



IDF comments to WHO open consultation *Safeguarding against possible conflicts of interest in nutrition programmes*

The International Dairy Federation appreciates the opportunity to provide comments to the online consultation for *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”*.

GENERAL COMMENTS

Many countries around the globe struggle to address multiple burdens: undernutrition, childhood, adolescent and adult overweight and obesity, and diet related non communicable diseases. Acute and chronic malnutrition threatens the health, human development, well-being and economic productivity of 815 million people (FAO, 2017). Addressing these concerns will require a multi stakeholder approach including private and public sectors. Regretfully, in reviewing the documents, it appears that the approach proposed and the tool as currently drafted is not inclusive and is biased against the food industry/private sector and may result in a less than optimal outcome.

IDF encourages the WHO to recognize the many *benefits* of engaging with non-state actors to leverage the expertise and capacities available through such interactions and engagements that can help WHO and Member States fully realize our shared goals of ensuring people around the world are healthy and productive. As a well-known and respected international organization representing the global dairy industry, IDF firmly believes that WHO and Member State policies should not imply nor assume that conflict of interest concerns apply exclusively to the private sector (both for-profit and non-profit organizations) and should recognize the importance and legitimacy of the private sector’s role and contributions.

IDF notes the tool designed to lead national authorities through a process to avoid conflicts of interest. Avoidance of COI is important to the integrity of such initiatives. IDF however, suggest that the Tool should be restricted to cases where a non-state actor (NSA) is being granted by a government a *significant* responsibility to carry out a function on the government’s behalf, such as managing a food assistance/distribution program or drafting a document to be published as a government document without review and input from others outside the government. We are concerned that if implemented literally, that the process outlined in the Tool is complex and time-consuming and could thereby block useful public-private partnerships, especially if these would be at short notice and of limited duration. Many opportunities for quick, small-scale, but useful collaboration opportunities could be lost.

Because improving nutrition outcomes are of such importance, and given the potential for the Food Industry to play an important role in delivering these outcomes, **IDF would ask that the WHO postpone consideration of any decision-making process or tool pending resolution of these concerns through a more thorough and open consultation process with Member States and stakeholders.** These

important documents should not be rushed, as a comparison, it is not unusual for the Codex Alimentarius Secretariat to provide several *months* for Members to provide comments on a draft discussion paper or standard. Some Members and other interested stakeholders have, particularly in the developing world, constraints in being able to quickly, yet comprehensively review proposals that require their input.

DEFINING “CONFLICT OF INTEREST” AND “BIAS”

It is important to note that the phrases “conflict of interest” and “bias” tend to surround conversations about industry involvement. Both are important matters that should be considered; however, they are often mistakenly used interchangeably. “Conflict of interest” has been defined as a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest (**IOM 2009**), while “bias” has been defined as an intellectual predisposition toward a certain perspective and an inherent part of being a subject matter expert (**IOM 2009**). It would be beneficial for the guidance to further define “conflict of interest” and “bias” and explain of how those ideas are being applied.

Sources of bias are extensive and complex and important to the integrity of nutrition programs as well as scientific research. There are many types of bias including cognitive, financial, publication, statistical, political, ethical, philosophical, etc. Including a strategy to recognize different types of potential bias, including some that are less obvious, would be an important addition.

While the discussion paper outlines recommendations and procedures to mitigate and/or manage conflict of interest from the private sector interest in the development nutrition programs at the country level, there is a lack of discussion on the many potential *benefits* of partnerships with the private sector. Importantly, public-private partnerships in nutrition make it possible to share resources and expertise; they create greater appreciation for perspectives of various stakeholders within both the public and private sectors; and they can address unmet public health needs that otherwise would be impossible for one group to address (e.g., research needs; product development or reformulation). Public-private partnerships can drive multidisciplinary public health agendas for: 1) improving and sustaining health, 2) choosing healthy eating patterns and 3) using innovative methods to accelerate discovery.

As noted in a recent *Journal of the American Medical Association* editorial, “Given the scale of nutritional challenges worldwide, the scope of industry’s expertise and reach, the diversity across companies and their employees, and the potential to create products that are healthier and more profitable, the food industry is a necessary partner for important research and translational solutions to help address the global nutrition crisis.” (**Mozaffarian 2017**). The editorial goes on to say “As a corollary, by collaborating with companies, academics, other nonprofit groups, and government can also positively influence the food industry’s perspectives by sharing of expertise on health, sustainability, policy, and public good—including the potential market advantages of incorporating these aims into business strategy” (**Mozaffarian 2017**).

Public-private partnerships are not easy to establish or maintain. Forming clear objectives, building trust among partners is essential for building successful public-private partnerships. In fact, many of the same principles outlined in the WHO draft guidance have been proposed previously as a framework for public-private partnerships for food and nutrition research (**Alexander 2015**). These include, but are not

limited to, having a clearly defined and achievable goal to benefit the public, minimizing conflict of interest, and ensuring ongoing, transparent communications between the partnership and the public (Alexander 2015). The draft guidance on safeguarding against conflict of interest should be an important tool to facilitate decision making, ensuring that potential partners are aligned with clear goals to first and foremost benefit public health and nutrition, while at the same time being transparent and fulfilling Member States objectives.

ADDITIONAL COMMENTS

The following are additional comments on specific aspects of the Introductory and Discussion papers, as well as the Proposed Decision-Making Process and Tool:

- The ‘arm’s length’ criterion should be clearly defined throughout the three documents. For instance, as noted in the “Safeguarding” document, “clearly not reasonably perceived to be influenced in its decisions and work” can be interpreted in multiple ways. The definition should be clarified by appropriate, unambiguous, non-subjective rewording, preferably by restricting itself to “does not take instructions [from].” Terms such as “clearly”, for example, are subjective. Examples of relationships within and outside of ‘arm’s length’ would be particularly helpful.
- The risk assessment process (Step 2 of the tool) is used to identify risks related to conflict of interest such as interest by NSAs to promote and/or defend their products. If a risk is clearly identified during the assessment process, it usually can be effectively mitigated by, for example, verifying information offered by the NSA via reviewing published, peer reviewed literature or other NSAs with relevant knowledge who do not have the same potential COI. Guidance should not deter interactions based solely on the fact that a risk of any degree is identified; on the contrary, if a gov’t believes it might still derive a benefit from an interaction (understanding a contrary viewpoint, opportunity to gather potentially useful information), simply being aware of the interests of the NSA can ensure any inappropriate input from the NSA would be more easily recognizable and help provide clarity in how the interaction should/should not proceed.

Table 3: Examples of high risk and low risk indicators of the external actor’s risk profile

- The use of generalized, non-specific terms such as “processed food” is inappropriate. “Processing” is a very general term that can describe a wide array of techniques and processes that can be applied to a food or ingredient, some of which even make particular foods/ingredients more nutritious than in their raw form. Because a product is “processed” does not necessarily mean the food is unhealthy. For example, many dairy foods (yogurt, milk powder, cheese) could be considered “processed” foods, yet are widely recognized, and even promoted by WHO and FAO, as nutritious foods that play important roles in the diets of billions of people around the world. Moreover, the fact that a company produces a “processed food” that is less nutritious than others should not imply that opinions and facts presented by those companies should be discounted as not reliable or useful nor should engagement be necessarily considered “high-risk” as discussed above. Therefore, we would strongly recommend that WHO avoid using such generalized references/terms in this and other WHO documents and fora.

Table 4: Examples of high risk and low risk indicators for the engagement risk profile (STEP 2 –Task 5)

- Indicator 3: The following bulleted text should be revised as follows:

“Developing recommendations, guidelines, advice, and strategies for government and/or industry without input from other stakeholders” ~~(e.g. government decision-making committee that includes the food industry)~~”

A government-established advisory committee that includes experts from the food industry, but also a balance of other stakeholders, would help minimize any real or perceived risk associated with industry involvement, so the example in parentheses should not be included without this additional clarification.

CONCLUSION

Along with others across the food and agriculture industries, IDF greatly appreciates and supports WHO’s broad, organization-wide reform efforts to enhance transparency, effectiveness and accountability. Ultimately, Member States must observe their own legal and normative obligations to free and open governance to deliver regulations that meet public policy objectives and will have a positive impact on the economy and society.

One area in which IDF believes WHO must prioritize is on ensuring ALL guidance/guidelines developed for Members is based on sound evidence and includes proven, practical and effective measures for Member States to take, as determined through robust and broad expert stakeholder engagement and analysis. As many of the actors throughout the food and agriculture industry will play necessary and critical roles in identifying and implementing such measures, we must continue to have a seat at the table at both the international and national levels. Therefore, IDF asks that Member States and WHO seek the time and input needed to comprehensively develop and review appropriate guidance to Members on the current and any other issues to ensure such advice is reasonable, practical and effective.

REFERENCES

Alexander N et al. Achieving a transparent, actionable framework for public-private partnerships for food and nutrition research. Am J Clin Nutr. 2015 Jun;101(6):1359-63.

FAO, IFAD, UNICEF, WFP and WHO. 2017. The State of Food Security and Nutrition in the World 2017. Building resilience for peace and food security. Rome, FAO.

IOM (Institute of Medicine). 2009. Conflict of Interest in Medical Research, Education, and Practice. Washington, DC: The National Academies Press.

Mozaffarian D. Conflict of Interest and the Role of the Food Industry in Nutrition Research. JAMA. 2017 May 2;317(17):1755-1756.