

“Approach for the prevention and management of conflicts of interest in the policy development and implementation of nutrition programmes at country level”.

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Considerable work has gone into these documents and we applaud the WHO for taking such a comprehensive approaches to this important issue. Specific comments for each document can be found below.

Introductory paper

The introductory paper is generally comprehensive however we would like to highlight some areas we believe would benefit from either additional information and/or clarification.

Page 6

On page 6, the forms of engagement you mention seem limited. One form of engagement you have chosen to remove is formal dialogue. We believe this type of engagement should be included in your document to provide clear guidance to member states. Currently there is no guidance in this document for occasions when members of the WHO are asked to speak at an industry sponsored conference or alternatively if the WHO would like an industry representative to speak at a meeting. This does not constitute a sustained interaction or multiple stakeholder but can have real impacts on the integrity of an individual and their organisation (Ludwig & Nestle, 2008).

Page 8

We applaud your acknowledgement that national governments have the primary authority to develop policies that create equitable, safe, healthy and sustainable food environments to prevent and control undernutrition, obesity and NCDs and the clarification that while private sector stakeholders can be consulted in meetings, they should be excluded from actual decision-making because of the potential COI.

Further clarification may be required for this sentence in the second paragraph “Furthermore, financial and in-kind contributions from private sector entities to WHO’s programmes are only acceptable if, amongst other conditions, they are not used for normative work”.

In the third paragraph, we would recommend strengthening the wording from “that engagement of the private sector or not-for-profit sector not at arm’s length from the latter should be treated with great caution, as the commercial interests in the outcome of the evaluation may have the potential to compromise the independence of the process” to “that engagement of the private sector or not-for-profit sector not at arm’s length from the latter **is not recommended**, as the commercial interests in the outcome of the evaluation may have the potential to compromise the independence

of the process” as the evidence is clear on this issue (Sharma, Teret, & Brownell, 2010; Swinburn et al., 2015).

In the final paragraph, the second sentence required more clarity. The third sentence states that governments should be aware of and address power imbalances however you do not state how this should occur.

Tool

We found the tool to be very practical and potentially very useful for member states. We have identified some areas below that we consider would benefit from either additional information and/or clarification.

Page 4

We believe that Step 2 (Profiling and performing due diligence and risk assessment) should be Step 1. There is no point in clarifying the public health goal if it is with an inappropriate partner.

Page 7

To truly address conflict of interest, we believe that it is crucial that the WHO uses stronger language for Task 4, indicator 1 ie Alignment with nutrition goals is based on whether the external actor products, policies and practices are in line with government public health nutrition policies. The national authority **should check** all three.

Page 8

The limitations identified with the form of engagement have been identified in previous comments for the Introductory Paper.

Page 9

Indicator 6: surely this will not be an issue if Task 4 has been undertaken?

Page 10

Step 3, Task 2: Thank you for acknowledging these important impacts and the distinction between them. It may be worth acknowledging that country context will play a considerable role in determining the ethical and technical impact.

Page 15

Purpose: clear terms of reference and work plan are critical to managing conflict of interest. We would recommend making the following addition to this sentence “Clear terms of reference and work plan, which may be developed to ensure the effective performance **and expectations** of the external actor”

Task 3: we would recommend that you expand on this section to ensure that terms of reference include the roles and responsibilities of each partner plus accountability strategies.

Task 1 and 3 sound very similar, currently it is not particularly clear on the difference between the two. We would also recommend encouraging member states to have an independent body responsible for monitoring and evaluation.

Appendix

Table 1: the definition for arm's length is not clear. We would recommend clarifying it.

Table 2: This is a very helpful table. We would encourage further clarification for the products section by stating that if a company has a broad range of products, the nonalignment of one of these products will result in the actor is not being aligned.

For polices, we were concerned that you only recommend checking policies where the external actor does not manufacture products or promotes them. Surely this should be checked for all potential partners?

Discussion paper

This is an effective summary document which clearly outlines the WHO rationale and approach succinctly. We only have two concerns with this paper. Firstly, we would like to see stronger language used in item 23 for the sentence "If benefits are equal or less than the risks, the relevant national authority may not proceed with engagement..." . We feel "may not proceed" should be replaced with "should not proceed" to clarify WHO's stance on this issue to member states. Secondly, for item 25 the current wording implies that monitoring, evaluation and accountability only occurs at the end of the engagement. We would encourage WHO to emphasise that monitoring should occur on a regular basis throughout the engagement.

Ludwig, D. S., & Nestle, M. (2008). Can the food industry play a constructive role in the obesity epidemic? *JAMA*, 300. doi: 10.1001/jama.300.15.1808

Sharma, L. L., Teret, S. P., & Brownell, K. D. (2010). The Food Industry and Self-Regulation: Standards to Promote Success and to Avoid Public Health Failures. *American Journal of Public Health*, 100(2), 240-246. doi: 10.2105/ajph.2009.160960

Swinburn, B., Kraak, V., Rutter, H., Vandevijvere, S., Lobstein, T., Sacks, G., . . . Magnusson, R. (2015). Strengthening of accountability systems to create healthy food environments and reduce global obesity. *Lancet*, 385. doi: 10.1016/s0140-6736(14)61747-5