Paper. Nonetheless FIA questions the appropriateness of some of the information contained in the Appendices (as shown in the specific comments).

FIA requests the WHO review the introductory paper to ensure consistency and clarity of definitions when compared to the "discussion paper," taking into account the comments above. While the introductory paper makes reference to "multi-stakeholder approaches," "policy coherence," and "whole-of-government approaches," it does not appear to meaningfully consider the policy linkages and synergies that can be achieved by leveraging contributions of both public and private sector actors. For example, the OECD screening tool notes, "The private sector has a central role in advancing innovation, creating wealth, mobilizing jobs and driving sustainable development."

And again, we draw specific attention to SDG 17 on public and private partnerships where the UN calls for all stakeholders to "enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries."

#### Specific comments

FIA would like to raise concerns with the following aspects:

- FIA welcomes the call for "government leadership in all settings, including multi-stakeholder initiatives" (p.8). It was leadership by the Singapore government that was at heart of setting up ARoFIIN as a multi-stakeholder partnership. FIA is more of the view that we need enhanced government leadership to allow the full potential for multi-stakeholder initiatives to flourish and deliver.
- Appendix 4 ("Corporate strategies, tactics and mechanisms from the food and beverage industries") includes a wide range of activities that may be undertaken by any individual or institutional non-State actors, and are not specific to a single sector such as the food and beverage industries, as is asserted in the document. In addition, while some of the activities listed potentially cause undue influence or are ethically questionable, others are part of the normal policy-making and political processes of many countries. Since the stated objective of including Appendix 4 in the document is to raise Member State awareness of the risks of engaging with non-State actors in policy development, we believe that a more balanced and objective approach rather than one that pre-supposes unwarranted behaviour by one particular industry is required.
- All stakeholders can play "appropriate roles", and engagement with any stakeholder may produce actual or perceived conflicts of interest. The relevant questions to assess, actual or perceived conflicts relate not to an actor's sector but rather to the transparent management of inputs and outcomes in policy considerations. Further, it is inappropriate for the draft documents to drive a negative view of the industry responsible for making and distributing the products that consumers around the world rely on every day. The food and beverage industry is a key contributor to economic growth, development or related industry, employment, and good nutrition and healthy eating habits. FIA has shared examples where industry has

more than demonstrated commitment and capacity for meaningful inclusion in policy debate. Moreover, the negative connotation in the draft document's discussion of industry "tactics" and comparison to other non-related industry practices should be taken out.

- On "Policy coherence", the Introductory Paper seems to take a negative view of the goals of other ministries and their potential alignment with non-state actors, rather than recognizing that governments must assess holistic priorities and thereby align actions of all ministries. The SDGs are already agreed as whole-of-government priorities by member states. FIA suggests the WHO focus on helping member states assess how inter-ministerial coordination and aligned actions can accelerate achievement of the SDGs.
- On "Legal framework", FIA agrees that transparent and accountable regulations are critical, and good governance (including anti-corruption measures) are indeed critical to government's ability to succeed. However, the scope of this paragraph appears well outside the mandate and expertise of the WHO.

## Comments on the "[Tool](#)"

General comments : Please comment on the clarity and practical value of the tool

The overall proposed process for COI prevention and management tool provides a potentially useful framework and guide for member states. However, this is severely undermined by the extremely restrictive and sweeping definitions of "non-aligned" actors, by way of their products and practices, and "high-risk" engagements. The result is a proposed framework that would not be able to be put into practice.

Apart from being impractical, the application of this approach would lead to the discontinuation of virtually all multi-stakeholder partnerships, such as ARoFIIN, multi-stakeholder initiatives, such as responsible marketing pledges, or similar that involve food and beverage manufacturers, retailers and potentially the advertising and media industries.

Given the extensive concerns raised with the rationale and content of the discussion paper and the introductory paper, FIA believes the WHO should reconsider the proposals put down in this paper, especially those that are designed explicitly to shut out the private sector from any meaningful policy discussion.

### Specific comments

With regard to the current draft tool, FIA requests WHO to reconsider the "exclusionary criteria" (pg. 6) which are not consistent with FENSA's approach, nor with meaningful approaches to transparency and open governance in domestic contexts.

NSA involvement in policy development (policy-formulation) is not necessarily inadvisable and does not necessarily constitute a COI. Indeed there may be instances where governments may wish to work with NSAs in a manner that goes beyond public consultation. This may be the case, for instance, where governments opt for co-regulatory approaches, such as the Singapore marketing to children code, whereby NSAs are expected to contribute to both the design and the implementation of the policy. What matters is that government retains primary responsibility, authority and ultimate decision-making powers: FIA fully respects and supports the primacy of government in this regard.

However, the several "exclusionary factors", contained in the Tool are of serious concerns to the private sector. Here are some examples of the recommendations under Step 2- Task 4 (Characterise the NSA's risk profile) together with Table 2, Table 3 and Table 4 in the Annex (p. 20-22):

- Step 2- Task 4 suggested that governments assess the (non-)alignment of products, practices and policies with public health nutrition goals, whereas Table 2 states that "a non-aligned product is a non-recommended product by WHO or national policies (e.g. based on nutrient profiling); products for which demand needs to be reduced to improve nutrition and public health; or products that lead to unhealthy diet. If one of the products produced or manufactured is not aligned, the actor is not aligned" and therefore assumed to be excluded;

- Table 2 of the Annex also states that where a NSA does not manufacture products as such, governments should check whether the actor “develops any activities that promote non-recommended products or non-recommended eating practices” (non-aligned practices).
- Table 3 of the Annex (p.21) further clarifies that engagement with such “non-aligned” NSAs is by default “high-risk”. A “non-aligned” NSA is one that either produces, distributes or promotes even one single “not recommended” product, as described above, or that “promotes practices (e.g. through marketing) that are not recommended for/consistent with healthy and sustainable diets, and adopts policies that reinforce the expansion of such products and practices (e.g. sugar-sweetened beverages or processed foods).”
- Table 4 of the Annex goes on to list the types of engagement that are “high risk” by default; this is an extensive list, which highlights among other things the high-risk nature of “transformational engagements” (e.g. multi-stakeholder platforms). According to Table 1 on p.9, as well as the decision-making tree on p.4, in the case of a “high-risk actor” combined with a “high-risk engagement”, the recommendation to governments is simply not to engage (further risk management or mitigation measures are not envisaged).

The above amounts to, in practice, a recommendation not to pursue any engagement in the form of “Transactional” engagement (e.g. public-private partnership) and “Transformational” engagement (e.g. multi-stakeholder partnership) with the food and beverage industries at large: the recommendation is that even if one product in a company’s portfolio is “non-aligned”, the NSA itself is non-aligned. The definition of “non-aligned” products, as set out above, is extraordinarily sweeping. Should, for example, a Member State apply one of the WHO regional office nutrient profiling models to a company’s portfolio, it would in almost every single case conclude that the company is non-aligned. As is in fact stated in Table 2, any action that directly or indirectly promotes “processed foods”, however these may be defined, means the NSA in question is “non-aligned”. In the case of business organisations that represent a number of companies, e.g. national trade associations, this test could never be passed at all.

Not only would the proposed definitions of “non-aligned” products and practices completely exclude the entire food and beverage sector from meaningful engagement; they would also likely exclude large sections of the advertising, media and entertainment industries, which are arguably important potential partners for the promotion of balanced diets and healthier lifestyles.