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Commentary

Unpacking front-of-pack nutrition labelling research: when the food industry produces 'science' as part of its lobbying strategies

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INTRODUCTION

The lobbying strategies of the food industry, which seek to undermine the development of regulatory measures intended to improve public health, are increasingly well documented and associated with slow progress in addressing diet-related diseases at national, regional and global levels.[i] These strategies include the creation and dissemination of biased research findings[ii] in order to skew evidence in the favour of the industry, and to cast doubt about the harms stemming from its products and practices.[iii]

WHO supports the adoption of front-of-pack nutrition labelling (FoPNL) to promote consumer understanding and healthier food choices as part of effective nutrition strategies.[iv] Despite this endorsement, or perhaps because of it, the food industry has mobilised vast resources to oppose the adoption of mandatory, colour-coded, interpretive FoPNL. In the EU, efforts have focused on the Nutri-Score[v], a labelling scheme based on an algorithm which ranks food from A/dark green to denote the healthiest nutrient profiles in food products, to E/dark orange for the unhealthiest. Nutri-Score is already used in six EU Member States and is arguably the strongest contender for the proposed harmonised, EU-wide FoPNL scheme in the European Commission.[vi]

In a recent article, Peters and Verhagen attempt to discredit the extensive body of scientific research underpinning the Nutri-Score ("Publication bias and Nutri-Score: A complete literature review of the substantiation of the effectiveness of the front-of-pack logo Nutri-Score", *PharmaNutrition*, Volume 27, March 2024). Their piece is symptomatic of several of the tactics large parts the food industry employ when seeking to derail ongoing regulatory processes intended to promote healthier diets. We use this example to briefly discuss and illustrate three of these tactics here.

ATTACK LEGITIMATE SCIENCE THROUGH UNSCIENTIFIC METHODOLOGIES

In their paper, Peters and Verhagen claim to have demonstrated, based on a so-called "complete literature review", that "there is insufficient scientific evidence to support the use of Nutri-Score as an effective public health tool". However, their methodology and analysis are not based on scientific, objective criteria, in sharp contrast to the body of research they challenge.[vii]

The two authors have included, in their review, publications that are, for example, counted twice and are, at times, classified differently. For example, the paper by Bonnacio et al. is first cited as favourable, before being cited again but as neutral. The authors have also misclassified several of the papers they have identified. At least 12 are listed as unfavourable or neutral, whilst they are in fact favourable to Nutri-Score. This is particularly true of the extensive review by Besançon et al., which concluded that 83% of the papers researching Nutri-Score were favourable to that labelling, highlighting its better performance compared to other front-of-pack nutrition labels. It is somewhat disingenuous on Peters and Verhagen's part to argue that this study failed to include 40 unfavourable publications to the Nutri-Score, whilst 39 of them were published after the search period for this study had concluded, and the 40th did not evaluate the Nutri-Score label as displayed on front-of-pack labels and therefore did not meet the inclusion criteria.

The authors also fail to identify the selection criteria they have used to determine how a paper should be classified as favourable, neutral or unfavourable to the Nutri-Score. This is a serious methodological flaw, which prevents the replicability of their study. Several favourable papers seem to have been excluded from their analysis, without any explanation. For example, we identified a 2023 paper published by Batista et al. that concluded that "interpretive schemes (such as warning labels, multiple traffic lights and Nutri-Score) appear to lead to better consumer understanding and support healthier food purchases".

Based on their biased methodology, Peters and Verhagen conclude that "more research is needed to substantiate or disprove the effectiveness of Nutri-Score". This is a well-established tactic: irrespective of how much evidence there is, "merchants of doubt"[viii], will always call for more in order to delay, dispute and, ultimately, derail regulatory processes.

FAIL TO ACKNOWLEDGE THE CONFLICTS OF INTERESTS STEMMING FROM EXISTING TIES WITH THE FOOD INDUSTRY

Peters and Verhagen work with actors in the food industry that have consistently voiced their vigorous opposition to the Nutri-Score. Peters works for the Dutch Dairy Association, a lobby group of the dairy industry "involved in the national discussion in the Netherlands about front-of-pack logos". Verhagen is the owner of a food safety and nutrition consultancy whose clients include the European Sugar Manufacturers Association and the International Life Sciences Institute, a prominent front group of the food industry.

Considering such affiliations, it is extraordinary that they state that "the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interests". This should not detract from the obvious: 1) conflict of interest does exist; and 2) it is real, not merely "potential". These authors never intended to serve public health or other public interest objectives. Rather, they work for powerful industry actors that systematically oppose the adoption of public health and consumer protection measures to serve their private, short-term, financial interests.

Moreover, Peters and Verhagen omit to identify conflicts of interest underpinning some of the papers included in their review. In total, among the 37 pieces considered unfavourable to Nutri-Score, we were able to identify at least 14 that had some ties with the food industry through funding or affiliation.

WHO and others increasingly recognise that conflicts of interest should be effectively managed and prevented.[ix] The recent announcement by Unicef that it will avoid all partnerships with ultra-processed food and beverage industries is welcome and shines a light on the extent to which these commercial determinants of health should be kept at arm's length in policy processes, so that these processes can remain independent from vested interests and genuinely serve the public interest.[x]

DENIGRATE THE WORK OF SCIENTISTS WORKING TO PROMOTE PUBLIC HEALTH

Peters and Verhagen use their findings to claim that the science by researchers who have devoted their professional lives to public health – and colleagues who publish with them – is biased. This claim rests merely on the fact that the body of research the Nutri-Score team has produced to test the Nutri-Score validates the team's initial findings – that Nutri-Score does indeed support healthier food choices and improve the nutritional quality of consumer food purchases. One could say that this is testament to the rigour of this work – one of the criteria that should always be at the heart of genuine scientific endeavours. In effect, the initial findings were such that they have been able to withstand scrutiny and be re-affirmed by subsequent research undertaken both by the team that initially conceived and further developed Nutri-Score as well as many others.

The ease with which Peters and Verhagen attempt to shift attention away from their own conflicts of interest and bias in the discussion, to challenge the integrity of the research teams whose work supports the Nutri-Score, is as extraordinary. The use of denigrating language towards the scientists they target compounds our concerns.

CONCLUSION

More recent research has found that the Nutri-Score has the highest potential of all four labelling schemes under review by the European Commission for yielding positive health and economic outcomes.[xi]

Notwithstanding its obvious shortcomings, Peters and Verhagen's paper will fuel claims by industry and those involved with them that "we need more evidence". Such a publication should not serve to jeopardise legitimate policy processes and further delay the long overdue proposal of the European Commission for an EU-wide, harmonised FoPNL scheme. Populist, industry-led tropes, should not be masquerading as scientific research intended to inform public health policy. They are misleading and must be condemned as such.

AUTHOR CONTRIBUTIONS

All authors contributed to this article.

CONFLICT OF INTEREST

The authors declare that they have no other potential conflicts of interest.

ETHICAL CONSIDERATION

Not applicable

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REFERENCES

[i] For example, see Moodie, R 'What Public Health Practitioners Need to Know About Unhealthy Industry Tactics', *Am J Public Health*, July 2017, 107(7): 1047–1049.

[ii] See in particular, Nestle, M *Unsavory Truth: How Food Companies Skew the Science of What We Eat* (Basic Books, 2018).

[iii] Legg T, Hatchard J, Gilmore AB (2021) 'The Science for Profit Model—How and why corporations influence science and the use of science in policy and practice'. *PLOS ONE* 16(6): e0253272.

[iv] *Guiding principles and framework manual for front-of-pack labelling for promoting healthy diets* (WHO: Geneva, 2019).

[v] For more information on Nutri-Score, see the dedicated page of the French Public Health Agency (Santé Publique France): https://www.santepubliquefrance.fr/en/nutri-scorehttps://www.santepubliquefrance.fr/en/nutri-score.

[vi] On EU labelling policy, see Gokani, N 'Front-of-pack nutrition labelling: a tussle between EU food law and national measures', *European Law Review*, 47 (2) (2022) 153-174.

[vii] For a detailed rebuttal of the claims made in that article, the experts who have developed and work to improve Nutri-Score have published a blog article: https://nutriscore.blog/2024/02/19/rebuttal-of-the-claims-against-the-nutri-score-made-by-two-lobbyists-in-pharmanutrition-in-an-effort-to-discredit-academic-research/

[viii] "Merchants of doubt" is a term used in the literature to characterise commercial actors and their allies, and their influence on science. See, in particular, Oreskes, N and Conway, E *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming* (Bloomsbury Press, 2010).

[ix] WHO, *Draft Approach for the Prevention and Management of Conflicts of Interest in the Policy Development and Implementation of Nutrition Programmes at Country Level: Decision Making Process and Tool* (Geneva: WHO, 2017).

[x] *Engaging with the food industry: UNICEF programme guidance* (UNICEF: New York, 2023).

[xi] Deveaux, M et al, 'Establishing an EU-wide front-of-pack nutrition label: Review of options and model-based evaluation', *Obesity Review*, 7 February 2024:e13719. doi: 10.1111/obr.13719.