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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

IFBA appreciates the intent to develop an approach to the management of Conflicts of Interest (COI) that is consistent with the WHO Framework for Engagement with non-State Actors (FENSA). IFBA considers that the key definitions and general principles are indeed aligned with FENSA.

However, IFBA has some concerns regarding the proposed decision-making Tool, which is formulated in a way that would effectively discourage a very wide range of engagements with non-State Actors (NSAs) that can generate substantive positive outcomes in line with public health and nutrition objectives. This risks running counter to 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.

Public-private partnerships and whole-of-society approaches are in fact recognised as key tools towards the achievement of the SDGs. Guidance to national governments that effectively discourages meaningful engagement with the food and beverage manufacturing sector as a whole, would seem counterproductive.

Specific comments

IFBA fully supports the overarching principles, as set out in paragraph 18.

The elements of the Tool that IFBA considers problematic do not feature in the summary of the Tool provided in the Discussion Paper. IFBA therefore has no additional specific comments on the Discussion Paper; see separate comments on the Tool.

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

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

In keeping with comments on the Discussion Paper, IFBA supports the general principles articulated in the Introductory Paper, which in this respect is aligned with the Discussion Paper. Nonetheless IFBA questions the appropriateness of some of the information contained in the Appendices (see Specific comments below).

Specific comments

The distinction between “altruistic charity” and “strategic charity” (p.6) is understandable in principle. However, it is doubtful whether it is workable in practice: most if not all organisations develop their charitable activities to be aligned with the organisation’s core interests, as well as capabilities. It is likely to be difficult, in practice, to categorise “charitable engagements” into “altruistic” or “strategic”. It might be more useful for practical purposes to suggest that decision-makers assess the compatibility of any potential strategic considerations involved in a “charitable engagement” with government objectives.

IFBA welcomes the call for “government leadership in all settings, including multi-stakeholder initiatives” (p.8). It is indeed insufficient government leadership that often hinders the 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 than one that assumes untoward behaviour by one particular industry is required.

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. 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 be inoperable and counterproductive in practice.

Specific comments

IFBA is supportive of the recommendations under Step 1 of the proposed decision-making tree (p.5). Clarity about the scope, objective and expected outcomes of the engagement is equally important for non-State Actors as for government.

Under Step 2 (Profiling and performing due diligence and risk assessment), Task 1, Table 1, p.6, the fourth “exclusionary criterion” would benefit from refinement: 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, 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: IFBA fully respects and supports the primacy of government in this regard.

The recommendations under Step 2, Task 4 (Characterise the NSA’s risk profile) appear sensible at first sight, but become unworkable if applied in line with Table 2 in the Annex (p.20). Here it is suggested that governments assess the (non-)alignment of products, practices and policies with public health nutrition goals. 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”.

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).

What the above amounts to in practice is a recommendation not to pursue any engagement beyond “charitable” engagements 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” means the NSA in question is “non-aligned”. In view of the Codex Alimentarius Commission definition of “processed foods”, hardly any company would be considered “aligned” (Codex Classification of Foods and Animal Feeds, CAC/MISC 4: “a product, resulting from the application of physical, chemical or biological processes or combinations of these to a primary food commodity, intended for direct sale to the consumer, for direct use as an ingredient in the manufacture of food or for further processing”). 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.

Apart from being impractical, the application of this approach would lead to the discontinuation of virtually all public-private partnerships, multi-stakeholder initiatives or similar that involve food and beverage manufacturers, retailers and potentially the advertising and media industries. Given the essential need for multi-stakeholder partnerships and agreements, to give but two examples, to drive the reduction of nutrients of public health concern in the food supply or to drive change in consumer habits in many countries, the proposed approach may be well-intentioned, but risks being inappropriate and counterproductive in practice from a public health nutrition perspective.